

**Veterinary Medical Board**

1747 N. Market Blvd., Suite 230, Sacramento, CA 95834

Telephone: 916-515-5220 Fax: 916-928-6849 | [www.vmb.ca.gov](http://www.vmb.ca.gov)



**NOTICE of TELECONFERENCE MEETING and AGENDA**  
Veterinary Medical Board

The Veterinary Medical Board will meet via teleconference on  
**Monday, June 19, 2017**, at the following locations:

Waterhouse Animal Hospital  
1115 East Champlain  
Fresno, California

Veterinary Care Center  
6455 Santa Monica Boulevard  
Los Angeles, California

Department of Animal Services  
6851 Van Buren Boulevard  
Jurupa Valley, California

K Bowler Group  
1111 H Street, #203  
Sacramento, California

Bay Cities Pet Hospital  
20447 Hawthorne Boulevard  
Torrance, California

Additional public location:  
Department of Consumer Affairs  
1747 North Market Boulevard, Peridot Room  
Sacramento, California

**Monday, June 19, 2017, 12:00 p.m. – 1:00 p.m.**  
**OR UNTIL COMPLETION OF BUSINESS**

1. Call to Order / Roll Call / Establishment of a Quorum
2. Introductions
3. Review, Discussion, and Possible Board Action on Amendments and Adopting Modified Language Regarding Animal Control Officer Training Regulations - Section 2039.5 of Title 16 of the California Code of Regulations
4. Discussion of Senate Bill 546 (Hill, 2017) Regarding Drug Counseling, Student Exemption, Hospital Inspection, and Petitions for Modification of Penalty/License Reinstatement and Possible Board Action
5. Public Comment on Items Not on the Agenda  
*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).)*
6. Adjournment

This agenda can be found on the Veterinary Medical Board website at [www.vmb.ca.gov](http://www.vmb.ca.gov). Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

\*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion,

apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting locations are accessible to the physically disabled. A person who needs disability-related accommodations or modifications in order to participate in the meeting may make a request by contacting: Nina Galang (916) 515-5220, email: [Nina.Galang@dca.ca.gov](mailto:Nina.Galang@dca.ca.gov) or send a written request to the Board of Veterinary Medicine, 1747 N. Market Blvd., Suite 230, Sacramento, CA 95834. Providing your request at least five (5) business days prior to the meeting will help ensure availability of the requested accommodations. TDD Line: (916) 326-2297.

**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.



**Action(s) Requested**

Review the regulatory language as amended and consider adopting the proposed regulations.

**Attachment(s):**

- Animal Control Officer Training – 15-Day Notice of Modified Text
- Animal Control Officer Training – 15-Day Notice of Proposed Language

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

**AVAILABILITY OF MODIFIED TEXT**

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board has proposed modifications to the text of section 2039.5 in Title 16 of the California Code of Regulations. There was no regulatory hearing held on the regulatory proposal. A copy of the modified text is enclosed. Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before April 3, 2017 to the following:

Name: Nina Galang  
Address: Veterinary Medical Board  
1747 N. Market Blvd., Ste. 230  
Sacramento, CA 95834  
Telephone No.: 916-515-5238  
Email Address: [Nina.Galang@dca.ca.gov](mailto:Nina.Galang@dca.ca.gov)

**Please note any comments should be restricted to the most recent modifications made to the proposed regulations. The Board is not required to respond to comments received in response to this notice on other aspects of the proposed regulations. Any comments previously submitted remain in the rulemaking file.**

DATED: March 17, 2017

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NINA GALANG  
Administrative Program Coordinator  
Veterinary Medical Board



## Veterinary Medical Board

### Modified Text

The originally proposed regulatory language is shown in single underline for new text.

Changes to the originally proposed language are shown in double underline for new text and ~~double  
strikeout~~ for deleted text.

#### **(1) Adopt Section 2039.5 of Article 4 of Division 20 of Title 16 of the California Code of Regulations to read as follows:**

##### **§2039.5 Animal Control Officer and Humane Officer Training**

- (a) For purposes of compliance with section 597.1 of the Penal Code, training for animal control or humane officers that meets the requirements of subdivisions ~~(b)~~, (c), (d), and (e) of this section shall be deemed approved by the Board.
- (b) For the purposes of this section, the term “licensee” means a California veterinarian who holds a current and valid license to practice veterinary medicine, as issued by the Board and the term “agency” means the organization or public entity employing the animal control or humane officer.
- (c) The training, which shall be a minimum of four hours, shall be provided by a licensee and shall include didactic and hands-on training.
- (d) The training shall include the following components:
  - (1) Definitions, weights and measures, and use of each and every controlled substance authorized by the agency for use in the chemical capture and immobilization of animals.
  - (2) Schedules and classifications of controlled substances and any hazards associated with exposure to the substances.
  - (3) Review of applicable Safety and Data Sheet (SDS) for each controlled substance authorized for use by the agency, such that each animal control or humane officer is familiar with the proper procedures for handling or working with that substance in a safe manner.
  - (4) The appropriate administration route and methods of administration available to the animal control or humane officer and for each species that is likely to be tranquilized in the field, including:
    - A. Common drug combinations.
    - B. Factors that may affect the choice of the controlled substances to be administered and the appropriate dosage.
    - C. Equipment available to administer the controlled substances, and advantages and disadvantages of each method.
    - D. Drug administration and the advantages and disadvantages of each route of administration.

