Department of Consumer Affairs

Veterinary Medical Board

Board Meeting

Tuesday, July 22, 2014
9:00 am. – 5:00 p.m.

Wednesday, July 23, 2014
9:00 a.m. – 4:00 p.m.

Department of Consumer Affairs
Hearing Room
1747 North Market Blvd
Sacramento, CA 95834

Board Members

Tom Kendall, DVM, President
Kim Williams, RVT, Vice President
Mark Nunez, DVM
Richard Sullivan, DVM
Cheryl Waterhouse, DVM
Patti Aguiar, Public Member
Elsa Florez, Public Member
Judie Mancuso, Public Member

Executive Officer
Annemarie Del Mugnaio

1747 North Market Blvd., Ste. 230 • Sacramento, CA 95834 • www.vmb.ca.gov
916-515-5220 • 916-928-6849 (Fax)

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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

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

MEETING AGENDA

Veterinary Medical Board
1747 N. Market Blvd. - "Hearing Room"
Sacramento, California
July 22-23, 2014

Tuesday, July 22, 2014 – 9:00 a.m. - 5:00 p.m.
Wednesday, July 23, 2014 – 9:00 a.m. - 4:00 p.m.

9:00 a.m. Tuesday, July 22, 2014

I. Call to Order - Establishment of a Quorum

II. Introductions

III. Approval of April 23-24, 2014 Meeting Minutes

IV. Executive Officer & Staff Reports
   A. Administrative/Budget
   B. Enforcement/Licensing/Examination
      i. RVT Alternate Route/Ad Hoc Application Survey Results – Informational Only

V. Board Chair Report - Dr. Tom Kendall
   A. Petition for Sponsorship of California Veterinary Technician Week- Request of the California Registered Veterinary Technicians Association
   B. American Association of Veterinary State Boards Update

VI. Diversion Program Overview- Maximus – Ginny Matthews

VII. Candidate Interviews and Appointments to Board Committees
   A. Multidisciplinary Advisory Committee
   B. Diversion Evaluation Committee

VIII. Proposed Regulations
   A. Status of Pending Regulations
   B. Review and Possible Approval of Uniform Standards for Substance Abusing Licensees/Disciplinary Guidelines (BPC Code Sections 315-315.4)
   C. Review and Possible Approval of Animal Control Officer Training (Senate Bill 1162- 1/1/2013)
   D. Review and Possible Approval of Consumer Protection Enforcement Initiative (CPEI)
   E. Review and Possible Approval of Telehealth Language (CCR 2032.1 (e)) - Rebecca Bon, Legal Counsel

IX. 2014 Legislation
   A. AB 1437 – Mullin – Medically Important Antimicrobials: Nontherapeutic Use
   B. SB 835 – Hill – Food Producing Animals: Medically Important Antimicrobial Drugs.
   C. AB 1810 – Maienschein – Deposits for Keeping: Abandoned Animals
   D. AB 1809 – Maienschein – Dogs: Health Certificates
   E. AB 2058 – Wilk – Open Meetings

F. SB 1243 – Lieu – Sunset Extension Bill
G. SB 1323 – Lieu – Specialized license plates: Pet Lover's License Plate Program
H. AB 1758 – Patterson – Proration of Initial License Fees

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

XI. Recess

9:00 a.m. Wednesday, July 23, 2014

XII. Call to Order - Establishment of a Quorum

XIII. Introductions

XIV. Discuss Statutory Language (Business and Professions Code Section 4853) Regarding Premise Permit Registration and Associated Facilities
A. Types of Premises Inspected by the Board
B. New Minimum Standards Applied to Specific Premise Types

CLOSED SESSION

XV. The Board will meet in closed session (pursuant to Government Code Section 11126(c)(3)) to discuss and vote on this matter and other disciplinary matters including stipulations and proposed decisions.

XVI. The Board will also discuss in closed session (pursuant to Government Code Section 11126(a)(1)) to conduct the performance appraisal for the Executive Officer

OPEN SESSION

XVII. Agenda Items and Next Meeting Dates
A. Agenda Items for Next Meeting
B. Board Meeting Dates - October 21-22, 2014 – Orange County/2015 Meeting Calendar
C. Multidisciplinary Advisory Committee Meetings 2015

XVIII. Adjourn

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

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

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

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MEETING MINUTES - DRAFT

Veterinary Medical Board
Sacramento, California

Wednesday, April 23, 2014

I. Call to Order

Tom Kendall, DVM called the Board meeting to order at 2:30 p.m. Annemarie Del Mugnaio, Executive Officer (EO) called roll; eight members of the Board were present and thus a quorum was established.

Board Members Present
Tom Kendall, DVM, President
Kim Williams, RVT, Vice-President
Mark Nunez, DVM
Richard Sullivan, DVM
Cheryl Waterhouse, DVM
Patti Aguiar, Public Member
Elsa Florez, Public Member
Judie Mancuso, Public Member

Staff Present
Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board
Paul Sanchez, Assistant Executive Officer
Rebecca Bon, Legal Counsel
Diann Sokoloff, SDAG, Board Liaison
Ethan Mathes, Administrative Program Coordinator
Sandra Monterrubio, Enforcement Program Coordinator
Beth Parvin, DVM, Board Consultant
Karen Robison, Administrative Analyst

Guests Present
James Allen, Deputy Attorney General
Karen Brandt, Administrative Law Judge
Bonnie Lutz, Attorney
Sang Bong Kang
Jan Weisberg

II. Introductions

III. Hearing on Petition for Reinstatement of Revoked License - Sang Bong Kang

Deputy Attorney General (DAG) Jeffrey Allen opened the reinstatement hearing presenting the case against Dr. Kang. Bonnie Lutz, counsel for the petitioner, presented the case to reinstate the license of Dr. Kang. Dr. Kang answered questions from DAG Allen and members of the Board. DAG Allen summarized the State's case and Ms. Lutz presented the closing arguments. Administrative Law Judge (ALJ) Karen Brandt closed the hearing and the Board went into closed session.

CLOSED SESSION

IV. The Board will meet in closed session pursuant to Government Code Section 11126(c)(3) to discuss and vote on this matter and other disciplinary matters including stipulations, proposed decisions, and petitions.

AV 2012 10
Motion to Vacate Default Decision and Order – Adopted

AV 2009 19
Petition for Reinstatement – Adopted

RETURN TO OPEN SESSION

The Board returned to open session at 5:41 p.m. and Ms. Del Mugnaio called roll. All eight members of the Board were present and thus a quorum was established.

V. Role of Board Member - Adjudication of Disciplinary Matters/Practice Act Reference Materials

Rebecca Bon gave an overview of the Veterinary Medicine Practice Act with an emphasis on a quorum, rulemaking authority, and closed session disciplinary decisions.

VI. The Board went into recess at 6:20 p.m.

Thursday, April 24, 2014

I. Call to Order

Tom Kendall, DVM called the Board meeting to order at 9:05 a.m. Annemarie Del Mugnaio, Executive Officer (EO) called roll; eight members of the Board were present and thus a quorum was established. Dr. Kendall read the Department of Consumer Affairs (DCA) meeting rules, Roberts Rules of Order.

Board Members Present
Tom Kendall, DVM, President
Kim Williams, RVT, Vice-President
Mark Nunez, DVM
Richard Sullivan, DVM
Cheryl Waterhouse, DVM
Patti Aguiar, Public Member
Elsa Florez, Public Member
Judie Mancuso, Public Member

Staff Present
Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board
Paul Sanchez, Assistant Executive Officer
Rebecca Bon, Legal Counsel
Ethan Mathes, Administrative Program Coordinator
Sandra Monterrubio, Enforcement Program Coordinator
Allison Nagao-Dutra, Enforcement Analyst
Karen Robison, Administrative Analyst

Guests Present
Dr. Al Aldrete, VASE
Don Chang, DCA, Legal

Nancy Ehrlich, California Registered Veterinary Medical Association
Val Fenstermaker, Executive Director, California Veterinary Medical Association
William Grant II, DVM, Multidisciplinary Advisory Committee
Alex Henderson, VASE
Jonathan Kaplan, National Resource Defense Council
Ron Kelpe, DVM, California Veterinary Medical Association
Christine Lally, DCA
Grant Miller, California Veterinary Medical Association
Allyne Moon, California Registered Veterinary Medical Association
Kristi Pawlowski, California Veterinary Medical Association
Greg Pruden, DCA
Carol Schumaker, RVT
Jeffrey Sears, DCA
Dan Segna, DVM, California Veterinary Medical Association
Dr. Don Shields
Dayna Weidenkeller, California Veterinary Medical Association

II. Introductions

III. Approval of October 22-24, 2013 Meeting Minutes**,** January 29, 2014 & March 17, 2014 Telephonic Meeting Minutes

- **Ms. Patti Aguiar motioned and Dr. Richard Sullivan seconded the motion to approve the October 22-24, 2013 Meeting Minutes with corrections. The motion carried 8-0**
- **Dr. Richard Sullivan motioned and Ms. Judie Mancuso seconded the motion to approve the January 29, 2014 meeting minutes. The motion carried 8-0**
- **Ms. Judie Mancuso motioned and Ms. Kim Williams, RVT seconded the motion to approve the March 17, 2014 meeting minutes. The motion carried 8-0**

IV. Executive Officer & Staff Reports
A. Administrative/Budget

Ms. Del Mugnaio presented the Board Budget report.

B. Enforcement/Licensing/Examination

Ms. Del Mugnaio gave an overview of the enforcement program noting the Board will have two vacancies as of May 1, 2014. Enforcement staff is prioritizing the workload and the Board will be actively recruiting to fill these two vacancies.

Probationers are being monitored and those who were out of compliance have been educated on what is expected of them. Those probationers who remain out of compliance will be sent to the Office of the Attorney General for further prosecution.

Hospital inspections were discussed and the difference between routine and complaint related inspections were explained. Routine hospital inspections will be complete by April 30, 2014, however; complaint related inspections are ongoing.

Position authority will be doubling with the approved Budget Change Proposals (BCP's). To date, both the enforcement BCP and the SB304 BCP have been approved by the Legislature. The Board will fill current vacancies and then prioritize the BCP positions.

The new RVT examination showed an overall lower pass rate, however; it was noted those who did not pass may not have studied because they failed by a larger margin. The Office of Professional Examination Services (OPES) is reviewing the questions and will remove convoluted questions during the next examination cycle.

The alternate route pathway to licensure was discussed and the difference between alternate route program applicants and ad hoc alternate route applicants. It was noted that the ad hoc applications are time consuming to review and a high rate of these applications are returned to the applicant due to incomplete supporting documentation.

BreEZe is tentatively expected to go live at the end of 2014. Due to goal of auditing 20% of licensees each year for the continuing education the capability for the electronic transfer of CE was requested and Ethan Mathes will follow up.

Patti Aguiar reported the Spring Newsletter was published and thanked Ethan Mathes for his hard work.

Survey postcards were sent to all premises to collect data on how many veterinary assistants could potentially be issued veterinary assistant controlled substances permits. The survey opened on April 1, 2014, and will run for sixty days.

V. Board Chair Report - Dr. Kendall

A. Revisions to Administrative Policies – Update to Board Administrative Procedures Manual

Ms. Del Mugnaio explained the change to the Administrative Procedures Manual regarding how Board and Committee members would be paid for work performed. The Board discussed the change.

- **Dr. Richard Sullivan motioned and Dr. Cheryl Waterhouse seconded the motion to approve the change in pay policy.**

The Board reviewed and discussed the Administrative Procedures Manual and made revisions throughout the manual. Dr. Grant noted there has been invaluable input from Board members at the MDC meetings and would encourage the participation to the extent that Open Meetings Act provisions are not violated.

- **Dr. Richard Sullivan motioned and Dr. Mark Nunez seconded the motion to not allow Board members to speak if attending the MDC meeting. The motion died**

- **Ms. Judie Mancuso motioned and Ms. Patti Aguiar seconded the motion to approve the Administrative Procedures Manual with the changes discussed. The motion carried 8-0**

B. April 11, 2014 RACE Committee Meeting Regarding Standards for Complimentary Alternative Medicine - American Association of Veterinary State Boards

Dr. Kendall gave an update on the discussion regarding Complimentary Alternative Medicine at the RACE Committee meeting in April 2014.

C. Support for President Elect Position of the American Association of Veterinary State Boards

- **Dr. Richard Sullivan motioned and Ms. Judie Mancuso seconded the motion to submit a letter of support for Dr. Tom Kendall to the American Association of Veterinary State Boards as a candidate for President Elect. The motion carried 8-0**

VI. Multidisciplinary Advisory Committee Report

A. Vacancies and Notice for Letter of Interest

Dr. Grant noted the terms for two members of the MDC expire in June 2014. Existing members are eligible for reappointment. Openings will be posted to the Board's website to solicit applications from those who are interested in applying for the vacancies. New MDC members will be interviewed and appointed at the next Board meeting, so all interested applicants need to attend.

B. Establish Priorities

Dr. Grant informed the Board that the MDC is assessing the workload of Board staff in regards to the ad hoc alternate route applications. The RVT Student Exemption is being tabled until the alternate route issue is discussed further and decisions are made. New Minimum Standards went into effect January 1, 2014 however; the MDC is requesting Board to return the Minimum Standards to the MDC to revisit a few areas that need clarification. The MDC is requesting legal and staff to work on proposed Telemedicine language. The MDC is working on gathering information on premise permit types. University License language should be ready within the next two MDC meetings.

The Board reviewed the proposed assignments of the MDC committee, removed the completed assignments, and added three new assignments; compounding drugs, minimum standards, and veterinary student exemptions.

VII. California Horse Racing Board (CHRB) – Proposed Change to California Code of Regulation Section 1845- Authorized Bleeder Medication

Ms. Del Mugnaio explained the Board's position regarding the proposed change to California Code of Regulation (CCR) Section 1845. She informed the CHRB that the Board is prepared to work with the CHRB however; the current language places veterinarians in violation of the Veterinary Medicine Practice Act. Steve R. Schwartz, Breeders Cup representative, Dr. Don Shields and Rick Baedeker, Executive Director of the CHRB presented their position on the changes to CCR Section 1845. The Board discussed the proposed changes and asked questions of Dr. Shields, Mr. Schwartz, and Mr. Baedeker.

- **Dr. Richard Sullivan motioned and Ms. Patti Aguiar seconded the motion to direct the EO and legal to work with the CHRB in making CCR Section 1845 conform to the Veterinary Medicine Practice Act by maintaining the integrity of the VCPR. The motion carried 7-1**

VIII. Proposed Regulations

A. Status of Pending Regulations

The proposed regulatory schedule was discussed and the Board was updated on the status of each action.

B. RVT School Approval (16 CCR 2064-2066)

C. Citation and Fine (16 CCR 2043)

The Board discussed the Citation and Fine proposed regulations and approved holding a public hearing upon request only.

- **Motioned and Ms. Kim Williams, RVT seconded the motion to approve the proposed regulations. The motion carried 8-0**

D. Uniform Standards for Substance Abusing Licensees/Disciplinary Guidelines (BPC Code Sections 315-315.4)

The Board discussed the Uniform Standards for Substance Abusing Licensees/Disciplinary Guidelines proposed language and made changes to the text.

- **Ms. Judie Mancuso motioned and Dr. Mark Nunez seconded the motion to approve the proposed language with corrections. The motion carried 8-0**

E. Animal Control Officer Training (Senate Bill 1162- 1/1/2013)

IX. 2014 Legislation

A. AB 1437 - Mullin - Medically Important Antimicrobials: Nontherapeutic Use

Greg Prudin informed the Board that AB 1437 was amended two days before the Board meeting. Jon Kaplan of the National Resource Defense Council (NRDC) explained the issue and the position of the NRDC.

- **Dr. Richard Sullivan motioned and Dr. Mark Nunez seconded the motion to watch AB 1437. The motion carried 8-0**

B. SB 835 - Hill- Food Producing Animals: Medically Important Antimicrobial Drugs.

- **Ms. Judie Mancuso motioned and Dr. Cheryl Waterhouse seconded the motion to watch SB 835. The motion carried 7-1**

C. AB 1810 – Maienschein - Deposits for Keeping: Abandoned Animals

- **Ms. Judie Mancuso motioned and Ms. Elsa Florez seconded the motion to support AB 1810. The motion carried 8-0**

D. AB 1809 – Maienschein - Dogs: Health Certificates

- **Dr. Richard Sullivan motioned and Dr. Cheryl Waterhouse seconded the motion to watch AB 1809. The motion carried 7-1**

E. AB 2056 – Dababneh - Pet Insurance

- **Dr. Richard Sullivan motioned and Dr. Mark Nunez seconded the motion to drop AB 2056. The motion carried 5-2**

F. AB 2058 – Wilk – Open Meetings

- **Ms. Elsa Florez motioned and Ms. Kim Williams, RVT seconded the motion to watch AB 5058. The motion carried 8-0**

G. Sunset Extension Bill

- **Ms. Judie Mancuso motioned and Ms. Patti Aguiar seconded the motion to give staff the authority to submit clean up language. The motion carried 8-0**

X. Comments from Public/Outside Agencies/Associations

There were no comments from Public/Outside Agencies/Associations.

XI. Discuss Increase in Board Level and Exempt Status of the Executive Officer.

Jeff Sears, Human Resources Manager, handed out material and explained that due to the legislative budget change proposals (BCP's) granting the Board additional staff, the Board is increasing in size. The exempt salary schedule for the Executive Officer is set by CalHR and, Mr. Sears recommends requesting an exempt level increase.

- **Ms. Judie Mancuso motioned and Ms. Patti Aguiar seconded the motion to give Jeff Sears the authority to move forward with submitting a proposal to CalHR to increase the Board size. The motion carried 8-0**

Mr. Sears explained the process for the Board to evaluate the performance of Ms. Del Mugnaio. He explained that DCA personnel will supply the Board with the performance evaluation package. Ms. Williams, RVT and Dr. Nunez will work on the evaluation.

XII. Agenda Items and Next Meeting Dates

A. Agenda Items for Next Meeting

Ms. Aguiar requested adding a Strategic Plan session to the next Board meeting. Ms. Del Mugnaio stated she has with the DCA Solid team to schedule strategic planning for January 2015.

B. Board Meeting Dates - July 22-23, 2014 – Sacramento/October 21-22, 2014 – San Diego

Changing the location of the October Board meeting was requested. The meeting in October 2014 will be moved from San Diego to Orange County.

C. Multidisciplinary Advisory Committee Meetings 2014

Ms. Del Mugnaio will work with the MDC to schedule a date for the next MDC meeting since there will be two vacancies, and two other members are unable to attend a meeting in July 2014.

XIII. Adjourn

- **Dr. Mark Nunez motioned and Dr. Richard Sullivan seconded the motion to adjourn the meeting at 4:30 p.m. The motion carried 8-0**

Executive Officer's Report

Prepared by Annemarie Del Mugnaio **July 2014**

Staffing

Paul Sanchez, the Board's Assistant Executive Officer and Sandra Monterrubio, who handled the administrative discipline program for the Board, have both moved on to promotional opportunities within the Department of Consumer Affairs.

Effective July 1, 2014 the Board was granted 11.5 new positions in both licensing and enforcement in order to address a backlog in its enforcement program and to meet the mandates of Senate Bill 304, effective January 1, 2014. SB 304, requires the Board, take make every effort, to inspect 20% of its registered hospitals and to issue Veterinary Assistant Controlled Substance Permits to individuals who have access to, and administer, controlled substances to the public. With the 11.5 new positions, the Board is restructuring its organization and is hiring two program managers; one to manage its licensing and examination programs, and the other to manage the Board's enforcement program. With the addition of the new staff and program managers, the Board's overall operational efficiency and educational outreach should dramatically improve.

Two new staff members have joined the Board in June 2014, Patty Rodriguez, is the lead over the hospital inspection program and will be responsible for managing the Board's field operations. Brenda McCutcheon, is working in the complaint unit, assisting with desk investigations, unlicensed activity cases, and the citation and fine program. Candace Raney, who has been with the Board since May2014, is managing the Board's administrative cases.

In addition, the Board is currently recruiting two additional enforcement program analysts to handle the administrative discipline workload, that is, cases pending at the Office of the Attorney General, and to closely manage the Board's probation program. The two additional analysts should be on board in mid- August.

Seeking Expert Witnesses for Disciplinary Case Review

The Board has updated its website with information regarding recruiting for Expert Witnesses. We have asked for CVMA and others to assist the Board in disseminating information regarding the Expert Witness role with the Board. The Expert Witness Guidelines were updated late 2013 and are being distributed to the Board for your reference.

Inspection Program

Staff is currently interviewing new hospital inspectors for its inspection program. We hope to bring on at least 6-8 new inspectors this year as we ramp up the number of inspections we complete annually. We have new inspector training scheduled for mid-August and will begin assigning inspections immediately following the training session and field-shadowing. Our goal is to complete approximately 500 routine inspections between now and June 2015, which is more than double our annual average. The Board's goal is to inspect approximately 700 hospitals annually and possibly begin inspecting new hospitals within their first year of registrations.

Also, staff is looking forward to the launch of a webpage dedicated to hospital inspection program information, to include FAQs, photos of compliance issues and corrections, all pertinent forms, and program updates.

BreEZe Program
Licensing and Enforcement staff continues to work on DCA's new BreEZe database system. To date, key staff has devoted more than ½-time working with DCA and BreEZe personnel on program development and conversion. It is anticipated that approximately 40-50% of key staff will be dedicated to BreEZe tasks over the next 6 months.

Publications/Outreach:
Veterinary Premises Postcard The Veterinary Premises Postcards were mailed to all hospital premises in late-March 2014. As part of its data collection efforts for the new Veterinary Assistant Controlled Substances Permit, the Board distributed postcards to all veterinary premises requesting they take the Board's online survey. The survey closed on May 30, 2014 and the Board received only a 2% response from its outreach effort. Since the data is critical in determining VMB program impact, we began an in-house data collection by reviewing hospital inspection applications and tallying recorded staff. We also re-opened the survey in late June 2014 for another 60-day window and asked for assistance from CVMA and local chapters to disseminate the survey.

Social Media for the VMB! Staff met with the DCA's Public Affairs Unit to discuss options for reaching our constituents through social media. Public Affairs is constructing a Facebook and Twitter account for the VMB where current and hot topics may be posted. The account will be managed by VMB staff with assistance of the Public Affairs Unit for posting items such as videos, photos, etc. We will be seeking input from the Board members on timely and relevant postings.

CVMA Board of Governors & House of Delegates Meeting 6/19/14 I attended the CVMA meeting and provided a Board update on staffing, enforcement program statistics/workload, MDC priorities, and pressing VMB issues related to hospital premises, telehealth, and university licensure. A number of good questions were posed regarding the Board's hospital inspection program.

Meeting with UC Davis I met with Dean Ilkiw and Dean Pascoe on June 24, 2014 to discuss on-going student issues and collaborative projects: release of NAVLE examination score results, DVM program completion and licensing timelines, curriculum requirements for CA Law and Ethics Course, and student exemptions extending to off-site clinical settings. I will report on scope of the issues at the July 22-23, 2014 meeting.

Website Changes/Updates In addition to the hospital inspection program page, other important educational posts are being considered: on-line courses for record keeping and supervisory roles and responsibilities, posts regarding graduation dates and associated examination and application deadlines. **Please share your thoughts regarding other enhancements staff can make to our website to ensure that timely and resourceful information reaches our stakeholders.**

Updates on VMB Topics of Interest:
California Horse Racing Board – Proposed Rule on Bleeder Medication. Legal Counsel and I are working with the CHRB on technical changes to the proposed rule for the administration of Lasix. The CHRB submitted a proposed draft to Rebecca Bon on June 23, 2014 for review. Ms. Bon and I held a teleconference on July 8, 2014 with DCA Legislative Affairs and Agency (California Business, Consumer Services and Housing Agency) to discuss technical issues regarding maintaining the integrity of the VCPR and requiring appropriate veterinarian oversight for the administration of Lasix. Once the language is in final form, it will be presented to the Board for review and consideration.

Veterinary Medical Board
Summary of FY 13/14 Expenditure by Line Item

Updated 4/1/2014

Line Item	Budget Appropriation	Summary of Expenses
Personal Services:		
Civil Service - Permanent	687,876	Board staff and EO's salaries
Civil Service - Temporary	33,000	Wages for temporary help such as a permanent-intermittent employees, students, seasonal employees, etc.
Appointed Per Diem	24,508	Board and Committee members' per-diem
Staff Benefits	318,716	OASDI, Dental, health, retirement, life, vision, Medicare
Salary Savings		Deduction for positions that are not continuously filled
Total Personal Services	**1,064,100**	

Operating Expenses & Equipment:		
Fingerprint Reports	6,259	Fingerprint expenses – reimbursed by candidate
General Expense	12,500	Office supplies, freight
Minor Equipment	0	Equipment less than $5K per unit
Printing	13,566	Printed forms, office copier, copying service
Communications	6,909	Phones, cellular phones
Postage	22,149	Stamps, DCA and EDD facility mailed postage
In-State Travel	21,423	Board, Committee, and Staff Air, car, bus, taxi, incidentals, service fees
Out-of-State Travel	0	Same as above - out-of-State
Training	1,297	Registration fees, subscriptions
Facilities Operations	102,456	Rent, storage, security
C&P Services External	315,855	Outside DCA contracts - includes: BreEZe - $22k, CURES $225k, Maximus - $18k, PSI - $45k
Examinations:		
Exam materials	557	
Exam site rental	5,399	Facility rental charge for vet exams administration
Expert Examiners (SME)	30,699	Subject matter experts for item writing, review and Angoff workshops VET and RVT
Department Distributed - (DCA	347,645	DCA Svcs: Info systems, Administrative Svcs (HR, Accounting,
Department Services	49,915	Office of Exam Resources
Consolidated Data Centers	4,535	CAS/Teale Data Center
Data Processing	4,647	Data processing supplies and maintenance
Statewide Prorata (Central Admin Services)	110,291	State services pro-rata (DGS, DOF, etc)
Enforcement:		
Attorney General	460,176	Office of the Attorney General/DAG legal services
Office of Admin Hearings	59,253	Office of Administrative Hearings, Admin. Law Judge and court reporter services
Evidence & Witness Fees	163,297	Expert Witness and In-house Consultants enforcement case review
Div of Investigation	360,716	DCA Division of Investigation services
Major Equipment (Replacement/Additional Equipment)	0	Equipment more than $5k per unit
Vehicle Operations	2,580	Leasing & maintenance of State vehicle (CPEI BCP)
Total OE&E	**2,102,124**	
Total Personal Services (above)	**1,064,100**	
Totals, Expenditures	**3,166,224**	
Reimbursements	(26,000)	Fingerprints and Document Sales
Net Total Expenditures	**3,140,224**	

Examination/Licensing Report

Prepared by Ethan Mathes **July 2014**

Applications

Applications Received	
*July 2013 – June 2014**	
Veterinarian Applications Received	640
Veterinary Technician Applications Received	883
Veterinary Premise Applications Received	232

Examinations

CALIFORNIA STATE BOARD EXAMINATION			
May 2013 – October 2013		November 2012 – April 2013	
Candidates	Pass Pct.	Candidates	Pass Pct.
178	95%	507	87%

NORTH AMERICAN VETERINARY LICENSING EXAMINATION			
November 2013/December 2013		April 2014	
Candidates	Pass Pct.	Candidates	Pass Pct.
341	85%	78	65%

CALIFORNIA VETERINARY TECHNICIAN EXAMINATION					
Jul. – Dec. 2013		Jan. – Feb 2014		Mar. – Jun. 2014	
Candidates	Pass Pct.	Candidates	Pass Pct.	Candidates	Pass Pct.
182	77%	213	73%	125	66%

VETERINARY TECHNICIAN NATIONAL EXAMINATION					
Mar./Apr. 2014		Jul./Aug. 2014		Nov./Dec. 2014	
Candidates	Pass Pct.	Candidates	Pass Pct.	Candidates	Pass Pct.
53	70%	-	-	-	-

Examination Development and Workshops

Examination Workshops include Item Writing, Item Review, Examination Construction, and Pass Score Setting.

California State Board	Veterinary Technician Examination
July 16-18, 2014	July 7-8, 2014
August 7-8, 2014	August 20-21, 2014
	September 10-11, 2014

Licensing

Licensees	
as of June 2014	
Veterinarian Licenses*/**	16,866/11,815
Veterinarian Licenses – California**	9265
Registered Veterinary Technician Licenses*/**	9,734/6,209
Registered Veterinary Technician Licenses – California**	5,749
Premise Permits**	3,131
Premise Permits – Exempt**	77
**includes delinquent, inactive, and clear licensees; **clear licensees*	

Licenses Issued		
	Jan. 2013 - Dec. 2013	Jan. 2014 – Jun. 2014
Veterinarian	595	320
Reciprocity	52	15
Intern	29	4
Registered Veterinary Technician	406	264
Premises	123	161

BreEZe

Licensing and Enforcement staff continues to work on DCA's new BreEZe database system. Major components of the BreEZe configuration include:

- *Configuration Interviews* – Staff meetings with Iron Data and Accenture personnel to review examination, licensing and enforcement business processes.

  Update: A significant deliverable was achieved in completing Part 1 of the Licensing, Enforcement and Inspection Profile Reports. This part of the Report identifies the Board's license types and internal processes that guide an initial application through licensure.

- *Data Conversion* – Staff reviews existing application, licensee, and enforcement databases for data errors and outdated data records.
- *Correspondence Conversion* – Staff reviews existing correspondence to be converted to the BreEZe noticing system.
- *License Renewal Conversion* – Staff reviews and updates license renewals to the new BreEZe renewal template.

It is anticipated approximately 40-50% of key staff will be dedicated to BreEZe tasks in the next six months.

Attached is an email update from the Department's BreEZe team, "BreEZe-Where are we now", that provides an update on the Board's progress to date and future commitments.

Mathes, Ethan@DCA

From: Alire, Cindy@DCA
Sent: Thursday, July 03, 2014 10:03 AM
To: DelMugnaio, Annemarie@DCA; Mathes, Ethan@DCA; Keer, LeeAnn@DCA; Robison, Karen@DCA; Walker, Joely@DCA; Raney, Candace@DCA
Cc: Mertyris, Kalani@DCA
Subject: BreEZe-Where are we now?

Hello VMB!

Since we have finished up our deliverables for Part 1, I thought it would be a great time to share where we currently stand in the project and what the expectations are during the VO Storyboard Design Phase. Please see the Design Process steps snapshot below as a quick reference. I have also provided a summary from the vendor of the deliverables and expectations for each VO meeting.

The VO Storyboard Design Phase:

Location	Description
Business Process Diagrams	The applicable VO BPD diagrams and Narratives used by the Board. (BPD-71 for VO)
RSD Transaction Matrix	The mapping of the available VO screens to each transaction and to each License Type
VO Profile Reports	The Board's VO License Type Profile Reports (1 for each license type) and The Board's VO Board Level Profile Report
Use Cases	The applicable Use Cases used by the Board (Use Cases O-01 to O-08 for VO)

Following is what will be reviewed by VMB after the VO Storyboard Interviews in the Board's VO License Type Profile Reports:

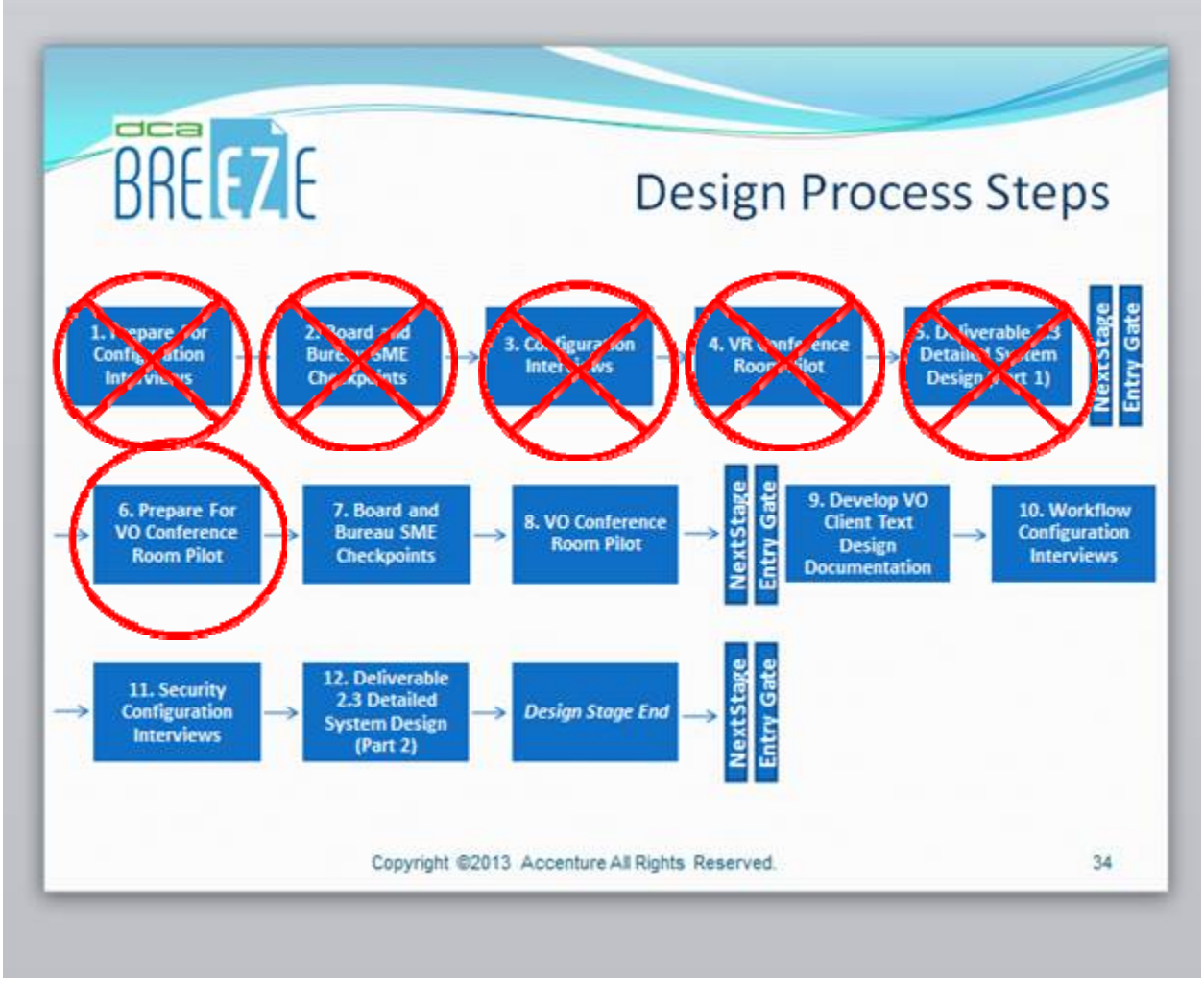
- The VO Storyboards for each transaction
- The RSDs and RSD Sequencing in the Application Matrix for each transaction
- The RSD Columns Matrix for each transaction (only the following fields)
    - VR RSD Column Name
    - Field Type

VO Interview Meeting Expectations:

- VO Interview #2 (Storyboard Meeting) – 6 hour meeting
    - The vendor will send the updated License Type Profile Reports to the board within 2 days of the meeting
    - VMB has 2.25 days to review/update the storyboards and the RSDs and get them back to the vendor so they can respond to the requested updates in advance of the next meeting
- VO Interview #3 (CRP/Client Text Meeting) – Full day meeting
    - Following the meeting, VMB has 7.5 days to review/complete the client text in the Board level and the License Type Profile Reports and return them to the vendor.
        - Note: the Design Team pre-populates the profile reports with text from the Board's current applications in order to significantly reduce the Board's effort
    - When the Board returns the updated profile reports, the vendor will review and identify any concerns
- VO Interview #4 (Client Text Review Meeting) – 4 hour meeting

- Working session (if needed) to discuss any concerns the vendor discovered during their review of the client text

- Informal Review
  - The vendor will then submit the profile reports back to us for a 3 day informal review



<u>Upcoming Meetings:</u>

Below is a list of the meetings we have scheduled. Our first priority is VO review (highlighted in yellow above). Anything related to Part 2 design will be pushed out if we are unable to meet deadlines for deliverables, due to conflicting meetings. As such, I am working with the vendor and BreEZe management to make sure we are given adequate time between meetings to do our reviews. I still need to obtain the review times for the meetings scheduled in August, which may cause some of them to be rescheduled, as well.

