



MEMORANDUM

DATE	October 3, 2023
TO	Veterinary Medical Board (Board)
FROM	Jessica Siefertman, Executive Officer
SUBJECT	Agenda Item 8. Update, Discussion, and Possible Action on 2023 Legislation Impacting the Board, DCA, and/or the Veterinary Profession

Legislation is amended, statuses are updated, and analyses are added frequently; thus, hyperlinks, identified in [blue, underlined text](#), are provided throughout this document to ensure Board members and the public have access to the most up-to-date information. The information below was based on legislation, statuses, and analyses (if any) publicly available on October 3, 2023.

A. Priority Legislation for Board Consideration

1. **AB [1399](#) (Friedman, 2023) Veterinary medicine: veterinarian-client-patient relationship: telehealth**

Board Position: **Support**

Status: Enrolled, 9/14/23

Analysis: 09/12/23- Assembly Floor Analysis
 09/07/23- Senate Floor Analyses
 09/01/23- Senate Appropriations
 08/18/23- Senate Appropriations
 07/07/23- Senate Business, Professions And Economic Development Committee
 05/25/23- Assembly Floor Analysis
 05/12/23- Assembly Floor Analysis
 05/08/23- Assembly Appropriations Committee
 04/14/23- Assembly Business and Professions Committee

Summary: Similar to existing regulation, this bill would prohibit the practice of veterinary medicine outside the context of a veterinarian-client-patient relationship (VCPR), as defined, except as specified. However, unlike existing law, this bill would allow the VCPR to be established using synchronous (real-time) video and audio communication instead of a physical, hands-on examination. Once the

VCPR is established, this bill would authorize a licensee to practice veterinary telehealth, as defined.

The bill would require a veterinarian who practices veterinary medicine via telehealth, among other things, to employ sound professional judgment to determine whether using telehealth is an appropriate method for delivering medical advice or treatment to the animal patient and providing quality of care consistent with prevailing veterinary medical practice, be familiar with available medical resources, be able to provide the client with a list of nearby veterinarians who may be able to see the animal patient in person upon the request of the client, keep, maintain, and make an animal patient record summary available, provide the client with information about the veterinarian, and secure an alternative means of contacting the client if the electronic means is interrupted, as specified.

The bill would also define the term “client” for purposes of the act and make other conforming changes.

This bill would exempt the location where a veterinarian practices telehealth from the requirement that it be registered if specified conditions are met, including, among other things, that the veterinarian does not perform any in-person examination or treatment of animal patients at that location.

Staff Comments: During its July 2023 meeting, the Board took an oppose unless amended position. In addition, the Board voted that if all amendments were accepted, the Board would remove its opposition and support AB 1399. While drafting the Oppose Unless Amended position letter, Board Counsel identified another concern regarding the construction of the VCPR. The Executive Committee agreed to include the concern and recommended solution in the Board’s position letter. In August 2023, the Executive Committee sent an additional Letter of Concern related to the premises registration requirement in Business and Professions Code (BPC) section [4853](#).

The Executive Committee, Executive Officer, and Board Counsel had multiple meetings with the author’s office, bill sponsors, and stakeholders to work through the concerns raised. Ultimately, the author’s office accepted all the Board’s requested amendments and the additional amendments to address the subsequent concerns raised.

As such, the Board withdrew its Oppose Unless Amended letter and issued a Support letter. Shortly after AB 1399 was enrolled, the Board submitted a Request for Signature to the Governor’s Office.

All letters are attached for reference.

2. **Senate Bill (SB) [143](#) (Committee on Budget and Fiscal Review, Chapter 196, Statutes of 2023) State government**

Status: Chaptered by Secretary of State.
Analysis: 09/08/23- Senate Floor Analyses
09/07/23- Assembly Floor Analysis
03/22/23- Senate Floor Analyses

Summary This bill, among other things, allows for remote public meetings without noticed locations accessible to the public until December 31, 2023. The bill also implements the Federal License Portability Law for Servicemembers. Since this is a budget trailer bill, it is effective immediately.

3. **SB [373](#) (Menjivar, 2023) Board of Behavioral Sciences, Board of Psychology, and Veterinary Medical Board: licensees' and registrants' addresses**

Board Position: **Support if Amended**

Status: Enrolled, 9/15/23
Analysis: 09/12/23- Senate Floor Analysis
09/08/23- Assembly Floor Analysis
08/31/23- Assembly Floor Analysis
08/25/23- Assembly Floor Analysis
08/14/23- Assembly Appropriations
06/16/23- Assembly Business and Professions Committee
05/04/23- Senate Floor Analyses
04/14/23- Senate Judiciary Committee
04/06/23- Senate Business, Professions and Economic Development Committee

Summary: Existing law requires the Board of Behavioral Sciences and Board of Psychology, the Veterinary Medical Board, among other boards, to post information regarding the status and address of record of every license issued by those boards on the board's internet website.