- (5) Calculation of the proper dosages for each controlled substance for species likely to be tranquilized, including how to calculate a dosage with the following considerations: animal's weight, age, condition, and temperament.
  - (6) Identification of drug overdose or adverse drug reactions.
  - (7) Normal and abnormal signs and behavior of an animal following the administration of a tranquilizer.
  - (8) The proper care and transport of an animal tranquilized in the field.
  - (9) Identification when an animal requires veterinary care as a result of complications due to tranquilization.
  - (10) Review of applicable state and federal laws and regulations regarding the possession, storage, administration, tracking, and disposal of controlled substances.
  - (11) The level of licensee supervision established by the agency for an animal control or humane officer to administer controlled substances.
- (e) At the conclusion of the training, the animal control or humane officer must complete an oral or written examination provided by the licensed veterinarian, which shall cover the required curriculum and shall include a practical component.
  - (f) Upon an officer's successful completion of the course, as determined by the licensee, the agency or its designee shall issue a signed certificate verifying that the animal control or humane officer completed the course, and the certificate, which is not transferable, shall be valid for four (4) years after issuance. The agency shall retain a copy of a certificate for six (6) years after its issuance.
  - (g) An agency that seeks to have an animal control or humane officer administer a controlled substance that was not addressed in the original training shall have the licensee review and discuss with the agency's officers the information specified in subsections (3), (5), (6) and (7) of subdivision ~~(b)~~(d) and both the content and the date of the review shall be documented and retained by the agency for six (6) years.

NOTE: Authority cited: Section 4808, Business and Professions Code, Section 597.1, Penal Code.

Reference: Section 597.1, Penal Code.




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**SB-546 Veterinary medicine.** (2017-2018)

**Senate:** 1st Cmt

**Assembly:**

Bill Status	
<b>Measure:</b>	SB-546
<b>Lead Authors:</b>	Hill (S)
<b>Principal Coauthors:</b>	-
<b>Coauthors:</b>	-
<b>Topic:</b>	Veterinary medicine.
<b>31st Day in Print:</b>	03/19/17
<b>Title:</b>	An act <i>to amend Sections 4809.7, 4830, and 4887 of, and</i> to add Article 7 (commencing with Section 4920) to Chapter 11 of Division 2 <del>of</del> <i>of</i> , the Business and Professions Code, relating to healing arts.
<b>House Location:</b>	Senate
<b>Last Amended Date:</b>	04/17/17
<b>Committee Location:</b>	Sen Appropriations

Type of Measure
Active Bill - In Committee Process
Majority Vote Required
Non-Appropriation
Fiscal Committee
State-Mandated Local Program
Non-Urgency
Non-Tax levy

Last 5 History Actions	
Date	Action
05/25/17	May 25 hearing: Held in committee and under submission.
05/19/17	Set for hearing May 25.
05/15/17	May 15 hearing: Placed on APPR. suspense file.
05/04/17	Set for hearing May 15.
04/25/17	From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0. Page 825.) (April 24). Re-referred to Com. on APPR.



**Introduced by Senator Hill**

February 16, 2017

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An act to amend Sections 4809.7, 4830, and 4887 of, and to add Article 7 (commencing with Section 4920) to Chapter 11 of Division 2 ~~of~~ of, the Business and Professions Code, relating to healing arts.

legislative counsel's digest

SB 546, as amended, Hill. Veterinary ~~pharmacy~~-*medicine*.

~~Existing~~

(1) *Existing* law, the Veterinary Medicine Practice Act, provides for the licensure and regulation of veterinarians and the practice of veterinary medicine by the Veterinary Medical Board. A violation of the act is a crime. The practice of veterinary medicine includes the diagnosing, prescribing, or administering of a drug, medicine, appliance, application, or treatment for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals. Existing law authorizes a registered veterinary technician or a veterinary assistant to administer a drug under the direct or indirect supervision of a licensed veterinarian when done pursuant to the order, control, and full professional responsibility of a licensed veterinarian.

Existing law, the Pharmacy Law, authorizes a veterinarian to personally furnish any dangerous drug prescribed by the veterinarian to the patient provided that the drug is properly labeled, as specified.

This bill, in nonemergency situations and outpatient settings, would require that each time a veterinarian prescribes, administers, dispenses, or furnishes a *dangerous* drug or *prescription* medicine, *unless in conjunction with surgery during an anesthetic procedure or emergency*

~~services, the veterinarian offer to provide the client with counseling and pharmaceutical literature prepared by the pharmaceutical laboratory or a brief handout prepared by the veterinarian, as specified. a consultation that includes specified information. The bill would further require a veterinarian to provide along with the consultation pharmaceutical literature or written information, when available, if requested by the client. The bill would authorize the counseling, literature, or handout to be provided by a veterinarian to delegate the task of providing the consultation and literature or written information to a registered veterinary technician or veterinary assistant who is employed by and working under the supervision of the veterinarian. Under specified circumstances, the bill would limit the liability of the veterinarian and the authorized representative for the information in the literature or handout and would require the client to be provided with a printed disclaimer explaining that limitation on liability. In every veterinary practice, the bill would require a poster in specified languages notifying clients about specified consumer rights and the counseling, consultation, literature, and handout requirements. Because the violation of these requirements would be a crime, the bill would impose a state-mandated local program.~~

*(2) The Veterinary Medicine Practice Act requires the Veterinary Medical Board to make every effort to inspect at least 20% of veterinary premises on an annual basis.*

*This bill would instead require the board to inspect at least 20% of veterinary premises on an annual basis and also inspect all new veterinary premises within one year of being issued a premises permit.*

*(3) Under existing law, certain veterinarians and other persons are exempt from the Veterinary Medicine Practice Act. Under existing law, these exempt persons include students in the School of Veterinary Medicine of the University of California or the College of Veterinary Medicine of the Western University of Health Sciences who participate in diagnosis and treatment as part of their educational experience, as specified.*

*This bill would additional exempt students of an American Veterinary Medical Association Council on Education accredited veterinary medical program who participate, as part of their formal curriculum, in diagnosis and treatment with direct supervision or in surgery with immediate supervision and who meet other specified requirements. For purposes of both this exemption and the exemption described above, the bill would also require a memorandum of understanding containing*

specified terms to be in place between the accredited veterinary program and any off-campus or distributive site that provides the formal curriculum.