July 14 - VMB VO interview #2 Storyboard *ALL DAY*
July 17 - VMB Enforcement Code Translation *ALL DAY* (not yet scheduled due to review requirements for the Storyboard)
July 21 - VMB/BPH VO CRP & Client Text Meeting (Interview #3) *ALL DAY*

Aug 11 - Part 2 Configuration Interview-Licensing and Enforcement *ALL DAY*
Aug 12 - Part 2 Configuration Interview-Workflow and Security *ALL DAY*
Aug 13 - VMB VO interview #4 Client Text Review (9-1)
Aug 18 - Part 2 Configuration Interview-Licensing and Enforcement RFC 151 *ALL DAY*
Aug 19- Part 2 Configuration Interview-Workflow and Security RFC 151 *ALL DAY*

Please let me know if you have any questions or concerns.

HAPPY INDEPENDENCE DAY!

Cindy Alire

BreEZe Licensing Business Integration Team
Cindy.alire@dca.ca.gov
Ph: 916.574.8091

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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

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

MEMORANDUM

DATE	July 7, 2014
TO	Veterinary Medical Board
FROM	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
SUBJECT	RVT Alternate Route - Ad Hoc Qualifying Method

Background:
Registered veterinary technician (RVT) examination eligibility in CCR section 2068.5 is commonly referred to as the "Alternate Route" because it is an examination eligibility pathway (requiring a mix of education and experience) that is an alternative to completing a two-year curriculum at an AVMA accredited RVT program. The pathway was originally designed for individuals who were already working in the profession and for whom it was difficult or impossible to stop working in order to go to a full time two year program.

Education required under the Alternate Route pathway is commonly obtained through organized alternate route "programs" or through a collection of college and continuing education courses (ad hoc qualifying method). Alternate Route education is required in ten specific RVT task areas and six general science areas for a total of 300 hours of education.

Board staff has noticed recent changes in how applicants are obtaining their required education for examination eligibility using the ad hoc qualifying method.

In order to better understand how applicants are meeting educational requirements through the ad hoc qualifying method, staff collected a sample of recent RVT applicant education data. This collection of data shows that applicant education across the ten specific RVT task areas and six general science areas is varied. On average, education in general science makes up a larger portion of the total education hours obtained (87%) whereas education in specific RVT task areas is uneven and a smaller portion of the total hours obtained (13%).

This issue is currently before the Board's Multidisciplinary Advisory Committee and will be on their agenda for further discussion at their August meeting.

Action(s) Requested
No action requested – informational only

Attachment(s):
Sample of RVT Alternate Route Qualifying Education for Examination Eligibility

Sample of RVT Alternate Route Qualifying Education for Examination Eligibility

ATS ID#	19696	18435	16249	16514	15638	15735	19790	19824	19999	19384	19742	19825	19145	18039	19485	19188	16408	Avg. Hours per Category	Pct. of Total Req. Hours
Dental	5	3.5	2	1	11	4	11	8.5	3	1	3	1	2	15	2	6	3	4.8	1.6%
Anesthesia	12	6	1	20	9	1	8	83	2	16	1	1	1	12	2	6	3	10.8	3.6%
Surgery	7	2	1	1	1.5	2	3	71	1	2	5	1	2	18	2	15	2	8.0	2.7%
Suturing	1.5	3	2	1	0	2	1	5.5	2	1	5	1	1	2	1	1	1	1.8	0.6%
Casts/Splints	1	2	0	2	0	4	2	10	2	1	3	1	1	4	1	1	2	2.2	0.7%
Radiation	5	2	2	1	4	4	2	51	4	5	6	3	2	5	1	2	45	8.5	2.8%
Diseases	10	4	3	45	0	4	2	10	2	1	8	30	2	3	1	8	2	7.9	2.6%
Zoonotic	1	2	5	5	15	4	10	10	2	5	1	1	1	1	1	5	2	4.2	1.4%
Emergency	12	3	0	15	1	8.5	4	20	2	1	15	1	3	1	1	3	1	5.4	1.8%
IV Catheter	2	1.5	0	1	1	0	1	18	2	1	5	1	1	1	1	1	1	2.3	0.8%
Chemistry	120	160	15	1	60	160	90	0.5	1	75	60	120	40	60	270	270	1	88.4	29.5%
Math	150	80	45	30	15	120	40	0.5	45	75	60	40	105	45	90	80	45	62.7	20.9%
Biology	550	40	135	15	60	80	80	0.5	60	60	60	150	150	60	280	90	60	113.6	37.9%
Microbiology	50	60	60	0	2	40	30	0.5	1	1	1	40	3	60	40	40	1	25.3	8.4%
A&P	45	40	60	0	60	50	50	1	1	75	60	40	5	60	210	220	60	61.0	20.3%
Terminology	0	0	0	0	2	2	15	10	6	3	3	1	1	30	2	70	30	10.3	3.4%
																		417.1	

Did not qualify	X	X		X	X	X	X	X	X							X	X
Failed Exam			X												X		
Passed/ Licensed										X	X						
Has Not Taken Exam												X	X	X			

From: president@carvta.org
Sent: Wednesday, June 11, 2014 11:58 AM
To: DelMugnaio, Annemarie@DCA
Subject: California RVT Week
Attachments: vmb proposed letter to the governor for rvt wk.docx

<="" td="">
Dear Ms. Del Mugnaio,

The California Registered Veterinary Technicians Association is California's largest RVT organization advocating for the over 9000 RVT's in our great state. At the October 2013 Veterinary Medical Board meeting held in Riverside, CA, we requested the Veterinary Medical Board place our petition for sponsorship of California Veterinary Technician Week by the board on the following agenda. To date this has not been addressed.

We respectfully request the Veterinary Medical Board sponsor our petition for a Gubernatorial Proclamation declaring the third week in every October, California Veterinary Technician Week.
Registered Veterinary Technicians must go through an intensive program of study and examination in order to earn their license, and must keep themselves up to date by attending continuing education lectures, courses, and conferences after achieving their license. RVT's are essential members of the Veterinary Team who perform a variety of functions and job tasks that save lives, maintain health (both animal and human), and strengthen the human/animal bond. RVT's routinely perform phlebotomy, place intravenous catheters, urinary catheters, x-ray examination, surgical assisting, induce anesthesia, dental prophylaxis, dental extractions, suture skin and mucous membranes, place splints and casts, perform and read laboratory tests, communicate with clients, and provide support to the hospital team, to name just some of the tasks. There is no nurse, technician, or manager in the human medical field trained to perform all the duties one Registered Veterinary Technician does on a daily bisis. There are eleven Veterinary Technician Specialties (board certifications) ranging from Emergency and Critical Care to Clinical Practice, which require additional education, training, and examination to achieve.

For the past 21 years, the National Association of Veterinary Technicians in American has promoted National Veterinary Technicians Week at the national level. It is a week designed to educate the public about the role of the credentialed technician in veterinary medicine. The Californian public needs to be educated about who can legally treat their animals as demonstrated by the recent conviction of Linden Richard Clark in April of 2014 for practicing unlicensed dentistry, and the terrible tragedy in Denver where a dog lost its life under the care of an unlicensed anesthetic administrator (this past February) to name just two events.
The California Registered Veterinary Technicians Association respectfully requests the Veterinary Medical Board sponsor the petition before the board to ask Governor Brown to annually declare the 3rd week of October (Oct. 13 to 19, 2013; Oct. 12 to 18, 2014; Oct. 11 to 17, 2015; Oct. 9 to 15, 2016; and so on) California Registered Veterinary Technician Week.
In order to assist the VMB in this effort, we have drafted a letter of petition for your convenience.

Respectfully,

Allyne Moon, RVT
President
California Registered Veterinary Technicians Association

Annemarie Del Mugnaio
Executive Director
California Veterinary Medical Board
1747 N. Market Boulevard
Suite 230
Sacramento, California 95834-2987

Governor Jerry Brown
State Capital Suite 1173
Sacramento CA, 95814

Dear Governor Brown,

The Veterinary Medical Board is sponsoring the request of the California Registered Veterinary Technicians Association to declare the third week of every October, California Registered Veterinary Technicians Week.

Registered Veterinary Technicians must go through an intensive program of study and examination in order to earn their license, and must keep themselves up to date by attending continuing education lectures, courses, and conferences after achieving their license. RVT's are essential members of the Veterinary Team who perform a variety of functions and job tasks that save lives, maintain health (both animal and human), and strengthen the human/animal bond. RVT's routinely perform phlebotomy, place intravenous catheters, urinary catheters, x-ray examination, surgical assisting, induce anesthesia, dental prophylaxis, dental extractions, suture skin and mucous membranes, place splints and casts, perform and read laboratory tests, communicate with clients, and provide support to the hospital team, to name just some of the tasks. There is no nurse, technician, or manager in the human medical field trained to perform all of the duties one Registered Veterinary Technician performs on a daily basis. There are eleven Veterinary Technician Specialties (board certifications) ranging from Emergency and Critical Care to Clinical Practice, which require additional education, training, and examination to achieve. It is reported by NAVTA, the National Association of Veterinary Technicians in America, that RVT's, when used to their fullest potential; RVT's can increase the gross revenue of their practice by $93311.00 annually (https://www.youtube.com/watch?v=7ppm3Br115U).

For the past 21 years, NAVTA has promoted National Veterinary Technicians Week at the national level; we feel it is also important to promote RVT's at the state level. California RVT Week would be designed to educate the public about the role of the Registered Veterinary Technician in veterinary medicine. The Californian public needs to be educated about who can legally treat their animals as demonstrated by the recent conviction of Linden Richard Clark in April of 2014 for practicing unlicensed dentistry, and the terrible tragedy in Denver where a dog lost its life under the care of an unlicensed anesthetic administrator (this past February) to name just two events.

The Veterinary Medical Board is sponsoring CaRVTA's request for a proclaimation declaring the third week of every October, "California Registered Veterinary Technicain Week", for all of the reasons detailed above. The Veterinary Medical Board, respectfully requests the presence of CaRVTA as it is

represented by their Board of Directors, and the Veterinary Medical Board Leadership at the official signing of the proclamation.

Respectfully,

Annemarie Del Mugniao
Executive Director, Veterinary Medical Board

Veterinary Medical Board/Multidisciplinary Advisory Committee
Interview Questions

July 22, 2014

The mission of the Veterinary Medical Board (Board) is to protect consumers and animals through development and maintenance of professional standards, licensing of veterinarians, registration of veterinary technicians and veterinary premises, and diligent enforcement of the California Veterinary Medicine Practice Act. The Multidisciplinary Committee (MDC) is a statutorily established advisory committee to the Board that consists of four veterinarians, two registered veterinary technicians, one public member, and two Board (one veterinarian and one registered veterinary technician) members.

Opening Questions

1. Why are you interested in this position?

2. Are you familiar with the functions of a licensing board/committee and the laws governing veterinary medicine in California?

Interview Questions

1. How do you feel your education and experience have prepared you for this position?

2. Recommendations made by the MDC are based on its consumer protection mandate and are not always popular with the general profession. How do you think you will be able to handle making decisions based on the needs of consumers and their pets that may be unpopular with your colleagues?

3. Are you familiar with current trends in veterinary medicine? Are there any issues that have affected you directly?

4. Is there any reason of which you are aware that would prevent you from completing your duties as a member of the MDC?

5. Is there anything else you would like to share with the committee or board?

Veterinary Medical Board/Diversion Evaluation Committee
Interview Questions

July 22, 2014

The mission of the Veterinary Medical Board (Board) is to protect consumers and animals through development and maintenance of professional standards, licensing of veterinarians, registration of veterinary technicians and veterinary premises, and diligent enforcement of the California Veterinary Medicine Practice Act. The Diversion Evaluation Committee (DEC) is a statutorily established advisory committee to the Board that consists of three veterinarians and two public members.

Interview Questions

1. Why are you interested in this position?

2. The Board is mandated in statute to give consideration to appointees who have recovered from impairment or who have knowledge and expertise in the management of impairment. How do you feel your education and experience have prepared you for this position?

3. Is there any reason of which you are aware that would prevent you from completing your duties as a member of the DEC?

4. Is there anything else you would like to share with the committee or board?

ed MRCVS MBA
[redacted]

Veterinary Medical Board
1747 North Market Blvd. #230
Sacramento, CA 95834

July 3, 2014

RE: MDC Reappointment application letter

Dear Annemarie and VMB members,

It is with great honor and pleasure that I request consideration for a second term of service on the Multidisciplinary Committee (MDC). The veterinary degree, and therefore our industry as it relates to the consumer, are diverse; my career progression and background reflects this diversity in various ways, and it is my hope this background can serve to advise the board on various issues.

My background as assistant professor and director of the veterinary technician program at California State Polytechnic University, Pomona ,provides me an academic/administrative background in a subject the MDC has been assigned to consider: all matters pertaining to the RVT. During my time as director we successfully achieved reaccreditation from the AVMA/CVTEA and also raised our academic standards and RVT state exam pass rates, standards and topics that come up regularly in our discussions.

Our campus was also an AALAS accredited campus and followed strict protocols for animal care and use as well as always adhering to the USDA's enforcement of the animal welfare act. As an active researcher and still adjunct faculty, this experience may provide insight into the world of research and lab animal testing, USDA rules and regulations, and policies that affect animals and the public at the agricultural and scientific level.

My time as Chief of Staff and hospital leader with Banfield, as well as my current work as a regular part-time veterinarian at Estrella Veteterinary Hosptial, keeps me connected to what makes up a large component of our industry in California – private, small animal, practice. I remain a practicing veterinarian.

Finally, my current position as Chief Medical Officer for JustFoodForDogs, LLC provides me the opportunity to offer a perspective that I feel may become more common as veterinarians diversify their abilities and services in order to remain competitive. Citing saturation in private practice, some veterinarians are now engaged with the public as business people, public figures, authors, speakers, consultants, etc. My position as a high level executive with JFFD, as well as my MBA degree from UC Irvine, provides me with a business background and insight that could parallel some of the issues presented by these opportunities for vets and the public.

Like my VMB colleagues, my loyalty and priority will be always be what we perceive to be best for the consumer in relation to their pets. In every position I've held and each experience I've gained, I have exercised a high level of integrity, honesty, and direct communication. While I may be mistaken at times, my input is always driven by integrity and the pursuit of the best outcome for the public that we have been assigned to protect.

Veterinarians have long enjoyed a very high level of admiration among the public; a view that only recently has been challenged by some consumers and at times reversed. My willingness to help is from a sincere wish to help maintain our licensee's standards so that we keep our reputation among the public. Not necessarily to benefit directly as a licensee, but to protect the relationship veterinarians and pet owners have developed, so that we can remain effective advocates for our patients and their pets.

Thank you for your consideration,

Oscar E. Chavez, BVetMed MRCVS MBA
CA Licensee#16552

May 30, 2014

RECEIVED
JUN 05 2014
VMB / RVTC

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

Re: Multidisciplinary Advisory Committee
Letter of Interest

Dear Members of the Board,

Please accept this letter of interest for the RVT vacancy on the Multidisciplinary Advisory Committee. Licensed in 2009, I am an emergency, critical care, specialty and general practice technician with nine years experience in small, large and exotic animal medicine. I am seeking appointment to the Committee as I feel strongly about public protection and education that affords the consumer an appreciation for the veterinary profession and enables them to understand the resources available to them and quality of care. I see this as one of the main the purposes of the Department of Consumer Affairs with respect to our field.

I have attached a copy of my current resume, a list of references and letters of reference for your review. Thank you for your consideration.

Sincerely,

Wendy Hand, BA RVT LVT
[redacted]

WH/

Enclosures

Wendy Hand, BA RVT LVT

EDUCATION

- **Pierce College** — AS, Veterinary Technology (2009)
- **University of LaVerne** — BA, Business Administration with Departmental Honors (2001)
- **Moorpark College** — AS, Accounting (1996)
  AA, General Liberal Arts and Sciences (1994)

SOFTWARE PROFICIENCIES

Word Excel PowerPoint Outlook ImproMed AVImark DVMax Cornerstone Infinity

CLINICAL SKILLS

- IV and urinary catheter site preparation and placement including central lines.
- Cystocentesis and urinalysis.
- Calculation of doses and IV fluid rates (maintenance, dehydration, surgical and emergency).
- Reconstitution, dosage and administration of medications via PO, SQ, IV and IM routes.
- Jugular, cephalic, saphenous and pedal blood draws.
- Blood smears, skin scrapings, aspirates and ear swabs including microscopy.
- Surgical preparation, anesthesia induction, endotracheal tubing, monitoring and recovery.
- Management of critical patients, O2 dependent, feeding tubes, chest tubes and recumbent.
- Placement of skin sutures.
- Canine and feline dentistry and extractions.
- TPR's, blood pressure, tonometry.
- Blood analysis with NOVA, Heska, Abaxis, and IDEXX systems.
- Blood, blood product and antivenin transfusions and cross-matching.
- Wound care and cold laser therapy.
- Bandaging, splinting and casting.
- Teeth, beak, wing, nail, claw and hoof trimming.
- Radiology measurements, positioning, imaging, developing and digital x-ray.
- Fecal floats, direct smears and microscopy.

PROFESSIONAL HISTORY

VETERINARY CARE CENTER (Hollywood, CA)	Jan 2014 to present
VETERINARY STAFF UNLIMITED (Marina Del Rey, CA)	Mar 2009 to present
VETERINARY SPECIALISTS OF THE VALLEY (Woodland Hills, CA)	Apr 2013 to May 2014
VETERINARY MEDICAL SURGICAL GROUP (Ventura, CA)	Feb 2012 to Jan 2013
WESTLAKE VILLAGE ANIMAL HOSPITAL, EMERGENCY (WLV, CA)	Feb 2011 to Feb 2012
TLC PET MEDICAL CENTER, EMERGENCY (West Hollywood, CA)	Aug 2010 to June 2011
CITY OF ANGELS, ADVANCED CRITICAL CARE (Culver City, CA)	Oct 2009 to July 2010

July 19, 2013

To Whom It May Concern:

I would like to recommend Wendy Hand, RVT for the CaRVTA Mentor Program.
I feel she would be an asset to your program for the following reasons:

1. She has more *on the job* experience in all different animal fields then any one single person that I know. (Small and large animal and literally everything in between!)
2. Wendy also has common sense and compassion. Two very valuable and rare traits these days.
3. She works more hours and harder then anyone I have ever had the privilege to know and work with. Her work ethic is impeccable! She works rain/shine/in pain/exhausted/hungry!
4. Wendy will always go above and beyond for an animal in need and above and beyond for those who are willing to learn and do the right thing by an animal in need.
5. Wendy also does a **considerable** amount of volunteer work! She fosters animals with funds coming out of her very own pocket.
6. Wendy has an excessive amount of technical skills and is willing to help others master theirs.

I strongly believe if given the opportunity, you will be thrilled and thankful for giving Wendy Hand the chance to be in your program! She will shine like the star she is!

Please feel free to contact me with any further questions.

Thank you for your consideration.

N. Ruhl

Nicole Ruhl, RVT
CA License Number: 8936
[redacted]

To Whom It May Concern,

I am writing on behalf of Wendy Hand with whom I have had the great pleasure of working with at Advanced Critical Care (ACC). As an emergency and critical care veterinarian, I have worked closely with Wendy. Wendy first started as a volunteer at ACC. Her work ethic and dedication to patient care and learning were evident as a volunteer and she was hired as a full time registered veterinary technician. Wendy always has a great attitude and takes pride in her work.

Wendy has always been consistent in her strong work ethic and attention to detail. She is passionate about veterinary medicine. She cares greatly for every patient she works with. Her patient care is beyond excellent. Her interaction with clients is always professional. Although she already has a very strong medical knowledge base, Wendy has always wanted to learn more. She sets the bar very high for herself.

I recommend Wendy for this position. She will be a great asset to any practice she works with. Please call or email me with any questions.

Sincerely,

Tina Son, DVM

[redacted]

Lorin Lindner, PhD, MPH
Serenity Park Sanctuary
Lockwood Animal Rescue Center

July 23, 2010

To Whom it May Concern:

This letter of recommendation is being written for Wendy Hand, RVT whom I have known professionally for the past seven years. Upon our first meeting, Wendy was excelling in a continuing education course we were both enrolled in at Pierce College. The course was in Avian Care and Husbandry and was not a required course for Wendy. Instead, she was broadening her experience with a variety of species so that she would be better able to understand and care for them. This is the inherent philosophy that Wendy holds, getting appropriate and excellent education and training and putting that into her already well-developed skill base.

Wendy has never been a person to simply check off the list of minimum things that she needs to do achieve a goal and that is part of what makes her the talented, dedicated and caring nurse who truly makes a difference in whatever she does. In fact, there is no amount of courses or experience that satisfies her. She is constantly striving to learn and improve even when her skill and proficiency is above expectation.

In the Fall of 2008 Wendy creatively put together a practicum so that she can bring her skills and abilities to our parrot sanctuary, Serenity Park, located on the grounds of the West Los Angeles VA Hospital. Serenity Park Parrot Sanctuary is a work therapy program bringing together formerly homeless parrots with formerly homeless veterans. It is the rescue component of the nonprofit organization, the Association for Parrot C.A.R.E. At our sanctuary she provided everything from routine care and husbandry to emergency calls. She has played a wide range of roles from primary care, to hospital liaison, to on-call consultant. Whenever there is a concern with our birds, be it a simple question to something needing immediate attention we have depended upon her and she has responded providing care and procuring the appropriate veterinary resources.

When our organization expanded and started another sanctuary for the rescue and rehabilitation of wolfdog, coy-dogs and horses we immediately called Wendy for help. At this new sanctuary, Lockwood Animal Rescue Center, Wendy has done a considerable

amount of research on our behalf that has included a site visit and primary evaluation. We take her recommendations very seriously and have implemented them all as we know this is for the benefit for all of the animals in our care.

Wendy is very clear about what her experience is and what it is not and knows when and where to direct us for further care and consult. She is very valuable to us and would be to anyone considering making her part of their veterinary team.

I could not recommend Wendy enough to any veterinary hospital and I would be happy to answer further questions should you care to contact me at the numbers above.

Sincerely,

Lorin Lindner, PhD, MPH
Association for Parrot C.A.R.E.
Serenity Park Sanctuary
Lockwood Animal Rescue Center
Founder / President

To Whom It May Concern:

Re: Wendy Hand, RVT
Professional Reference

Wendy was employed at Rancho Sequoia Veterinary Hospital from February 2007 to August 2007 as she was completing her education and pursuing her license as a Registered Veterinary Technician. It was with regret that we lost her to a competitive offer with another hospital. Her responsibilities with us ranged from routine appointments and basic treatments to emergency triage and high-risk anesthesia.

From my perspective as Office Manager, she was consistently on time, dressed professionally and ready to work. Wendy takes her job very seriously and has high standards in patient care. Her work and her patients were always her number one priority while constantly being eager to learn more.

I have had the opportunity to stay in contact with Wendy as she finished school, earned her license and moved forward in her career as an RVT. She would be an asset to any hospital or practice. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Nan Martinez-Cerroni

Nan Martinez-Cerroni
Rancho Sequoia Veterinary Hospital
[redacted]

FixNation

July 26, 2010

TO WHOM IT MAY CONCERN:

This letter is written on behalf of Wendy Hand, RVT, in furtherance of her career in animal welfare.

I met Wendy in January 2009, during the course of managing Best Friends Catnippers, an all-volunteer program my husband and I started in 1999, to conduct bi-monthly high-volume spay-neuter clinics for caregivers of homeless, stray and feral cats, in support of the community-based method of humanely dealing with homeless casts, Trap-Neuter-Return, or TNR. In 2007, our experience in Catnippers led to the establishment of FixNation, a full-time version of the volunteer program, handling upwards of 70 to 90 cats sterilized per day, also in furtherance of TNR.

The Catnippers program handles an average of 120 cats per clinic, utilizing 5 surgery vets, a team of techs and RVTs and a large number of non-tech personnel, all working as volunteers on Sundays, 6 time per year. In this regard, Wendy has been responsible for our anesthesia station, a critical function on clinic days, since January 2009, and has also assisted in the surgery room.

Wendy has always shown a high degree of professionalism in her work for us, not only in doing her job diligently, but also taking time to train other techs and introduce them to the FixNation-Catnippers world. Wendy is also extremely animal-supportive, genuinely concerned for their welfare, and always doing what she can to ease suffering when encountered, facilitate adoptions, and generally go the extra mile on behalf of her furry patients.

We are grateful for Wendy's contribution to our program and have only the highest respect for her as a person, friend and RVT.

Karn D. Myers

KARN D. MYERS
Chief Operating Officer

7680 Clybourn Avenue, Los Angeles, CA 91352 * (818) 524-2287 ~ Fax (818) 767-7791

County of San Diego

DAWN DANIELSON, RVT
DIRECTOR

DEPARTMENT OF ANIMAL SERVICES
5480 GAINES STREET, SAN DIEGO, CA 92110-2687

OFFICE: (619) 767-2605
FAX: (619) 767-2706
WEBSITE: www.sddac.com
MAIL STOP: H-39

June 27, 2014

Veterinary Medical Board
1747 North Market Blvd.
Sacramento, Ca. 95834

Dear Sirs,

This letter is being sent to express my interest in being considered for re- appointment to the Veterinary Medical Board's (Board) Multidisciplinary Advisory Committee.
I have served on the Multidisciplinary Advisory Committee (MDC) since 2011 and my current term expires on June 30, 2014.

As a Registered Veterinary Technician (RVT) representative, I have enjoyed the opportunity to serve the public interests and work on the issues referred to the committee by the Board.

My years of experience in the Veterinary field coupled with a wide variety of practical experiences have help me acquired a vast knowledge of the practice of Veterinary Medicine that I believe will be useful in helping the Committee to continue to perform its assigned responsibilities.

I am available as needed to attend the July 22, 2014 meeting in Sacramento should the Board have any questions.

Thank you for your consideration,

David F. Johnson

David F. Johnson, RVT
Deputy Director – Veterinary Services
[redacted]

Multidisciplinary Advisory Committee,

I am sending a letter of interest to participate and commit to the Veterinary Medical Board committee. My name is Kami O'Connell and I am a state licensed Registered Veterinary Technician and certified as a Veterinary Technician Specialists in Emergency and Critical Care. The Veterinary field is my passion and career. I have also joined the animal care and use committee (ACUC) for Platt College and the technician department. My goal is to improve technician training and better prepare them for their future career.

Currently, I am the Technician Training Manager at VCA Orange County Veterinary Specialists in Tustin California. I also manage the compliance and ordering for our controlled drugs. I have been at this location for 7 years and watched the transition of the practice from 3 different ownerships and now a new partnership. As the training manager I have developed a program for the new hires and continued to change it to best reach the minds of the entire staff. It is important to me not only to have the best patient care, but to also guide the technicians to do so.

This position to me is important for future Registered Technicians and making sure as a committee member we do our best to uphold California laws and regulations. After marketing and assisting with lectures at several Southern California Veterinary hospitals, I see areas of importance to uphold for the veterinary field. This committee has a broader scope of discussion, and with my professional experience as well as compassion I will be a great candidate for the position.

I look forward to a response from the committee and thank you for your time.

Kami O'Connell

Kami O'Connell RVT, VTS(ECC)
VCA Orange County Veterinary Specialists
Technician Training Manager
Controlled Drug Regulation
[redacted]

1 July 2014

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

Letter of Recommendation for Appointment of Kami O'Connell to the Multidisciplinary Advisory Committee (MDC)

Dear Sirs:

It is with great confidence that I recommend Kami O'Connell for the registered veterinary technician (RVT) position on the MDC. Kami is an extremely competent and organized technician leader. We have worked together for several years and I have watched Kami grow from a base level technician into an RVT, then a VTS (ECC)-certified technician, and now into a managing technician with various areas of responsibility. Throughout all of her years, Kami has never lost site of the fact that her patients are her biggest priority.

In my opinion, the California bureaucracy can use an infusion of experience from the front lines. Kami has served patients in a hands-on role as a veterinary technician for several years. She is not one to sit and a desk and dictate policy. She knows first-hand what works and what doesn't. I expect that this hands-on experience will give Kami a unique perspective and ability to be effective in her role as an MDC member.

Kami's experience as an RVT in a referral specialty hospital has given her a unique perspective on veterinary medicine and patient care. She understands the diplomacy behind preserving client confidence in the referring veterinarians, while helping to create confidence in the novel veterinarians and medical approaches that those clients encounter at a specialty referral hospital. She has become very skilled at fostering communication between the referring veterinarian, the client, and the specialty veterinarian. I have no doubt that these skills will serve her well as she engages with the members of the MDC.

I am certain that Kami will balance her MDC and daily veterinary roles admirably. I believe that she will work hard to serve the MDC and to preserve the best interests of the people and animals of California.

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

Sincerely,

Heather K. Mineo, DVM, DACVECC
Director of Professional Development, VMSG-OC
hmineo@vmsg.com

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

RECEIVED
JUN 30 2014
VMB/NVTC

June 25, 2014

Dear Sir or Madam:

I am writing to express interest in appointment to the Multidisciplinary Advisory Committee.

Currently, I do relief work as an independent contractor in San Diego County. My veterinary medical career includes 20+ years doing emergency medicine at specialty/referral hospitals, one of which I currently work at (VSH-Veterinary Specialty Hospital).

I currently serve on the SDCVMB (San Diego County Veterinary Medical Board) as a CVMA Delegate. Please excuse all of the acronyms.

I have been a career-long AVMA member. Additionally, I am a member of the AVMLA (American Veterinary Medical Legal Association).

I am board-certified in the American Board of Veterinary Practitioners (ABVP-canine/feline).

The annual meetings of the AVMLA, CVMA, and AVMA have offered numerous fascinating presentations over the years on the confluence of veterinary medical and legal issues. As an example, Dr. Jerry Greene, DACVS is an expert witness for the Florida Department of Business and Professional Regulation. He spoke at the 2009 AVMLA annual meeting. I was major-league impressed with his experience as an expert witness with 25 years of experience reviewing medical records. The conclusions are both simple (practice high quality medicine and engage in good communication with the client), and complicated; stuff happens.

I believe I have positive contributions to offer as a member of the MAC.

Sincerely,

Jeff Pollard, DVM, DABVP-C/F
Emergency & General Practice Relief

[redacted]

D. Jeff Pollard

Experience

Emergency/Critical Care Veterinarian — 2001 - 2013
California Veterinary Specialists
2310 Faraday Ave, Carlsbad, CA 92008
- 24 hour specialty-referral hospital

Staff Veterinarian – Emergency Clinic — 1994 – 2000
Greater Buffalo Veterinary Services
4949 Main St., Amherst, NY 12226
- Provided after-hours emergency service

Associate Veterinarian — 1991-1994
Russell, PA, Evansville, IN, Newark, OH
- 2 DVM rural practices - large and small animals

Education

DABVP – Canine/Feline — 2006
- Diplomate American Board of Veterinary Practitioners. Certification of specialization achieved by 462 veterinarians world-wide

DVM – Doctor of Veterinary Medicine — 1990
- University degli Studi di Napoli Frederico II, Naples, Italy

BS – Bachelor of Science in Biology — 1983
- State University of New York – Stony Brook

Professional Activities

Publication: Doyle, M., Pollard, D.J., et al. Survival of *Listeria monocytogenes.* Applied and Environmental Microbiology 1987; 53(7) 1433-1438.

AVMA – American Veterinary Medical Association
AVMLA – American Veterinary Medical Legal Association
SDVMA – San Diego Veterinary Medical Association

Volunteer

Master Gardener – volunteer community education service
Judge – Greater San Diego Science & Engineering Fair
Roswell Park Cancer Institute IACUC (Institution Animal Care and Use Committee)

References: available upon request

June 23, 2014

RECEIVED
JUN 27 2014
VMB/RVTC

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

Dear California Veterinary Medical Board,

I am writing to express my 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 have become interested in a position on the MDC.

I am aware of a lot of the work that the MDC has recently done in order to improve our profession, including work on unlicensed activity, minimum standards of practice revisions, and revisiting RVT licensure routes and testing procedures. 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 Larscheidt Shufelt BS, RVT

Leah Larscheidt Shufelt BS, RVT

Leah Larscheidt Shufelt BS, RVT

[redacted]

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 Technician, 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.

October 200 2 - 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. Controlled inventory, recommended new pharmaceuticals as well as equipment needed, kept OSHA, CURES and radiological safety records current.

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

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 – Present

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.

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. Discuss topics of interest with affiliate chapter members for presentation at monthly board meetings.
Facilitate Continuing Education and social meetings for the Chapter.

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

SAN DIEGO
1941-2013

San Diego County Veterinary Medical Association

4620 Alvarado Canyon Road Suite 15, San Diego CA 92120
619.640.9583 • Fax: 619.640.9588 • sdcvma@aol.com • www.sdcvma.org

June 23, 2014

To whom this may concern regarding Leah Larscheidt, RVT:

It has been my pleasure to get to know Leah over the course of the past ten years. Most of my interaction with Leah has been on a professional level and setting as an Executive Board member of this Association, but I have also had the opportunity to share some social interaction at various meetings and other functions.

It is evident to me that Leah is a dedicated Registered Veterinary Technician. She is serving her profession above and beyond at the local and the State level.

I have always found Leah to represent herself politely and professionally. Most importantly, she is always helpful and responsive to my inquiries for information or assistance. She contributes thoughtfully and constructively to discussions and is on-point when issues are being studied and decisions are made.

