

**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

<b>DATE</b>	July 8, 2014
<b>TO</b>	Veterinary Medical Board
<b>FROM</b>	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
<b>SUBJECT</b>	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.