(4) The Veterinary Medicine Practice Act allows a person whose license or registration has been surrendered while under investigation, revoked or who has been placed on probation to petition the Veterinary Medical Board for reinstatement for modification of penalty after a period of not less than one year has elapsed from the effective date of the decision ordering the disciplinary action.

This bill would extend that period to 3 years for petitions for reinstatement of a surrendered or revoked license and would extend that period to 2 years for petitions for early termination or modification of probation, unless otherwise authorized by the board in the revocation or surrender order or order imposing probation.

(3)

(5) 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.  
State-mandated local program: yes.

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

1 ~~SECTION 1. This act may be known as Lizzie’s Law.~~

2 SECTION 1. Section 4809.7 of the Business and Professions  
3 Code is amended to read:

4 4809.7. The board shall establish a regular inspection program  
5 that will provide for random, unannounced inspections. The board  
6 shall ~~make every effort to~~ inspect at least 20 percent of veterinary  
7 premises on an annual ~~basis.~~ basis and shall also inspect all new  
8 veterinary premises within one year of being issued a premises  
9 permit pursuant to Sections 4853 and 4853.1.

10 SEC. 2. Section 4830 of the Business and Professions Code is  
11 amended to read:

12 4830. (a) This chapter does not apply to:

13 (1) Veterinarians while serving in any armed branch of the  
14 military service of the United States or the United States

1 Department of Agriculture while actually engaged and employed  
2 in their official capacity.

3 (2) Veterinarians holding a current, valid license in good  
4 standing in another state or country who provide assistance to a  
5 California licensed veterinarian and attend on a specific case. The  
6 California licensed veterinarian shall maintain a valid  
7 veterinarian-client-patient relationship. The veterinarian providing  
8 the assistance shall not establish a veterinarian-client-patient  
9 relationship with the client by attending the case or at a future time  
10 and shall not practice veterinary medicine, open an office, appoint  
11 a place to meet patients, communicate with clients who reside  
12 within the limits of this state, give orders, or have ultimate authority  
13 over the care or primary diagnosis of a patient that is located within  
14 this state.

15 (3) Veterinarians called into the state by a law enforcement  
16 agency or animal control agency pursuant to subdivision (b).

17 (4) (A) Students in the School of Veterinary Medicine of the  
18 University of California or the College of Veterinary Medicine of  
19 the Western University of Health Sciences who participate in  
20 diagnosis and treatment as part of their educational experience,  
21 including those in off-campus educational programs under the  
22 direct supervision of a licensed veterinarian in good standing, as  
23 defined in paragraph (1) of subdivision (b) of Section 4848,  
24 appointed by the University of California, Davis, or the Western  
25 University of Health Sciences.

26 (B) *Students of an American Veterinary Medical Association*  
27 *Council on Education accredited veterinary medical program who*  
28 *participate, as part of their formal curriculum, in diagnosis and*  
29 *treatment with direct supervision or in surgery with immediate*  
30 *supervision. The student must have prior training in these activities*  
31 *as part of the formal curriculum and supervision must be by a*  
32 *California licensed veterinarian in good standing, as defined in*  
33 *paragraph (1) of subdivision (b) of Section 4848.*

34 (C) *For the purposes of subparagraphs (A) and (B), where an*  
35 *off-campus or distributive site provides the formal curriculum, a*  
36 *memorandum of understanding between the accredited veterinary*  
37 *medical program and the off-campus or distributive site must be*  
38 *in place that provides for all of the following:*

39 (i) *A written description of the educational objectives expected*  
40 *to be achieved at the site.*

1 (ii) An annual review conducted by the accredited veterinary  
2 medical program of the off-campus site to ensure that the  
3 educational program is being delivered in accordance with the  
4 memorandum of understanding to ensure that the formal  
5 curriculum, clinical training, or both, is appropriate.

6 (iii) A mechanism for assessing training outcomes of the  
7 educational process.

8 (5) A veterinarian who is employed by the Meat and Poultry  
9 Inspection Branch of the California Department of Food and  
10 Agriculture while actually engaged and employed in his or her  
11 official capacity. A person exempt under this paragraph shall not  
12 otherwise engage in the practice of veterinary medicine unless he  
13 or she is issued a license by the board.

14 (6) Unlicensed personnel employed by the Department of Food  
15 and Agriculture or the United States Department of Agriculture  
16 when in the course of their duties they are directed by a veterinarian  
17 supervisor to conduct an examination, obtain biological specimens,  
18 apply biological tests, or administer medications or biological  
19 products as part of government disease or condition monitoring,  
20 investigation, control, or eradication activities.