Leah's dedication to a task is always evident with exclamation! She has eagerly planned and hosted numerous educational offerings for our membership. I learned early on that I could count on her to provide all the requested and required materials in a timely fashion for whatever event or task she is working on. She is a fully engaged participant.

When I learned that Leah was interested in serving on the Multidisciplinary Committee, I was compelled to share my opinion that she would be a great asset to the effort.

It is without hesitation that I eagerly offer, without solicitation, my unconditional recommendation for Leah Larscheidt as the consummate professional, and a genuinely pleasant person to work with!

Most sincerely,

Pauline White,
Executive Director

BOARD OF DIRECTORS

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Jennipher Harris, DVM, MS, DACVS

President Elect
Bruce Lindsey, DVM

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Scott DiLorenzo, DVM

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Deborah Harvazinski, DVM

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Kimberly Dembinski, DVM

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Michael Geist, DVM, DACVIM
Leah Larscheidt, RVT

CVMA Delegates
Jeff Pollard, DVM, DABVP
Deidre Punoi, DVM
Jennifer Schiebert, DVM

CVMA Alternate Delegates
Keith Hilinski, DVM

CVMA District I Governor
Max Hibi, DVM

Executive Director
Pauline White

Deborah Harvazinski, DVM
2612 Penrose St
San Diego, CA 92110

June 23, 2014

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 Larscheidt 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 (RVT). 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.

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 [redacted]

Deborah Harvazinski, DVM

California
VETERINARY
SPECIALISTS

Special Care From the Heart

June 24, 2014

To Whom It May Concern at the Veterinary Medical Board:

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

I first met Leah two and a half years ago when she was hired at our hospital as an Emergency and Critical Care Technician. Shortly after, her skill level and potential became apparent and I approached her about joining my Radiation Oncology team. Leah is a fast learner and was quickly trained in Radiation Oncology, including; individual setups and treatment of patients, the operation of the linear accelerator, and the fundamentals of radiation as a science. In her position as Radiation Oncology Technician Leah is responsible for anesthetizing, treating, and recovering an average of 10 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, extreme attention to detail and she does so with a positive attitude and efficiency. She is highly motivated and key member of our team. Leah can always be counted on to help other members of the team as well.

Leah also has shown a passion for her profession and the education of others by developing and implementing an in house education program for the Veterinary Assistants at our hospital. 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 our patients, clients, and her fellow co-workers. I would have no hesitation in recommending her for a position on your committee, as I know she would be an asset to any organization that she is a part of.

Sincerely,

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

*2310 Faraday Ave * Carlsbad CA 92008 *Phone (760) 431-2273 *Fax (760) 431-1084*
*39809 Avenida Acacias, Suite E * Murrieta CA 92563* Phone-(951) 600-9803 *Fax (951) 600-7758*
*2409 S. Vineyard Ave, Suite O * Ontario CA 91761 * Phone (909) 947-3600 * Fax (909) 947-4757*
www.californiaveterinaryspecialists.com

June 24th, 2014

To Whom It May Concern,

I am writing this letter on behalf of my co-worker Leah Shufelt. I have been working in the veterinary field for over nineteen years, and as a licensed technician since 2003. I have known Leah since 2002, when we worked together as technicians at a veterinary emergency facility. I had much respect for Leah's work ethic and professionalism then, and I still do to this day. I currently work with Leah at another specialty hospital, where she is responsible for the care of extremely compromised and ill patients with cancer and other serious disease processes. Leah always puts more than 100% into ensuring everything is done accurately and compassionately. Her patience with clients, patients, staff, and doctors alike is of the highest standard that I have ever come across in our profession. Her desire to continue educating herself, as well as co-workers, is exceptional. Leah goes above and beyond to fulfill her responsibilities in her department as well as the other departments at the facility which we work at. Leah treats each patient as she would her own animals. Leah has raised money for organizations, such as Morris Animal Foundation, to continue cancer research, and she has received awards for her efforts. I am extremely humbled and honored to have her as my coworker, and I look forward to continuing to work with her and learn from her to expand my knowledge. I strongly recommend Leah for this appointment. Please do not hesitate to call or email me with any questions.

Thank you, Anita Peake R.V.T

[redacted]

EAST VALLEY VETERINARY CLINIC

8709 Sunland Blvd.
Sun Valley Ca, 91352
818-767-7116
evvcsfv@yahoo.com

July 2, 2014

Dear Veterinary Board Members,

Serving on your Diversion Evaluation Committee has been an honor and a privilege. I would gladly serve another term if asked. Verification of my Diversion Evaluation Committee tenure services can be supplied by Mr. Paul Sanchez, former Executive Officer of the Veterinary Medical Board and currently the Executive Officer over the Speech-Language Pathology, Audiology and Hearing Aid Dispensers Board, and Mrs. Stephanie Trumm, RN, BA, CARN of MAXIMUS Healthcare Professionals Diversion Program.

Sincerely,

Mark A. Hohne DVM

Mark A. Hohne DVM

LETTER OF INTEREST

Veterinary Medical Board/Diversion Evaluation Committee

Carol Kimbrough, MFT, RVT

July 1, 2014

Dear Board Members,

It has been my pleasure to serve the Veterinary Medical Board as part of the Diversion Evaluation Committee. My second term is about to end and I have been encouraged to apply for a third term. The work of this committee is important and I wish additional professions had the opportunities that the DEC provides to its veterinary and technician members. As a marriage and family therapist, I can attest to the devastation that chemical dependency causes individuals and families. As a registered veterinary technician, I hope that I bring a sensitivity and awareness of the issues facing those who work within the veterinary profession.

I hope you will consider me for a third term.

Best regards,

Carol Kimbrough, RVT
(TEC #43)

Carol Kimbrough, MA, MFT, RVT
*Psychology Instructor * Clinical Supervisor, Crisis Counseling Services * Chair, Curriculum Committee * President, Academic Senate*

HARTNELL COLLEGE
411 CENTRAL AVENUE | SALINAS, CA 93901
831.755-6856 *Direct* | *Office: E-308*
ckimbrough@hartnell.edu | *www.hartnell.edu*

GROWING LEADERS *OPPORTUNITY. ENGAGEMENT. ACHIEVEMENT.*

Lane W. Johnson DVM

[redacted]

[redacted]

June 29, 2014

To: California Veterinary Medical Board

Re: Appointment to Veterinary Medical Diversion Evaluation Committee

Dear Board Members,

I am writing to express my interest in becoming a member of the Diversion Evaluation Committee. I feel this committee is an extremely important, albeit small part of the function of the board that has been underutilized in the past. As a consumer protection agency it is the mission of the board to insure that veterinarians are performing their duties in the best interest of the public. A veterinarian or registered veterinary technician that is in the grips of substance abuse cannot be fulfilling that goal to the best of their ability. By providing a mechanism to assist these individuals along the road to recovery we are fulfilling our mission and also restoring professional lives so that they may once again become responsible, productive members of the profession and society.

I have a very personal stake in my desire to become involved in this endeavor. In 1985 after struggling with substance abuse for a number of years I was able to begin a journey of recovery. In conjunction with that personal recovery was a desire to also rejoin the veterinary profession as a productive practitioner. I self-referred myself to the veterinary board diversion program at that time. Over the next several years I was monitored and evaluated by the committee to a point where they felt my recovery had progressed to a point where monitoring was no longer necessary. I have been fortunate to remain in recovery for over 29 years. I continue to be active in twelve step recovery by being of service to others in need. This is the hallmark of sustained recovery from substance abuse.

Appointment to this committee would provide me the opportunity to give back to my profession what was once freely given to me. While not all individuals in need of help will seize the opportunity, the knowledge that it is available may be enough to start them on the journey to recovery. I feel my professional qualifications give me a good perspective to understand most any veterinary circumstance. During my thirty four years in practice I have been in large and small animal practice as an employee and owner. I have done relief practice, emergency medicine and institutional medicine as well. My current appointment as a consultant to the Veterinary Board has provided me with a unique understanding of the statutes and regulations governing the practice of veterinary medicine in California. A copy of my current curriculum vitae is included for your review. I appreciate your consideration in this most important matter.

Sincerely,

Lane W. Johnson DVM

Curriculum Vitae

Lane W. Johnson DVM

Summary

- California licensed veterinarian with 33 years of clinical veterinary practice experience including small animals, livestock and horses.

Education

Doctor of Veterinary Medicine — *1980*
University of California, Davis, Davis California

B.S. Degree in Animal Science — *1975*
University of California, Davis, Davis California

Don Low Fellowship in Small Animal Ultrasound — *2014*
University of California, Davis, Davis California

Career History

Staff Surgeon, *Sacramento SPCA. Sacramento, CA.* — *2011-current*

- Provide surgical services for a high volume public spay/neuter facility.

Board Consultant, *Veterinary Medical Board, State of California. Sacramento, CA.* — *2011-current*

- Review consumer complaints regarding veterinarians and veterinary facilities.

Medical Director, *VCA American River Animal Hospital. Orangevale, CA.* — *2009-2011*

- Managed medical operations for a four doctor small animal hospital.

Owner and Staff Veterinarian, *American River Animal Hospital. Orangevale, CA.* — *1990-2008*

- Managed business and medical operations for a four doctor small animal hospital.

Memberships & Affiliations

- American Veterinary Medical Association
- California Veterinary Medical Association
- Sacramento Valley Veterinary Medical Association

June 30, 2014

Ethan Mathes

Veterinary Medicine Board

1747 N Market BLVD Suite 230

Sacramento, CA 95834-2934

Dear Ethan,

I would like to continue to serve on the Veterinary Diversion committee for another term. Please consider my reappointment.

If there is anything else you need me to do, please let me know.

Thank you for your consideration,

Sincerely,

Jodi Van Tine, DVM

PROPOSED REGULATORY SCHEDULE 2013/2014			
Priority	**Subject**	**CCR Section(s)**	**Current Status/Action**
PENDING ACTIONS			
1.	**RVT AVMA School Approval and Reporting Requirements**	2064 et. seq.	1/28/14 – OAL disapproved, 120 days to resubmit; 60-day extension granted 7/2/14 – File to DCA
2.	**VTNE Transition**	2002 et. seq.	5/28/14 –File to OAL OAL review deadline – 7/10/14
3.	**Pet Lovers License Plate**	2090 et. seq.	10/8/2013 - Public hearing 1-year deadline – 8/22/14
PROPOSED ACTIONS – 2013/2014			
1.	**Citation and Fine Program Update** Develop Citation and Fine Guidelines and update regulations to reflect increased fines.	2043	July 2014 – Publish 45-day Notice
2.	**Uniform Standards for Substance Abuse (SB 1441)**	2006, 2006.5, and 2076	July 2014 – Board review language
3.	**Animal Control Officer's Training**	TBD	July 2014 – Board review language
4.	**CPEI (SB 1111)**	TBD	July 2014 – Board review language
5.	**Animal Rehabilitation**	2038.5	Aug. 2014 – Publish 45-day Notice Oct. 2014 – Public hearing
6.	**Veterinary Assistants**	TBD	TBD
PROPOSED ACTIONS – MDC			
1.	**RVT Student Exemption (BPC 4841.1)**	TBD	Aug. 2014 – MDC Discussion
2.	**RVT Alternate Route School Approval**	TBD	Aug. 2014 – MDC Discussion

VETERNARY MEDICAL BOARD

STANDARD LANGUAGE TO BE INCLUDED IN EVERY

PROBATIONARY ORDER FOR SUBSTANCE ABUSING LICENSEES

Pursuant to Section 315 of the Business and Professions Code, the Veterinary Medical Board is directed to use the standards developed by the Substance Abuse Coordination Committee (SACC) for substance abusing licensees. On April 11, 2011, the SACC developed standards to be used by all healing arts boards. Administrative Law Judges, parties and staff are therefore required to use the language below, which is developed in accordance with those SACC standards.

To that end, the following probationary terms and conditions shall be used in every case where it has been determined that the individual is a substance-abusing licensee as provided in Section 2006.5 of Title 16 of the California Code of Regulations. For purposes of implementation of these conditions of probation, any reference to the Board also means staff working for the Veterinary Medical Board or its designee. These conditions shall be used in lieu of any similar standard or optional term or condition proposed in the Board's Disciplinary Guidelines, incorporated by reference at Title 16, Section 2006. However, the Board's Disciplinary Guidelines should still be used in formulating the penalty and in considering additional terms or conditions appropriate for greater public protection (e.g., other standards or optional terms of probation).

ADDITIONAL PROBATIONARY TERMS AND CONDITIONS

(1) **NOTIFICATION TO EMPLOYER** – Prior to engaging in the practice of veterinary medicine or veterinary technology, the Respondent shall provide a true copy of the Decision and Accusation to his or her employer, supervisor, or contractor, or prospective employer or contractor and at any other facility where Respondent engages in the practice of veterinary medicine before accepting or continuing employment. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days of the effective date of the decision.

This condition shall apply to any changes(s) in place of employment, whereas the respondent shall provide proof of employer notification to the Board within fifteen (15) days of reporting to the new place of employment.

The Respondent shall provide to the board the names, physical addresses, mailing addresses and telephone numbers of all employers and supervisors or contractors and shall inform the Board in writing of the facility of facilities at which the person engages in the practice of veterinary medicine.

Respondent shall give specific, written consent to the Board and its contractor to allow the Board or its designee to communicate with the employer and supervisor or contractor regarding the licensee's work status, performance and monitoring.

Source: Uniform Standard #3 of "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees," revised date April 2011.

(2) ~~**SUPERVISED PRACTICE**~~ **WORKSITE MONITOR**– Within 60 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 proposed supervisors and a plan for each such supervisor by which Respondent's practice would be supervised. The Board will advise Respondent within two weeks whether or not the proposed supervisor and plan of supervision are approved. Respondent shall not practice until receiving notification of Board approving the Respondent's choice of a supervisor~~. and plan of supervision.~~ Respondent shall complete any required consent forms and sign an agreement with the supervisor and the board regarding the terms of the supervised practice and the reporting responsibilities. ~~Respondent and the supervisor's requirements and reporting responsibilities~~.

The supervisor shall meet the following additional requirements:

The supervisor shall sign an affirmation that he or she has reviewed the terms and conditions of the licensee's disciplinary order and agrees to supervise the licensee as set forth by the Board.

The supervisor shall have face-to-face contact with the licensee in the work environment on a frequent basis as determined by the Board, but at least once per week. The supervisor shall interview other staff in the office regarding the license's behavior, if applicable. The supervisor shall review the licensee's work attendance and behavior.

The supervisor shall orally report any suspected substance abuse to the Board and the licensee's employer within one (1) business day of occurrence. If occurrence is not during the Board's normal business hours, the oral report must be within one (1) hour of the next business day. The supervisor shall submit a written report to the Board within 48 hours of occurrence.

The supervisor shall complete and submit a written report monthly or as directed by the Board. The report shall include: the licensee's name; license number; supervisor's name and signature; supervisor's license number; worksite location(s); dates licensee had face-to-face contact with supervisor; names of worksite staff interviewed, if applicable; attendance report; any change in behavior and/or personal habits; any indicators that can lead to suspected substance abuse.

~~The plan of supervision shall be 1) direct and require the physical presence of the supervising veterinarian in the veterinary premises during the time veterinary medicine is being performed, or 2) general and not require the physical presence of the supervising veterinarian during the time veterinary medicine is being performed, but does require an occasional random check of the work performed on the patient as well as quarterly monitoring visits to the premise or place of practice. Additionally, the supervisor shall have full and random access to all patient records~~

~~of Respondent. The supervisor may evaluate all aspects of Respondent's practice regardless of Respondent's areas of deficiencies.~~

Each proposed supervisor shall be a California licensed veterinarian who shall submit written reports to the Board on a quarterly basis verifying that supervision has taken place as required and include an evaluation of Respondents performance. It shall be Respondent's responsibility to assure that the required reports are filed in a timely manner. Each supervisor shall have been licensed in California for at least five (5) years and not ~~have ever~~ been subject to any disciplinary action by the Board. An administrative citation and fine does not constitute discipline and therefore, in and of itself is not a reason to deny an individual as a supervisor.

The supervisor shall be independent, with no prior business or professional relationship with Respondent and the supervisor shall not be in a familial relationship with, or be an employee, partner or associate of Respondent. If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by the Respondent.

Source: Uniform Standard #7 of "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees," revised date April 2011.

3. **DRUG AND ALCOHOL TESTING** – Respondent shall submit to and pay for any random and directed biological fluid or hair sample, breath alcohol or any other mode of testing required by the Board. Though the frequency of testing will be determined by the Board or its designee and shall be designed so as to prevent Respondent from anticipating testing dates (either randomized testing or unpredictable dates), the frequency of testing shall be at least the following: at least fifty-two (52) test dates during the first year of probation; at least thirty-six (36) test dates during the second and subsequent years of probation; and at least one (1) test per month in each year of probation after five (5) years. The Board or its designee may require less frequent testing if any of the following apply:

- Where Respondent has previously participated in a treatment of monitoring program requiring testing, the Board or its designee may consider that prior testing records in applying the three-tier testing frequency schedule described above;
- Where the basis for probation or discipline is a single incident or conviction involving alcohol or drugs or two incidents or convictions involving alcohol or drugs that were at least seven (7) years apart, that did not occur at work or on the way to or from work, the Board or its designee may skip the first year testing frequency requirement(s);
- Where Respondent is not employed in any health care field, frequency of testing may be reduced to a minimum of twelve (12) tests per year. If respondent wishes to thereafter return to employment in a health care field, Respondent shall be required to test at least once a week for a period of sixty (60) days before commencing such employment

and shall thereafter be required to test at least once a week for a full year before the Board can consider reducing the testing frequency to no less than thirty-six (36) tests per year and so forth;

- Respondent's testing requirement may be suspended during any period of tolling of the period of probation;
- [In cases where no current substance use disorder is made] Where Respondent has a demonstrated period of sobriety and/or non-use, the Board or its designee may reduce the testing frequency to no less than twenty-four (24) tests per year.

Any detection through testing of alcohol or of a controlled substance or dangerous drug absent documentation that the detected substance was taken pursuant to a legitimate prescription and a necessary treatment may cause the Board or its designee to increase the frequency of testing in addition to any other action including, but not limited to, further disciplinary action.

Respondent shall have the test performed by a Board-approved laboratory certified and accredited by the U.S. Department of Health and Human Services on the same day that he or she is notified that a test is required. This shall ensure that the test results are sent immediately to the Board or its designee. Failure to comply within the time specified shall be considered an admission of a positive drug screen and constitutes a violation of probation. If a test results in a determination that the urine admission was too diluted for testing, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation. If an "out of range" result is obtained, the Board may require Respondent to immediately undergo a physical examination and to complete laboratory ~~and~~ testing, with costs ~~shall be~~ paid by Respondent. An "out of range" result is one in which, based on scientific principles, includes the Respondent attempted to alter the test results in order to either render the test invalid or obtain a negative result when a positive result should have been the outcome. If it is determined that the Respondent altered the test results, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation and Respondent must cease practicing. Respondent shall not resume practice until notified by the Board. If Respondent tests positive for a banned substance, Respondent shall be ordered by the Board to cease any practice and may not practice unless and until notified by the Board. All alternative drug testing sites used during the course of ~~due to~~ vacation or travel outside of California, must be approved by the Board or its designee prior to the vacation or travel.

Source: Uniform Standards #4, #8-10 of "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees," revised date April 2011 and Section 315.2 of the Business and Professions Code.

4. **ABSTAIN FROM USE OF ALCOHOL, CONTROLLED SUBSTANCES AND DANGEROUS DRUGS** – Respondent shall abstain completely from the possession, injection or consumption of any route, including inhalation, of all psychotropic (mood altering) drugs, including alcohol and including controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drug as defined by Business and Professions Code Section 4022 and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed by a ~~physical~~ physician and surgeon or nurse practitioner for a bona fide illness or condition. Within fifteen (15) calendar days of receiving any lawful

prescription medications, Respondent shall notify the Board or its designee in writing of the following: prescriber's name, address, telephone number; medication name and strength; issuing pharmacy's name, address and telephone number and the specific medicinal purpose for the medication. Respondent shall also provide a current list of prescribed medications with the prescriber's name, address, and telephone number on each quarterly report submitted. Respondent shall provide the Board or its designee with a signed and dated medical release covering the entire probation period.

Respondent shall identify for the Board or its designee's approval a single coordinating physician, surgeon or psychologist who shall be aware of Respondent's history of substance abuse and who will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances, psychotropic or mood altering drugs. Once a Board-approved physician, surgeon or psychologist has been identified, Respondent shall provide a copy of the accusation and decision to that person. The coordinating physician shall report to the Board or its designee on a quarterly basis, Respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of such substances.

The Board may require that only a physician, surgeon or psychologist who is a specialist in addictive medicine be approved as the coordinating physician.

If Respondent has a positive drug screen for any substances not legally authorized, Respondent shall be ordered by the Board to cease any practice and may not practice unless and until notified by the Board. If the Board files a petition to revoke probation or an accusation based upon the positive drug screen, Respondent shall be automatically suspended from practice pending the final decision on the petition to revoke probation ~~or accusation~~. This period of suspension will not apply to the reduction of this probationary period.

Source: Uniform Standards #4, #8 of "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees," revised dated April 2011 and Section315.2. of the Business and Professions Code.

5. **FACILITATED GROUP SUPPORT MEETINGS** - Within fifteen (15) days from the effective date of the decision, Respondent shall submit to the Board or its designee for prior approval, the name of one or more meeting facilitators. Respondent shall participate in facilitated group support meetings within fifteen (15) days after notification of the Board's approval of the meeting facilitator. When determining the type and frequency of required facilitated group support meeting attendance, the Board or its designee shall give consideration to the following:

- licensee's history;
- documented length of sobriety/time that has elapsed since substance abuse;
- recommendation of the clinical evaluator;
- scope and patter of use
- licensee's treatment history; and
- nature, duration and severity of substance abuse.

Documentation of attendance shall be submitted by Respondent with each quarterly report. Respondent shall continue attendance in such a group for the duration of probation unless notified by the Board that attendance is no longer required.

If a facilitated group support meeting is ordered, the group facilitator shall meet the following qualifications and requirements. The group meeting facilitator shall:

1. Have a minimum of three (3) years of experience in the treatment and rehabilitation of substance abuse and shall be licensed or certified by the state or other nationally certified organizations.
2. Not have a financial, personal or business relationship with the licensee in the last five (5) years.
3. Provide to the Board or its designee a signed document showing the licensee's name, the group name, the date and location of the meeting, the licensee's attendance and the licensee's level of participation and progress.
4. Report any unexcused absence to the Board or its designee within 24 hours.

Source: Uniform Standard #5 of "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees," revised dated April 2011.

(6) **CLINICAL DIAGNOSTIC EVALUATION** – Upon order of the Board, Respondent shall undergo a clinical diagnostic evaluation. The Board or its designee shall select of approve evaluator(s) holding a valid, unrestricted license to practice within the scope of practice that includes ~~the~~ conducting ~~of~~ clinical diagnostic evaluations and at least three (3) years of experience conducting such evaluations of health care professionals with alcohol or substance abuse problems. The evaluator(s) shall not have a financial, personal, or business relationship with Respondent within the last five (5) years. The evaluator(s) shall provide an objective/unbiased and independent evaluation of Respondent. Respondent shall provide the evaluator with a copy of the Board's decision prior to the clinical diagnostic evaluation being performed.

Any time Respondent is ordered to undergo a clinical diagnostic evaluation, Respondent shall cease practice for a minimum of 30 days pending the results of the clinical diagnostic evaluation and review by the Board. During such time, Respondent shall submit to random drug testing no less than two (2) times per week.

Respondent shall cause the evaluator to submit to the Board or its designee a written clinical diagnostic evaluation report within 10 days from the date the evaluation was completed, unless an extension, not to exceed 30 days, is granted to the evaluator by the Board. The cost of such evaluation shall be paid by the Respondent. The evaluation(s) shall be conducted in accordance with acceptable professional standard for alcohol or substance abuse clinical diagnostic evaluations. The written report(s) shall set forth at least the opinions of the evaluator as to: whether Respondent has an alcohol or substance abuse problem; whether respondent is a threat to him/herself or others; and recommendations for alcohol or substance abuse treatment, practice restrictions or other steps related to Respondent's rehabilitation and safe practice. If the evaluator determines during the evaluation process that

Respondent is a threat to him/herself or others, the evaluator shall notify the Board or its designee within twenty-four (24) hours.

Respondent shall cease practice until the Board determines that he or she is able to safely practice either full-time or part-time and has had at least 30 days of negative drug test results. Respondent shall comply with any restrictions or recommendations made as a result of the clinical diagnostic evaluation.

Source: Uniform Standards #1, #2 of "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees," revised dated April 2011 and Section 315.4 of the Business and Professions Code.

(7) **DRUG OR ALCOHOL ABUSE TREATMENT PROGRAM** – Upon order of the Board, Respondent shall successfully complete an inpatient, outpatient or any other type of recovery and relapse prevention treatment program as directed by the Board or its designee. When determining if Respondent should be required to participate in inpatient, outpatient or any other type of treatment, the Board or is designee shall take into consideration the recommendation of the clinical diagnostic evaluation, license type, licensee's history, length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse and whether the licensee is a threat to himself/herself or others.

Source: Uniform Standards #6 of "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees," revised dated April 2011.

Uniform Standards Regarding Substance-Abusing Healing Arts Licensees

Senate Bill 1441 (Ridley-Thomas)

Implementation by
Department of Consumer Affairs,
Substance Abuse Coordination Committee

Brian J. Stiger, Director
April 2011

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

Substance Abuse Coordination Committee

Brian Stiger, Chair
Director, Department of Consumer Affairs

Elinore F. McCance-Katz, M.D., Ph. D.
CA Department of Alcohol & Drug Programs

Janelle Wedge
Acupuncture Board

Kim Madsen
California Board of Behavioral Sciences

Robert Puleo
Board of Chiropractic Examiners

Lori Hubble
Dental Hygiene Committee of California

Richard De Cuir
Dental Board of California

Linda Whitney
Medical Board of California

Heather Martin
California Board of Occupational Therapy

Mona Maggio
California State Board of Optometry

Teresa Bello-Jones
Board of Vocational Nursing and Psychiatric Technicians

Donald Krpan, D.O.
Osteopathic Medical Board of California

Francine Davies
Naturopathic Medicine Committee

Virginia Herold
California State Board of Pharmacy

Steve Hartzell
Physical Therapy Board of California

Elberta Portman
Physician Assistant Committee

Jim Rathlesberger
Board of Podiatric Medicine

Robert Kahane
Board of Psychology

Louise Bailey
Board of Registered Nursing

Stephanie Nunez
Respiratory Care Board of California

Annemarie Del Mugnaio
Speech-Language Pathology & Audiology & Hearing Aid Dispenser Board

Susan Geranen
Veterinary Medical Board

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#1 SENATE BILL 1441 REQUIREMENT

Specific requirements for a clinical diagnostic evaluation of the licensee, including, but not limited to, required qualifications for the providers evaluating the licensee.

#1 Uniform Standard

If a healing arts board orders a licensee who is either in a diversion program or whose license is on probation due to a substance abuse problem to undergo a clinical diagnosis evaluation, the following applies:

1. The clinical diagnostic evaluation shall be conducted by a licensed practitioner who:

    - holds a valid, unrestricted license, which includes scope of practice to conduct a clinical diagnostic evaluation;

    - has three (3) years experience in providing evaluations of health professionals with substance abuse disorders; and,

    - is approved by the board.

2. The clinical diagnostic evaluation shall be conducted in accordance with acceptable professional standards for conducting substance abuse clinical diagnostic evaluations.

3. The clinical diagnostic evaluation report shall:

    - set forth, in the evaluator's opinion, whether the licensee has a substance abuse problem;

    - set forth, in the evaluator's opinion, whether the licensee is a threat to himself/herself or others; and,

    - set forth, in the evaluator's opinion, recommendations for substance abuse treatment, practice restrictions, or other recommendations related to the licensee's rehabilitation and safe practice.

The evaluator shall not have a financial relationship, personal relationship, or business relationship with the licensee within the last five years. The evaluator shall provide an objective, unbiased, and independent evaluation.

If the evaluator determines during the evaluation process that a licensee is a threat to himself/herself or others, the evaluator shall notify the board within 24 hours of such a determination.

For all evaluations, a final written report shall be provided to the board no later than ten (10) days from the date the evaluator is assigned the matter unless the evaluator requests additional information to complete the evaluation, not to exceed 30 days.

#2 SENATE BILL 1441 REQUIREMENT

Specific requirements for the temporary removal of the licensee from practice, in order to enable the licensee to undergo the clinical diagnostic evaluation described in subdivision (a) and any treatment recommended by the evaluator described in subdivision (a) and approved by the board, and specific criteria that the licensee must meet before being permitted to return to practice on a full-time or part-time basis.

#2 Uniform Standard

The following practice restrictions apply to each licensee who undergoes a clinical diagnostic evaluation:

1. The Board shall order the licensee to cease practice during the clinical diagnostic evaluation pending the results of the clinical diagnostic evaluation and review by the diversion program/board staff.

2. While awaiting the results of the clinical diagnostic evaluation required in Uniform Standard #1, the licensee shall be randomly drug tested at least two (2) times per week.

After reviewing the results of the clinical diagnostic evaluation, and the criteria below, a diversion or probation manager shall determine, whether or not the licensee is safe to return to either part-time or fulltime practice. However, no licensee shall be returned to practice until he or she has at least 30 days of negative drug tests.

- the license type;
- the licensee's history;
- the documented length of sobriety/time that has elapsed since substance use
- the scope and pattern of use;
- the treatment history;
- the licensee's medical history and current medical condition;
- the nature, duration and severity of substance abuse, and
- whether the licensee is a threat to himself/herself or the public.

#3 SENATE BILL 1441 REQUIREMENT

Specific requirements that govern the ability of the licensing board to communicate with the licensee's employer about the licensee's status or condition.

#3 Uniform Standard

If the licensee who is either in a board diversion program or whose license is on probation has an employer, the licensee shall provide to the board the names, physical addresses, mailing addresses, and telephone numbers of all employers and supervisors and shall give specific, written consent that the licensee authorizes the board and the employers and supervisors to communicate regarding the licensee's work status, performance, and monitoring.

#4 SENATE BILL 1441 REQUIREMENT

Standards governing all aspects of required testing, including, but not limited to, frequency of testing, randomnicity, method of notice to the licensee, number of hours between the provision of notice and the test, standards for specimen collectors, procedures used by specimen collectors, the permissible locations of testing, whether the collection process must be observed by the collector, backup testing requirements when the licensee is on vacation or otherwise unavailable for local testing, requirements for the laboratory that analyzes the specimens, and the required maximum timeframe from the test to the receipt of the result of the test.

#4 Uniform Standard

The following standards shall govern all aspects of testing required to determine abstention from alcohol and drugs for any person whose license is placed on probation or in a diversion program due to substance use:

TESTING FREQUENCY SCHEDULE

A board may order a licensee to drug test at any time. Additionally, each licensee shall be tested RANDOMLY in accordance with the schedule below:

Level	**Segments of Probation/Diversion**	Minimum Range of Number of Random Tests
I	Year 1	52-104 per year
II*	Year 2+	36-104 per year

*The minimum range of 36-104 tests identified in level II, is for the second year of probation or diversion, and each year thereafter, up to five (5) years. Thereafter, administration of one (1) time per month if there have been no positive drug tests in the previous five (5) consecutive years of probation or diversion.

Nothing precludes a board from increasing the number of random tests for any reason. Any board who finds or has suspicion that a licensee has committed a violation of a board's testing program or who has committed a Major Violation, as identified in Uniform Standard 10, may reestablish the testing cycle by placing that licensee at the beginning of level I, in addition to any other disciplinary action that may be pursued.

EXCEPTIONS TO TESTING FREQUENCY SCHEDULE

I. PREVIOUS TESTING/SOBRIETY
   In cases where a board has evidence that a licensee has participated in a treatment or monitoring program requiring random testing, prior to being subject to testing by the board, the board may give consideration to that testing in altering the testing

frequency schedule so that it is equivalent to this standard.

II. VIOLATION(S) OUTSIDE OF EMPLOYMENT
An individual whose license is placed on probation for a single conviction or incident or two convictions or incidents, spanning greater than seven years from each other, where those violations did not occur at work or while on the licensee's way to work, where alcohol or drugs were a contributing factor, may bypass level I and participate in level II of the testing frequency schedule.

III. NOT EMPLOYED IN HEALTH CARE FIELD
A board may reduce testing frequency to a minimum of 12 times per year for any person who is not practicing OR working in any health care field. If a reduced testing frequency schedule is established for this reason, and if a licensee wants to return to practice or work in a health care field, the licensee shall notify and secure the approval of the licensee's board. Prior to returning to any health care employment, the licensee shall be subject to level I testing frequency for at least 60 days. At such time the person returns to employment (in a health care field), if the licensee has not previously met the level I frequency standard, the licensee shall be subject to completing a full year at level I of the testing frequency schedule, otherwise level II testing shall be in effect.

IV. TOLLING
A board may postpone all testing for any person whose probation or diversion is placed in a tolling status if the overall length of the probationary or diversion period is also tolled. A licensee shall notify the board upon the licensee's return to California and shall be subject to testing as provided in this standard. If the licensee returns to employment in a health care field, and has not previously met the level I frequency standard, the licensee shall be subject to completing a full year at level I of the testing frequency schedule, otherwise level II testing shall be in effect.

V. SUBSTANCE USE DISORDER NOT DIAGNOSED
In cases where no current substance use disorder diagnosis is made, a lesser period of monitoring and toxicology screening may be adopted by the board, but not to be less than 24 times per year.

OTHER DRUG STANDARDS

Drug testing may be required on any day, including weekends and holidays.

The scheduling of drug tests shall be done on a random basis, preferably by a computer program, so that a licensee can make no reasonable assumption of when he/she will be tested again. Boards should be prepared to report data to support back-to-back testing as well as, numerous different intervals of testing.

Licensees shall be required to make daily contact to determine if drug testing is required.

Licensees shall be drug tested on the date of notification as directed by the board.

Specimen collectors must either be certified by the Drug and Alcohol Testing Industry Association or have completed the training required to serve as a collector for the U.S. Department of Transportation.

Specimen collectors shall adhere to the current U.S. Department of Transportation Specimen Collection Guidelines.

Testing locations shall comply with the Urine Specimen Collection Guidelines published by the U.S. Department of Transportation, regardless of the type of test administered.

Collection of specimens shall be observed.

Prior to vacation or absence, alternative drug testing location(s) must be approved by the board.

Laboratories shall be certified and accredited by the U.S. Department of Health and Human Services.