This bill would, with certain exceptions, prohibit the Board of Behavioral Sciences, the Board of Psychology, and the Veterinary Medical Board from disclosing on the internet the full address of record of certain licensees and registrants, but would authorize the disclosure of the city, state, county, and ZIP Code of the address of record of those licensees and registrants. The bill would require the Veterinary Medical Board to establish a process for providing, within 10 business days and in accordance with the California Public Records Act, a licensee's or registrant's complete address upon receipt of a request that is related to a court proceeding against or request for records from the licensee or registrant.

Staff Comments: During its May meeting, the Board took a Support if Amended position and requested the Board be added to the bill. The Board's position letter is attached for reference. On June 21, 2023, the bill was amended to include the Board's licensees, as requested.

4. **SB 544 (Laird, Chapter 216, Statutes of 2023) Bagley-Keene Open Meeting Act: teleconferencing**

Board Position: Support, If Amended

Status: Chaptered by Secretary of State.

Analysis: 09/14/23- Senate Floor Analyses
09/08/23- Assembly Floor Analysis
09/05/23- Assembly Floor Analysis
08/30/23- Assembly Appropriations
07/11/23- Assembly Governmental Organization Committee
05/10/23- Senate Floor Analyses
04/23/23- Senate Judiciary Committee
04/07/23- Senate Governmental Organization Committee

Summary: This bill enacts an additional, alternative set of provisions under which a state body may hold a meeting by teleconference. The bill requires at least one member of the state body to be physically present at each teleconference location, defined for these purposes as a physical location that is accessible to the public and from which members of the public may participate in the meeting. The bill, under specified circumstances, authorizes a member of the state body to participate from a remote location, which would not be required to be accessible to the public and which the bill would prohibit the notice and agenda from disclosing.

Specifically, the bill authorizes a member's remote participation if the other members who are physically present at the same teleconference location constitute a majority of the state body. The bill also authorizes a member's remote participation if the member has a need related to a disability and notifies the state body, as specified. Under the bill, that member would be counted toward the majority of members required to be physically present at the same teleconference location.

The bill requires a member who participates from a remote location to disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with those individuals.

This bill requires the members of the state body to visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform unless the appearance would be technologically impracticable, as specified. The bill requires a member who does not appear on

camera due to challenges with internet connectivity to announce the reason for their nonappearance when they turn off their camera.

This bill also requires the state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, remotely address the body, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for each teleconference location. The bill requires the telephonic or online means provided to the public to access the meeting to be equivalent to the telephonic or online means provided to a member of the state body participating remotely. The bill requires any notice required by the act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address of each teleconference location, as well as any other information indicating how the public can access the meeting remotely and in person.

If the state body allows members of the public to observe and address the meeting telephonically or otherwise electronically, the bill requires the state body to implement and advertise, as prescribed, a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, as specified. The bill imposes requirements consistent with the above-described existing law provisions, including a requirement that the agenda provide an opportunity for members of the public to address the state body directly, as specified. The bill entitles members of the public to exercise their right to directly address the state body during the teleconferenced meeting without being required to submit public comments before the meeting or in writing.

This bill provides that it does not affect prescribed existing notice and agenda requirements and requires the state body to post an agenda on its internet website and, on the day of the meeting, at each teleconference location designated in the notice of the meeting.

This bill requires the state body, upon discovering that a means of remote participation required by the bill has failed during the meeting and cannot be restored, to end or adjourn the meeting in accordance with prescribed adjournment and notice provisions, including information about reconvening.

This bill removes the rollcall vote requirement and the requirement for a quorum in attendance at the primary physical meeting location. The bill, instead, requires at least one staff member of the state body to be present at the primary physical meeting location. The bill requires the members of the state body to visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform unless the appearance would be technologically impracticable, as specified. The bill requires a member who does not appear on camera due to challenges with internet connectivity to announce the reason for their nonappearance when they turn off their camera.

This bill repeals the above-described provisions on January 1, 2026.