21 (b) (1) For purposes of paragraph (3) of subdivision (a), a  
22 regularly licensed veterinarian in good standing who is called from  
23 another state by a law enforcement agency or animal control  
24 agency, as defined in Section 31606 of the Food and Agricultural  
25 Code, to attend to cases that are a part of an investigation of an  
26 alleged violation of federal or state animal fighting or animal  
27 cruelty laws within a single geographic location shall be exempt  
28 from the licensing requirements of this chapter if the law  
29 enforcement agency or animal control agency determines that it  
30 is necessary to call the veterinarian in order for the agency or  
31 officer to conduct the investigation in a timely, efficient, and  
32 effective manner. In determining whether it is necessary to call a  
33 veterinarian from another state, consideration shall be given to the  
34 availability of veterinarians in this state to attend to these cases.  
35 An agency, department, or officer that calls a veterinarian pursuant  
36 to this subdivision shall notify the board of the investigation.

37 (2) Notwithstanding any other provision of this chapter, a  
38 regularly licensed veterinarian in good standing who is called from  
39 another state to attend to cases that are a part of an investigation  
40 described in paragraph (1) may provide veterinary medical care

1 for animals that are affected by the investigation with a temporary  
2 shelter facility, and the temporary shelter facility shall be exempt  
3 from the registration requirement of Section 4853 if all of the  
4 following conditions are met:

5 (A) The temporary shelter facility is established only for the  
6 purpose of the investigation.

7 (B) The temporary shelter facility provides veterinary medical  
8 care, shelter, food, and water only to animals that are affected by  
9 the investigation.

10 (C) The temporary shelter facility complies with Section 4854.

11 (D) The temporary shelter facility exists for not more than 60  
12 days, unless the law enforcement agency or animal control agency  
13 determines that a longer period of time is necessary to complete  
14 the investigation.

15 (E) Within 30 calendar days upon completion of the provision  
16 of veterinary health care services at a temporary shelter facility  
17 established pursuant to this section, the veterinarian called from  
18 another state by a law enforcement agency or animal control agency  
19 to attend to a case shall file a report with the board. The report  
20 shall contain the date, place, type, and general description of the  
21 care provided, along with a listing of the veterinary health care  
22 practitioners who participated in providing that care.

23 (c) For purposes of paragraph (3) of subdivision (a), the board  
24 may inspect temporary facilities established pursuant to this  
25 section.

26 *SEC. 3. Section 4887 of the Business and Professions Code is*  
27 *amended to read:*

28 4887. (a) (1) A person whose license or registration has been  
29 revoked or who has been placed on probation may petition the  
30 board for reinstatement or modification of penalty including  
31 modification or termination of probation after a period of not less  
32 ~~than one year as prescribed below~~ has elapsed from the effective  
33 date of the decision ordering the disciplinary action. The petition  
34 shall state such facts as may be required by the board. *The period*  
35 *shall be as follows:*

36 (A) *At least three years for reinstatement of a surrendered or*  
37 *revoked license.*

38 (B) *At least two years for early termination or modification of*  
39 *probation of three years or more.*



1 (C) At least one year for modification of a condition or  
2 termination of probation of less than three years.

3 (2) The board may, upon a showing of good cause, specify in a  
4 revocation order, a surrender order, or an order imposing  
5 probation of more than three years that the person may petition  
6 the board for reinstatement or modification or termination of  
7 probation after one year.

8 (b) The petition shall be accompanied by at least two verified  
9 recommendations from veterinarians licensed by the board who  
10 have personal knowledge of the activities of the petitioner since  
11 the disciplinary penalty was imposed. The petition shall be heard  
12 by the board. The board may consider all activities of the petitioner  
13 since the disciplinary action was taken, the offense for which the  
14 petitioner was disciplined, the petitioner’s activities since the  
15 license or registration was in good standing, and the petitioner’s  
16 rehabilitation efforts, general reputation for truth, and professional  
17 ability. The hearing may be continued from time to time as the  
18 board finds necessary.

19 (c) The board reinstating the license or registration or modifying  
20 a penalty may impose terms and conditions as it determines  
21 necessary. To reinstate a revoked license or registration or to  
22 otherwise reduce a penalty or modify probation shall require a  
23 vote of five of the members of the board.

24 (d) The petition shall not be considered while the petitioner is  
25 under sentence for any criminal offense, including any period  
26 during which the petitioner is on court-imposed probation or parole.  
27 The board may deny without a hearing or argument any petition  
28 filed pursuant to this section within a period of two years from the  
29 effective date of the prior decision following a hearing under this  
30 section.

31 ~~SEC. 2.~~

32 SEC. 4. Article 7 (commencing with Section 4920) is added  
33 to Chapter 11 of Division 2 of the Business and Professions Code,  
34 to read:

35  
36 Article 7. Pharmacy

37  
38 4920. (a) (1)—In addition to complying with the labeling  
39 requirements described in Section 4076 pursuant to Section 4077,  
40 in nonemergency situations and outpatient settings, each time a

1 veterinarian prescribes, administers, dispenses, or furnishes a  
2 *dangerous drug or prescription medicine, as described in Section*  
3 *4022, to an animal patient, the veterinarian shall offer to provide*  
4 *the client with counseling and pharmaceutical literature prepared*  
5 *by the pharmaceutical laboratory or a brief handout prepared by*  
6 *the veterinarian. The handout shall be based on accredited*  
7 *professional sources and publications and shall be in the most*  
8 *simple and nonacademic language. client, or his or her authorized*  
9 *representative, a consultation that includes the following*  
10 *information:*