A collection site must submit a specimen to the laboratory within one (1) business day of receipt. A chain of custody shall be used on all specimens. The laboratory shall process results and provide legally defensible test results within seven (7) days of receipt of the specimen. The appropriate board will be notified of non-negative test results within one (1) business day and will be notified of negative test results within seven (7) business days.

A board may use other testing methods in place of, or to supplement biological fluid testing, if the alternate testing method is appropriate.

PETITIONS FOR REINSTATEMENT

Nothing herein shall limit a board's authority to reduce or eliminate the standards specified herein pursuant to a petition for reinstatement or reduction of penalty filed pursuant to Government Code section 11522 or statutes applicable to the board that contains different provisions for reinstatement or reduction of penalty.

OUTCOMES AND AMENDMENTS

For purposes of measuring outcomes and effectiveness, each board shall collect and report historical and post implementation data as follows:

Historical Data - Two Years Prior to Implementation of Standard

Each board should collect the following historical data (as available), for a period of two years, prior to implementation of this standard, for each person subject to testing for banned substances, who has 1) tested positive for a banned substance, 2) failed to

appear or call in, for testing on more than three occasions, 3) failed to pay testing costs, or 4) a person who has given a dilute or invalid specimen.

Post Implementation Data- Three Years

Each board should collect the following data annually, for a period of three years, for every probationer and diversion participant subject to testing for banned substances, following the implementation of this standard.

Data Collection

The data to be collected shall be reported to the Department of Consumer Affairs and the Legislature, upon request, and shall include, but may not be limited to:

Probationer/Diversion Participant Unique Identifier
License Type
Probation/Diversion Effective Date
General Range of Testing Frequency by/for Each Probationer/Diversion Participant
Dates Testing Requested
Dates Tested
Identify the Entity that Performed Each Test
Dates Tested Positive
Dates Contractor (if applicable) was informed of Positive Test
Dates Board was informed of Positive Test
Dates of Questionable Tests (e.g. dilute, high levels)
Date Contractor Notified Board of Questionable Test
Identify Substances Detected or Questionably Detected
Dates Failed to Appear
Date Contractor Notified Board of Failed to Appear
Dates Failed to Call In for Testing
Date Contractor Notified Board of Failed to Call In for Testing
Dates Failed to Pay for Testing
Date(s) Removed/Suspended from Practice (identify which)
Final Outcome and Effective Date (if applicable)

#5 SENATE BILL 1441 REQUIREMENT

Standards governing all aspects of group meeting attendance requirements, including, but not limited to, required qualifications for group meeting facilitators, frequency of required meeting attendance, and methods of documenting and reporting attendance or nonattendance by licensees.

#5 Uniform Standard

If a board requires a licensee to participate in group support meetings, the following shall apply:

When determining the frequency of required group meeting attendance, the board shall give consideration to the following:

- the licensee's history;
- the documented length of sobriety/time that has elapsed since substance use;
- the recommendation of the clinical evaluator;
- the scope and pattern of use;
- the licensee's treatment history; and,
- the nature, duration, and severity of substance abuse.

Group Meeting Facilitator Qualifications and Requirements:

1. The meeting facilitator must have a minimum of three (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed or certified by the state or other nationally certified organizations.

2. The meeting facilitator must not have a financial relationship, personal relationship, or business relationship with the licensee within the last year.

3. The group meeting facilitator shall provide to the board a signed document showing the licensee's name, the group name, the date and location of the meeting, the licensee's attendance, and the licensee's level of participation and progress.

4. The facilitator shall report any unexcused absence within 24 hours**.**

#6 SENATE BILL 1441 REQUIREMENT

Standards used in determining whether inpatient, outpatient, or other type of treatment is necessary.

#6 Uniform Standard

In determining whether inpatient, outpatient, or other type of treatment is necessary, the board shall consider the following criteria:

- recommendation of the clinical diagnostic evaluation pursuant to Uniform Standard #1;
- license type;
- licensee's history;
- documented length of sobriety/time that has elapsed since substance abuse;
- scope and pattern of substance use;
- licensee's treatment history;
- licensee's medical history and current medical condition;
- nature, duration, and severity of substance abuse, and
- threat to himself/herself or the public.

#7 SENATE BILL 1441 REQUIREMENT

Worksite monitoring requirements and standards, including, but not limited to, required qualifications of worksite monitors, required methods of monitoring by worksite monitors, and required reporting by worksite monitors.

#7 Uniform Standard

A board may require the use of worksite monitors. If a board determines that a worksite monitor is necessary for a particular licensee, the worksite monitor shall meet the following requirements to be considered for approval by the board.

1. The worksite monitor shall not have financial, personal, or familial relationship with the licensee, or other relationship that could reasonably be expected to compromise the ability of the monitor to render impartial and unbiased reports to the board. If it is impractical for anyone but the licensee's employer to serve as the worksite monitor, this requirement may be waived by the board; however, under no circumstances shall a licensee's worksite monitor be an employee of the licensee.

2. The worksite monitor's license scope of practice shall include the scope of practice of the licensee that is being monitored, be another health care professional if no monitor with like practice is available, or, as approved by the board, be a person in a position of authority who is capable of monitoring the licensee at work.

3. If the worksite monitor is a licensed healthcare professional he or she shall have an active unrestricted license, with no disciplinary action within the last five (5) years.

4. The worksite monitor shall sign an affirmation that he or she has reviewed the terms and conditions of the licensee's disciplinary order and/or contract and agrees to monitor the licensee as set forth by the board.

5. The worksite monitor must adhere to the following required methods of monitoring the licensee:

    a) Have face-to-face contact with the licensee in the work environment on a frequent basis as determined by the board, at least once per week.

    b) Interview other staff in the office regarding the licensee's behavior, if applicable.

    c) Review the licensee's work attendance.

Reporting by the worksite monitor to the board shall be as follows:

1. Any suspected substance abuse must be verbally reported to the board and the licensee's employer within one (1) business day of occurrence. If occurrence is not during the board's normal business hours the verbal report must be within one (1) hour of the next business day. A written report shall be submitted to the board within 48 hours of occurrence.

2. The worksite monitor shall complete and submit a written report monthly or as directed by the board. The report shall include:

   - the licensee's name;
   - license number;
   - worksite monitor's name and signature;
   - worksite monitor's license number;
   - worksite location(s);
   - dates licensee had face-to-face contact with monitor;
   - staff interviewed, if applicable;
   - attendance report;
   - any change in behavior and/or personal habits;
   - any indicators that can lead to suspected substance abuse.

The licensee shall complete the required consent forms and sign an agreement with the worksite monitor and the board to allow the board to communicate with the worksite monitor.

#8 SENATE BILL 1441 REQUIREMENT

Procedures to be followed when a licensee tests positive for a banned substance.

#8 Uniform Standard

When a licensee tests positive for a banned substance:

1. The board shall order the licensee to cease practice;

2. The board shall contact the licensee and instruct the licensee to leave work; and

3. The board shall notify the licensee's employer, if any, and worksite monitor, if any, that the licensee may not work.

Thereafter, the board should determine whether the positive drug test is in fact evidence of prohibited use. If so, proceed to Standard #9. If not, the board shall immediately lift the cease practice order.

In determining whether the positive test is evidence of prohibited use, the board should, as applicable:

1. Consult the specimen collector and the laboratory;

2. Communicate with the licensee and/or any physician who is treating the licensee; and

3. Communicate with any treatment provider, including group facilitator/s.

#9 SENATE BILL 1441 REQUIREMENT

Procedures to be followed when a licensee is confirmed to have ingested a banned substance.

#9 Uniform Standard

When a board confirms that a positive drug test is evidence of use of a prohibited substance, the licensee has committed a major violation, as defined in Uniform Standard #10 and the board shall impose the consequences set forth in Uniform Standard #10.

#10 SENATE BILL 1441 REQUIREMENT

Specific consequences for major and minor violations. In particular, the committee shall consider the use of a "deferred prosecution" stipulation described in Section 1000 of the Penal Code, in which the licensee admits to self-abuse of drugs or alcohol and surrenders his or her license. That agreement is deferred by the agency until or unless licensee commits a major violation, in which case it is revived and license is surrendered.

#10 Uniform Standard

Major Violations include, but are not limited to:

1. Failure to complete a board-ordered program;

2. Failure to undergo a required clinical diagnostic evaluation;

3. Multiple minor violations;

4. Treating patients while under the influence of drugs/alcohol;

5. Any drug/alcohol related act which would constitute a violation of the practice act or state/federal laws;

6. Failure to obtain biological testing for substance abuse;

7. Testing positive and confirmation for substance abuse pursuant to Uniform Standard #9;

8. Knowingly using, making, altering or possessing any object or product in such a way as to defraud a drug test designed to detect the presence of alcohol or a controlled substance.

Consequences for a major violation include, but are not limited to:

1. Licensee will be ordered to cease practice.

    a) the licensee must undergo a new clinical diagnostic evaluation, and

    b) the licensee must test negative for at least a month of continuous drug testing before being allowed to go back to work.

2. Termination of a contract/agreement.

3. Referral for disciplinary action, such as suspension, revocation, or other action as determined by the board.

Minor Violations include, but are not limited to:

1. Untimely receipt of required documentation;
2. Unexcused non-attendance at group meetings;
3. Failure to contact a monitor when required;
4. Any other violations that do not present an immediate threat to the violator or to the public.

Consequences for minor violations include, but are not limited to**:**

1. Removal from practice;
2. Practice limitations;
3. Required supervision;
4. Increased documentation;
5. Issuance of citation and fine or a warning notice;
6. Required re-evaluation/testing;
7. Other action as determined by the board.

#11 SENATE BILL 1441 REQUIREMENT

Criteria that a licensee must meet in order to petition for return to practice on a full time basis.

#11 Uniform Standard

"Petition" as used in this standard is an informal request as opposed to a "Petition for Modification" under the Administrative Procedure Act.

The licensee shall meet the following criteria before submitting a request (petition) to return to full time practice:

1. Demonstrated sustained compliance with current recovery program.

2. Demonstrated the ability to practice safely as evidenced by current work site reports, evaluations, and any other information relating to the licensee's substance abuse.

3. Negative drug screening reports for at least six (6) months, two (2) positive worksite monitor reports, and complete compliance with other terms and conditions of the program.

#12 SENATE BILL 1441 REQUIREMENT

Criteria that a licensee must meet in order to petition for reinstatement of a full and unrestricted license.

#12 Uniform Standard

"Petition for Reinstatement" as used in this standard is an informal request (petition) as opposed to a "Petition for Reinstatement" under the Administrative Procedure Act.

The licensee must meet the following criteria to request (petition) for a full and unrestricted license.

1. Demonstrated sustained compliance with the terms of the disciplinary order, if applicable.

2. Demonstrated successful completion of recovery program, if required.

3. Demonstrated a consistent and sustained participation in activities that promote and support their recovery including, but not limited to, ongoing support meetings, therapy, counseling, relapse prevention plan, and community activities.

4. Demonstrated that he or she is able to practice safely.

5. Continuous sobriety for three (3) to five (5) years.

#13 SENATE BILL 1441 REQUIREMENT

If a board uses a private-sector vendor that provides diversion services, (1) standards for immediate reporting by the vendor to the board of any and all noncompliance with process for providers or contractors that provide diversion services, including, but not limited to, specimen collectors, group meeting facilitators, and worksite monitors; (3) standards requiring the vendor to disapprove and discontinue the use of providers or contractors that fail to provide effective or timely diversion services; and (4) standards for a licensee's termination from the program and referral to enforcement.

#13 Uniform Standard

1. A vendor must report to the board any major violation, as defined in Uniform Standard #10, within one (1) business day. A vendor must report to the board any minor violation, as defined in Uniform Standard #10, within five (5) business days.

2. A vendor's approval process for providers or contractors that provide diversion services, including, but not limited to, specimen collectors, group meeting facilitators, and worksite monitors is as follows:

   (a) Specimen Collectors:

   (1) The provider or subcontractor shall possess all the materials, equipment, and technical expertise necessary in order to test every licensee for which he or she is responsible on any day of the week.

   (2) The provider or subcontractor shall be able to scientifically test for urine, blood, and hair specimens for the detection of alcohol, illegal, and controlled substances.

   (3) The provider or subcontractor must provide collection sites that are located in areas throughout California.

   (4) The provider or subcontractor must have an automated 24-hour toll-free telephone system and/or a secure on-line computer database that allows the participant to check in daily for drug testing.

   (5) The provider or subcontractor must have or be subcontracted with operating collection sites that are engaged in the business of collecting urine, blood, and hair follicle specimens for the testing of drugs and alcohol within the State of California.

   (6) The provider or subcontractor must have a secure, HIPAA compliant, website or computer system to allow staff access to drug test results and compliance reporting information that is available 24 hours a day.

(7) The provider or subcontractor shall employ or contract with toxicologists that are licensed physicians and have knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate laboratory drug test results, medical histories, and any other information relevant to biomedical information.

(8) A toxicology screen will not be considered negative if a positive result is obtained while practicing, even if the practitioner holds a valid prescription for the substance.

(9) Must undergo training as specified in Uniform Standard #4 (6).

(b) Group Meeting Facilitators:

A group meeting facilitator for any support group meeting:

(1) must have a minimum of three (3) years experience in the treatment and rehabilitation of substance abuse;

(2) must be licensed or certified by the state or other nationally certified organization;

(3) must not have a financial relationship, personal relationship, or business relationship with the licensee within the last year;

(4) shall report any unexcused absence within 24 hours to the board, and,

(5) shall provide to the board a signed document showing the licensee's name, the group name, the date and location of the meeting, the licensee's attendance, and the licensee's level of participation and progress.

(c) Work Site Monitors:

The worksite monitor must meet the following qualifications:

(1) Shall not have financial, personal, or familial relationship with the licensee, or other relationship that could reasonably be expected to compromise the ability of the monitor to render impartial and unbiased reports to the board. If it is impractical for anyone but the licensee's employer to serve as the worksite monitor, this requirement may be waived by the board; however, under no circumstances shall a licensee's worksite monitor be an employee of the licensee.

(2) The monitor's licensure scope of practice shall include the scope of practice of the licensee that is being monitored, be another health care professional if no

monitor with like practice is available, or, as approved by the board, be a person in a position of authority who is capable of monitoring the licensee at work.

(3) Shall have an active unrestricted license, with no disciplinary action within the last five (5) years.

(4) Shall sign an affirmation that he or she has reviewed the terms and conditions of the licensee's disciplinary order and/or contract and agrees to monitor the licensee as set forth by the board.

2. The worksite monitor must adhere to the following required methods of monitoring the licensee:

   a) Have face-to-face contact with the licensee in the work environment on a frequent basis as determined by the board, at least once per week.

   b) Interview other staff in the office regarding the licensee's behavior, if applicable.

   c) Review the licensee's work attendance.

3. Any suspected substance abuse must be verbally reported to the contractor, the board, and the licensee's employer within one (1) business day of occurrence. If occurrence is not during the board's normal business hours the verbal report must be within one (1) hour of the next business day. A written report shall be submitted to the board within 48 hours of occurrence.

4. The worksite monitor shall complete and submit a written report monthly or as directed by the board. The report shall include:

   - the licensee's name;
   - license number;
   - worksite monitor's name and signature;
   - worksite monitor's license number;
   - worksite location(s);
   - dates licensee had face-to-face contact with monitor;
   - staff interviewed, if applicable;
   - attendance report;
   - any change in behavior and/or personal habits;

- any indicators that can lead to suspected substance abuse.

(d) Treatment Providers

Treatment facility staff and services must have:

(1) Licensure and/or accreditation by appropriate regulatory agencies;

(2) Sufficient resources available to adequately evaluate the physical and mental needs of the client, provide for safe detoxification, and manage any medical emergency;

(3) Professional staff who are competent and experienced members of the clinical staff;

(4) Treatment planning involving a multidisciplinary approach and specific aftercare plans;

(5) Means to provide treatment/progress documentation to the provider.

(e) General Vendor Requirements

The vendor shall disapprove and discontinue the use of providers or contractors that fail to provide effective or timely diversion services as follows:

(1) The vendor is fully responsible for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them. No subcontract shall relieve the vendor of its responsibilities and obligations. All state policies, guidelines, and requirements apply to all subcontractors.

(2) If a subcontractor fails to provide effective or timely services as listed above, but not limited to any other subcontracted services, the vendor will terminate services of said contractor within 30 business days of notification of failure to provide adequate services.

(3) The vendor shall notify the appropriate board within five (5) business days of termination of said subcontractor.

#14 SENATE BILL 1441 REQUIREMENT

If a board uses a private-sector vendor that provides diversion services, the extent to which licensee participation in that program shall be kept confidential from the public.

#14 Uniform Standard

The board shall disclose the following information to the public for licensees who are participating in a board monitoring/diversion program regardless of whether the licensee is a self-referral or a board referral. However, the disclosure shall not contain information that the restrictions are a result of the licensee's participation in a diversion program.

- Licensee's name;
- Whether the licensee's practice is restricted, or the license is on inactive status;
- A detailed description of any restriction imposed.

#15 SENATE BILL 1441 REQUIREMENT

If a board uses a private-sector vendor that provides diversion services, a schedule for external independent audits of the vendor's performance in adhering to the standards adopted by the committee.

#15 Uniform Standard

1. If a board uses a private-sector vendor to provide monitoring services for its licensees, an external independent audit must be conducted at least once every three (3) years by a qualified, independent reviewer or review team from outside the department with no real or apparent conflict of interest with the vendor providing the monitoring services. In addition, the reviewer shall not be a part of or under the control of the board. The independent reviewer or review team must consist of individuals who are competent in the professional practice of internal auditing and assessment processes and qualified to perform audits of monitoring programs.

2. The audit must assess the vendor's performance in adhering to the uniform standards established by the board. The reviewer must provide a report of their findings to the board by June 30 of each three (3) year cycle. The report shall identify any material inadequacies, deficiencies, irregularities, or other non-compliance with the terms of the vendor's monitoring services that would interfere with the board's mandate of public protection.

3. The board and the department shall respond to the findings in the audit report.

#16 SENATE BILL 1441 Requirement

Measurable criteria and standards to determine whether each board's method of dealing with substance-abusing licensees protects patients from harm and is effective in assisting its licensees in recovering from substance abuse in the long term.

#16 Uniform Standard

Each board shall report the following information on a yearly basis to the Department of Consumer Affairs and the Legislature as it relates to licensees with substance abuse problems who are either in a board probation and/or diversion program.

- Number of intakes into a diversion program
- Number of probationers whose conduct was related to a substance abuse problem
- Number of referrals for treatment programs
- Number of relapses (break in sobriety)
- Number of cease practice orders/license in-activations
- Number of suspensions
- Number terminated from program for noncompliance
- Number of successful completions based on uniform standards
- Number of major violations; nature of violation and action taken
- Number of licensees who successfully returned to practice
- Number of patients harmed while in diversion

The above information shall be further broken down for each licensing category, specific substance abuse problem (i.e. cocaine, alcohol, Demerol etc.), whether the licensee is in a diversion program and/or probation program.

If the data indicates that licensees in specific licensing categories or with specific substance abuse problems have either a higher or lower probability of success, that information shall be taken into account when determining the success of a program. It may also be used to determine the risk factor when a board is determining whether a license should be revoked or placed on probation.

The board shall use the following criteria to determine if its program protects patients from harm and is effective in assisting its licensees in recovering from substance abuse in the long term.

- At least 100 percent of licensees who either entered a diversion program or whose license was placed on probation as a result of a substance abuse problem successfully completed either the program or the probation, or had their license to practice revoked or surrendered on a timely basis based on noncompliance of those programs.

- At least 75 percent of licensees who successfully completed a diversion program or probation did not have any substantiated complaints related to substance abuse for at least five (5) years after completion.

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND 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

MEMORANDUM

DATE	July 7, 2014
TO	Veterinary Medical Board
FROM	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
SUBJECT	**Animal Control Officer Training Proposal**

Background:

Senate Bill 1162, Chapter 594, became effective January 1, 2013. This bill allows animal control officers to carry controlled substances for purposes of tranquilizing animals but imposes certain prerequisite requirements. One of the requirements in the Bill is officers undergo "training approved by the Board."

Staff reported at the January 2013 Board meeting that the California Veterinary Medical Association (CVMA) is developing a proposed training program. The CVMA prepared and presented a draft training guide at the Board's October 2013 Meeting.

At its April 2014 Meeting, the Board approved the CVMA's proposed guidelines and directed staff to develop proposed regulations in the model of CCR section 2039 and bring back to the Board for review at its July meeting.

Action Requested:

- Review and consider approval of proposed language.
- Direct staff to initiate rulemaking action and schedule public hearing

Attachment(s):

- Animal Control Officer Training proposed language
- Animal Control and Humane Officer Tranquilizer Administration Training Guidelines, June 2014

Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board
Article 4. Practice

2039.5. Animal Control Officer and Humane Officer Training

Any animal control officer or humane officer who seeks to administer a tranquilizer that contains a controlled substance, as defined in Division 10 of the Health and Safety Code, shall have received training as required under section 597.1 of the Penal Code. Training that meets the standards described in “Animal Control and Humane Officer Tranquilizer Administration Training Guidelines, June 2014” which are hereby incorporated by reference, is deemed training “approved by the California Veterinary Medical Board” pursuant to Penal Code section 597.1(a)(2)(A).

Authority: Section 4808, Business and Professions Code, Section 597.1, Penal Code; Reference: 597.1, Penal Code

Animal Control and Humane Officer Tranquilizer Administration Training Guidelines
June 2014

I. Introduction

Effective January 1, 2013, animal control or humane officers may possess and administer tranquilizers that contain a controlled substance provided certain statutory requirements are met.

This document is the outline for the training required under Section 597.1(a)(2)(A) of the Penal Code and has been approved by the Veterinary Medical Board (Board) for such purpose.

a. Summary Requirements [Penal Code § 597.1(a)(2)]

i. Board approved training must be provided by a California licensed veterinarian in good standing.

ii. Board approved training must cover all the material in these Guidelines

iii. All animal control or humane officers are eligible for training to administer tranquilizers that contain a controlled substance.

iv. Board approved training must be a minimum of four hours and include didactic and hands-on training.

v. A California licensed veterinarian providing Board approved training must:

1. Cover all the material in the Guidelines.

2. Administer an examination upon completion of the required curriculum that includes all controlled substances that may be used by the officer during his or her employment with the agency or organization.

3. Issue a signed certificate of training to each animal control or humane officer who successfully completes the course.

vi. Board approved training must also include training in:

1. **PC 832 Course (Firearms-Component only).** The animal control or humane officer must complete the firearms-component of the Penal Code § 832 course. This 24-hour course includes a firearms range qualifications examination. The Commission on Peace Officers Standards and Training website (http://www.post.ca.gov/) lists upcoming courses. [Penal Code § 597.1(a)(2)(B)]

2. **Official Policy.** The agency or organization must have a policy regarding the possession and administration of the tranquilizer to be used and that policy must be approved by the veterinarian who obtained the controlled substance.

   Note: Although the statute does not specify that the policy must be in writing, best practices would dictate that this policy, the veterinarian's approval, and the (below) agency authorization be in writing. [Penal Code § 597.1(a)(2)(C)]

3. **Agency Authorization.** The animal control or humane officer must be specifically authorized by his or her agency or organization to possess and administer the tranquilizer in accordance with the official policy. [Penal Code § 597.1(a)(2)(C)]

4. **Euthanasia Training.** The animal control or humane officer must complete the euthanasia training set forth in Section 2039 of Title 16 of the California Code of Regulations.

   Note: The State Humane Association of California and the California Animal Control Directors Association list many of the available trainings on their websites (www.californiastatehumane.org and www.cacda.org). [Penal Code § 597.1(a)(2)(D)]

5. **Fingerprinting.** The animal control or humane officer must complete state and federal fingerprinting background check.

   Note: All humane officers and some animal control officers have already completed state and federal fingerprinting background checks as a condition of appointment (humane officers) or employment (animal control officers).
   [Penal Code § 597.1(a) (2) (E)]

6. **No Alcohol/Drug-Related Convictions.** The animal control or humane officer may not have any drug- or alcohol-related convictions. [Penal Code § 597.1(a)(2)(E)]

II. General

Board approved training must include a basic understanding of which substances qualify as "controlled", which substances will be used by the agency, and how to understand and read weights and measures.

a. Definition of "Controlled Substance"

i. The animal control or humane officer must be familiar with current federal and California definitions of a controlled substance and how and why these substances are placed in their various schedules and classifications.

ii. Required Reference:

   1. Drug Enforcement Administration: Controlled Substances Act of 1970, as may be amended.

   2. California Health and Safety Code: Section 11007 and Sections 11054-11058, as may be amended.

b. Identification of specific drugs that will be used by the agency

i. Each controlled substance that will be authorized by the agency for use in chemical capture/immobilization must be reviewed during the training.

1. If an agency wishes to authorize the use of a controlled substance by an animal control or humane officer after this training has been completed, the animal control or humane officer must receive training from a California-licensed veterinarian in the use of that substance and the policy must be updated accordingly.

2. Any additional training must be documented by the agency.

ii. The animal control or humane officer must be familiar with and be able to demonstrate an understanding of the type of drug used, its DEA schedule classification and be aware of any hazards associated with exposure to the substance.

iii. All controlled substances used by the agency and reviewed during the training must be accompanied by the appropriate Material Safety and Data Sheet (MSDS). Each MSDS should be reviewed to provide the animal control or humane officer with procedures for handling or working with that substance in a safe manner.

c. Understanding of common units of measure

i. The animal control or humane officer should understand common units of measure for both weight and volume, their abbreviations, and how they relate to one another.
ex: ml, cc, oz, lb, Kg, mg
ex: 1 ml=1cc, 16 oz = 1lb

ii. The animal control or humane officer should be familiar with the syringes and darts that will be used for delivery of the controlled substance, how to determine their carrying capacity, and how to maintain sterility.

iii. The animal control or humane officer should be familiar with the bottles and containers that hold the controlled substances and how to read the label to determine the name of the drug, concentration, route of administration, volume and expiration date.

III. Use of Tranquilizers Containing Controlled Substances

The training must include all of the following for each drug and administration route available to the animal control or humane officer and for each species that is likely to be tranquilized in the field.

a. Understand the classification and the method of action of each drug

b. Understand common drug combinations/mixtures

i. Advantages/disadvantages of drug combinations
ii. Altered/enhanced effect of individual drugs in the mixture
iii. How to formulate and store the mixture

iv. How long the mixture remains effective – expiration date of the mixture

c. Be able to determine which drug or combination/mixture is appropriate for each situation and species

i. An understanding of how the following factors can affect the choice of drug(s) and dosage:

1. Age of the animal
2. Animal's condition (emaciated, weak, etc.)
3. Animal's temperament (agitated, frightened, aggressive, depressed, etc.)
4. Duration of effect
5. Contraindications and precautions for various species or situations
6. Drug side effects
7. Reversing agents

d. Understand the method and route of administration

i. Be proficient with the equipment available to administer drugs, and have an understanding of the advantages and disadvantages of each method, including:

1. Syringe and needle
2. Pole syringe
3. Dart (tranquilizer) gun
4. Blow gun

ii. Be proficient at each route of drug administration and have an understanding of the advantages and disadvantages of each route, including:

1. Intramuscular
2. Subcutaneous
3. Intravascular
4. Intraperitoneal

iii. Understand species differences when determining the appropriate method and route of administering tranquilizing drugs.

iv. Understand potential complications with each method and route of drug administration.

e. Be able to calculate the proper drug dosages for each drug and species. The training should include how to calculate a drug dosage with the following considerations:

i. How to estimate the animal's weight

ii. How to estimate the animal's age

iii. How the animal's condition (emaciated, weak, etc.) will affect drug dosage

iv. How the animal's temperament (agitated, frightened, aggressive, depressed, etc.) will affect drug dosage, onset of action and duration of tranquilization

v. How species variations affect dosage for each drug

vi. Why the calculated dosage may be different than the label dosage

vii. How to identify drug overdose or adverse drug reactions

1. Have an understanding of the signs of a drug overdose or adverse drug reaction
2. Learn the proper steps to reverse the overdose, if available, including dosage and route of administration
3. Be proficient in providing supportive care in the event of a drug overdose or adverse drug reaction
4. Be able to identify when an animal requires veterinary care as a result of complications due to tranquilization

IV. Caring for Tranquilized Animals

The training must include a thorough understanding of normal and abnormal signs and behavior as well as how to care for an animal that is tranquilized in the field.

a. Be proficient in identifying normal and abnormal behavior for tranquilized animals

b. Understand and be able to administer normal supportive care required for a tranquilized animal, such as:

i. Temperature control

ii. Maintaining an open airway

iii. How to protect the eyes of a tranquilized animal

iv. Be able to recognize and provide supportive care for the animal when needed due to drug overdose, adverse drug reaction or other complications

v. Be able to identify when an animal requires veterinary care as a result of complications due to tranquilization

c. Be proficient at administering CPR for various species

d. Be proficient in properly and safely transporting a tranquilized animal

V. Federal Laws Governing the Use of Controlled Substances

The training must include information regarding the Federal Control Substances Act and the regulations promulgated by the Drug Enforcement Agency related to the use of controlled substances.

a. **Federal Controlled Substances Act and Regulations:** Federal laws governing who is able to possess and administer controlled substances, drug schedules, registration, penalties for violation, etc.

   i. Statutes: 21 U.S.C. 801 et seq:

   ii. Regulations: 21 CFR 1300 – 1399

The full text of these laws can be found on the DEA's website: www.deadiversion.usdoj.gov

b. **Registration**

   i. A separate registration is required for each principal place of business where controlled substances are manufactured, distributed, imported, exported or dispensed. 21 U.S.C 822(a); 21 CFR 1301.12

c. **Persons Authorized to Possess and Administer Tranquilizers that Contain Controlled Substances**

   i. A veterinarian
   ii. An animal control officer or humane officer who has successfully completed the requirements of Section 591.1(a)(2) of the Penal Code

d. **Recordkeeping and Inventory Control**

   i. Understand the "closed" system required by the DEA.

   ii. Controlled Drug Logs

      1. The practitioner registered with the DEA is responsible for maintaining drug logs on each controlled substance in his/her possession.

         - There must be an **individual drug log** for each controlled substance that includes the name of the drug, schedule, form, strength, the date, name and address of the client, species of animal, name of animal, practitioner ordering and administering the drug, the amount held over, used and the final amount remaining. 21 CFR 1304.22

   iii. Biennial Inventory: The practitioner registered with the DEA must prepare a biennial inventory of all controlled substances in inventory. 21 CFR 1304.11

   iv. Monitor Losses: Regularly compare the actual amount on hand with the amount indicated in your log to make sure they match. If there is a significant difference, you must notify the DEA and the local police of the loss. Correcting entries should be made into your log to account for measurement errors. (See Section V i – Loss or Theft of Controlled Substances)

   Note: Recordkeeping and inventory are the responsibility of the veterinarian, who is the DEA licensee. Regardless, the animal control or humane officer should be aware of the requirements and work with the veterinarian to ensure compliance.

e. Physical Security Controls

Controlled substances in Schedules II, III, IV and V must be stored in a securely locked, substantially constructed cabinet. 21 CFR 1301.75. In the field, they should be stored in a locked cabinet that is physically attached to an inside area of the animal control or humane officer's vehicle.

f. Access to Controlled Substances

Any person convicted of a felony offense relating to controlled substances or who at any time had an application for DEA registration denied, revoked or surrendered cannot have access to controlled substances. 21 CFR 1301.76

g. Disposal

i. Excess drugs should be placed in an injection bottle, vial or ampule that is used specifically for that purpose and labeled as "Waste Controlled Substance". The container must be stored in a securely locked, substantially constructed cabinet until disposed of through an authorized reverse distributor.

ii. Outdated or otherwise unwanted scheduled drugs should be given to a reverse distributor for destruction.

Note: Contact your local DEA field office for a list of authorized reverse distributors.

h. Loss or Theft of Controlled Substances

i. Monitor losses: Regularly compare the actual amount on hand with the amount indicated in your log to make sure they match. Make correcting entries as needed.

ii. If there is a theft or significant loss, you must:

1. Within one business day of the discovery of the loss or theft, notify *in writing* the Field Division Office of the DEA in the area where the registrant is located. 21 CFR 1301.76

2. Submit to the Field Division Office a DEA Form 106. 21 CFR 1301.76

3. Notify the local police agency

VI. Supervision

The training must include information regarding the level(s) of supervision by a California-licensed veterinarian permitted by the agency.

a. The animal control or humane officer is permitted to administer controlled substances under the direct or indirect supervision *as determined* by a California-licensed veterinarian pursuant to the

following:

iii. **Penal Code 597.1 section (a)(2):** Notwithstanding any other law, if an animal control officer or humane officer, when necessary to protect the health and safety of a wild, stray, or abandoned animal or the health and safety of others, seeks to administer a tranquilizer that contains a controlled substance, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, to gain control of that animal, he or she may possess and administer that tranquilizer with direct or indirect supervision as determined by a California-licensed veterinarian.

iv. **Cal. Code Regs., tit. 16 § 2032.1 subd. (a):** *Except where the patient is a wild animal or its owner is unknown,* it shall constitute unprofessional conduct for a veterinarian to administer or prescribe a drug, medicine, appliance, or application 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. It shall also constitute unprofessional conduct for a veterinarian to prescribe, dispense, or furnish either a veterinary drug, as defined by Section 1747.1, Title 16, California Code of Regulations, or a dangerous drug, as defined by Section 4022 of the code, without having first established a veterinarian-client-patient relationship with the animal patient or patients and the client.

v. **Cal. Code Regs., tit. 16 § 2034 subd. (e):** "Direct Supervision" means: (1) the supervisor is physically present at the location where animal health care job tasks are to be performed and is quickly and easily available; and (2) the animal has been examined by a veterinarian at such time as good veterinary medical practice requires consistent with the particular delegated animal health care job task.

vi. **Cal. Code Regs., tit. 16 § 2034 subd. (f):** "Indirect Supervision" means: (1) that the supervisor is not physically present at the location where animal health care job tasks are to be performed, but has given either written or oral instructions ("direct orders") for treatment of the animal patient; and (2) the animal has been examined by a veterinarian at such times as good veterinary medical practice requires, consistent with the particular delegated animal health care task and the animal is not anesthetized as defined in Section 2032.4.

The official policy of each agency should clearly state whether an animal control or humane officer is permitted to administer controlled substances under direct supervision, indirect supervision, or if the level of supervision will be determined on a case-by-case basis.

VII. Examination and Certification

a. Examination

The trainer shall administer an examination at the end of the training that covers the required curriculum, including information about each controlled substance that may be used by the animal control or humane officer in his or her employment with the agency or organization. The examination may be oral or written, include a practical component and must demonstrate to the

satisfaction of the trainer that the animal control or humane officer is competent to possess and administer tranquilizers in a safe and humane manner.

b. Certification

Upon successful completion of the course, the trainer shall issue a signed certificate verifying that the animal control or humane officer completed the course.