This bill exempts from those provisions an internet website or other online platform that may require the submission of information to log into a teleconferenced meeting. The bill permits a person to submit a pseudonym or other anonymous information when using the internet website or other online platform to attend the meeting.

Staff Comments: During its July 2023 meeting, the Board took a Support if Amended position and raised concerns with the requirement that a majority of members are physically present for 50% of the meetings held. The Board requested that requirement be removed and an urgency clause be added to the bill. The Board's position letter is attached for reference.

The bill was amended twice since the July Board meeting. The 50% requirement was removed. As of January 1, 2024, the Board will have two options:

- (1) Use the existing Bagley-Keene teleconference law as is with no changes—members can attend meetings from multiple different teleconference sites, connected electronically via audio or audio and video, and the public must be allowed to personally attend each teleconference site where a member is located.
- (2) Use the teleconference option in new Government Code section 11123.2 that requires a majority of members at one physical, publicly-accessible location, and also allows additional members above a majority to participate in the meeting from non-public sites, as long as the public can also participate in the meeting both remotely and from publicly-accessible sites.

The bill also amends existing law at Government Code section 11123.5 for advisory bodies only (i.e., advisory committees to a board) to allow all members of advisory bodies to participate remotely in meetings from private non-public locations, as long as there's one physical location with at least one staff member where the public can attend, and the public can also access the meeting remotely. Note that the MDC is statutorily created, so it is considered a multimember body of the state pursuant to Government Code section 11121, subdivision (a), rather than an advisory committee under subdivision (c).

5. [SB 669](#) (Cortese, 2023) Veterinarians: veterinarian-client-patient relationship

Board Position: Oppose, Unless Amended

Status: Enrolled and presented to the Governor on 9/5/23

Analysis: 08/25/23- Senate Floor Analyses

08/14/23- Assembly Appropriations

06/16/23- Assembly Business and Professions Committee

05/10/23- Senate Floor Analyses

04/21/23- Senate Business, Professions and Economic Development
Committee

Summary: This bill would authorize a veterinarian to allow a registered veterinary technician to act as an agent of the veterinarian for the purpose of establishing the VCPR to administer preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or parasites by satisfying specified criteria.

Staff Comments: During the April meeting, the Board approved a motion to oppose unless amended to resolve the Board's concerns, including the insertions (1) for establishing the VCPR in [Business and Professions Code (BPC) section 4826.6,] subdivision (b), (2) new definitions, and (3) treatment of viruses and bacteria, and delegate to the Board's Executive Committee and Executive Officer authority to engage in discussions with the Author's office and stakeholders to resolve the Board's concerns. The Board's position letter is attached for reference.

SB 669 was subsequently amended on April 27, 2023 and resolved some of the Board's concerns.

On May 16, the Board's Executive Committee, Executive Officer, and Board Counsel met with the author's office and bill sponsor (Sacramento SPCA) to discuss concerns and potential amendments proposed by stakeholders. The author's office seemed amenable to the majority of the edits, except for the requirement for veterinarians to review documentation. The sponsor's concern with the Board's request was shared with the Board during its May 2023 meeting. The Board's position letter is attached for reference.

Since the Board's May meeting, the bill was amended to include some of the Board's requested amendments. However, the concern regarding ensuring compliance with controlled substance and dangerous drug prescription requirements under existing federal and state law remains.

Only veterinarians can prescribe treatment to animal patients, which includes the controlled substances and dangerous drugs that would be administered by RVTs under the bill.

As currently written, the bill would authorize RVTs to administer medications to animals without examination or the required prescription by a veterinarian. Since no medication can be administered without it first being prescribed, this bill would, in effect, authorize RVTs to prescribe medication and drugs to animal patients, and result in inconsistencies with other provisions of the Veterinary Medicine Practice Act that only authorize licensed veterinarians to prescribe drugs and medications (BPC, § 4826, subd. (b)), and specifically prohibit an RVT from prescribing drugs and medication (BPC, § 4840.2, subd. (c)).

This bill would violate federal and state prescription laws and put the RVT at risk of professional discipline, criminal conviction, and civil litigation. (Federal: 21 USC § 829 (authorizes only “practitioner” (veterinarian) to administer controlled substances), 21 CFR § 353, subd. (f) (requires a written veterinarian prescription to dispense drugs for veterinary use only); State: Health & Saf. Code, § 11210 (only authorizes veterinarian to prescribe, furnish, or administer controlled substances to the patient).)