11 ~~(2) The veterinarian or authorized representative shall provide~~  
12 ~~the counseling to the best of his or her ability, knowledge, and~~  
13 ~~availability of information, but neither the veterinarian nor the~~  
14 ~~authorized representative shall be liable for the veracity and~~  
15 ~~completeness of the information provided in the literature or~~  
16 ~~handout if it is information obtained through a pharmaceutical~~  
17 ~~laboratory or is based on accredited professional sources and~~  
18 ~~publications. For this purpose, the veterinarian or authorized~~  
19 ~~representative shall provide the client with a printed disclaimer~~  
20 ~~explaining the lack of liability for the information in the literature~~  
21 ~~or handout if it is obtained under those circumstances and the client~~  
22 ~~shall sign the disclaimer.~~

23 ~~(3) Unless there is a life-threatening warning or a critical update~~  
24 ~~about the drug or medicine, a client may decline to receive the~~  
25 ~~counseling, literature, or handout.~~

26 ~~(4) The counseling, literature, and handout shall include all of~~  
27 ~~the following~~  
28 ~~information:~~

~~(A)~~

29 ~~(1) The name and description of the drug or medicine, what it~~  
30 ~~does, and why it is necessary. medicine.~~

31 ~~(B) How and when to give the drug or medicine to the pet or~~  
32 ~~service animal and for how long.~~

33 ~~(C) What to do if a dose is missed.~~

34 ~~(D) Possible risks and side effects, and what the client should~~  
35 ~~do if they occur.~~

36 ~~(2) Details for preparation and administration to the animal~~  
37 ~~patient by the client, or his or her authorized representative.~~

38 ~~(3) Route of administration, dosage form, dosage, and duration~~  
39 ~~of drug therapy.~~

40 ~~(4) Directions for proper use and storage.~~

1 (5) *Actions to be taken in the event of a missed dose.*

2 (6) *Precautions and relevant warnings provided by the drug's*  
3 *manufacturer, including common severe adverse effects or*  
4 *interactions that may be encountered and adverse interactions*  
5 *with other medications, including those available with or without*  
6 *prescriptions.*

7 ~~(E)~~

8 (7) *An explanation of whether the drug or medicine is standard,*  
9 *long acting, or extended release and the possible additional risks*  
10 *for a long-acting or extended release drug or medicine in case of*  
11 *adverse effects.* ~~*effects due to prolonged systemic drug or medicine*~~  
12 ~~*clearance.*~~

13 ~~(F) *Whether the new drug or medicine and the prescribed dosage*~~  
14 ~~*are appropriate for the pet or service animal's age, weight, and*~~  
15 ~~*kidney and liver function.*~~

16 ~~(G) *Whether the new drug or medicine will work safely with*~~  
17 ~~*other drugs, medicines, or*~~  
18 ~~*supplements.*~~ (H)

19 (8) *Foods or activities that should be avoided while giving the*  
20 *drug or medicine.*

21 (9) *Drug prescription refill information.*

22 ~~(5) (A)~~

23 (b) *For injections, the ~~counseling~~ consultation shall be provided*  
24 *before the injection is administered to the ~~pet or service animal.~~*  
25 *animal patient.*

26 ~~(B) *If a long acting or extended release drug or medicine is to*~~  
27 ~~*be administered, the client shall also be counseled before the*~~  
28 ~~*injection about the difference between standard and long acting*~~  
29 ~~*or extended release drugs or medicines. This counseling may*~~  
30 ~~*include, but is not limited to, explaining adverse reactions due to*~~  
31 ~~*prolonged systemic drug or medicine clearance of long acting*~~  
32 ~~*drugs or medicines in such a way that the client understands that*~~  
33 ~~*once the animal is injected there is no way to retrieve the drug or*~~  
34 ~~*medicine.*~~

35 ~~(6) *The literature or handout shall be provided in readable sized*~~  
36 ~~*font.*~~

37 (c) *A veterinarian shall provide along with the consultation*  
38 *pharmaceutical literature or written information, when available,*  
39 *if requested by the client, or his or her authorized representative.*

1 ~~(b) At the discretion of the veterinarian, the counseling,~~  
 2 ~~literature, or handout may be provided by a~~

3 ~~(d) A veterinarian may delegate the task of providing the~~  
 4 ~~consultation and literature or written information to a registered~~  
 5 ~~veterinary technician or veterinary assistant who is employed by~~  
 6 ~~and working under the supervision of the veterinarian. his or her~~  
 7 ~~supervision.~~

8 ~~(e) (1) The literature or handout may be provided electronically~~  
 9 ~~or in any other format using available technology as long as it~~  
 10 ~~allows the client to confirm the material was received.~~

11 ~~(2) The literature or handout shall be available to clients in~~  
 12 ~~English and may also be provided in Spanish and in any other~~  
 13 ~~language appropriate for the veterinary practice.~~

14 ~~(3) The literature or handout shall also be provided to clients~~  
 15 ~~with special needs or disabilities in an easily accessible format,~~  
 16 ~~such as, but not limited to, a large sized~~

font-17 ~~(4)~~

18 ~~(e) The counseling-consultation may be provided to the client~~  
 19 ~~client, or his or her authorized representative, through a telephone~~  
 20 ~~consultation by the veterinarian or his or her authorized~~  
 21 ~~representative who has access to the pet or service animal's animal~~  
 22 ~~patient's record.~~

23 ~~(f) Subdivisions (a) and (b) shall not apply if the client, or his~~  
 24 ~~or her authorized representative, declines or refuses the~~  
 25 ~~consultation or elects to have a prescription filled at a location~~  
 26 ~~other than the registered veterinary premises. If a consultation is~~  
 27 ~~not provided, that fact shall be recorded in the client's record.~~