VIII. Suggestions and Best Practices on Implementation of These Guidelines

a. Recordkeeping – Animal control or humane officers must be familiar with the recordkeeping requirements pursuant to

i. Drug Enforcement Administration, as may be amended

ii. California Code of Regulations, as may be amended

b. Written Protocols and Policies

i. The animal control or humane officer should be familiar with the requirement that the agency establish a policy authorizing the use of controlled substances, and be provided guidance, examples, or templates of such policies.

ii. Agencies should be encouraged to write protocols outlining the procedure for use and administration of a controlled substance, and be provided examples or templates of such protocols.

c. Training Updates

i. Animal control and human officers should regularly review the training materials to ensure familiarity with the information and methodology.

ii. Animal control and human officers who use firearms and/or devices that shoot projectiles should develop a regular schedule where they practice their marksmanship and maintain familiarity with how the equipment works.

iii. Any new controlled substances that were not reviewed in the original training should be reviewed thoroughly with a California-licensed veterinarian prior to their use.

1. These new substances must also be incorporated into the existing policies and procedures prior to use.

d. Reference Material - Each animal control or humane officer should be provided with a manual that contains the materials reviewed in the training, including, but not limited to:

i. Clearly marked sections for each category required in the training and a table of contents and/or index

ii. Tables and diagrams that explain and review the information presented

iii. Quick reference guide for dosages and common questions or situations

iv. References for the source materials presented, including relevant governing laws/regulations

v. References to best practice publications

vi. Templates/examples of forms, policies, and procedures

IX. Resources

U.S. Drug Enforcement Administration

1. Practitioner's Manual
   http://www.deadiversion.usdoj.gov/pubs/manuals/pract/index.html

   PDF version:
   http://www.deadiversion.usdoj.gov/pubs/manuals/pract/pract_manual012508.pdf

2. Security Outline of the Controlled Substances Act of 1970
   http://www.deadiversion.usdoj.gov/pubs/manuals/sec/index.html

3. Code of Federal Regulations, Section 1304
   http://www.deadiversion.usdoj.gov/21cfr/cfr/2104cfrt.htm

4. Section 1304.11 – Inventory Requirements
   http://www.deadiversion.usdoj.gov/21cfr/cfr/1304/1304_11.htm

5. Section 1304. – Records for manufacturers, distributors, dispensers, researchers, importers and exporters. Specifically for dispenser - sub-section (c)
   http://www.deadiversion.usdoj.gov/21cfr/cfr/1304/1304_22.htm

6. Code of Federal Regulations, Section 1301 – Separate Registrations for Separate Locations
   http://www.deadiversion.usdoj.gov/21cfr/cfr/1301/1301_12.htm

7. Section 1301.75(b) Physical security controls for practitioners
   http://www.deadiversion.usdoj.gov/21cfr/cfr/1301/1301_75.htm

Veterinary Medical Board

1. Controlled Substances FAQ for California-Licensed Veterinarians
   http://vmb.ca.gov/licensees/controlled_subs.shtml

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

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

MEMORANDUM

DATE	July 3, 2014
TO	Veterinary Medical Board
FROM	Annemarie, Executive Officer DCA/Veterinary Medical Board
SUBJECT	CPEI Proposal

Background/Rationale

The VMB Enforcement Committee met in April 2013 and discussed the proposed changes to existing regulations as recommended by the Department of Consumer Affairs (DCA).

The nine proposed changes, known as Consumer Protection Enforcement Initiative (CPEI), were initially captured in a legislative vehicle SB 1111, which was ultimately defeated. The Department encouraged the healing arts boards to pursue regulatory action to assist the boards with investigating and prosecuting complaints in a timely manner and to provide the boards with tools to improve the enforcement process and ensure patient safety. Several of the healing arts boards have already implemented some of the proposed regulatory amendments.

The Enforcement Committee discussed numbers 1, 4, 5, 6, 8, & 9 (all but 2, 3, & 7), and the recommendations it made at that time are captured below for your review and consideration:

1. **720.2(b) – Board delegation to Executive Officer regarding stipulated settlements to revoke or surrender license:** Permit the Board to delegate to the Executive Officer the authority to adopt a "stipulated settlement" if an action to revoke a license has been filed and the licensee agrees to surrender the license, without requiring the Board to vote to adopt the settlement. **Committee Recommendation: Adopt language implementing this proposal.**

   Background/Rationale:
   Existing law requires that the Board, itself, vote to adopt all stipulated settlements, agreements, proposed to be entered into by the Board's Executive Officer. Government Code Section 11415.60 (c) provides for delegation of this function.
   Under existing law, the Executive officer has the authority to pursue administrative action against a licensee or registrant who has violated the law. Ultimately it is the Board that votes on all decisions, including proposed decisions rendered by an Administrative Law Judge (ALJ), and stipulated settlements. This proposal would delegate to the Boards Executive officer the authority to adopt settlement agreements (stipulated decisions) for revocation, surrender, or interim suspension of a license or registration.

Authorizing the Board's Executive Officer to approve stipulated settlements resulting in revocation, surrender of a license or registration or interim suspension will allow the Board to focus on more pressing disciplinary matters and will shorten the timeline for Stipulated Surrender cases to take effect, thus adding to consumer protection by allowing the orders to become effective in a more timely manner. This would also reduce the time to resolution of many disciplinary cases consistent with CVMA's request letter at Sunset Hearing. Included in the language would be a requirement for Executive Officer to report all actions taken to the Board.

2. **720.10 –Revocation for sexual misconduct:** Require an Administrative Law Judge (ALJ) who has issued a decision finding that a licensee engaged in any act of sexual contact with a patient or who has committed or been convicted of sexual misconduct to order revocation which may not be stayed. **Committee Recommendation:** Committee did not discuss, therefore has no recommendation.

3. **720.12 – Denial of application for registered sex offender:** Require the Board to deny a license to an applicant or revoke the license of a licensee who is registered as a sex offender. **Committee Recommendation:** Committee did not discuss, therefore has no recommendation.

4. **712.14 – Confidentiality agreements regarding settlements:** Confidentiality agreements regarding settlements can cause delay and thwart a Board's effort to investigate possible cases of misconduct, thereby preventing the Board from performing its most basic function – protection of the public. **Committee Recommendation: No necessity because already covered when codified in law (AB 2570 Stats 2012, now BPC § 143.5; Attached), therefore recommend do not implement.**

5. **720.16 (d) and (f) – Failure to provide documents and 718(d) – Failure to comply with court order:** Require a licensee to comply with a request for medical records or a court order issued to enforcement of a subpoena for medical records. **Committee Recommendation: Did not recommend implementation because BPC § 4856 (attached) already requires licensee to provide records to the board.**

   <u>Proposed Changes:</u> Some aspects are provided for in BPC Section 4856 (Attached)

   Failure to report to the board within 30 days any of the following:
   (1) The bringing of an indictment or information charging a felony against the licensee.
   (2) The arrest of the licensee.
   (3) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.
   (4) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

   Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board.

6. **720.32 – Psychological or medical evaluation of applicant:** Authorize the Board to order an applicant for licensure to be examined by a physician or psychologist if it appears that the applicant may be unable to safely practice the licensed profession due to a physical or mental illness: authorize the Board to deny the application if the applicant refuses evidence of the applicant's ability to safely practice. **Committee Recommendation: Did not recommend implementation; legal counsel advised of concerns.**

7. **726(a) & (b) – Sexual misconduct:** Currently defined in B&P Code 726. **Committee Recommendation:** Committee did not discuss, therefore has no recommendation.

8. **737 – Failure to provide information or cooperate in an investigation:** Make it unprofessional conduct for a licensee to fail to furnish information in a timely manner or cooperate in a disciplinary investigation. **Committee Recommendation: Did not recommend implementation because BPC § 4856 (attached) already mandates cooperation.**

9. **802.1 – Failure to report an arrest, conviction, etc.:** Require a licensee to report to the Board any felony indictment or charge or any felony or misdemeanor conviction. **Committee Recommendation: Adopt language implementing this proposal.**

Action:

- Discuss and reach determination on these CPEI items # 1-9
- Direct staff to move forward with crafting proposed language for any approved items.

Attachments:

- BPC Sections 143.5 & 4856 and 726
- Gov. Code section 11415.60

Business and Professions Code 143.5.

(a) No licensee who is regulated by a board, bureau, or program within the Department of Consumer Affairs, nor an entity or person acting as an authorized agent of a licensee, shall include or permit to be included a provision in an agreement to settle a civil dispute, whether the agreement is made before or after the commencement of a civil action, that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau, or program within the Department of Consumer Affairs that regulates the licensee or that requires the other party to withdraw a complaint from the department, board, bureau, or program within the Department of Consumer Affairs that regulates the licensee. A provision of that nature is void as against public policy, and any licensee who includes or permits to be included a provision of that nature in a settlement agreement is subject to disciplinary action by the board, bureau, or program.

(b) Any board, bureau, or program within the Department of Consumer Affairs that takes disciplinary action against a licensee or licensees based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties may not require its licensee or licensees to pay any additional sums to the benefit of any plaintiff in the civil action.

(c) As used in this section, “board” shall have the same meaning as defined in Section 22, and “licensee” means a person who has been granted a license, as that term is defined in Section 23.7.

(d) Notwithstanding any other law, upon granting a petition filed by a licensee or authorized agent of a licensee pursuant to Section 11340.6 of the Government Code, a board, bureau, or program within the Department of Consumer Affairs may, based upon evidence and legal authorities cited in the petition, adopt a regulation that does both of the following:

(1) Identifies a code section or jury instruction in a civil cause of action that has no relevance to the board’s, bureau’s, or program’s enforcement responsibilities such that an agreement to settle such a cause of action based on that code section or jury instruction otherwise prohibited under subdivision (a) will not impair the board’s, bureau’s, or program’s duty to protect the public.

(2) Exempts agreements to settle such a cause of action from the requirements of subdivision (a).

(e) This section shall not apply to a licensee subject to Section 2220.7.

SEC. 2.

(a) Nothing in Section 143.5 of the Business and Professions Code shall be construed as limiting the discretion of a board, bureau, or program to decline to grant a petition or adopt a regulation.

(b) Nothing in Section 143.5 of the Business and Professions Code shall be construed as prohibiting a licensee from including in an agreement to settle a civil dispute any provision that is otherwise not prohibited.

Business and Professions Code 4856.

(a) All records required by law to be kept by a veterinarian subject to this chapter, including, but not limited to, records pertaining to diagnosis and treatment of animals and records pertaining to drugs or devices for use on animals, shall be open to inspection by the board, or its authorized representatives, during an inspection as part of a regular inspection program by the board, or during an investigation initiated in response to a complaint that a licensee has violated any law or regulation that constitutes grounds for disciplinary action by the board. A copy of all those records shall be provided to the board immediately upon request.

(b) Equipment and drugs on the premises, or any other place, where veterinary medicine, veterinary dentistry, veterinary surgery, or the various branches thereof is being practiced, or otherwise in the possession of a veterinarian for purposes of that practice, shall be open to inspection by the board, or its authorized representatives, during an inspection as part of a regular inspection program by the board, or during an investigation initiated in response to a complaint that a licensee has violated any law or regulation that constitutes grounds for disciplinary action by the board.

(Amended by Stats. 1997, Ch. 642, Sec. 22. Effective January 1, 1998.)

Business and Professions Code 726

The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division and under Chapter 17 (commencing with Section 9000) of Division 3.

This section shall not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

(Amended by Stats. 1993, Ch. 1072, Sec. 1. Effective January 1, 1994.)

Government Code Section 11415.60

(a) An agency may formulate and issue a decision by settlement, pursuant to an agreement of the parties, without conducting an adjudicative proceeding. Subject to subdivision (c), the settlement may be on any terms the parties determine are appropriate. Notwithstanding any other provision of law, no evidence of an offer of compromise or settlement made in settlement negotiations is admissible in an adjudicative proceeding or civil action, whether as affirmative evidence, by way of impeachment, or for any other purpose, and no evidence of conduct or statements made in settlement negotiations is admissible to prove liability for any loss or damage except to the extent provided in Section 1152 of the Evidence Code. Nothing in this subdivision makes inadmissible any public document created by a public agency.

(b) A settlement may be made before or after issuance of an agency pleading, except that in an adjudicative proceeding to determine whether an occupational license should be revoked,

suspended, limited, or conditioned, a settlement may not be made before issuance of the agency pleading. A settlement may be made before, during, or after the hearing.

(c) A settlement is subject to any necessary agency approval. An agency head may delegate the power to approve a settlement. The terms of a settlement may not be contrary to statute or regulation, except that the settlement may include sanctions the agency would otherwise lack power to impose.

(Amended by Stats. 1996, Ch. 390, Sec. 7. Effective August 19, 1996. Operative July 1, 1997, by Sec. 11 of Ch. 390.)

MEMORANDUM

DATE	July 9, 2014
TO	Veterinary Medical Board
FROM	Annemarie Del Mugnaio Executive Officer Veterinary Medical Board
SUBJECT	**Review and Consider Telemedicine Language**

Background:
This issue of telemedicine was raised by UC Davis and ultimately included as one of the Board's strategic issues. The matter was referred to the MDC for consideration and possible action. At the April 23, 2014 MDC meeting, the MDC recommended the attached language to the Board for consideration as a regulatory amendment to CCR Section 2032.1 Veterinary-Client-Patient Relationship. The matter was then discussed and voted on by the Board on April 24, 2014, wherein the Board requested legal counsel review the language to determine whether it achieves the goal of narrowly defining the manner within which a VCPR may be established. Legal Counsel has reviewed the proposed language of CCR Section 2032.1 (e) and concurs with the recommendation of the MDC in terms of the proposed language achieving the said goal.

Consideration:
Is there any other means, other than telephonic or electronic, which a veterinarian may attempt to establish a VCPR absent being physically present with the animal patient that would necessitate further revisions to the telemedicine language.

Action Requested:
Delegate to staff noticing the proposed regulatory amendment regarding telemedicine.

Telehealth Sub-Committee
Jon Klingborg, DVM and Richard Sullivan, DVM

a) Addition to 2032.1 Veterinarian-Client-Patient-Relationship

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 occur:

(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 code, and any dangerous drug, as defined by Section 4022 of Business and Professions code.

(e) No person may practice veterinary medicine in the 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.

Legislation

A. AB 1437 – MULLIN - MEDICALLY IMPORTANT ANTIMICROBIALS: LIVESTOCK AND POULTRY

SUPPORT/ OPPOSITION: See Bill Analysis

AMENDED: 4/22/14

HEARING LOCATION/DATE: Assembly Floor

BOARD POSITION: Watch

Under existing law, the Department of Food and Agriculture is responsible for enforcing provisions relating to the importation of animals, milk and milk products, produce dealers, and other agricultural regulations. Existing law, the California Meat and Poultry Inspection Act, establishes a meat and poultry inspection program and, in connection with the operation of that program by the department, authorizes the Secretary of Food and Agriculture to adopt, by regulation, standards and requirements that meet those prescribed by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act.

This bill would prohibit a livestock or poultry product from being sold in California if the livestock or poultry product is constituted of livestock or poultry that was administered a medically important antimicrobial for nontherapeutic use, such as growth promotion, feed efficiency, weight gain, or disease prevention. The bill would also prohibit a livestock or poultry product sold in California to be constituted of livestock or poultry that was administered a medically important antimicrobial for nonroutine disease control unless certain conditions are met. The bill would prohibit a livestock or poultry product from being sold in California unless the livestock or poultry product is constituted wholly or in part of livestock or poultry that was slaughtered at a registered slaughter facility and the slaughter facility annually reports specified information to the department regarding the use of medically important antimicrobials. The bill would also prohibit a medically important antimicrobial from being administered to a food-producing animal unless the medically important antimicrobial is administered for a therapeutic use and consistently with specified veterinarian provisions. The bill would require the department to establish, by regulation, a schedule for the implementation of these provisions and require that they be fully implemented on or before on January 1, 2020. The bill would require the department to post the information reported by the slaughter facilities on an Internet Web site commencing on or before December 31, 2017.

B. SB 835 – HILL – FOOD PRODUCING ANIMALS: MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS

SUPPORT:
California Cattlemen's Association
California Veterinary Medical Association
Health Care without Harm
Health Officers Association of California
Infectious Disease Association of California
Pew Charitable Trusts

OPPOSITION:
California State Grange
CALPIRG
Center for Food Safety
Environmental Working Group
Food and Water Watch
Consumers Union
Natural Defense Resource Council

AMENDED: 7/3/2014

HEARING LOCATION/DATE: Assembly

BOARD POSITION: Watch

Under existing law, the Secretary of Food and Agriculture has the responsibility of ensuring that livestock or poultry raised for the production of human food are not adulterated and that they are capable for use as human food. A violation of the laws and regulations relating to the adulteration of livestock or poultry products is a crime, punishable as specified. Existing law regulates the sale of livestock drugs by the secretary, and requires livestock drugs to be registered.

This bill would prohibit the secretary from registering a medically important antimicrobial drug, as defined, that is administered to food animals, as defined, through feed or drinking water, unless prescribed requirements are met. The bill would, except as specified, provide that a medically important antimicrobial drug currently registered with the ~~department~~ *Department of Food and Agriculture* that does not meet the prescribed requirements has until January 1, 2017, to meet the prescribed requirements and reregister with the secretary. The bill would ~~require~~ *prohibit a person from administering a medically important antimicrobial through feed or drinking water except pursuant to* a veterinarian-client-patient relationship, as ~~described, to exist prior to the use of a medically important antimicrobial drug administered to food animals through feed or drinking water~~ *described*. Because a violation of the bill's provisions would be a crime, the bill would impose a state-mandated local program.

C. AB 1810 – MAIENSCHEIN – DEPOSITS FOR KEEPING: ABANDONED ANIMALS

SUPPORT: American Society for the Prevention of Cruelty to Animals (sponsor)
OPPOSITION: None on file.

LOCATION/DATE: Approved by the Governor 7/7/14

BOARD POSITION: Support

This bill modifies current law to give veterinarians and specified animal care facilities such as kennels, pet groomers or animal hospitals the discretion to decide whether or not to euthanize an abandoned animal after it has been abandoned for at least 10 days, or to turn over the abandoned animal to a public animal control agency, shelter or designated humane association. Current law appears to require that veterinarians and animal care facilities destroy abandoned animals after 10 days, and this bill is intended to relax that requirement. This bill is sponsored by the American Society for the Prevention of Cruelty to Animals (ASCPA).

D. AB 1809- MAIENSCHEIN- DOGS: HEALTH CERTIFICATES

SUPPORT: American Society for the Prevention of Cruelty to Animals (sponsor)
OPPOSITION: None on File

AMENDED: 7/1/2014

HEARING LOCATION/DATE : Senate Appropriations 8/4/14

BOARD POSITION: Watch

Existing law imposes specified requirements on animal owners in order to prevent or control the transmission of zoonotic diseases, such as rabies, and communicable diseases amongst animals. Existing law also provides for the licensing and registration of dogs, as specified.

This bill would require a person seeking to bring a dog into this state, or importing dogs into this state for the purpose of resale or change of ownership, to obtain a health certificate with respect to that dog that has been completed by a licensed veterinarian and is dated within 10 days prior to the date on which the dog is brought into the state. The bill would require the person to submit the health certificate to the county health department, as specified. The bill would exempt from these requirements a person who brings a dog into the state that will not be offered for resale or if the ownership of the dog is not expected to change. The bill also would exempt from these requirements the import of a dog used for law enforcement or military work, a guide dog, as defined, or a dog imported as a result of a declared emergency or an investigation by law enforcement of an alleged violation of state or federal animal fighting or animal cruelty laws. The bill would authorize the agency receiving the health certificate to use the information on the health certificate as it deems appropriate, and to charge a fee in a reasonable amount sufficient to cover the costs associated with receiving and processing a health certificate submitted to the county health department pursuant to these provisions. By imposing a higher level of service on county health agencies, the bill would impose a state-mandated local program.

This bill would make a violation of its provisions an infraction punishable by a fine not to exceed $250 for each dog for which a violation has occurred, and would authorize animal control personnel to issue a correction warning in lieu of the fine, subject to specified exceptions. By creating a new crime, the bill would impose a state-mandated local program.

E. AB 2058 – WILK – OPEN MEETINGS

SUPPORT: Board of Behavioral Sciences

OPPOSITION: *California Board of Accountancy
Board of Registered Nursing

AMENDED: 6/19/2014 (Attached Bill Analysis)

HEARING LOCATION/DATE: Senate Appropriations

BOARD POSITION: Watch

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in any meeting of a state body, subject to certain conditions and exceptions.

This bill would modify the definition of “state body” to exclude an advisory body with less than 3 individuals, except for certain standing committee

***** The California Board of Accountancy (CBA) writes in opposition of the bill stating that AB 2058 would prevent the CBA, and all of its various committees, from asking fewer than three members to review a document, draft a letter, provide expert analysis, or work on legal language without giving public notice. Under current law, the advisory activities of these one or two members are already vetted and voted upon

in a publically noticed meeting of the whole committee or board. This bill would prevent the CBA, and all of its various committees, from asking fewer than three members to review a document, draft a letter, provide expert analysis, or work on legal language without giving public notice.

In Addition, CBA states that making advisory activities of one or two members open to the public will greatly increase costs as a staff member would need to travel to attend the meeting for the purpose of recording minutes. Agencies would also need to contract for meeting space that would be able to accommodate the public, thus incurring further costs.

F. SB 1243- LIEU - SENATE BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT- SUNSET EXTENSION BILL

AMENDED: 6/30/2014

HEARING LOCATION/DATE: Assembly Appropriations

BOARD POSITION: Support

Existing law regulates the practice of veterinary medicine. Existing law, until January 1, 2016, provides for a Veterinary Medical Board within the Department of Consumer Affairs. Existing law, until January 1, 2016, authorizes the board to appoint a person exempt from civil service to be designated as an executive officer of the board, as specified. This bill would extend those provisions until January 1, 2017.

See Attached Clean-up Provisions

G. SB 1323- LIEU – SPECIAL LICENSE PLATE: PET LOVER'S LICENSE PLATE PROGRAM

SUPPORT: Veterinary Medical Board
State Humane Association of CA

OPPOSITION: None on File

AMENDED: 6/30/2014

HEARING LOCATION/DATE: Assembly Appropriations

BOARD POSITION: Conceptual Support (See Attached Letter)

Existing law establishes a specialized license plate program and requires the Department of Motor Vehicles (DMV) to issue specialized license plates to a sponsoring state agency that meets certain requirements. Existing law requires the DMV to charge specified additional fees for the issuance, renewal, or transfer of specialized license plates, and requires that these additional fees, less the DMV's administrative costs, be deposited in the Specialized License Plate Fund for appropriation and allocation to each sponsoring state agency, as specified.

This bill would require the DMV to deposit the additional fees for a specialty license plate issued under the Pet Lover's License Plate Program sponsored by the Veterinary Medical Board, or a successor specialty license plate program sponsored by the board, into the Pet Lover's Specialized License Plate Fund, which the bill would establish. The bill would require that these funds be continuously appropriated to the Veterinary Medical Board for the sole and exclusive purpose of funding grants to providers of no-

cost or low-cost animal sterilization services, as specified. By continuously appropriating moneys in the fund to the board, the bill would make an appropriation. *This bill would declare that it is to take effect immediately as an urgency statute.*

H. AB 1758- PATTERSON- PRORATION OF INITIAL LICENSE FEES

SUPPORT:
State Center Community College District
Central Unified School District
California Veterinary Medical Association
The Fresno Chamber of Commerce
5 individuals

OPPOSITION: None on File

AMENDED: 6/30/2014

HEARING LOCATION/DATE: Senate Appropriations

BOARD POSITION: None/ See Fiscal Impact*

Existing law requires that licenses issued to certain licensees, including, among others, architects, acupuncturists, dental hygienists, dentists, occupational therapists, physical therapists, physicians and surgeons, psychologists, and veterinarians, expire at 12 a.m. on either the last day of the birth month of the licensee or at 12 a.m. of the legal birth date of the licensee during the 2nd year of a 2-year term if not renewed.

This bill would require that the fee for an initial temporary or permanent license, or an original license, as specified, imposed pursuant to these provisions be prorated on a monthly basis, but would authorize a board or committee, as applicable, to impose an additional fee to cover the reasonable costs of issuing an initial or original license that expires in less than 12 months, as specified. The bill would limit the total amount of the prorated fee and the additional fee imposed for an initial or original license that expires in less than 12 months to $^1/_2$ of the fee for an initial or original license, as specified.

*****DCA Budget Office estimates a **loss in revenue of $77,600 annually** due to the prorated fees. $55,000 for Veterinarian renewal revenue and $20,600 for RVT renewal revenue.

AB-1437 Medically important antimicrobials: livestock and poultry. (2013-2014)

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

ASSEMBLY BILL No. 1437

Introduced by Assembly Member Mullin
(Coauthors: Assembly Members Gordon and Ting)
(Coauthors: Senators Evans and Jackson)

January 06, 2014

An act to ~~amend Sections 14200, 14203, 14289, and 14381 of, to add Sections 14203.5, 14207.3, 14207.5, 14207.7, 14220, 14297, and 14366 to, and to add Article 5.5 (commencing with Section 14335) and Article 5.6 (commencing with Section 14340) to Chapter 4 of Division 7 of,~~ *add Chapter 4.6 (commencing with Section 19060) to Part 3 of Division 9 of* the Food and Agriculture Code, relating to ~~livestock drugs.~~ *medically important antimicrobials.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1437, as amended, Mullin. Medically important antimicrobials: ~~nontherapeutic use.~~ *livestock and poultry.*

Under existing law, the Department of Food and Agriculture is responsible for enforcing provisions relating to the importation of animals, milk and milk products, produce dealers, and other agricultural regulations. Existing law, the California Meat and Poultry Inspection Act, establishes a meat and poultry inspection program and, in connection with the operation of that program by the department, authorizes the Secretary of Food and Agriculture to adopt, by regulation, standards and requirements that meet those prescribed by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act.

This bill would prohibit a livestock or poultry product from being sold in California if the livestock or poultry product is constituted of livestock or poultry that was administered a medically important antimicrobial for nontherapeutic use, such as growth promotion, feed efficiency, weight gain, or disease prevention. The bill would also prohibit a livestock or poultry product sold in California to be constituted of livestock or poultry that was administered a medically important antimicrobial for nonroutine disease control unless certain conditions are met. The bill would prohibit a livestock or poultry product from being sold in California unless the livestock or poultry product is constituted wholly or in part of livestock or poultry that was slaughtered at a registered slaughter facility and the slaughter facility annually reports specified information to the department regarding the use of medically important antimicrobials. The bill would also prohibit a medically important antimicrobial from being administered to a food-producing animal unless the medically important antimicrobial is administered for a therapeutic use and consistently with specified veterinarian provisions. The bill would

require the department to establish, by regulation, a schedule for the implementation of these provisions and require that they be fully implemented on or before on January 1, 2020. The bill would require the department to post the information reported by the slaughter facilities on an Internet Web site commencing on or before December 31, 2017.

This bill would require the department to adopt any regulations necessary to implement the provisions of the bill.

~~Existing law requires the manufacturer of a livestock drug, including a restricted drug, as defined, to register with the Director of Food and Agriculture and requires the director to refuse to register the drug if he or she makes specified findings. Under existing law it is unlawful, among other things, to use or administer any registered livestock drug, except in accordance with the label instructions, as specified, and makes an initial violation of these provisions subject to an infraction and, for subsequent violations, a misdemeanor.~~

~~This bill, as of January 1, 2017, would redefine "restricted drug" to also include a livestock drug that is recognized by either the Center for Disease Control and Prevention or the World Health Organization to increase the prevalence of antibiotic-resistant bacteria, as specified. The bill would prohibit registration of a restricted drug if the director finds that the restricted drug poses a risk to public health through the increased prevalence of antibiotic resistant bacteria. The bill would also authorize the director to revoke the registration of a medically important antimicrobial, as defined, for use in livestock if he or she finds that the drug threatens the public health by increasing the prevalence of antibiotic-resistant bacteria.~~

~~The bill would prohibit the administration of a medically important antimicrobial to a food-producing animal for nonroutine disease control unless certain conditions are met. By prohibiting the administration of a medically important antimicrobial, this bill would create a crime, thereby imposing a state-mandated local program. The bill would also require a livestock producer that does administer a medically important antimicrobial to a food-producing animal to annually report specified information to the director relating to the administration of the medically important antimicrobial and would make the failure to make that report an infraction subject to specified penalties. The bill would require the department post this information on an Internet Web site.~~

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

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

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: ~~yes~~*no*

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature find and declare all of the following:

(a) In 1977, the United States Food and Drug Administration (FDA) concluded that feeding livestock low doses of antibiotics~~ that~~ *from antibiotic classes that* are used in human disease treatment could promote the development of antibiotic-resistance in bacteria *and pose a risk to human health*. The FDA, however, did not act in response to these findings, despite laws requiring the agency to do so.

(b) The FDA~~ has promulgated~~ *issued* voluntary~~ regulations~~ *guidance in December 2013* on the nontherapeutic use of antibiotics, however~~ these guidelines are~~ *this guidance is* unlikely to significantly reduce the nontherapeutic use of antibiotics in livestock *because of a broad exemption allowing for the use of antibiotics for disease prevention*.

(c) Not only do antibiotic-resistant bacteria affect the health of our society, but they also have a monetary impact. In 1998, the National Academy of Sciences noted that antibiotic-resistant bacteria generate a minimum of four to five billion dollars in costs to United States society and individuals every year. *In 2009, in a study funded by the federal Centers for Disease Control and Prevention, Cook County Hospital and Alliance for Prudent Use of Antibiotics estimated that the total health care cost of antibiotic-resistant infections in the United States was between $16.6 billion and $26 billion annually. Societal costs from lost productivity due to illnesses were estimated to be an additional $35 billion.*

(d) In April 1999, the United States Government Accountability Office conducted a study concluding that three strains of microorganisms that cause foodborne illnesses or disease in humans are resistant to antibiotics and are linked to the use of antibiotics in animals. These microorganisms are salmonella, Campylobacter, and E.

Coli.

(e) In 1999, ~~2011, and 2006,~~ *2006, and 2011,* the United States Department of Agriculture's Animal and Plant Health Inspection Service conducted large-scale, voluntary surveys that revealed all of the following:

(1) Eighty-four percent of grower and finisher swine farms, 83 percent of cattle feedlots, and 84 percent of sheep farms administer antimicrobials in feed or water for either health or growth promotion reasons.

(2) Many of the antimicrobials that were identified were identical or closely related to drugs used in human medicine, including tetracyclines, macrolides, bacitracin, penicillins, and sulfonamides.

(3) These drugs are used in people to treat serious diseases, such as pneumonia, scarlet fever, rheumatic fever, sexually transmitted infections, and skin infections; pandemics such as malaria and plague; and bioterrorism agents such as anthrax.

~~(f)Overuse or misuse of antibiotics contributes to the spread of antibiotic resistance, whether in human medicine or in agriculture.~~

~~(g)~~

(f) In June 2002, the peer-reviewed journal, "Clinical Infectious Diseases," published a report based on a two-year review, by experts in human and veterinary medicine, public health, microbiology, biostatistics, and risk analysis, of more than 500 scientific studies on the human health impacts of antimicrobial use in agriculture. The report recommended that antimicrobial agents should not be used in agriculture in the absence of disease and should be limited to therapy for diseased individual animals or prophylaxis when disease is documented in a herd or flock.

~~(h)~~

(g) In a March 2003 report, the National Academy of Sciences stated that a decrease in antimicrobial use in human medicine alone will have little effect on the rise in antibiotic-resistant bacteria and that substantial efforts must be made to decrease the inappropriate overuse of antimicrobials in animals and agriculture.

~~(i)~~

(h) In 2010, the peer-reviewed journal, "Molecular Cell," published a study demonstrating that a low-dosage use of antibiotics causes a dramatic increase in genetic mutation, raising new concerns about the agricultural practice of using low-dosage antibiotics in order to stimulate growth promotion and routinely prevent disease in unhealthy conditions.

~~(j)~~

(i) In 2010, the Danish Veterinary and Food Administration testified that the Danish ban of the nontherapeutic use of antibiotics in food animal production resulted in a marked reduction in antimicrobial resistance in multiple bacterial species, including Campylobacter and Enterococci.

~~(k)~~

(j) In 2011, the FDA found that in 2010:

(1) Thirteen million five hundred thousand kilograms of antibacterial drugs were sold for use on food animals in the United States.

(2) Three million three hundred thousand kilograms of antibacterial drugs were used for human health.

(3) Eighty percent of antibacterial ~~drugs~~ *drugs, and over 70 percent of medically important antibacterial drugs,* disseminated in the United States were sold for use on food-producing animals, rather than being used for human health.

~~(l)~~

(k) In 2011, a review of all scientific studies on antimicrobial use in farm animals, published in Clinical Microbiology Reviews, found the following:

(1) ~~The~~ *That the* use of antibiotics in food-producing animals leads to the development of reservoirs of

antibiotic ~~resistance.~~ *resistance, that antibiotic-resistant bacteria can spread through food, water, air, soil, and meat-industry workers, and that bacteria can share resistance genes with each other.*

(2) A ban on nontherapeutic antibiotic use in food-producing animals would preserve the use of antibiotics for medicine.

(3) A Danish ban on nontherapeutic antibiotics in food-producing animals resulted in little change in animal morbidity and mortality, and only a modest increase in production cost.

(l) The federal Centers for Disease Control and Prevention (CDC) concluded in a recent report, "Antibiotic Resistance Threats in the United States, 2013," that overuse or misuse of antibiotics contributes to the spread of antibiotic resistance, whether in human medicine or in agriculture. The CDC estimated that antibiotic resistance causes at least 23,000 deaths and two million illnesses every year.

(m) In 2013, the peer-reviewed journal, "The Journal of the American Medical Association," published a study showing higher levels of antibiotic-resistant skin and soft-tissue infections in people living in proximity to hog farms or fields treated with swine manure in Pennsylvania. Similarly, in 2014, the peer-reviewed journal, "Infection Control and Hospital Epidemiology," published a study focused on hospitalized veterans in rural areas of Iowa, finding that people living in close proximity to a swine-feeding operation were nearly three times as likely to have been affected by methicillin-resistant Staphylococcus aureus (MRSA) at the time of admission to the hospital.

~~(m)~~

(n) The FDA's National Antimicrobial Resistance Monitoring System routinely finds that retail meat products are contaminated with bacteria that are resistant to antibiotics that are important to human medicine.

~~(n)~~

(o) According to the American Academy of Pediatrics, "[t]he largest nonhuman use of antimicrobial agents is in food-producing animal production, and most of this is in healthy animals to increase growth or prevent diseases. Evidence now exists that these uses of antimicrobial agents in food-producing animals have a direct negative impact on human health and multiple impacts on the selection and dissemination of resistance genes in animals and the environment. Children are at increased risk of acquiring many of these infections with resistant bacteria and are at great risk of severe complications if they become infected."