28 ~~(d)~~

29 ~~(g) (1) In every veterinary practice, there shall be prominently~~  
 30 ~~posted in a place conspicuous to, and readable by, clients a poster~~  
 31 ~~in English, Spanish, and in any other appropriate languages for~~  
 32 ~~the veterinary practice notifying clients about all of the information~~  
 33 ~~described in subdivision (a). conspicuous location a poster~~  
 34 ~~indicating that the consultation specified in subdivisions (a) and~~  
 35 ~~(b) must be offered to the client, or his or her authorized~~  
 36 ~~representative. The heading of the poster shall read "NOTICE TO~~  
 37 ~~CONSUMERS". As an alternative to the poster format, the poster~~  
 38 ~~information may also be displayed using a video screen or any~~  
 39 ~~other format using available technology.~~

1 (2) The poster shall ~~also~~ inform clients about the following  
2 consumer rights:

3 (A) The right to be offered a drug or medicine ~~counseling~~  
4 *consultation* by the veterinarian or his or her ~~authorized~~  
5 ~~representative~~. *registered veterinarian technician or veterinary*  
6 *assistant.*

7 (B) The right to ~~know~~ *ask for* basic pharmaceutical and drug  
8 and medicine interaction information.

9 ~~(C) The right to receive drug and medicine information in~~  
10 ~~readable sized font.~~

11 ~~(D)~~

12 (C) The right to have a choice to obtain either the medication  
13 or a written prescription and to not be charged for the written  
14 prescription as described in Section 2032.2 of Title 16 of the  
15 California Code of Regulations.

16 (3) If the safety or health of any ~~pet or service~~ animal *patient*  
17 is at risk, consistent with Section 4800.1, the board may adopt a  
18 regulation requiring additional information to be included on the  
19 poster.

20 *(h) This section shall not apply to drugs or medicine*  
21 *administered to animal patients in conjunction with surgery or*  
22 *during an anesthetic procedure or emergency services.*

23 *(i) This section shall be known, and may be cited, as Lizzie’s*  
24 *Law for Veterinary Pharmacy.*

25 ~~SEC. 3.~~

26 SEC. 5. No reimbursement is required by this act pursuant to  
27 Section 6 of Article XIII B of the California Constitution because  
28 the only costs that may be incurred by a local agency or school  
29 district will be incurred because this act creates a new crime or  
30 infraction, eliminates a crime or infraction, or changes the penalty  
31 for a crime or infraction, within the meaning of Section 17556 of  
32 the Government Code, or changes the definition of a crime within  
33 the meaning of Section 6 of Article XIII B of the California  
34 Constitution.



**Amended Mock-up for 2017-2018 SB-546 (Hill (S))**

**Mock-up based on Version Number 98 - Amended Senate 4/17/17  
Submitted by: Staff Name, Office Name**

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

**SECTION 1.** Section 4809.7 of the Business and Professions Code is amended to read:

**4809.7.** The board shall establish a regular inspection program that will provide for random, unannounced inspections. The board shall inspect at least 20 percent of veterinary premises on an annual basis and shall also inspect all new veterinary premises within one year of being issued a premises permit pursuant to Sections 4853 and 4853.1.

**SEC. 2.** Section 4830 of the Business and Professions Code is amended to read:

**4830.** (a) This chapter does not apply to:

- (1) Veterinarians while serving in any armed branch of the military service of the United States or the United States Department of Agriculture while actually engaged and employed in their official capacity.
- (2) Veterinarians holding a current, valid license in good standing in another state or country who provide assistance to a California licensed veterinarian and attend on a specific case. The California licensed veterinarian shall maintain a valid veterinarian-client-patient relationship. The veterinarian providing the assistance shall not establish a veterinarian-client-patient relationship with the client by attending the case or at a future time and shall not practice veterinary medicine, open an office, appoint a place to meet patients, communicate with clients who reside within the limits of this state, give orders, or have ultimate authority over the care or primary diagnosis of a patient that is located within this state.
- (3) Veterinarians called into the state by a law enforcement agency or animal control agency pursuant to subdivision (b).
- (4) (A) Students in the School of Veterinary Medicine of the University of California or the College of Veterinary Medicine of the Western University of Health Sciences who participate in diagnosis and treatment as part of their educational experience, including those in off-campus educational programs under the direct supervision of a licensed veterinarian in good standing, as

defined in paragraph (1) of subdivision (b) of Section 4848, appointed by the University of California, Davis, or the Western University of Health Sciences.

(B) Students of an American Veterinary Medical Association Council on Education accredited veterinary medical program who participate, as part of their formal curriculum, in diagnosis and treatment with direct supervision or in surgery with immediate supervision. The student must have prior training in these activities as part of the formal curriculum and supervision must be by a California licensed veterinarian in good standing, as defined in paragraph (1) of subdivision (b) of Section 4848.

(C) For the purposes of subparagraphs (A) and (B), where an off-campus or distributive site provides the formal curriculum, a memorandum of understanding between the accredited veterinary medical program and the off-campus or distributive site must be in place that provides for all of the following:

- (i) A written description of the educational objectives expected to be achieved at the site.
- (ii) An annual review conducted by the accredited veterinary medical program of the off-campus site to ensure that the educational program is being delivered in accordance with the memorandum of understanding to ensure that the formal curriculum, clinical training, or both, is appropriate.
- (iii) A mechanism for assessing training outcomes of the educational process.

(5) A veterinarian who is employed by the Meat and Poultry Inspection Branch of the California Department of Food and Agriculture while actually engaged and employed in his or her official capacity. A person exempt under this paragraph shall not otherwise engage in the practice of veterinary medicine unless he or she is issued a license by the board.

(6) Unlicensed personnel employed by the Department of Food and Agriculture or the United States Department of Agriculture when in the course of their duties they are directed by a veterinarian supervisor to conduct an examination, obtain biological specimens, apply biological tests, or administer medications or biological products as part of government disease or condition monitoring, investigation, control, or eradication activities.

(b) (1) For purposes of paragraph (3) of subdivision (a), a regularly licensed veterinarian in good standing who is called from another state by a law enforcement agency or animal control agency, as defined in Section 31606 of the Food and Agricultural Code, to attend to cases that are a part of an investigation of an alleged violation of federal or state animal fighting or animal cruelty laws within a single geographic location shall be exempt from the licensing requirements of this chapter if the law enforcement agency or animal control agency determines that it is necessary to call the veterinarian in order for the agency or officer to conduct the investigation in a timely, efficient, and effective manner. In determining whether it is necessary to call a veterinarian from another state, consideration shall be given to the availability of veterinarians in this state to



attend to these cases. An agency, department, or officer that calls a veterinarian pursuant to this subdivision shall notify the board of the investigation.

(2) Notwithstanding any other provision of this chapter, a regularly licensed veterinarian in good standing who is called from another state to attend to cases that are a part of an investigation described in paragraph (1) may provide veterinary medical care for animals that are affected by the investigation with a temporary shelter facility, and the temporary shelter facility shall be exempt from the registration requirement of Section 4853 if all of the following conditions are met:

(A) The temporary shelter facility is established only for the purpose of the investigation.

(B) The temporary shelter facility provides veterinary medical care, shelter, food, and water only to animals that are affected by the investigation.

(C) The temporary shelter facility complies with Section 4854.

(D) The temporary shelter facility exists for not more than 60 days, unless the law enforcement agency or animal control agency determines that a longer period of time is necessary to complete the investigation.

(E) Within 30 calendar days upon completion of the provision of veterinary health care services at a temporary shelter facility established pursuant to this section, the veterinarian called from another state by a law enforcement agency or animal control agency to attend to a case shall file a report with the board. The report shall contain the date, place, type, and general description of the care provided, along with a listing of the veterinary health care practitioners who participated in providing that care.

(c) For purposes of paragraph (3) of subdivision (a), the board may inspect temporary facilities established pursuant to this section.

**SEC. 3.** Section 4887 of the Business and Professions Code is amended to read:

**4887.** (a) (1) A person whose license or registration has been revoked or who has been placed on probation may petition the board for reinstatement or modification of penalty including modification or termination of probation after a period as prescribed below has elapsed from the effective date of the decision ordering the disciplinary action. The petition shall state facts as required by the board. The period shall be as follows:

(A) At least three years for reinstatement of a surrendered or revoked license.

(B) At least two years for early termination or modification of probation of three years or more.

(C) At least one year for modification of a condition or termination of probation of less than three years.

(2) The board may, upon a showing of good cause, specify in a revocation order, a surrender order, or an order imposing probation of more than three years that the person may petition the board for reinstatement or modification or termination of probation after one year.

(b) The petition shall be accompanied by at least two verified recommendations from veterinarians licensed by the board who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed. The petition shall be heard by the board. The board may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities since the license or registration was in good standing, and the petitioner's rehabilitation efforts, general reputation for truth, and professional ability. The hearing may be continued from time to time as the board finds necessary.

(c) The board reinstating the license or registration or modifying a penalty may impose terms and conditions as it determines necessary. To reinstate a revoked license or registration or to otherwise reduce a penalty or modify probation shall require a vote of five of the members of the board.

(d) The petition shall not be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. The board may deny without a hearing or argument any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.

**SEC. 4.** Article 7 (commencing with Section 4920) is added to Chapter 11 of Division 2 of the Business and Professions Code, to read:

**Article 7.** Pharmacy

**4920.** (a) ~~In addition to complying with the labeling requirements described in Section 4076 pursuant to Section 4077, in nonemergency situations and outpatient settings, each~~ Each time a veterinarian initially prescribes, ~~administers,~~ dispenses, or furnishes a dangerous drug ~~or prescription medicine,~~ as described in Section 4022, to an animal patient, the veterinarian shall offer to provide the client, or his or her authorized representative, a consultation that includes the following information:

(1) The name and description of the dangerous drug ~~or medicine.~~

~~(2) Details for preparation and administration to the animal patient by the client, or his or her authorized representative.~~

~~(3)~~ (2) Route of administration, dosage form, dosage, and duration of drug therapy, the duration of the effects of the drug, and common severe adverse effects associated with the use of a short acting or long acting drug.

~~(4)~~ (3) Any special directions ~~Directions~~ for proper use and storage.

~~(5)~~ (4) Actions to be taken in the event of a missed dose.

~~(6)~~ (5) If available, Precautions ~~precautions~~ and relevant warnings provided by the drug's manufacturer, including common severe adverse effects of the dangerous drug or interactions that may be encountered and adverse interactions with other medications, including those available with or without prescriptions.