~~(o)~~

(p) Many scientific studies confirm that the nontherapeutic use of antibiotics in food-producing animals contributes to the development of antibiotic-resistant bacterial infections in people.

(q) The spread of antibiotic-resistant bacteria poses a risk to the health of Californians and reduced use of antibiotics for livestock production is likely to reduce the risks of the rise and spread of antibiotic-resistant bacteria through food and other pathways, thus reducing the risk to Californians.

~~SEC. 2.Section 14200 of the Food and Agricultural Code is amended to read:~~

~~14200.(a)The Legislature hereby declares that this chapter, which prescribes the distribution and use of livestock drugs, is intended to assure that the drugs are available to livestock producers for their use in protecting the health of the livestock population of the state, and that the use will in turn benefit the general public by providing an abundant supply of wholesome food and fiber.~~

~~(b)It is further declared that nothing in this chapter is intended to prevent a livestock producer from administering livestock drugs safely and effectively when the use is in accordance with the labeling directions for the drug used and when the use protects public health.~~

~~SEC. 3.Section 14203 of the Food and Agricultural Code is amended to read:~~

~~14203.(a)"Restricted drug" means either of the following:~~

~~(1)A livestock drug which is sold in a form that it might be administered to a person and, if so administered, would be dangerous to the health of the person.~~

~~(2)A livestock drug that if improperly administered, as defined in Section 14203.5, to livestock, is dangerous to the health of the livestock or to persons who consume products from the livestock.~~

~~(3)A livestock drug that is recognized by either the federal Centers for Disease Control and Prevention or the World Health Organization to increase the prevalence of antibiotic-resistant bacteria.~~

~~(b)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.~~

~~(5)A drug from an antimicrobial class that is listed as "highly important," "critically important," or "important" by the World Health Organization's "Critically Important Antimicrobial for Human Medicine," as updated by the World Health Organization, or its successor publication, unless the drug is used for therapeutic use, as defined in Section 14220.~~

~~(6)Other drugs and their preparations that the director determines are hazardous to the health of livestock or the public safety.~~

~~SEC. 4.Section 14203.5 is added to the Food and Agricultural Code, to read:~~

~~14203.5."Improperly administered" means either of the following:~~

~~(a)Administration of a medically important antimicrobial to a food-producing animal through either feed or water, or for purposes of poultry hatcheries through any means, for purposes other than therapeutic use, such as growth promotion, feed efficiency, weight gain, disease prevention, or nonroutine disease control.~~

~~(b)A repeated or regular pattern of administration of a medically important antimicrobial in food-producing animals for purposes other than therapeutic use or nonroutine disease control.~~

~~SEC. 5.Section 14207.3 is added to the Food and Agricultural Code, to read:~~

~~14207.3."Medically important antimicrobial" means a drug that is both of the following:~~

~~(a)Intended for use in food-producing animals.~~

~~(b)Composed wholly or partly of either of the following:~~

~~(1)Any kind of penicillin, tetracycline, macrolide, lincosamide, streptogramin, aminoglycoside, sulfonamide, or cephalosporin.~~

~~(2)A drug from an antimicrobial class that is listed as either "highly important," "critically important," or "important" by the World Health Organization's "Critically Important Antimicrobial for Human Medicine," as updated by the World Health Organization, or its successor publication.~~

~~SEC. 6.Section 14207.5 is added to the Food and Agricultural Code, to read:~~

~~14207.5."Noncustomary situation" means a situation that does not include normal or standard practices and conditions on the premises that facilitate the transmission of disease.~~

~~SEC. 7.Section 14207.7 is added to the Food and Agricultural Code, to read:~~

~~14207.7."Nonroutine disease control" means the use of antimicrobials in the feed or water of a food-producing animal that is not sick, and where a particular disease or infection is, or is likely to be, present on the premises because of a specific, noncustomary situation.~~

~~SEC. 8.Section 14220 is added to the Food and Agricultural Code, to read:~~

~~14220."Therapeutic use," with respect to a medically important antimicrobial, means the use of the antimicrobial for the specific purpose of treating an animal with a documented disease or infection. Therapeutic use does not include the continued use of the antimicrobial in the animal after the disease or infection has been resolved.~~

~~SEC. 9.Section 14289 of the Food and Agricultural Code is amended to read:~~

~~14289.If the livestock drug is a restricted drug, the director shall also refuse registration if he or she finds that the instructions for use do not contain adequate and satisfactory directions as to the methods of handling,~~

~~caring for, holding, or otherwise managing the livestock to which the drug is administered so as to eliminate any danger to the health of any person who might consume food products that are derived from that livestock or if he or she finds that the restricted drug poses a risk to public health by increasing the prevalence of antibiotic-resistant bacteria.~~

~~SEC. 10.Section 14297 is added to the Food and Agricultural Code, to read:~~

~~14297.The director may revoke the registration of a medically important antimicrobial for use in livestock if he or she finds that the drug as used poses a risk to the public health by increasing the prevalence of antibiotic-resistant bacteria.~~

~~SEC. 11.Article 5.5 (commencing with Section 14335) is added to Chapter 4 of Division 7 of the Food and Agricultural Code, to read:~~

~~5.5.Use of Medically Important Antimicrobials~~

~~14335.(a)A person who administers or causes to be administered a medically important antimicrobial to a food-producing animal shall have a valid veterinarian-client-patient relationship with a veterinarian to ensure that the medically important antimicrobial is used in a manner that is consistent with professionally accepted best practices.~~

~~(b)For purposes of this section, "veterinarian-client-patient relationship" means a relationship in which all of the following are met:~~

~~(1)The veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal-patient, and the client has agreed to follow the veterinarian's instructions.~~

~~(2)The veterinarian has sufficient knowledge of the animal-patient to initiate at least a general or preliminary diagnosis of the medical condition of the animal-patient.~~

~~(3)The veterinarian is readily available for follow-up evaluation, or has arranged for veterinary emergency coverage, and continuing care and treatment.~~

~~(4)The veterinarian provides oversight of treatment, compliance, and outcome of the administration of the medically important antimicrobial.~~

~~(5)Animal-patient records are maintained.~~

~~(c)For purposes of this section, "sufficient knowledge" means the veterinarian is personally acquainted with the keeping and care of the animal-patient by virtue of either of the following:~~

~~(1)A timely examination of the animal-patient by the veterinarian.~~

~~(2)Medically appropriate and timely visits by the veterinarian to the premises where the animal-patient is kept.~~

~~14336.(a)If a livestock producer administers or causes to be administered a medically important antimicrobial to a food-producing animal, the producer, or the contracted entity, shall annually report to the director the following information on a schedule and in a format specified by the director:~~

~~(1)The total number of food-producing animals given a medically important antimicrobial in their feed.~~

~~(2)The type of medically important antimicrobial administered.~~

~~(3)The total amount of each medically important antimicrobial used.~~

~~(4)The target food-producing animal species that were administered the medically important antimicrobial.~~

~~(5)The length of time over which the medically important antimicrobial was intended to be provided to the food-producing animals and the dose of the active medically important antimicrobial ingredient the food-producing animals were intended to receive.~~

~~(6)The purpose for administering the medically important antimicrobial to a food-producing animal. The purpose shall be categorized in a manner determined by the director and shall include, at a minimum, the following categories:~~

~~(A)Growth promotion.~~

~~(B)Disease prevention.~~

~~(C)Disease control.~~

~~(D)Disease treatment.~~

~~(7)The type of disease or infection to be treated by the medically important antimicrobial, if applicable.~~

~~(8)The name of the processor, as defined in Section 20019, where the livestock product will be processed.~~

~~(b)On or before December 31, 2017, the department shall develop and make operational a consumer-friendly, publicly accessible Internet Web site that creates a database of the information collected pursuant to this section. The database shall be searchable and able to accommodate a wide range of users, including users with limited technical and scientific literacy. The Internet Web site shall be designed to be easily navigable and to enable users to compare and contrast livestock producers and the reported usage of medically important antimicrobials.~~

~~SEC. 12.Article 5.6 (commencing with Section 14340) is added to Chapter 4 of Division 7 of the Food and Agricultural Code, to read:~~

~~5.6.Nontherapeutic Use of Medically Important Antimicrobials~~

~~14340.This article shall apply to the nontherapeutic use in a food-producing animal of a drug that is a medically important antimicrobial and is either of the following:~~

~~(a)A registered drug.~~

~~(b)A drug exempted under Article 3 (commencing with Section 14261).~~

~~14341.The registration or exemption of a drug subject to this article shall be ineffective on and after January 1, 2017, unless the director makes a final written determination that there is, with reasonable certainty, no harm to human health due to the development of antimicrobial resistance that is attributable in whole or in part to the nontherapeutic use of the drug, based on one of the following:~~

~~(a)The holder of the registration or exemption has demonstrated this fact.~~

~~(b)A risk analysis of the drug, taking into consideration other relevant information, conducted by the director.~~

~~SEC. 13.Section 14366 is added to the Food and Agricultural Code, to read:~~

~~14366.It is unlawful to administer, including through means of feed, a medically important antimicrobial to a food-producing animal for nonroutine disease control, unless either of the following apply:~~

~~(a) The director determines, with reasonable certainty, that there is no harm to human health due to the development of antibiotic-resistant bacteria that is attributable in whole or in part to the use of the medically important antimicrobial and the use does not threaten public health.~~

~~(b) All of the following conditions are met:~~

~~(1)There is a significant risk that a disease or infection that is present on, or is likely to be present on, the premises will be transmitted to the food-producing animal.~~

~~(2)The administration of the medically important antimicrobial to the food-producing animal is necessary to prevent or reduce the risk of transmission of the disease or infection.~~

~~(3)The medically important antimicrobial is administered to the food-producing animal for the shortest duration possible to prevent or reduce the risk of transmission of the disease or infection.~~

~~(4)The medically important antimicrobial is administered to the fewest food-producing animals possible in order to prevent or reduce the risk of transmission of the disease or infection.~~

~~SEC. 14.Section 14381 of the Food and Agricultural Code is amended to read:~~

~~14381. (a)Except as provided for in subdivision (b), a violation of this chapter or of any regulation that is adopted by the director pursuant to this chapter is an infraction punishable by a fine of not more than five hundred dollars ($500) for the first violation. A second or subsequent violation of this chapter is a misdemeanor punishable by a fine of not less than one hundred dollars ($100) and not more than one~~

~~thousand dollars ($1,000).~~

~~(b)A violation of the reporting requirement in Section 14336 or of any regulation that is adopted by the director pursuant to that section is an infraction punishable by a fine of one hundred dollars ($100) for the first violation. A second or subsequent violation is an infraction punishable by a fine of not less than two hundred dollars ($200) and not more than one thousand dollars ($1,000).~~

~~SEC. 15.This act shall become operative on January 1, 2017.~~

~~SEC. 16.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.~~

SEC. 2. *Chapter 4.6 (commencing with Section 19060) is added to Part 3 of Division 9 of the Food and Agricultural Code, to read:*

CHAPTER 4.6. Medically Important Antimicrobials in Meat and Poultry
Article 1. Definitions

19060. "Department" means the Department of Food and Agriculture.

19061. "Director" means the Director of Food and Agriculture.

19062. "Exempt producer" means an owner of livestock or poultry that raises less than 250 animals per year or 10,000 birds per year.

19063. (a) "Medically important antimicrobial" means a drug that is both of the following:

(1) Intended for use in food-producing animals.

(2) Composed wholly or partly of a drug from an antimicrobial class that is listed as either "highly important," "critically important," or "important" by the United States Food and Drug Administration's Guidance for Industry #152, Appendix A, as updated by the United States Food and Drug Administration, or its successor publication.

(b) Medically important antimicrobial includes, but is not limited to, penicillin, tetracycline, macrolide, lincosamide, streptogramin, aminoglycoside, sulfonamide, or cephalosporin.

19064. "Noncustomary situation" means a situation that does not include normal or standard practices and conditions on the premises that facilitates the transmission of disease.

19065. "Nonroutine disease control" means the use of antimicrobials in the feed or water of a food-producing animal that is not sick, and where a particular disease or infection is, or is likely to be, present on the premises because of a specific, noncustomary situation.

19066. "Nontherapeutic use" means either of the following:

(a) The one-time administration of a medically important antimicrobial to a food-producing animal through feed or water, or, for purposes of poultry hatcheries, through any means, for purposes such as growth promotion, feed efficiency, weight gain, or disease prevention, other than therapeutic use or nonroutine disease control.

(b) Any repeated or regular pattern of administration of a medically important antimicrobial to food-producing animals for purposes other than therapeutic use or nonroutine disease control.

19067. "Therapeutic use," with respect to a medically important antimicrobial, means use for the specific purpose of treating an animal with a documented disease or infection. Therapeutic use does not include the continued use after the disease or infection has been resolved.

Article 2. General Provisions

19070. (a) (1) A livestock or poultry product sold in California shall not be constituted wholly or in part of

livestock or poultry that was administered a medically important antimicrobial for a nontherapeutic use.

(2) A meat or poultry product that is not constituted wholly or in part of livestock or poultry that was administered a medically important antimicrobial for nontherapeutic use may be marketed with the claim, "Raised with minimal antibiotics under California law."

(b) This section shall be implemented according to schedule adopted by the department as provided in Section 19074, and shall apply to all livestock and poultry products sold in California on and after January 1, 2020.

19071. (a) (1) A livestock or poultry product sold in California shall not be constituted wholly or in part of livestock or poultry that was administered a medically important antimicrobial for nonroutine disease control unless all of the following conditions are met:

(A) There was a significant risk that a disease or infection that was present on, or was likely to be present on, the premises would be transmitted to the food-producing animal.

(B) The administration of the medically important antimicrobial to the food-producing animal was necessary to prevent or reduce the risk of transmission of the disease or infection.

(C) The medically important antimicrobial was administered to the food-producing animal for the shortest duration possible to prevent or reduce the risk of transmission of the disease or infection.

(D) The medically important antimicrobial was administered to the fewest food-producing animals possible in order to prevent or reduce the risk of transmission of the disease or infection.

(2) A producer, other than exempt producer, shall maintain records, including prescriptions or veterinary feed directives, documenting the use and reasons for the use of antibiotics for nonroutine disease control. The records shall be kept for five years.

(b) This section shall be implemented according to schedule adopted by the department as provided in Section 19074, and shall apply to all livestock and poultry products sold in California on and after January 1, 2020.

19072. (a) A livestock or poultry product shall not be sold in California unless the livestock or poultry product is constituted of livestock or poultry that was slaughtered at a slaughter facility that is registered with the department and that annually reports all of the information specified in Section 19080.

(b) This section shall be implemented according to schedule adopted by the department as provided in Section 19074, and shall apply to all livestock and poultry products sold in California on and after January 1, 2020.

19073. (a) A medically important antimicrobial shall not be administered to a food-producing animal unless both of the following conditions are met:

(1) The administration of the medically important antimicrobial is for a therapeutic use.

(2) The medically important antimicrobial is administered by, or caused to be administered by, a veterinarian, licensed pursuant to Chapter 11 (commencing with Section 4800) of Division 2 of the Business and Professions Code, as part of a valid veterinarian-client-patient relationship in accordance with Sections 2032.1 and 2032.15 of Title 16 of the California Code of Regulations, as those sections existed on January 1, 2015.

(b) As provided in Section 19074, this section shall become operative on January 1, 2020.

19074. The department shall by regulation establish a schedule to phase in implementation of the requirements imposed by this article. Those requirements shall be fully implemented on or before January 1, 2020.

Article 3. Reporting Requirements

19080. (a) A slaughter facility shall annually report to the director all of the following information, according to the target food-producing animal species and production class of the food-producing animal, on a schedule and in the format specified by the director:

(1) The total number of food-producing animals given a medically important antimicrobial in their feed or water, or, for purposes of poultry hatcheries, through any means.

(2) The type of medically important antimicrobial administered.

(3) The total amount of each medically important antimicrobial used.

(4) The total number of days over which the medically important antimicrobial was intended to be provided to the food-producing animals and the dosage of the active medically important antimicrobial given to the food-producing animals. The dosage shall be listed by the total milligrams of antibiotic used per animal per day or the total milliliters of the antibiotic solution used per animal per day and label concentration.

(5) Whether the purpose for administering the medically important antimicrobial was for therapeutic or nontherapeutic use. The purpose shall be categorized in a manner determined by the director and shall include, at a minimum, the following categories:

(A) Growth promotion.

(B) Disease prevention.

(C) Disease treatment.

(D) Other information that may be deemed necessary or important by the director, producer, or slaughter facility.

(6) The type of disease or infection to be treated or addressed by the medically important antimicrobial.

(7) The owners of the livestock or poultry. "Owners of the livestock or poultry" for purposes of this paragraph, means a person who either has an ownership interest in the animals or birds or otherwise establishes management and production standards for the maintenance, care, and raising of the animals or birds. An ownership interest includes a right or option to purchase the animals or birds for maintenance, care, or raising.

(8) The owner of the slaughter facility. "Owner of the slaughter facility" for purposes of this paragraph, means a person who either has an ownership interest in the facility or otherwise establishes management and production standards for the facility. An ownership interest of a slaughter facility includes a right or option to purchase the animal or poultry to be processed by the slaughter facility.

(b) The slaughter facility shall not be required to report the information required under this subdivision for an exempt producer.

19081. On or before December 31, 2017, the department shall develop and make operational a consumer-friendly, publicly accessible Internet Web site that contains a database of the information collected pursuant to this article. The database shall be searchable and able to accommodate a wide range of users, including users with limited technical and scientific literacy. The Internet Web site shall be designed to be easily navigable and enable users to compare and contrast the reported usage of medically important antimicrobials between animal species and other parameters. The department may send a copy of this information to the State Department of Public Health.

Article 4. Violations

19090. (a) (1) Except as provided in subdivision (b), a violation of this chapter or of any regulation adopted by the director pursuant to this chapter is subject to a civil penalty of not more than five hundred dollars ($500) for the first violation. A second violation of this chapter is subject to a civil penalty of not less than five hundred dollars ($500) and not more than one thousand dollars ($1,000). A third or subsequent violation of this chapter is subject to a civil penalty of not less than three hundred dollars ($300) and not more than two thousand dollars ($2,000). Civil penalties for violations shall be imposed on the owner of the slaughter facility at which the animals or birds are slaughtered.

(2) An owner of a slaughter facility shall not be subject to a civil penalty under this subdivision if the owner made a good faith effort to ensure that livestock or poultry products sold in this state made from livestock or poultry slaughtered at his or her facility were in compliance with the provisions of this chapter.

(b) A violation of the reporting requirement in Section 19081 or of any regulation that is adopted by the director pursuant to that section is subject to a civil penalty of one hundred dollars ($100) for the first violation. A second or subsequent violation is subject to a civil penalty of not less than two hundred dollars ($200) and not more than one thousand dollars ($1,000). Civil penalties for violations shall be imposed on the

owner of the slaughter facility.

(c) Moneys collected pursuant to this chapter shall be deposited into the Department of Food and Agriculture Fund, to be available to the department upon appropriation for purposes of carrying out this chapter.

Article 5. Implementation

19100. The department shall adopt any regulations necessary to implement the provisions of this chapter, including those regulations necessary to phase in the requirements of Article 2 (commencing with Section 19070), as provided in Section 19074.

19101. The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SB-835 Food animals: medically important antimicrobial drugs. (2013-2014)

AMENDED IN ASSEMBLY JULY 03, 2014

AMENDED IN ASSEMBLY JUNE 04, 2014

AMENDED IN SENATE MARCH 26, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

SENATE BILL No. 835

Introduced by Senator Hill

January 06, 2014

An act to amend Section 14288 of, and to add Article 4.5 (commencing with Section 18770) to Chapter 4 of Part 3 of Division 9 of, the Food and Agricultural Code, relating to food and agriculture.

LEGISLATIVE COUNSEL'S DIGEST

SB 835, as amended, Hill. Food animals: medically important antimicrobial drugs.

Under existing law, the Secretary of Food and Agriculture has the responsibility of ensuring that livestock or poultry raised for the production of human food are not adulterated and that they are capable for use as human food. A violation of the laws and regulations relating to the adulteration of livestock or poultry products is a crime, punishable as specified. Existing law regulates the sale of livestock drugs by the secretary, and requires livestock drugs to be registered.

This bill would prohibit the secretary from registering a medically important antimicrobial drug, as defined, that is administered to food animals, as defined, through feed or drinking water, unless prescribed requirements are met. The bill would, except as specified, provide that a medically important antimicrobial drug currently registered with the ~~department~~ *Department of Food and Agriculture* that does not meet the prescribed requirements has until January 1, 2017, to meet the prescribed requirements and reregister with the secretary. The bill would ~~require~~ *prohibit a person from administering a medically important antimicrobial through feed or drinking water except pursuant to* a veterinarian-client-patient relationship, as ~~described, to exist prior to the use of a medically important antimicrobial drug administered to food animals through feed or drinking water~~ *described*. Because a violation of the bill's provisions would be a crime, the bill would impose a state-mandated local program.

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

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

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 14288 of the Food and Agricultural Code is amended to read:

14288. The secretary shall refuse to register a livestock drug if he or she finds any of the following is true of the drug:

(a) It is of little or no value for the purpose for which it is intended to be used.

(b) It is dangerous to the health of livestock if used in accordance with the instructions.

(c) The instructions for use do not contain adequate warnings against use in those conditions, whether pathological or normal, under which its use may be dangerous to the health of livestock or humans who consume products from the livestock, or against unsafe dosage, unsafe duration of use, or unsafe methods of administration.

(d) If the application and the accompanying material, data, and information do not comply with the requirements of this chapter or are insufficient to permit the secretary to make the determinations that are required by this section.

(e) It is a medically important antimicrobial drug, as defined in Section 18770, that is administered to food animals, as defined in Section 4825.1 of the Business and Professions Code, through feed or drinking water, unless the drug complies with Section 18771.

SEC. 2. Article 4.5 (commencing with Section 18770) is added to Chapter 4 of Part 3 of Division 9 of the Food and Agricultural Code, to read:

Article 4.5. Medically Important Antimicrobial Drugs

18770. For purposes of this article, the following definitions apply:

(a) "FDA" means the federal Food and Drug Administration.

(b) "Food animal" has the same meaning as defined in subdivision (c) of Section 4825.1 of the Business and Professions Code.

(c) "Medically important antimicrobial drug" means an antimicrobial drug listed in Appendix A of the FDA Guidance for Industry #152, including a critically important, highly important, and important antimicrobial drug, as that appendix may be amended, unless the secretary determines that the amendment to the appendix includes a drug that is not a critically important, highly important, or important antimicrobial drug.

(d) "Veterinary feed directive" is the directive described in Section 354 of Title 21 of the United States Code.

18771. To comply with FDA Guidance for Industry #213, dated December 2013, a medically important antimicrobial drug, including a combination drug incorporating a medically important antimicrobial drug, shall meet all of the requirements in the guidance document, including, but not limited to, the following:

(a) To reflect the need for professional oversight by a licensed veterinarian, the manufacturer shall remove from the approved production uses on the label of the medically important antimicrobial drug or combination drug the production indications, including, but not limited to, "increased rate of weight gain" or "improved feed efficiency."

(b) The manufacturer shall revise the condition of the use of the medically important antimicrobial drug or combination drug from over the counter availability to a marketing status requiring veterinary prescription, including, but not limited to, the following:

(1) For medicated feed products, a change from over the counter to veterinary feed directive.

(2) For medicated drinking water products, a change from over the counter to veterinary prescription.

(c) When administered through feed or drinking water, the medically important antimicrobial drug may only be used to treat, prevent, or control disease under the supervision of, or by prescription from, a licensed

veterinarian.

18772. ~~There shall be a~~ *A person shall not administer a medically important antimicrobial drug through feed or drinking water except pursuant to a* veterinarian-client-patient relationship to ensure ~~that a medically important antimicrobial~~ *the* drug ~~administered to food animals through feed or drinking water~~ is used in a manner that is consistent with professionally accepted best practices. For the purposes of this section, a "veterinarian-client-patient relationship" is a relationship meeting the requirements of Section 2032.1 of Title 16 of the California Code of Regulations.

18773. (a) (1) If a medically important antimicrobial drug, or combination drug, for use in food animals is registered with the department as of January 1, 2015, and the drug does not comply with Section 18771, the manufacturer of the medically important antimicrobial drug, or combination drug, shall have until January 1, 2017, to reregister the drug with the secretary. The secretary shall refuse to reregister the drug unless it complies with Section 18771.

(2) Notwithstanding paragraph (1), if a drug label reviewed by the FDA under the Guidance for Industry #213 is delayed beyond January 1, 2017, the secretary shall have the authority to continue registering the drug during the FDA's review period.

(3) If revisions to the veterinary feed directive cause the FDA to delay implementation of the Guidance for Industry #213, the secretary shall have the authority to extend the time period by which a manufacturer is required to reregister the drug pursuant to paragraph (1) to be consistent with the delay in the implementation of the guidance. If the secretary extends the time period for reregistration, the extension shall not be later than the federal implementation date of the guidance.

(b) If revisions to the veterinary feed directive cause the FDA to revise the Guidance for Industry #213, the secretary shall have the authority to promulgate regulations to ensure that California law is consistent with the revisions to the guidance.

SEC. 3. 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.

Assembly Bill No. 1810

CHAPTER 86

An act to amend Section 1834.5 of, and to repeal Section 1834.6 of, the Civil Code, relating to deposits.

[Approved by Governor July 07, 2014. Filed with Secretary of State July 07, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1810, Maienschein. Deposits for keeping: abandoned animals.

Existing law requires a veterinarian, dog kennel, cat kennel, pet-grooming parlor, animal hospital, or any other animal care facility, as provided, to humanely destroy an abandoned animal, if unable to place the animal with a new owner.

This bill, instead, would authorize the euthanasia of the abandoned animal under those circumstances.

Existing law prohibits a person from using an abandoned animal for experimentation and prohibits a person from turning over an abandoned animal to a pound or animal regulation department of a public agency.

This bill would allow a person to turn an abandoned animal over to a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or nonprofit animal rescue group, provided that the shelter or rescue group has been contacted and has agreed to take the animal.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1834.5 of the Civil Code is amended to read:

1834.5. (a) Notwithstanding any other provision of law, whenever an animal is delivered to a veterinarian, dog kennel, cat kennel, pet-grooming parlor, animal hospital, or any other animal care facility pursuant to a written or oral agreement entered into after the effective date of this section, and the owner of the animal does not pick up the animal within 14 calendar days after the day the animal was initially due to be picked up, the animal shall be deemed to be abandoned. The person into whose custody the animal was placed for care shall first try for a period of not less than 10 days to find a new owner for the animal or turn the animal over to a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or nonprofit animal rescue group, provided that the shelter or rescue group has been contacted and has agreed to take the animal. If unable to place the animal with a new owner, shelter, or rescue group, the animal care facility may have the abandoned animal euthanized.

(b) If an animal so abandoned was left with a veterinarian or with a facility that has a veterinarian, and a new owner cannot be found pursuant to this section, the veterinarian may euthanize the animal.

(c) Nothing in this section shall be construed to require an animal care facility or a veterinarian to euthanize an abandoned animal upon the expiration of the 10-day period described in subdivision (a).

(d) There shall be a notice posted in a conspicuous place, or in conspicuous type in a written receipt given, to warn a person depositing an animal at an animal care facility of the provisions of this section.

(e) An abandoned animal shall not be used for scientific or any other type of experimentation.

SEC. 2. Section 1834.6 of the Civil Code is repealed.

AB-1809 Dogs: health certificates. (2013-2014)

AMENDED IN SENATE JULY 01, 2014

AMENDED IN SENATE JUNE 09, 2014

AMENDED IN ASSEMBLY APRIL 23, 2014

AMENDED IN ASSEMBLY APRIL 10, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

ASSEMBLY BILL No. 1809

Introduced by Assembly Member Maienschein

February 18, 2014

An act to add Chapter 1.5 (commencing with Section 121720) to Part 6 of Division 105 of the Health and Safety Code, relating to veterinary public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1809, as amended, Maienschein. Dogs: health certificates.

Existing law imposes specified requirements on animal owners in order to prevent or control the transmission of zoonotic diseases, such as rabies, and communicable diseases amongst animals. Existing law also provides for the licensing and registration of dogs, as specified.

This bill would require a person seeking to bring a dog into this state, or importing dogs into this state for the purpose of resale or change of ownership, to obtain a health certificate with respect to that dog that has been completed by a licensed veterinarian and is dated within 10 days prior to the date on which the dog is brought into the state. The bill would require the person to submit the health certificate to the county health department, as specified. The bill would exempt from these requirements a person who brings a dog into the state that will not be offered for resale or if the ownership of the dog is not expected to change. The bill also would exempt from these requirements the import of a dog used for law enforcement or military work, a guide dog, as defined, or a dog imported as a result of a declared emergency or an investigation by law enforcement of an alleged violation of state or federal animal fighting or animal cruelty laws. The bill would authorize the agency receiving the health certificate to use the information on the health certificate as it deems appropriate, and to charge a fee in a reasonable amount sufficient to cover the costs associated with receiving and processing a health certificate submitted to the county health department pursuant to these provisions. By imposing a higher level of service on county health agencies, the bill would impose a state-mandated local program.

This bill would make a violation of its provisions an infraction punishable by a fine not to exceed $250 for each dog for which a violation has occurred, and would authorize animal control personnel to issue a correction warning in lieu of the fine, subject to specified exceptions. By creating a new crime, the bill would impose a state-mandated local program.

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

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

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 1.5 (commencing with Section 121720) is added to Part 6 of Division 105 of the Health and Safety Code, to read:

CHAPTER 1.5. Dog Importation: Health Certificates

121720. (a) (1) A person seeking to bring a dog into this state or importing dogs into this state for the purpose of resale or change of ownership shall obtain a health certificate with respect to that dog that has been completed by a licensed veterinarian and is dated within 10 days prior to the date on which the dog is brought into the state.

(2) ~~Except as provided in subdivision (c), the~~ *The* person *who is reselling or changing ownership as* described in paragraph (1) shall submit the health certificate to the county health department *as provided in subdivision (c)*. The person may submit the health certificate to the county health department by electronic transmission, facsimile, or any other method accepted by the receiving agency.

(b) Completion of a United States Department of Agriculture Animal and Plant Health Inspection Service Form 7001, known as the United States Interstate and International Certificate of Health Examination for Small Animals, shall satisfy the requirement of subdivision (a). A different form of canine health certificate acceptable to the receiving agency shall also satisfy the requirement of subdivision (a).

(c) It shall be the responsibility of persons importing dogs into this state for the purpose of resale or change of ownership to send the health certificate to the county health department where the dog is to be offered for sale or to the county of residence of the individual purchasing or receiving a dog directly from a source outside of California.

(d) The receiving agency may use the information on the health certificate as it deems appropriate.

121721. (a) This chapter does not apply to a person who brings a dog into the state that will not be offered for resale or if the ownership of the dog is not expected to change.

(b) This chapter does not apply to the import of a dog used for law enforcement or military work, a guide dog, as defined by subdivision (d) of Section 365.5 of the Penal Code, or a dog imported as a result of a declared emergency as described by Section 8558 of the Government Code or an investigation by law enforcement of an alleged violation of state or federal animal fighting or animal cruelty laws.

121722. The agency that receives a form pursuant to Section 121720 may charge a fee in a reasonable amount sufficient to cover the costs associated with receiving and processing a health certificate submitted to the agency pursuant to this chapter.

121723. (a) A person who violates a provision of this chapter is guilty of an infraction, punishable by a fine not to exceed two hundred fifty dollars ($250) for each dog for which a violation has occurred.

(b) In lieu of punishment pursuant to subdivision (a), authorized animal control personnel may issue a correction warning to a person who violates a provision of this chapter, unless the violation endangers the health or safety of the animal, the animal has been wounded as a result of the violation, or a correction warning has previously been issued to the individual. The correction warning shall require the person to correct the violation.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because of both of the following:

(a) A local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

(b) 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.

SENATE RULES COMMITTEE
Office of Senate Floor Analyses
1020 N Street, Suite 524
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: AB 2058
Author: Wilk (R), et al.
Amended: 6/19/14 in Senate
Vote: 27 - Urgency

SENATE GOVERNMENTAL ORGANIZATION COMMITTEE: 8-0, 6/10/14
AYES: Correa, Cannella, De León, Galgiani, Hernandez, Padilla, Torres, Vidak
NO VOTE RECORDED: Berryhill, Lieu, Vacancy

SENATE APPROPRIATIONS COMMITTEE: 6-0, 6/30/14
AYES: De León, Walters, Hill, Lara, Padilla, Steinberg
NO VOTE RECORDED: Gaines

ASSEMBLY FLOOR: 77-0, 5/27/14 - See last page for vote

SUBJECT: Open meetings

SOURCE: Author

DIGEST: This bill modifies the definition of "state body" to exclude an advisory body with less than three individuals, except for certain standing committees, as specified.

ANALYSIS: The Bagley-Keene Open Meeting Act covers all state boards and commissions and generally requires these bodies to publicly notice their meetings, prepare agendas, accept public testimony and conduct their meetings in public unless specifically authorized by the Act to meet in closed session. The Ralph M. Brown Act governs meetings of legislative bodies of local agencies. In general, both Acts are virtually identical. While both Acts contain specific exceptions from the open meeting requirements where government has demonstrated a need for confidentiality, such exceptions have been narrowly construed by the courts.

CONTINUED

The Bagley-Keene Act defines "state body" to mean each of the following:

1. Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.

2. A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.

3. An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body. Advisory bodies created to consist of fewer than three individuals are not a state body, except that standing committees of a state body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by resolution, policies, bylaws, or formal action of a state body are state bodies for the purposes of this chapter.

4. A board, commission, committee, or similar multimember body on which a member of a body that is a state body serves in his/her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

This bill modifies the definition of "state body" to exclude an advisory body with less than three individuals, except that a standing committee of a state body, regardless of its composition, which has a continuing subject matter jurisdiction or a meeting schedule fixed by resolution, policies, bylaws, or formal action of a state body is a state body for purposes of the Bagley-Keene Act Open Meeting Act.

Background

When the Legislature enacted the Bagley-Keene Act, it essentially said that when a state body sits down to develop its consensus, there needs to be a seat at the table reserved for the public. By reserving this place for the public, the Legislature has provided the public with the ability to monitor and participate in the decision-making process. If the body were permitted to meet in secret, the public's role in the decision-making process would be negated. Therefore, absent a specific reason to keep the public out of the meeting, the public should be allowed to monitor and participate in the decision-making process.

CONTINUED

Comments

According to the author's office, the current definition of "state body" in the Bagley-Keene Act contains an ambiguity with respect to whether a "standing committee" composed of fewer than three members needs to comply with the public notice and open meeting requirements of the Act. The author's office argues that certain state bodies (e.g., High Speed Rail Authority, First 5 California, and the Veterinary Medical Board) have allowed standing committees to hold closed door meetings as long as they contain two rather than three members and do not vote to take action on items. The author's office believes such entities are intentionally limiting membership on standing committees to no more than two members for the explicit purpose of avoiding open meeting requirements.

The author's office states that prior to 1993, the Brown Act contained language very similar to the current language in the Bagley-Keene Act relative to standing committees. However, in the 1990s when a local government entity attempted to claim a loophole existed for two-member standing committees, the Legislature promptly removed any ambiguity on the matter from the Brown Act (SB 1140, Calderon, Chapter 1138, Statutes of 1993). A conforming change was not made, however, to the Bagley-Keene Act, as no change was thought necessary.

The author's office emphasizes that the ambiguity left in the Bagley-Keene Act is allowing state bodies to deliberate and direct staff behind closed doors. These state agencies are allowing standing committees to interpret the language of the Bagley-Keene Act in a manner that is contrary to the intent of the Legislature and the public.

The author's office states that this bill is simply intended to clarify that all standing committees, including advisory committees, are subject to the transparency of open meeting regulations regardless of committee size or membership.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee, in general, this bill imposes minor to moderate costs on affected state entities. Some state entities may simply decide to eliminate certain advisory bodies and specified standing committees rather than spend limited resources for compliance with open meeting requirements.

CONTINUED

The following regulatory entities within the Department of Consumer Affairs that use advisory committees of less than three members reported costs to comply with open meeting requirements, including costs for board member and staff travel, communications, and providing public meeting space:

- Physician Assistant Board: $13,614 (Physician Assistant Fund)
- Dental Board: $20,421 (State Dentistry Fund)
- Dental Hygiene Committee: $15,833 (State Dental Hygiene Fund)
- Naturopathic Medicine Committee: $11,214 (Naturopathic Doctor's Fund)
- Board of Registered Nursing: $27,628 (Board of Registered Nursing Fund)
- Board of Accountancy: $89,556 (Accountancy Fund)
- Board of Veterinary Medicine: $6,807 (Veterinary Medical Board Contingency Fund)
- Board of Pharmacy: $9,345 (Pharmacy Board Contingency Fund)
- State Athletic Commission: $124,795 (Athletic Commission Fund)
- Osteopathic Medical Board: projected costs of $81,864, based on historical use of advisory bodies, if advisory bodies are formed in the future. (Osteopathic Medical Board Contingency Fund)

SUPPORT: (Verified 7/1/14)

Board of Behavioral Sciences

OPPOSITION: (Verified 7/1/14)

California Board of Accountancy

ARGUMENTS IN SUPPORT: The Board of Behavioral Sciences writes, "This bill would make an advisory body consisting of less than three members subject to the Bagley-Keene Open Meeting Act if the body is a standing committee with a continuing subject matter jurisdiction, or has a meeting schedule fixed by formal action of a state body."

ARGUMENTS IN OPPOSITION: The California Board of Accountancy (CBA) states that this bill appears to exclude even a single member from acting in an advisory body capacity without public notice. According to the CBA, this bill prevents the CBA and its various committees from asking fewer than three members to draft a letter, provide expert analysis, or work on legal language without giving public notice. Under existing law, the advisory activities of the CBA's one or two-member committees are vetted and voted upon in a publically noticed meeting of the whole committee board.

CONTINUED

ASSEMBLY FLOOR: 77-0, 5/27/14
AYES: Achadjian, Alejo, Allen, Ammiano, Bigelow, Bloom, Bocanegra, Bonilla, Bonta, Bradford, Brown, Buchanan, Ian Calderon, Campos, Chau, Chávez, Chesbro, Conway, Cooley, Dababneh, Dahle, Daly, Dickinson, Donnelly, Eggman, Fong, Fox, Frazier, Beth Gaines, Garcia, Gatto, Gomez, Gonzalez, Gordon, Gorell, Gray, Grove, Hagman, Hall, Harkey, Roger Hernández, Holden, Jones, Jones-Sawyer, Levine, Linder, Logue, Lowenthal, Maienschein, Mansoor, Medina, Melendez, Mullin, Muratsuchi, Nazarian, Nestande, Olsen, Pan, Perea, John A. Pérez, V. Manuel Pérez, Quirk, Rendon, Ridley-Thomas, Rodriguez, Salas, Skinner, Stone, Ting, Wagner, Waldron, Weber, Wieckowski, Wilk, Williams, Yamada, Atkins
NO VOTE RECORDED: Patterson, Quirk-Silva, Vacancy

MW:k 7/1/14 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

****** END ******

AB-2058 Open meetings. (2013-2014)

AMENDED IN SENATE JUNE 19, 2014

AMENDED IN ASSEMBLY APRIL 09, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

ASSEMBLY BILL No. 2058

Introduced by Assembly Member Wilk
(Coauthors: Assembly Members ~~Hagman and Harkey~~ *Hagman, Harkey, and Olsen*)
(Coauthors: Senators DeSaulnier, Gaines, and Vidak)

February 20, 2014

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2058, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in any meeting of a state body, subject to certain conditions and exceptions.

This bill would modify the definition of "state body" to exclude an advisory body with less than 3 individuals, except for certain standing committees.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11121 of the Government Code is amended to read:

11121. As used in this article, "state body" means each of the following:

(a) Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.

(b) A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.

(c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body. An advisory body created to consist of fewer than three individuals is not a state body, except that a standing committee of a state body, irrespective of its composition, which has a continuing subject matter jurisdiction, or a meeting schedule fixed by resolution, policies, bylaws, or formal action of a state body is a state body for the purposes of this chapter.

(d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by ~~the~~ *that* state body, whether the multimember body is organized and operated by the state body or ~~by~~ a private corporation.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to avoid unnecessary litigation and ensure the people's right to access of the meetings of public bodies pursuant to Section 3 of Article 1 of the California Constitution, it is necessary that act take effect immediately.

SB-1243 Professions and vocations. (2013-2014)

AMENDED IN ASSEMBLY JUNE 30, 2014

AMENDED IN ASSEMBLY JUNE 18, 2014

AMENDED IN SENATE APRIL 21, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

SENATE BILL No. 1243

Introduced by Senator Lieu
(Principal coauthor: Assembly Member Bonilla)

February 20, 2014

An act to amend Sections 149, 201, 312, 453, 4800, 4804.5, 11506, and 22259 of, and to add Sections 101.7, 154.1, 211, and 312.1 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1243, as amended, Lieu. Professions and vocations.

(1) Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations. Existing law requires those agencies to hold public meetings and provide public notice of a meeting.

This bill would require each of those agencies to offer a person requesting to receive notice of a meeting the option to receive that notice by regular mail, email, or both regular mail and email, and would require the agency to comply with that request. The bill would require an agency that intends to Web cast a meeting, to provide notice of intent to Web cast the meeting.

(2) Existing law authorizes certain agencies within the department, upon investigation and with probable cause to believe that a person is advertising in a telephone directory with respect to the offering or performance of services, without being properly licensed by or registered with the agency, to issue a citation including an order of correction. Existing law authorizes those agencies to notify the Public Utilities Commission if a person does not comply with a final order of correction, and requires the commission to require the telephone corporation providing the telephone services to disconnect the service.

This bill would apply those provisions to all agencies that comprise the department, and would delete the requirement that the advertising appear in a telephone directory.

(3) Existing law imposes specified duties on the department and allows the department to levy a charge for the estimated administrative expenses in advance on a pro rata share basis against funds of an agency comprising the department.

This bill would require the department to conduct a study of its system for prorating administrative expenses and to submit a report to the appropriate policy committees of the Legislature, on or before July 1, 2015, and on or before July 1 of each subsequent year, including the findings of the study and an accounting of the pro rata calculation. The bill would also require the department, if it engages a third-party consultant to assess the department's operations, to promptly, upon receipt of the consultant's final report on that assessment, to submit that report to the appropriate policy committees of the Legislature including the entire study upon its completion.

The bill would require the department to develop an enforcement academy, as specified, and to provide an opportunity for an employee of an agency comprising the department who performs enforcement functions to attend an enforcement academy, at least annually, to provide a solid, standard baseline of knowledge and practices for all employees who perform enforcement functions.

(4) Existing law requires an agency comprising the ~~board~~ *department* to investigate a consumer accusation or compliant against a licensee and, where appropriate, the agency is authorized to impose disciplinary action against a licensee. Under existing law, an agency comprising the ~~board~~ *department* may refer a compliant to the Attorney General or Office of Administrative Hearings for further action. Existing law requires the Director of Consumer Affairs to submit an annual report to the Governor and the Legislature, on or before January 1, that includes information regarding consumer complaints and the action taken on those complaints.

This bill would require the director's report to include specific, detailed information regarding those complaints and actions. The bill would require the Attorney General to submit a report to the department, the Governor, and the appropriate policy committees of the Legislature, on or before January 1, 2016, and on or before January 1 of each subsequent year, that includes specified information regarding the actions taken by the Office of the Attorney General pertaining to accusations and cases relating to consumer complaints against a person whose profession or vocation is licensed by an agency comprising the department. The bill would require the Office of Administrative Hearings to submit a report to the same parties in the same timeframe as described above that includes actions taken by that office with respect to cases pertaining to those complaints.

(5) Existing law requires a newly appointed member of a board comprising the department to, within one year of assuming office, complete a training and orientation program offered by the department.

This bill would require the department to develop a board member mentor program to assign an experienced board member to mentor a new board member serving on a different board.

(6) Existing law regulates the practice of veterinary medicine. Existing law, until January 1, 2016, provides for a Veterinary Medical Board within the Department of Consumer Affairs. Existing law, until January 1, 2016, authorizes the board to appoint a person exempt from civil service to be designated as an executive officer of the board, as specified.

This bill would extend those provisions until January 1, 2017.

(7) Existing law regulates the practice of common interest development managers, and makes those provisions effective only until January 1, 2015.

This bill would extend the effectiveness of those provisions until January 1, 2019, and subject those provisions to review by the appropriate policy committees of the Legislature. The bill would also delete an obsolete reference.

(8) Existing law establishes the California Tax Education Council, a nonprofit organization, and requires the council to register and regulate tax preparers. Existing law makes those provisions effective only until January 1, 2015.

This bill would extend the effectiveness of those provisions until January 1, 2019.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 101.7 is added to the Business and Professions Code, to read:

101.7. (a) An agency within the department that is required to provide a written notice pursuant to subdivision (a) of Section 11125 Government Code, may provide that notice by regular mail, email, or by both regular mail and email. An agency shall give a person who requests a notice the option of receiving the notice by regular mail, email, or by both regular mail and electronic mail. The agency shall comply with the requester's chosen form or forms of notice.

(b) An agency that plans to Web cast a meeting shall include in the meeting notice required pursuant to subdivision (a) of Section 11125 of the Government Code a statement of the board's intent to Web cast the meeting. An agency may Web cast a meeting even if the agency fails to include that statement of intent in the notice.

SEC. 2. Section 149 of the Business and Professions Code is amended to read:

149. (a) If, upon investigation, an agency designated in Section 101 has probable cause to believe that a person is advertising with respect to the offering or performance of services, without being properly licensed by or registered with the agency to offer or perform those services, the agency may issue a citation under Section 148 containing an order of correction that requires the violator to do both of the following:

(1) Cease the unlawful advertising.

(2) Notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

(b) This action is stayed if the person to whom a citation is issued under subdivision (a) notifies the agency in writing that he or she intends to contest the citation. The agency shall afford an opportunity for a hearing, as specified in Section 125.9.

(c) If the person to whom a citation and order of correction is issued under subdivision (a) fails to comply with the order of correction after that order is final, the agency shall inform the Public Utilities Commission of the violation and the Public Utilities Commission shall require the telephone corporation furnishing services to that person to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

(d) The good faith compliance by a telephone corporation with an order of the Public Utilities Commission to terminate service issued pursuant to this section shall constitute a complete defense to any civil or criminal action brought against the telephone corporation arising from the termination of service.

SEC. 3. Section 154.1 is added to the Business and Professions Code, to read:

154.1. (a) The Legislature hereby finds and declares all of the following:

(1) The department is currently providing opportunities for employees of agencies comprising the department who perform enforcement functions to attend an enforcement academy.

(2) It is in the best interest of consumers in the state for the department to continue to provide these opportunities for employees performing enforcement functions for each agency comprising the department.

(b) The department shall provide an opportunity for an employee of an agency comprising the department who performs enforcement functions to attend an enforcement academy, at least annually, to provide a solid, standard baseline of knowledge and practices for all employees who perform enforcement functions. The department shall encourage an agency executive officer, registrar, executive director, bureau chief, enforcement manager, supervisor, or staff member to attend an enforcement academy.

(c) The department shall develop the enforcement academy curricula in consultation and cooperation with the Office of the Attorney General and the Office of Administrative Hearings. The curricula shall include, but not be limited to, complaint intake, determining which cases should be referred for investigation, preparing a case suitable for filing an accusation, and the Administrative Procedure Act.

(d) The department shall develop and implement a measure of training outcomes that includes a pretest and posttest of an employee's knowledge of the training subject matter, and any other performance measures

that the department deems appropriate.

SEC. 4. Section 201 of the Business and Professions Code is amended to read:

201. (a) A charge for the estimated administrative expenses of the department, not to exceed the available balance in any appropriation for any one fiscal year, may be levied in advance on a pro rata share basis against any of the boards, bureaus, commissions, divisions, and agencies, at the discretion of the director and with the approval of the Department of Finance. The department shall submit a report of the accounting of the pro rata calculation of administrative expenses to the appropriate policy committees of the Legislature on or before July 1, 2015, and on or before July 1 of each subsequent year.

(b) The department shall conduct a study of its current system for prorating administrative expenses to determine if that system is the most productive, efficient, and cost-effective manner for the department and the agencies comprising the department. The study shall include consideration of whether some of the administrative services offered by the department should be outsourced or charged on an as-needed basis and whether the agencies should be permitted to elect not to receive and be charged for certain administrative services. The department shall include in its report pursuant to subdivision (a) the findings of the study.

SEC. 5. Section 211 is added to the Business and Professions Code, to read:

211. If the department hires a third-party consultant to assess the department's operations, the department shall, promptly upon receipt of the consultant's final report on that assessment, submit that report to the appropriate policy committees of the Legislature.

SEC. 6. Section 312 of the Business and Professions Code is amended to read:

312. (a) The director shall submit to the Governor and the Legislature on or before January 1, 2003, and annually thereafter, a report of programmatic and statistical information regarding the activities of the department and its constituent entities. The report shall include information concerning the director's activities pursuant to Section 326, including the number and general patterns of consumer complaints and the action taken on those complaints.

(1) The report shall include, at a minimum, all of the following information:

(2) The total number of temporary restraining orders or interim suspension orders sought by each constituent entity to enjoin licensees pursuant to Sections 125.7 and 125.8, the circumstances in each case that prompted the constituent entity to seek that injunctive relief, and whether a restraining order or interim suspension order was issued.

(3) Information relative to the performance of each constituent entity, including all of the following:

(A) Number of consumer calls received.

(B) Number of consumer calls or letters designated as discipline-related complaints.

(C) Number of complaint forms received.

(D) Number of convictions of licensees reported to the ~~board~~ *constituent entity*.

(E) Number of criminal filings reported to the constituent entity.

(F) Number of complaints and referrals closed, referred out, or resolved without discipline, respectively, prior to accusation.

(G) Number of accusations filed and final disposition of accusations through the constituent entities and court review, respectively.

(H) Final discipline by category.

(I) Number of citations issued with and without fines.

(J) Number of cases in process more than six months after a constituent entity receives information regarding the acts relevant to a filed accusation.

(K) The average and median times in processing complaints from when a constituent entity receives a complaint to each stage of discipline and court review.

~~(L)Final discipline by category.~~

~~(M)~~

(L) Number of public reprimands issued.

~~(N)~~

(M) Probation violation reports and probation revocation filings and dispositions.

~~(O)~~

(N) Number of petitions for reinstatement and the dispositions of those petitions.

~~(P)~~

(O) Caseloads of investigators for both original cases and probation cases.

~~(Q)~~

(P) Number of reports pursuant to Section 805 or Section 805.01 by type of peer review body reporting and, where applicable, the type of health care facility involved and the number and type of administrative or disciplinary actions taken by a constituent entity with respect to those reports.

~~(R)~~

(Q) Number of reports pursuant to Section 801.01 or 803.

~~(S)~~

(R) The number of malpractice settlements in excess of thirty thousand dollars ($30,000) reported pursuant to Section 801.01.

~~(T)~~

(S) Number of coroner's reports received by a ~~board~~ *constituent entity*.

~~(U)~~

(T) Average length of time for a constituent entity to reach each of the following milestones in the enforcement process:

(i) Average number of days from when a constituent entity receives a complaint until the ~~board~~ *constituent entity* assigns an investigator to the complaint.

(ii) Average number of days from a constituent entity opening an investigation conducted by the constituent entity staff or the Division of Investigation to closing the investigation regardless of outcome.

(iii) Average number of days from a constituent entity closing an investigation to imposing formal discipline.

(iv) Average number of days for a constituent entity to conduct a supplemental investigation for a case that was rereferred by the constituent entity to the Attorney General to file an accusation.

(b) "Action," for purposes of this section, means a proceeding brought by, or on behalf of, a constituent entity against a licensee for unprofessional conduct that has not been finally adjudicated, and a disciplinary action taken by a constituent entity against a licensee.

(c) A report submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 7. Section 312.1 is added to the Business and Professions Code, to read:

312.1. (a) The Attorney General shall submit a report to the department, the Governor, and the appropriate policy committees of the Legislature on or before January 1, 2016, and on or before January 1 of each

subsequent year that includes, at a minimum, all of the following:

(1) Number of cases referred to the Attorney General by each constituent entity comprising the department.

(2) Number of cases referred by the Attorney General back to each constituent entity with no further action.

(3) Number of cases rereferred by a constituent entity to the Attorney General after each constituent entity or the Division of Investigation completes a supplemental investigation.

(4) Number of accusations filed by each constituent entity.

(5) Number of accusations a constituent entity withdraws.

(6) Average number of days from the Attorney General receiving a case to filing an accusation on behalf of each constituent entity.

(7) Average number of days to prepare an accusation for a case that is rereferred to the Attorney General after a supplemental investigation is conducted by staff of a constituent entity or the Division of Investigation for each constituent entity.

(8) Average number of days from filing an accusation to transmitting a stipulated settlement for each constituent entity.

(9) Average number of days from filing an accusation to transmitting a default decision for each constituent entity.

(10) Average of days from filing an accusation to scheduling a hearing for each constituent entity.

(11) Average numbers of days from scheduling a hearing to conducting a hearing for each constituent entity.

(b) The Office of Administrative Hearings shall submit a report to the department, the Governor, and the Legislature on or before January 1, 2016, and on or before January 1 of each subsequent year that includes, at a minimum, all of the following:

(1) Number of cases referred by each constituent entity to each office of the Office of Administrative Hearings for a hearing.

(2) Average number of days from receiving a request to setting a hearing date at each office of the Office of Administrative Hearings.

(3) Average number of days from setting a hearing to conducting the hearing.

(4) Average number of days after conducting a hearing to transmitting the proposed decision by each office of the Office of Administrative Hearings.

SEC. 8. Section 453 of the Business and Professions Code is amended to read:

453. (a) Every newly appointed board member shall, within one year of assuming office, complete a training and orientation program offered by the department regarding, among other things, his or her functions, responsibilities, and obligations as a member of a board. The department shall adopt regulations necessary to establish this training and orientation program and its content.

(b) The department shall develop a board member mentor program through which experienced board members will be trained to act as mentors to newly appointed board members. A mentor member should be assigned to a new board member who serves on a different board. A mentor may be a current or former board member.

SEC. 9. 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, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature. However, the review of the board shall be limited to those issues identified by the appropriate policy committees of the Legislature and shall not involve the preparation or submission of a sunset review document or evaluative questionnaire.

SEC. 10. 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, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 11. Section 11506 of the Business and Professions Code is amended to read:

11506. This part shall be subject to review by the appropriate policy committees of the Legislature. This part shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 12. Section 22259 of the Business and Professions Code is amended to read:

22259. (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, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

Robison, Karen@DCA

From: Gage, Bill <Bill.Gage@SEN.CA.GOV>
Sent: Wednesday, July 09, 2014 4:39 PM
To: DelMugnaio, Annemarie@DCA
Subject: RE: Amendments to SB 1243

So looking through your request for changes.

For Section 4841.5 and 4844(c), no problem.

For Section 4836.2 would suggest that subsection (e) actually be placed under subsection (c) as (3) and make current (3) number (4). Would be as follows:

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 deny, 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 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 veterinary assistant to whom the permit is issued has been convicted of a state or federal felony controlled substance violation.***

~~(3)~~ ***(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.

(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) The board shall revoke a veterinary assistant controlled substance permit upon notification that the veterinary assistant to whom the license is issued has been convicted of a state or federal felony controlled substance violation.~~

(f) (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.

(g) 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 (f).

(h) This section shall become operative upon the later of January 1, 2015, or the effective date of the statute in which the Legislature makes a determination that the board has sufficient staffing to implement this section.

As to your "fixed premise permit definition in Section 4853, would imagine even though this Section allows for a "roving" authorization (that truthfully I don't get) that you would still like to have the veterinarian register them with you. Maybe suggest the following change in Section 4853 and then could do regulations if necessary to deal with these other locations:

4853. (a) All premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

(b) "Premises" for the purpose of this chapter shall include a building, kennel, mobile unit, ~~or~~ vehicle***, or other location as specified by the board***. Mobile units and vehicles shall be exempted from independent registration with the board when they are operated from a building or facility which is the licensee manager's principal place of business and the building is registered with the board, and the registration identifies and declares the use of the mobile unit or vehicle.

(c) Every application for registration of veterinary premises shall set forth in the application the name of the responsible licensee manager who is to act for and on behalf of the licensed premises. Substitution of the responsible licensee manager may be accomplished by application to the board if the following conditions are met:

(1) The person substituted qualifies by presenting satisfactory evidence that he or she possesses a valid, unexpired, and unrevoked license as provided by this chapter and that the license is not currently under suspension.

(2) No circumvention of the law is contemplated by the substitution.

Not sure how the profession might respond, but at least would have to go through the regulatory process before a new location was determined. Also could be a little bit more specific under what circumstances registration would be required of that location. For example, brief visits by the veterinarian versus more permanent practice.

From: DelMugnaio, Annemarie@DCA [mailto:Annemarie.DelMugnaio@dca.ca.gov]
Sent: Friday, June 27, 2014 1:19 PM
To: Gage, Bill
Subject: Amendments to SB 1243

Hi Bill,

Just following up on the request for amendments for Vet Med in SB 1243. Are the submitted clean-up amendments going to make it into the bill?

Thanks!

Annemarie Del Mugnaio
Executive Officer
Veterinary Medical Board

Date of Hearing: June 26, 2014

ASSEMBLY COMMITTEE ON TRANSPORTATION
Bonnie Lowenthal, Chair
SB 1323 (Lieu) – As Amended: June 30, 2014

SENATE VOTE: Not relevant

SUBJECT: Specialized license plates: Pet Lover's License Plate Program

SUMMARY: Requires the Department of Motor Vehicles (DMV) to deposit fees collected for a specialized license plate issued under the Pet Lover's Specialized License Plate Program into the Pet Lover's Specialized License Plate Fund (PLF), as specified. Specifically, this bill:

1) Requires DMV to deposit the fees collected under the Pet Lover's Specialized License Plate Program sponsored by the Veterinary Medical Board (VMB) into the PLF.

2) Specifies the funds collected by any successor specialized license plate program sponsored by VMB are to be deposited into the PLF.

3) Establishes the PLF in the State Treasury.

4) Directs funds deposited in the PLF to be continuously appropriated to VMB for purposes of funding grants to providers of no-cost or low-cost animal sterilization services.

5) Requires VMB to consider recommendations from the California Spay and Neuter License Plate Fund Inc. in determining how to award grant funds.

6) Includes and urgency provision.

EXISTING LAW:

1) Establishes specialized license plate programs and requires DMV to issue specialized license plates to a sponsoring state agency that meets specific requirements.

2) Requires DMV to, in addition to the regular fees paid for an original or renewal of vehicle registration, charge specified fees for the issuance, renewal, or transfer of specialized license plates.

3) Requires DMV to deduct the administrative cost to implement the specialized license plate program from the abovementioned additional fees and directs the remainder of the fees to be deposited in the Specialized License Plate Fund.

4) Specifies that fees deposited in the Specialized License Plate Fund are to be appropriated by the Legislature and allocated to each sponsoring agency in proportion to the amount that is collected for the sponsoring agency's specialized license plate program.

FISCAL EFFECT: Unknown

COMMENTS: Prior to 2007, any new specialized license plate required specific legislative authorization. That practice was held to be unconstitutional by the federal courts in that the Legislature approved some of the plates and rejected others, while using no standardized or objective criteria for those decisions. In response to the court decision, AB 84 (Leslie), Chapter 454, Statutes of 2006, established the current specialized license plate program to provide a forum for government speech that promotes California's state policies. AB 84 excludes private organizations from seeking specialized license plates as a forum for private speech, and thus addresses the court's objection.

Specialized license plates now created and the revenue they generate must publicize or promote a state agency, or the official policy, mission, or work of a state agency. A state agency must first submit an initial application to DMV requesting sponsorship of a specialized license plate. The process then provides the sponsoring state agency 12 months to obtain the required 7,500 paid applications and must be received by the sponsoring state agency prior to notifying DMV. The 7,500 application threshold was previously put into statute for specialized license plates and was arrived at in an attempt to assure that DMV's startup costs would be fully covered by the portion of the registration fee surcharge that is directed to DMV and to avoid a proliferation of different types of plates, which can be troublesome from a law enforcement perspective. Furthermore, fees collected from the specialized license plate programs are first used to cover DMV program administrative costs with the remaining additional funds being deposited into the Specialized License Plate Fund and subject to appropriation by the Legislature.

DMV currently administers 12 specialized license plate programs, including the Pet Lover's specialized license plate program. AB 610 (Solorio), Chapter 9, Statutes of 2012, provided VMB an additional 12 month period to meet the 7,500 application threshold as required by existing law. VMB obtained the necessary applications over the additional 12 months and began issuing Pet Lover's specialized license plates in September of 2013. As of May 31, 2014, DMV has issued 8,070 Pet Lover's specialized license plates and generated $94,844.

This bill requires DMV to deposit additional revenue generated from the Pet Lover's specialized license plate program into the newly created PLF and to be continuously appropriated to VMB. The author introduced this bill in order to streamline the funding process for the Pet Lover's plate program and to keep revenue flowing to programs that fund animal sterilization services. Currently a timing issue exists between when DMV started collecting fees for the Pet Lover's specialized license plate program and when DMV has the authority to allocate the funds to VMB. Due to this timing issue, VMB would receive program funds no earlier than July 2015. The author notes the provisions in this bill are necessary to ensure that the funds meant to go to no-cost or low-cost spay and neuter programs actually reach their intended purpose in a timely manner and do not get delayed in the state budget process.

Previous legislation:

AB 610 (Solorio), Chapter 9, Statute of 2012, provided an additional 12 months for the collection of the 7,500 paid applications necessary for VMB to successfully sponsor a the Pet Lover's specialized license plate.

REGISTERED SUPPORT / OPPOSITION:

Support

Veterinary Medical Board
State Humane Association of California

Opposition

None on file

Analysis Prepared by: Manny Leon / TRANS. / (916) 319-2093

SB-1323 Specialized license plates: Pet Lover's License Plate Program. (2013-2014)

AMENDED IN ASSEMBLY JUNE 30, 2014

AMENDED IN ASSEMBLY JUNE 17, 2014

AMENDED IN SENATE APRIL 29, 2014

AMENDED IN SENATE APRIL 02, 2014

AMENDED IN SENATE MARCH 25, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

SENATE BILL No. 1323

Introduced by Senator Lieu

February 21, 2014

An act to amend Section 5157 of the Vehicle Code, relating to vehicles, ~~and~~ making an appropriation ~~therefor.~~ *therefor, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1323, as amended, Lieu. Specialized license plates: Pet Lover's License Plate Program.

Existing law establishes a specialized license plate program and requires the Department of Motor Vehicles (DMV) to issue specialized license plates to a sponsoring state agency that meets certain requirements. Existing law requires the DMV to charge specified additional fees for the issuance, renewal, or transfer of specialized license plates, and requires that these additional fees, less the DMV's administrative costs, be deposited in the Specialized License Plate Fund for appropriation and allocation to each sponsoring state agency, as specified.

This bill would require the DMV to deposit the additional fees for a specialty license plate issued under the Pet Lover's License Plate Program sponsored by the Veterinary Medical Board, or a successor specialty license plate program sponsored by the board, into the Pet Lover's Specialized License Plate Fund, which the bill would establish. The bill would require that these funds be continuously appropriated to the Veterinary Medical Board for the sole and exclusive purpose of funding grants to providers of no-cost or low-cost animal sterilization services, as specified. By continuously appropriating moneys in the fund to the board, the bill would make an appropriation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5157 of the Vehicle Code is amended to read:

5157. (a) In addition to the regular fees for an original registration or renewal of registration, the following additional fees shall be paid for the issuance, renewal, or transfer of the specialized license plates:

(1) For the original issuance of the plates, fifty dollars ($50).

(2) For a renewal of registration with the plates, forty dollars ($40).

(3) For transfer of the plates to another vehicle, fifteen dollars ($15).

(4) For each substitute replacement plate, thirty-five dollars ($35).

(5) In addition, for the issuance of environmental license plates, as defined in Section 5103, with a specialized license plate design, the additional fees prescribed in Sections 5106 and 5108. The additional fees prescribed in Sections 5106 and 5108 shall be deposited in the California Environmental License Plate Fund.

(b) The Gold Star Family specialized license plate program as provided in subdivision (d) of Section 5156 shall not be subject to the fees specified in paragraphs (1), (2), and (5) of subdivision (a) and shall only be issued in a sequential series.

(c) Except as provided in paragraph (5) of subdivision (a), and after deducting its administrative costs under this section, the department shall deposit the additional revenue derived from the issuance, renewal, transfer, and substitution of the specialized license plates in the Specialized License Plate Fund, which is hereby established in the State Treasury. Upon appropriation by the Legislature, the moneys in that fund shall be allocated to each sponsoring agency, in proportion to the amount in the fund that is attributable to the agency's specialized license plate program. Except as authorized under Section 5159, the sponsoring agency shall expend all funds received under this section exclusively for projects and programs that promote the state agency's official policy, mission, or work.

(d) (1) The Department of Veterans Affairs may actively request and receive donations for the Gold Star Family License Plate ~~Account~~ *Account,* which is hereby created in the Specialized License Plate Fund and which may consist of donations from public and private entities. Earnings generated by the Gold Star Family License Plate Account shall be retained by the account.

(2) Upon the determination of the department that there are sufficient funds in the Gold Star Family License Plate Account for this purpose, moneys in the Gold Star Family License Plate Account shall be available, upon appropriation by the Legislature, to the department for the necessary administrative costs of establishing the Gold Star Family specialized license plate program.

(e) Notwithstanding subdivision (c), the department shall deposit the additional revenue derived from the issuance, renewal, transfer, and substitution of a specialty license plate issued under the Pet Lover's License Plate Program sponsored by the Veterinary Medical Board, or a successor specialty license plate program sponsored by the Veterinary Medical Board, in the Pet Lover's Specialized License Plate Fund, which is hereby established in the State Treasury. Notwithstanding Section 13340 of the Government Code, all of the moneys in the Pet Lover's Specialized License Plate Fund are continuously appropriated to the Veterinary Medical Board, without regard to fiscal years, for the sole and exclusive purpose of funding grants to providers of no-cost or low-cost animal sterilization services. The Veterinary Medical Board shall consider the recommendations of the California Spay and Neuter License Plate Fund, Inc., in determining how to award grant funds.

SEC. 2. *This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:*

In order to ensure that funds from a specialized license plate program are available as soon as possible to allow the Veterinary Medical Board to support the critically important efforts of city and county animal shelters to address serious animal care and control problems facing the state, it is necessary that this act go into effect immediately.

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

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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

June 23, 2014

Honorable Bonnie Lowenthal, Chair
Assembly Committee on Transportation
State Capitol Room 112
Sacramento, CA 95814

Re: Senate Bill 1323 (Lieu) - Specialized license plates: Pet Lover's License Plate Program

Dear Chair Lowenthal:

As the official state sponsor of the California Pet Lover's License Plate Program, the Veterinary Medical Board supports legislation authorizing a continuous appropriation of the revenue generated by the specialty license plates issued under Pet Lover's License Plate Program to the California Spay & Neuter License Plate Fund Inc., (Fund).

The Fund is a non-profit California corporation recognized by the Veterinary Medical Board as its agent for the administration and management of the Pet Lover's License Plate Program and should be the entity receiving the revenue from the specialty license plate funds. The Board does not receive any revenue from the funds collected, does not determine provider eligibility, nor makes decisions regarding granting funds to qualified providers of no cost or low cost spay and neuter services; this is the responsibility of the Fund. As such, the Board should not incur expenses for the administration of the Pet Lover's License Plate Program, including requesting annual distribution of funds through the budget change process.

Legislation clarifying the continuous appropriation of the funds collected for the Pet Lover's License Plate Program would ensure that the revenue derived from the program is deposited into the appropriate Fund and may be disbursed according to regulatory provision.

The Board appreciates your assistance with adopting the necessary legislative amendments.

Sincerely,
Tom Kendall, DVM

Tom Kendall, DVM, President
Veterinary Medical Board

Cc: Honorable Ted Lieu, Chair Senate Business, Professions and Economic Development Committee
Bill Gage Chief Consultant, Senate Business, Professions and Economic Development Committee
Tracy Rhine and Greg Pruden, Legislative Unit, Department of Consumer Affairs

AB-1758 Healing arts: initial license fees: proration. (2013-2014)

AMENDED IN SENATE JUNE 30, 2014
AMENDED IN ASSEMBLY MAY 27, 2014
AMENDED IN ASSEMBLY APRIL 03, 2014
AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

ASSEMBLY BILL No. 1758

Introduced by Assembly Member Patterson
(Coauthor: Senator Lieu)

February 14, 2014

An act to amend Sections 1724, 1944, 2435, 2538.57, 2570.16, 2688, 2987, 4842.5, 4905, 4970, and 5604 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1758, as amended, Patterson. Healing arts: initial license fees: proration.

Existing law provides for the regulation and licensure of various professions and vocations. Existing law requires that licenses issued to certain licensees, including, among others, architects, acupuncturists, dental hygienists, dentists, occupational therapists, physical therapists, physicians and surgeons, psychologists, and veterinarians, expire at 12 a.m. on either the last day of the birth month of the licensee or at 12 a.m. of the legal birth date of the licensee during the 2nd year of a 2-year term if not renewed.