~~(7) An explanation of whether the drug or medicine is standard, long acting, or extended release and the possible additional risks for a long acting or extended release drug or medicine in case of adverse effects due to prolonged systemic drug or medicine clearance.~~

~~(8) Foods or activities that should be avoided while giving the drug or medicine.~~

~~(9) Drug prescription refill information.~~

~~(b) For injections, the consultation shall be provided before the injection is administered to the animal patient.~~

~~(c) A veterinarian shall provide along with the consultation pharmaceutical literature or written veterinary drug resource information, when available, if requested by the client, or his or her authorized representative.~~

~~(d) A veterinarian may delegate the task of providing the consultation and literature or written veterinary drug resource information to a registered veterinary technician or veterinary assistant who is employed by and working under his or her supervision.~~

~~(e) The consultation may be provided to the client, or his or her authorized representative in person, or through a telephone consultation other electronic means by the veterinarian, a registered veterinary technician or veterinary assistant who has access to the animal patient's record.~~

~~(f) If a consultation is refused by the client, that fact shall be recorded in the client's record.~~

~~(g) If a consultation is provided by the veterinarian or his or her authorized representative, that fact shall be recorded in the client's record.~~

~~(f) Subdivisions (a) and (b) shall not apply if the client, or his or her authorized representative, declines or refuses the consultation or elects to have a prescription filled at a location other than~~

~~the registered veterinary premises. If a consultation is not provided, that fact shall be recorded in the client's record.~~

~~(g)~~ (h) (1) In every fixed veterinary ~~practice~~ premise, there shall be a notice prominently posted in a conspicuous location ~~a poster~~ indicating that the consultation specified in subdivisions (a) and (b) must be offered to the client, or his or her authorized representative. The heading of the ~~poster~~ notice shall read "NOTICE TO CONSUMERS".

(2) The ~~poster~~ notice shall inform clients about the following consumer rights:

(A) The right to be offered a dangerous drug ~~or medicine~~ consultation by the veterinarian or his or her registered veterinarian technician or veterinary assistant, as directed by the veterinarian.

(B) The right to request veterinary drug resource information ~~ask for basic pharmaceutical and drug and medicine interaction information.~~

~~(C) The right to have a choice to obtain either the medication or a written prescription and to not be charged for the written prescription as described in Section 2032.2 of Title 16 of the California Code of Regulations.~~

(3) The notice shall be cited as the Lizzie's Law for Veterinary Pharmacy.

~~(3)~~ (4) If the safety or health of any animal patient is at risk, consistent with Section 4800.1, the board may adopt a regulation requiring additional information to be included ~~on~~ in the ~~poster~~ notice.

~~(h) This section shall not apply to drugs or medicine administered to animal patients in conjunction with surgery or during an anesthetic procedure or emergency services.~~

(i) This section shall be known, and may be cited, as Lizzie's Law for Veterinary Pharmacy.

**SEC. 5.** 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.

**From:** Nancy Ehrlich  
**Sent:** Monday, June 12, 2017 11:03 AM  
**To:** DelMugnaio, Annemarie@DCA  
**Subject:** Comment on June 19 Teleconference

Annemarie,

Our Board met last night and discussed some concerns we have with the proposed SB546. We understand that the VMB will be discussing the bill at your teleconference on June 19. As we will not be able to attend the teleconference, we are putting those concerns in writing for you to share with the VMB members.

Our primary concern is that the current wording of SB546 appears to require consultations with clients over drugs administered to in-patients even though the bill's sponsor explicitly told the VMB at the April meeting that the bill's provisions were meant only for out-patient settings.

For example, line 40 on page 7 states "in nonemergency situations *and* outpatient settings". If the bill was only intended for out-patient settings, why does it include "nonemergency situations"? Starting on line 20 on page 11 it says "This section shall not apply to drugs or medicine administered to animal patients in conjunction with surgery or during an anesthetic procedure or emergency services". Surgery or anesthetic procedures are not performed in outpatient settings, so why would this need to be stated?

We are very concerned that if this bill goes through as written, veterinarians and RVTs will be spending an inordinate amount of time discussing medications with clients for very little to no benefit to the patients. This time would end up costing the client significant amounts of money.

Our Board recommends that the poster required on page 10 is a sufficient notification to clients who want detailed information on medications that such information is available. If the legislature deems that written notification should be provided to all clients unless they specifically reject the information, then the bill needs to be amended to clearly state that this information must be provided "only in non-emergency out-patient settings".

Our Board is dedicated to providing the highest quality care to our patients, but we feel that SB546 will interfere with providing that care by taking up valuable staff time and raising fees for little to no benefit to our patients or clients.

Regards,  
Nancy Ehrlich, RVT  
Regulatory/Legislative Advocate, CaRVTA



*The discipline of learning. The art of caring.*

College of Veterinary Medicine

(909) 469-5628 \* Fax (909) 469-5635

Annemarie Del Mugnaio  
Executive Officer  
California Veterinary Medical Board  
1747 N. Market Boulevard  
Suite 230  
Sacramento, CA 95834

Ms. Del Mugnaio,

As a representative of Western University of Health Sciences College of Veterinary Medicine, I am writing to express my concerns with SB 546, specifically with regard to the proposed Section 4830(a) paragraph 4(c). Inclusion of paragraph 4(c) is not required for accreditation, would result in accreditation complications, increased administrative burden to the College, and a potential decrease in the number of clinical sites available to our students during their 3<sup>rd</sup> and 4<sup>th</sup> Years. I would request that the Board seriously consider removal of this paragraph from the final version of bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Terra".

Ronald L. Terra DVM, MS, MBA  
Director, 4th Year Curriculum  
Western University of Health Sciences  
College of Veterinary Medicine  
309 E. 2<sup>nd</sup> Street  
Pomona, CA 91766-1854  
(909)469-5693  
[rterra@westernu.edu](mailto:rterra@westernu.edu)