This bill would require that the fee for an initial temporary or permanent license, or an original license, as specified, imposed pursuant to these provisions be prorated on a monthly basis, but would authorize a board or committee, as applicable, to impose an additional fee to cover the reasonable costs of issuing an initial or original license that expires in less than 12 months, as specified. The bill would limit the total amount of the prorated fee and the additional fee imposed for an initial or original license that expires in less than 12 months to 1/2 of the fee for an initial or original license, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1724 of the Business and Professions Code is amended to read:

1724. The amount of charges and fees for dentists licensed pursuant to this chapter shall be established by the board as is necessary for the purpose of carrying out the responsibilities required by this chapter as it relates to dentists, subject to the following limitations:

(a) The fee for application for examination shall not exceed five hundred dollars ($500).

(b) The fee for application for reexamination shall not exceed one hundred dollars ($100).

(c) The fee for examination and for reexamination shall not exceed eight hundred dollars ($800). Applicants who are found to be ineligible to take the examination shall be entitled to a refund in an amount fixed by the board.

(d) The fee for an initial license and for the renewal of a license shall not exceed four hundred fifty dollars ($450). The fee for an initial license shall be prorated on a monthly basis. The board may, however, with respect to an initial license that expires in less than 12 months, impose an additional fee sufficient to cover the reasonable costs of issuing the license if the board makes a determination in writing that the prorated fee for the initial license is insufficient to cover the reasonable costs of issuing the license and that the additional fee is necessary to cover those costs. The total amount of the prorated initial license fee and any additional fee imposed by the board pursuant to this subdivision for an initial license that expires in less than 12 months shall not exceed two hundred twenty-five dollars ($225).

(e) The fee for a special permit shall not exceed three hundred dollars ($300), and the renewal fee for a special permit shall not exceed one hundred dollars ($100).

(f) The delinquency fee shall be the amount prescribed by Section 163.5.

(g) The penalty for late registration of change of place of practice shall not exceed seventy-five dollars ($75).

(h) The application fee for permission to conduct an additional place of practice shall not exceed two hundred dollars ($200).

(i) The renewal fee for an additional place of practice shall not exceed one hundred dollars ($100).

(j) The fee for issuance of a substitute certificate shall not exceed one hundred twenty-five dollars ($125).

(k) The fee for a provider of continuing education shall not exceed two hundred fifty dollars ($250) per year.

(l) The fee for application for a referral service permit and for renewal of that permit shall not exceed twenty-five dollars ($25).

(m) The fee for application for an extramural facility permit and for the renewal of a permit shall not exceed twenty-five dollars ($25).

The board shall report to the appropriate fiscal committees of each house of the Legislature whenever the board increases any fee pursuant to this section and shall specify the rationale and justification for that increase.

SEC. 2. Section 1944 of the Business and Professions Code is amended to read:

1944. (a) The committee shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions. The fees established by board resolution in effect on June 30, 2009, as they relate to the licensure of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions, shall remain in effect until modified by the committee. The fees are subject to the following limitations:

(1) The application fee for an original license and the fee for the issuance of an original license shall not exceed two hundred fifty dollars ($250). The fee for the issuance of an original license shall be prorated on a monthly basis. The committee may, however, with respect to an original license that expires in less than 12 months, impose an additional fee sufficient to cover the reasonable costs of issuing the original license if the committee makes a determination in writing that the fee for the original license is insufficient to cover the reasonable costs of issuing the license and that the additional fee is necessary to cover those costs. The total amount of the prorated original license fee and any additional fee imposed by the committee pursuant to this paragraph for an

original license that expires in less than 12 months shall not exceed one hundred twenty-five dollars ($125).

(2) The fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.

(3) For third- and fourth-year dental students, the fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.

(4) The fee for examination for licensure as a registered dental hygienist in extended functions shall not exceed the actual cost of the examination.

(5) The fee for examination for licensure as a registered dental hygienist in alternative practice shall not exceed the actual cost of administering the examination.

(6) The biennial renewal fee shall not exceed one hundred sixty dollars ($160).

(7) The delinquency fee shall not exceed one-half of the renewal fee. Any delinquent license may be restored only upon payment of all fees, including the delinquency fee, and compliance with all other applicable requirements of this article.

(8) The fee for issuance of a duplicate license to replace one that is lost or destroyed, or in the event of a name change, shall not exceed twenty-five dollars ($25) or one-half of the renewal fee, whichever is greater.

(9) The fee for certification of licensure shall not exceed one-half of the renewal fee.

(10) The fee for each curriculum review and site evaluation for educational programs for dental hygienists who are not accredited by a committee-approved agency shall not exceed two thousand one hundred dollars ($2,100).

(11) The fee for each review of courses required for licensure that are not accredited by a committee-approved agency, the ~~Council~~ *Bureau* for Private Postsecondary ~~and Vocational~~ Education *or its successor*, or the Chancellor's Office of the California Community Colleges shall not exceed three hundred dollars ($300).

(12) The initial application and biennial fee for a provider of continuing education shall not exceed five hundred dollars ($500).

(13) The amount of fees payable in connection with permits issued under Section 1962 is as follows:

(A) The initial permit fee is an amount equal to the renewal fee for the applicant's license to practice dental hygiene in effect on the last regular renewal date before the date on which the permit is issued.

(B) If the permit will expire less than one year after its issuance, then the initial permit fee is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the permit is issued.

(b) The renewal and delinquency fees shall be fixed by the committee by resolution at not more than the current amount of the renewal fee for a license to practice under this article nor less than five dollars ($5).

(c) Fees fixed by the committee by resolution pursuant to this section shall not be subject to the approval of the Office of Administrative Law.

(d) Fees collected pursuant to this section shall be collected by the committee and deposited into the State Dental Hygiene Fund, which is hereby created. All money in this fund shall, upon appropriation by the Legislature in the annual Budget Act, be used to implement the provisions of this article.

(e) No fees or charges other than those listed in this section shall be levied by the committee in connection with the licensure of registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.

(f) The fee for registration of an extramural dental facility shall not exceed two hundred fifty dollars ($250).

(g) The fee for registration of a mobile dental hygiene unit shall not exceed one hundred fifty dollars ($150).

(h) The biennial renewal fee for a mobile dental hygiene unit shall not exceed two hundred fifty dollars ($250).

(i) The fee for an additional office permit shall not exceed two hundred fifty dollars ($250).

(j) The biennial renewal fee for an additional office as described in Section 1926.4 shall not exceed two hundred fifty dollars ($250).

(k) The initial application and biennial special permit fee is an amount equal to the biennial renewal fee specified in paragraph (6) of subdivision (a).

(l) The fees in this section shall not exceed an amount sufficient to cover the reasonable regulatory cost of carrying out the provisions of this article.

SEC. 3. Section 2435 of the Business and Professions Code is amended to read:

2435. The following fees apply to the licensure of physicians and surgeons:

(a) Each applicant for a certificate based upon a national board diplomate certificate, each applicant for a certificate based on reciprocity, and each applicant for a certificate based upon written examination, shall pay a nonrefundable application and processing fee, as set forth in subdivision (b), at the time the application is filed.

(b) The application and processing fee shall be fixed by the board by May 1 of each year, to become effective on July 1 of that year. The fee shall be fixed at an amount necessary to recover the actual costs of the licensing program as projected for the fiscal year commencing on the date the fees become effective.

(c) Each applicant who qualifies for a certificate, as a condition precedent to its issuance, in addition to other fees required herein, shall pay an initial license fee, if any, in an amount fixed by the board consistent with this section. The initial license fee shall not exceed seven hundred ninety dollars ($790). The initial license fee shall be prorated on a monthly basis. The board may, however, with respect to an initial license that expires in less than 12 months, impose an additional fee sufficient to cover the reasonable costs of issuing the license if the board makes a determination in writing that the fee for the initial license is insufficient to cover the reasonable costs of issuing the license and that the additional fee is necessary to cover those costs. The total amount of the prorated initial license fee and any additional fee imposed by the board pursuant to this subdivision for an initial license that expires in less than 12 months shall not exceed three hundred ninety-five dollars ($395). An applicant enrolled in an approved postgraduate training program shall be required to pay only 50 percent of the initial license fee.

(d) The biennial renewal fee shall be fixed by the board consistent with this section and shall not exceed seven hundred ninety dollars ($790).

(e) Notwithstanding subdivisions (c) and (d), and to ensure that subdivision (k) of Section 125.3 is revenue neutral with regard to the board, the board may, by regulation, increase the amount of the initial license fee and the biennial renewal fee by an amount required to recover both of the following:

(1) The average amount received by the board during the three fiscal years immediately preceding July 1, 2006, as reimbursement for the reasonable costs of investigation and enforcement proceedings pursuant to Section 125.3.

(2) Any increase in the amount of investigation and enforcement costs incurred by the board after January 1, 2006, that exceeds the average costs expended for investigation and enforcement costs during the three fiscal years immediately preceding July 1, 2006. When calculating the amount of costs for services for which the board paid an hourly rate, the board shall use the average number of hours for which the board paid for those costs over these prior three fiscal years, multiplied by the hourly rate paid by the board for those costs as of July 1, 2005. Beginning January 1, 2009, the board shall instead use the average number of hours for which it paid for those costs over the three-year period of fiscal years 2005–06, 2006–07, and 2007–08, multiplied by the hourly rate paid by the board for those costs as of July 1, 2005. In calculating the increase in the amount of investigation and enforcement costs, the board shall include only those costs for which it was eligible to obtain reimbursement under Section 125.3 and shall not include probation monitoring costs and disciplinary costs, including those associated with the citation and fine process and those required to implement subdivision (b) of Section 12529 of the Government Code.

(f) Notwithstanding Section 163.5, the delinquency fee shall be 10 percent of the biennial renewal fee.

(g) The duplicate certificate and endorsement fees shall each be fifty dollars ($50), and the certification and letter of good standing fees shall each be ten dollars ($10).

(h) It is the intent of the Legislature that, in setting fees pursuant to this section, the board shall seek to maintain a reserve in the Contingent Fund of the Medical Board of California in an amount not less than two nor more than four months' operating expenditures.

(i) Not later than January 1, 2012, the Office of State Audits and Evaluations within the Department of Finance shall commence a preliminary review of the board's financial status, including, but not limited to, its projections related to expenses, revenues, and reserves, and the impact of the loan from the Contingent Fund of the Medical Board of California to the General Fund made pursuant to the Budget Act of 2008. The office shall make the results of this review available upon request by June 1, 2012. This review shall be funded from the existing resources of the office during the 2011–12 fiscal year.

SEC. 4. Section 2538.57 of the Business and Professions Code is amended to read:

2538.57. The amount of fees and penalties prescribed by this article shall be those set forth in this section unless a lower fee is fixed by the board:

(a) The fee for applicants applying for the first time for a license is seventy-five dollars ($75), which shall not be refunded, except to applicants who are found to be ineligible to take an examination for a license. Those applicants are entitled to a refund of fifty dollars ($50).

(b) The fees for taking or retaking the written and practical examinations shall be amounts fixed by the board, which shall be equal to the actual cost of preparing, grading, analyzing, and administering the examinations.

(c) The initial temporary license fee is one hundred dollars ($100). The fee for an initial temporary license shall be prorated on a monthly basis. The board may, however, with respect to an initial temporary license that expires in less than 12 months, impose an additional fee sufficient to cover the reasonable costs of issuing the initial temporary license if the board makes a determination in writing that the fee for the initial temporary license is insufficient to cover the reasonable costs of issuing the license and that the additional fee is necessary to cover those costs. The total amount of the prorated initial temporary license fee and any additional fee imposed by the board pursuant to this subdivision for an initial temporary license that expires in less than 12 months shall not exceed fifty dollars ($50). The fee for renewal of a temporary license is one hundred dollars ($100) for each renewal.

(d) The initial permanent license fee is two hundred eighty dollars ($280). The fee for an initial permanent license shall be prorated on a monthly basis. The board may, however, with respect to an initial permanent license that expires in less than 12 months, impose an additional fee sufficient to cover the reasonable costs of issuing the initial permanent license if the board makes a determination in writing that the fee for the initial permanent license is insufficient to cover the reasonable costs of issuing the license and that the additional fee is necessary to cover those costs. The total amount of the prorated initial permanent license fee and any additional fee imposed by the board pursuant to this subdivision for an initial permanent license that expires in less than 12 months shall not exceed one hundred forty dollars ($140). The fee for renewal of a permanent license is not more than two hundred eighty dollars ($280) for each renewal.

(e) The initial branch office license fee is twenty-five dollars ($25). The fee for renewal of a branch office license is twenty-five dollars ($25) for each renewal.

(f) The delinquency fee is twenty-five dollars ($25).

(g) The fee for issuance of a replacement license is twenty-five dollars ($25).

(h) The continuing education course approval application fee is fifty dollars ($50).

(i) The fee for official certification of licensure is fifteen dollars ($15).

SEC. 5. 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 one hundred fifty dollars ($150) per year. The initial license fee shall be prorated on a monthly basis. The board may, however, with respect to an initial license that expires in less than 12 months, impose an additional fee sufficient to cover the reasonable costs of issuing the initial license if the board makes a determination in writing that the fee for the initial license is insufficient to cover the reasonable costs of issuing the initial license and that the additional fee is necessary to cover those costs. The total amount of the prorated initial license

fee and any additional fee imposed by the board pursuant to this section, excluding the fees described in subdivisions (a) to (d), inclusive, for an initial license that expires in less than 12 months shall not exceed seventy-five dollars ($75). 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.

SEC. 6. Section 2688 of the Business and Professions Code is amended to read:

2688. The amount of fees assessed in connection with licenses issued under this chapter is as follows:

(a) (1) The fee for an application for licensure as a physical therapist submitted to the board prior to March 1, 2009, shall be seventy-five dollars ($75). The fee for an application submitted under Section 2653 to the board prior to March 1, 2009, shall be one hundred twenty-five dollars ($125).

(2) The fee for an application for licensure as a physical therapist submitted to the board on or after March 1, 2009, shall be one hundred twenty-five dollars ($125). The fee for an application submitted under Section 2653 to the board on or after March 1, 2009, shall be two hundred dollars ($200).

(3) Notwithstanding paragraphs (1) and (2), the board may decrease or increase the amount of an application fee under this subdivision to an amount that does not exceed the cost of administering the application process, but in no event shall the application fee amount exceed three hundred dollars ($300).

(b) The examination and reexamination fees for the physical therapist examination, physical therapist assistant examination, and the examination to demonstrate knowledge of the California rules and regulations related to the practice of physical therapy shall be the actual cost to the board of the development and writing of, or purchase of, the examination, and grading of each written examination, plus the actual cost of administering each examination. The board, at its discretion, may require the licensure applicant to pay the fee for the examinations required by Section 2636 directly to the organization conducting the examination.

(c) (1) The fee for a physical therapist license issued prior to March 1, 2009, shall be seventy-five dollars ($75).

(2) The fee for a physical therapist license issued on or after March 1, 2009, shall be one hundred dollars ($100).

(3) Notwithstanding paragraphs (1) and (2), the board may decrease or increase the amount of the fee under this subdivision to an amount that does not exceed the cost of administering the process to issue the license, but in no event shall the fee to issue the license exceed one hundred fifty dollars ($150).

(4) The fee assessed pursuant to this subdivision for an initial physical therapist license issued on or after January 1, 2015, shall be prorated on a monthly basis. The board may, however, with respect to an initial physical therapist license that expires in less than 12 months, impose an additional fee sufficient to cover the reasonable costs of issuing the license if the board makes a determination in writing that the fee for the initial license is insufficient to cover the reasonable costs of issuing the license and that the additional fee is necessary to cover those costs. The total amount of the prorated initial physical therapist license fee and any additional fee imposed by the board pursuant to this paragraph for an initial physical therapist license that expires in less than 12 months shall not exceed seventy-five dollars ($75).

(d) (1) The fee to renew a physical therapist license that expires prior to April 1, 2009, shall be one hundred fifty dollars ($150).

(2) The fee to renew a physical therapist license that expires on or after April 1, 2009, shall be two hundred dollars ($200).

(3) Notwithstanding paragraphs (1) and (2), the board may decrease or increase the amount of the renewal fee under this subdivision to an amount that does not exceed the cost of the renewal process, but in no event shall the renewal fee amount exceed three hundred dollars ($300).

(e) (1) The fee for application and for issuance of a physical therapist assistant license shall be seventy-five dollars ($75) for an application submitted to the board prior to March 1, 2009.

(2) The fee for application and for issuance of a physical therapist assistant license shall be one hundred twenty-five dollars ($125) for an application submitted to the board on or after March 1, 2009. The fee for an application submitted under Section 2653 to the board on or after March 1, 2009, shall be two hundred dollars ($200).

(3) Notwithstanding paragraphs (1) and (2), the board may decrease or increase the amount of the fee under this subdivision to an amount that does not exceed the cost of administering the application process, but in no event shall the application fee amount exceed three hundred dollars ($300).

(f) (1) The fee to renew a physical therapist assistant license that expires prior to April 1, 2009, shall be one hundred fifty dollars ($150).

(2) The fee to renew a physical therapist assistant license that expires on or after April 1, 2009, shall be two hundred dollars ($200).

(3) Notwithstanding paragraphs (1) and (2), the board may decrease or increase the amount of the renewal fee under this subdivision to an amount that does not exceed the cost of the renewal process, but in no event shall the renewal fee amount exceed three hundred dollars ($300).

(g) Notwithstanding Section 163.5, the delinquency fee shall be 50 percent of the renewal fee in effect.

(h) (1) The duplicate wall certificate fee shall be fifty dollars ($50). The duplicate renewal receipt fee amount shall be fifty dollars ($50).

(2) Notwithstanding paragraph (1), the board may decrease or increase the amount of the fee under this subdivision to an amount that does not exceed the cost of issuing duplicates, but in no event shall that fee exceed one hundred dollars ($100).

(i) (1) The endorsement or letter of good standing fee shall be sixty dollars ($60).

(2) Notwithstanding paragraph (1), the board may decrease or increase the amount of the fee under this subdivision to an amount that does not exceed the cost of issuing an endorsement or letter, but in no event shall the fee amount exceed one hundred dollars ($100).

SEC. 7. 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. The initial license fee shall be prorated on a monthly basis. The board may, however, with respect to an initial license that expires in less than 12 months, impose an additional fee sufficient to cover the reasonable costs of issuing the license if the board makes a determination in writing that the fee for the initial license is insufficient to cover the reasonable costs of issuing the license and that the additional fee is necessary to cover those costs. The total amount of the prorated initial license fee and any additional fee imposed by the board pursuant to this subdivision for an initial license that expires in less than 12 months shall not exceed one-half of the initial ~~licensure~~ *license* fee.

(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 and supervision of a psychological assistant by a supervisor under Section 2913, which is payable by that supervisor, 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 twenty-five dollars ($25).

(i) The endorsement fee is five dollars ($5).

Notwithstanding any other law, the board may reduce any fee prescribed by this section, when, in its discretion, the board deems it administratively appropriate.

SEC. 8. Section 4842.5 of the Business and Professions Code is amended to read:

4842.5. The amount of fees prescribed by this article is that fixed by the following schedule:

(a) The fee for filing an application for examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purposes of this chapter, not to exceed three hundred fifty dollars ($350).

(b) The fee for the California registered veterinary technician examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purposes of this chapter, not to exceed three hundred dollars ($300).

(c) The initial registration fee shall be set by the board at not more than three hundred fifty dollars ($350) and shall be prorated on a monthly basis. The board may, however, with respect to an initial registration that expires in less than 12 months, impose an additional fee sufficient to cover the reasonable costs of registration if the board makes a determination in writing that the fee for the initial registration is insufficient to cover the reasonable costs of registration and that the additional fee is necessary to cover those costs. The total amount of the prorated initial registration fee and any additional fee imposed by the board pursuant to this subdivision for an initial registration that expires in less than 12 months shall not exceed one hundred seventy-five dollars ($175). The board may adopt regulations to provide for the waiver or refund of the initial registration fee when the registration is issued less than 45 days before the date on which it will expire.

(d) The biennial renewal fee shall be set by the board at not more than three hundred fifty dollars ($350).

(e) The delinquency fee shall be set by the board at not more than fifty dollars ($50).

(f) Any charge made for duplication or other services shall be set at the cost of rendering the services.

(g) The fee for filing an application for approval of a school or institution offering a curriculum for training registered veterinary technicians pursuant to Section 4843 shall be set by the board at an amount not to exceed three hundred dollars ($300). The school or institution shall also pay for the actual costs of an onsite inspection conducted by the board pursuant to Section 2065.6 of Title 16 of the California Code of Regulations, including, but not limited to, the travel, food, and lodging expenses incurred by an inspection team sent by the board.

(h) The fee for failure to report a change in the mailing address is twenty-five dollars ($25).

SEC. 9. Section 4905 of the Business and Professions Code is amended to read:

4905. The following fees shall be collected by the board and shall be credited to the Veterinary Medical Board Contingent Fund:

(a) The fee for filing an application for examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars ($350).

(b) The fee for the California state board examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars ($350).

(c) The fee for the Veterinary Medicine Practice Act examination shall be set by the board in an amount it determines reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to

exceed one hundred dollars ($100).

(d) The initial license fee shall be set by the board not to exceed five hundred dollars ($500) and shall be prorated on a monthly basis. The board may, however, with respect to an initial license that expires in less than 12 months, impose an additional fee sufficient to cover the reasonable costs of issuing the license if the board makes a determination in writing that the fee for the initial license is insufficient to cover the reasonable costs of issuing the license and that the additional fee is necessary to cover those costs. The total amount of the prorated initial license fee and any additional fee imposed by the board pursuant to this subdivision for an initial license that expires in less than 12 months shall not exceed two hundred fifty dollars ($250). The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee when the license is issued less than 45 days before the date on which it will expire.

(e) The renewal fee shall be set by the board for each biennial renewal period in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed five hundred dollars ($500).

(f) The temporary license fee shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed two hundred fifty dollars ($250).

(g) The delinquency fee shall be set by the board, not to exceed fifty dollars ($50).

(h) The fee for issuance of a duplicate license is twenty-five dollars ($25).

(i) Any charge made for duplication or other services shall be set at the cost of rendering the service, except as specified in subdivision (h).

(j) The fee for failure to report a change in the mailing address is twenty-five dollars ($25).

(k) The initial and annual renewal fees for registration of veterinary premises shall be set by the board in an amount not to exceed four hundred dollars ($400) annually.

(l) If the money transferred from the Veterinary Medical Board Contingent Fund to the General Fund pursuant to the Budget Act of 1991 is redeposited into the Veterinary Medical Board Contingent Fund, the fees assessed by the board shall be reduced correspondingly. However, the reduction shall not be so great as to cause the Veterinary Medical Board Contingent Fund to have a reserve of less than three months of annual authorized board expenditures. The fees set by the board shall not result in a Veterinary Medical Board Contingent Fund reserve of more than 10 months of annual authorized board expenditures.

SEC. 10. Section 4970 of the Business and Professions Code is amended to read:

4970. The amount of fees prescribed for licensed acupuncturists shall be those set forth in this section unless a lower fee is fixed by the board in accordance with Section 4972:

(a) The application fee shall be seventy-five dollars ($75).

(b) The examination and reexamination fees shall be the actual cost to the Acupuncture Board for the development and writing of, grading, and administering of each examination.

(c) The initial license fee shall be three hundred twenty-five dollars ($325) and shall be prorated on a monthly basis. The board may, however, with respect to an initial license that expires in less than 12 months, impose an additional fee sufficient to cover the reasonable costs of issuing the license if the board makes a determination in writing that the fee for the initial license is insufficient to cover the reasonable costs of issuing the license and that the additional fee is necessary to cover those costs. The total amount of the prorated initial license fee and any additional fee imposed by the board pursuant to this subdivision for an initial license that expires in less than 12 months shall not exceed one hundred sixty-two dollars and fifty cents ($162.50).

(d) The renewal fee shall be three hundred twenty-five dollars ($325) and in the event a lower fee is fixed by the board, shall be an amount sufficient to support the functions of the board in the administration of this chapter. The renewal fee shall be assessed on an annual basis until January 1, 1996, and on and after that date the board shall assess the renewal fee biennially.

(e) The delinquency fee shall be set in accordance with Section 163.5.

(f) The application fee for the approval of a school or college under Section 4939 shall be three thousand dollars ($3,000).

(g) The duplicate wall license fee is an amount equal to the cost to the board for the issuance of the duplicate license.

(h) The duplicate renewal receipt fee is ten dollars ($10).

(i) The endorsement fee is ten dollars ($10).

(j) The fee for a duplicate license for an additional office location as required under Section 4961 shall be fifteen dollars ($15).

SEC. 11. Section 5604 of the Business and Professions Code is amended to read:

5604. The fees prescribed by this chapter for architect applicants or architect licenseholders shall be fixed by the board as follows:

(a) The application fee for reviewing a candidate's eligibility to take any section of the examination may not exceed one hundred dollars ($100).

(b) The fee for any section of the examination administered by the board may not exceed one hundred dollars ($100).

(c) The fee for an original license at an amount equal to the renewal fee in effect at the time the license is issued. The fee for an original license shall be prorated on a monthly basis. The board may, however, with respect to an original license that expires in less than 12 months, impose an additional fee sufficient to cover the reasonable costs of issuing the license if the board makes a determination in writing that the fee for the original license is insufficient to cover the reasonable costs of issuing the license and that the additional fee is necessary to cover those costs. The total amount of the prorated original license fee and any additional fee imposed by the board pursuant to this subdivision for an original license that expires in less than 12 months shall not exceed one-half of the original ~~licensure~~ *license* fee. The board may, by appropriate regulation, provide for the waiver or refund of the fee for an original license if the license is issued less than 45 days before the date on which it will expire.

(d) The fee for an application for reciprocity may not exceed one hundred dollars ($100).

(e) The fee for a duplicate license may not exceed twenty-five dollars ($25).

(f) The renewal fee may not exceed four hundred dollars ($400).

(g) The delinquency fee may not exceed 50 percent of the renewal fee.

(h) The fee for a retired license may not exceed the fee prescribed in subdivision (c).

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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

Veterinary Medical Board
1747 N. Market Blvd., Ste. 230, Sacramento, CA 95834
Telephone: 916-515-5222 Fax: 916-928-6582 | www.vmb.ca.gov

MEMORANDUM

DATE	July 8, 2014
TO	Veterinary Medical Board
FROM	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
SUBJECT	Premise Permit - Registration

Background:

Section 4853, states, in part: *(a) All premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced shall be registered with the board…."* Subdivision (b) defines a "premise" as including a building, kennel, mobile unit or vehicle. The statute further states that *mobile units and vehicles shall be exempted from independent registration with the board when they are operated from a building or facility which is the licensee manager's principle place of business and the building is registered with the board, and the registration identifies and declares the use of the mobile unit or vehicle.*

Issues:

BPC 4853 (b) has been interpreted to allow a managing licensee with a fixed premise, the authority to provide care at alternate locations (e.g., pet stores, feed stores, etc.), such that the care provided at the alternate locations was considered part of a mobile practice. The concern is that these locations are fixed buildings that may or may not have adequate resources and sanitation provisions, and the Board has no knowledge of their existence. The law exempts "mobile units or vehicles" identified and declared to the Board as an extension of the fixed premise permit, but does not appear to extend to alternate/third party locations.

With the implementation of the new minimum standards, the Board is fielding questions from professional associations, attorneys, and licensees regarding the authority of a veterinarian to "use" the premise permit at locations other than the primary fixed animal hospital, clinic, etc., the issue was discussed at the April 23-24, 2014, MDC and VMB meetings. The Board requested legal counsel review existing law and provide an opinion regarding statutory interpretation. Legal Counsel's response is as follows:

> *Section 4853(b) allows only "mobile units and vehicles" to be exempt, and even then they must be identified and declared in the registration for the principal place of business. Other fixed structures (alternate/third party locations) would be buildings that should be independently registered with the Board pursuant to this section.*
>
> *While § 4809.5 states that the "inspection authority does not extend to premises that are not registered with the board" "that" use of the word 'premises' is unclear because "premises where veterinary medicine…is being practiced" is already defined as being a place that shall be*

registered with the board (§ 4853(a)). In other words, there would be no such place as a "premise" not registered with the Board.

Attachments:

- Business and Professions Code Sections 4853 & 4809.5
- California Code of Regulations Sections 2030-2037 – Minimum Standards

Action Requested:

Informational Only.

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VETERINARY PREMISE APPLICATION

1. APPLICATION TYPE/FEES

	Office Use Only
☐ $200.00 - Initial Fixed or Mobile Premise Registration Premise Open Date _____	**Receipt Number:**
☐ No Fee - Initial City, County, or State Owned Premise Registration Premise Open Date _____	**Date Cashiered:**
☐ $25.00 - Premise Relocation/Change of Address Premise Open Date _____	**ATS ID:**
☐ $25.00 - Change of Premise Name or Managing Licensee Date of Change _____	**Amount Paid:**
☐ No Fee - Change of Business Type or Ownership	**Refund:**
	Please make check or money order payable to the "VMB"
	Mail application and fee to: Veterinary Medical Board 1747 N. Market Blvd. Suite 230 Sacramento, CA 95834

2. FACILITY INFORMATION

NAME OF BUSINESS		PREMISE NUMBER
TELEPHONE NUMBER	FAX NUMBER	
PHYSICAL ADDRESS		
CITY	STATE	ZIP
MAILING ADDRESS*		
CITY	STATE	ZIP

**List only if there is no mail delivery to the physical address. Only your Mailing Address will be public information.*

3. MANAGING LICENSEE INFORMATION

LAST	FIRST	MIDDLE
CALIFORNIA VETERINARY LICENSE NUMBER	LICENSE EXPIRATION DATE	
MAILING ADDRESS		
CITY	STATE	ZIP
U.S. SOCIAL SECURITY NUMBER:	TELEPHONE NUMBER:	
EMAIL ADDRESS:		

4. MANAGING LICENSEE DISCLOSURE

Are you currently registered as a managing licensee of another veterinary premise? If YES, please list Permit Number(s):	YES ☐ NO ☐
Will those premises remain open?	YES ☐ NO ☐
Will you remain as managing licensee?	YES ☐ NO ☐

5. MANAGING LICENSEE CONVICTION INFORMATION

Have you been convicted or pled nolo contendere to a felony or misdemeanor, other than a minor traffic violation, or had any disciplinary action taken against you by any licensing/regulatory agency in this or any other state? If Yes, please provide detailed written explanation.*	YES ☐ NO ☐

*You must include all misdemeanor and felony convictions, regardless of the age of the conviction, including those which have been set aside and/or dismissed under Penal Code Section 1000, 1203.4 or 1210.1. Traffic violations involving driving under the influence, injury to persons or providing false information must be reported. The definition of conviction includes convictions following a plea of nolo contendere (no contest) as well as pleas or verdicts of guilty.

6. PRACTICE INFORMATION - *check all that apply*

☐ Small ☐ Vaccination Clinic ☐ Emergency ☐ House Call

☐ Large ☐ Mixed ☐ Mobile/Ambulatory

7. NUMBER OF EMPLOYEES

____ CA Licensed Veterinarians ____ Non-CA Licensed Veterinarians ____ Clerical/Administrative

____ Registered Veterinary Technicians ____ Veterinary Assistants ____ Other _____

8. BUSINESS TYPE

☐ Sole Owner ☐ City/County/State Owned ☐ Other _____

☐ Corporation - *you must include articles of Incorporation for all initial registrations and ownership changes*

Corporation Name _____ Incorporation Date _____

Corporation Number _____ Incorporation State_____ FEIN _____

☐ Partnership - *you must include information for all partners.*

Name _____ % Interest _____Title _____ License Number _____

Name _____ % Interest _____Title _____ License Number _____

Name _____ % Interest _____Title _____ License Number _____

9. BUSINESS OWNER INFORMATION

LAST	FIRST	MIDDLE

CALIFORNIA VETERINARY/RVT LICENSE NUMBER	LICENSE EXPIRATION DATE

MAILING ADDRESS

CITY	STATE	ZIP

U.S. SOCIAL SECURITY NUMBER:	TELEPHONE NUMBER:

EMAIL ADDRESS:

10. BUSINESS OWNER DISCLOSURE

Are you currently and owner of any other veterinary premises registered with the Veterinary Medical Board? If YES, please list Premise Number(s):	YES ☐ NO ☐

11. DISCLOSURE SIGNATURE - *must be signed by managing licensee*

Managing licensees are required to comply with the minimum standards of practice. As a managing licensee, you are responsible for ensuring that the permit for which you are applying is in compliance with all applicable laws. In the event that the premise is in violation of any applicable laws, you will be held responsible and may have disciplinary action taken against you.

I certify that I understand that I am responsible for ensuring that this premises for which I am applying meets the minimum standards of practice and is in compliance will all applicable laws.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature _____ Date _____

INFORMATION COLLECTION, ACCESS AND DISCLOSURE

The information you provide on this application is maintained by the Executive Officer of the Veterinary Medical Board, Department of Consumer Affairs, 1747 N. Market Blvd., Suite 230, Sacramento, CA 95834, (916) 515-5220. The information is requested pursuant to Business and Professions Code sections 4853 and 4853.1 and California Code of Regulations, Title 16, Sections 2030, 2030.1, and 2030.2.

It is mandatory that you provide all information requested. Omission of any item of required information will result in the application being rejected as incomplete.

Disclosure of your Social Security number is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455[42 USCA §405(c)(2)(C)] authorize collection of your Social Security number. Your Social Security number will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or for verification of licensure or examination status by a licensing or examination entity which uses a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your Social Security number, you will be reported to the Franchise Tax Board, which may assess a $100 penalty against you.

Your completed application becomes the property of the Board and will be used by authorized personnel to determine you eligibility for a license, registration or permit. Information on your application may be transferred to other governmental or law enforcement agencies. Pursuant to the California Public Records Act (Gov. Code §6250 et seq.) and the Information Practices Act (Div. Code §1798.61), the names and addresses of persons possessing a license or registration may be disclosed by the department unless otherwise specifically exempt from disclosure under the law. **Consequently, the personal name and address information entered on the attached form(s) may become public information subject to disclosure.**

You have the right to review the records maintained on you by the Board or department unless the records are exempt by section 1798.40 of the Civil Code. You may gain access to the information by contacting the Veterinary Medical Board at the above address.

The name and address you have included on this application is subject to public disclosure and may be disclosed upon request, however if the residential address is different than the practice address, that address may remain confidential.

Incomplete applications will be returned. Please ensure that all information is complete and accurate. Please make check/money order payable to the Veterinary Medical Board and mail completed application to: Veterinary Medical Board, 1747 N. Market Blvd., Suite 230, Sacramento, CA 95834.

Please visit the Board's website at www.vmb.ca.gov for further information on the Board.