Accordingly, to ensure consistency within the Veterinary Medicine Practice Act, compliance with federal and state law, and ensure consumer protection, the Board requested the author include the requirement for veterinarians to review documentation prior to prescribing or dispensing (proposed subdivision (d)). Without the amendments, RVTs will be in violation of state and federal laws – both of which the Board is responsible for enforcing.

The author’s office did not accept the Board’s amendments. Accordingly, the Executive Committee sent a Request for Veto to the Governor’s Office. That letter is attached for reference. The Executive Committee, Executive Officer, and Board Counsel also met with the Governor’s Office to discuss the concerns raised.

6. [SB 887](#) (Committee on Business, Professions and Economic Development, 2023) Consumer affairs

Board Position: [Support](#)

[Status:](#) Enrolled 9/14/23

[Analysis:](#) 09/11/23- Senate Floor Analyses
09/08/23- Assembly Floor Analysis
08/25/23- Assembly Floor Analysis
08/14/23- Assembly Appropriations
07/07/23- Assembly Business And Professions Committee
05/10/23- Senate Floor Analyses
04/20/23- Senate Business, Professions and Economic
Development Committee

Summary: This bill, among other things, includes Board requested legislative amendments to authorize license verification be confirmed through electronic means, revises the Board’s Wellness Evaluation Committee composition to require at least one licensed veterinarian, at least two public members, and at least one registered veterinary technician, and deletes the provision related to the criteria for a subject matter expert in citation cases.

B. Other Board-Monitored Legislation

1. Assembly Concurrent Resolution (ACR) [86](#) (Kalra, 2023) Animals: overpopulation: spay and neutering services

[Status:](#) Ordered to inactive file

Analysis: 09/07/23- Senate Floor Analyses
08/24/23- Senate Business, Professions And Economic
Development Committee
06/28/23- Assembly Floor Analysis
06/26/23- Assembly Appropriations
06/16/23- Assembly Business And Professions Committee

Summary: This measure would encourage the state and local municipalities to develop and fund high-volume spay and neuter clinics across the state to provide sterilization services, and would encourage other actions relating to pets, including actions to control animal breeding and encourage spaying and neutering, as specified.

Staff Comments: This resolution had, in part, the following:

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Veterinary Medical Board, with support from the Governor, other state boards and agencies, and interested stakeholders, should encourage out-of-state licensed veterinarians and registered veterinary technicians to become licensed in California to perform or assist with the necessary spay and neuter surgeries and other medical services in order to address pet overpopulation;

The measure was unsuccessful. However, the Board should be aware of comments made during the Senate Business, Professions and Economic Development Committee hearing:

[Senator Susan Eggman Spay and Neuter Comments](#)

2. AB 883 (Mathis, 2023) Business licenses: United States Department of Defense SkillBridge program

Status: Enrolled 9/14/23
Analysis: 09/02/23- Senate Floor Analyses
08/11/23- Senate Appropriations
08/11/23- Senate Appropriations
07/10/23- Senate Committee On Military And Veterans Affairs
06/08/23- Senate Business, Professions and Economic
Development Committee
06/08/23- Senate Business, Professions and Economic
Development Committee
05/24/23- Assembly Floor Analysis
04/18/23- Assembly Appropriations Committee
03/24/23 - Assembly Business and Professions Committee

Summary: This bill would require, on and after July 1, 2024, a board to expedite, and authorize a board to assist, in the initial licensure process for an applicant

who supplies satisfactory evidence to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program, as specified, and would provide that regulations to administer those provisions be adopted in accordance with the rulemaking provisions of the Administrative Procedure Act.

3. SB [259](#) (Seyarto, Chapter 148, Statutes of 2023) Reports submitted to legislative committees

Status: Chaptered by Secretary of State.

Analysis: 07/03/23- Senate Floor Analyses
06/26/23- Assembly Appropriations Committee
06/05/23- Assembly Accountability and Administrative Review Committee
04/12/23- Senate Floor Analyses
03/09/23- Senate Governmental Organization Committee

Summary: Existing law requires a state agency that is required or requested by law to submit a report to the Members of either house of the Legislature generally to submit the report in a specified manner and to post the report on the state agency's internet website.

This bill additionally requires a state agency to post on its internet website any report required or requested by law or identified in the Legislative Analyst's Supplemental Report of the Budget Act, that the state agency submits to a committee of the Legislature or to the Members of either house of the Legislature.

Existing law requires the Legislative Counsel to make various categories of legislative information available to the public in an electronic form.

This bill additionally requires the Legislative Counsel to make available to the public a link to the list of state and local agency reports submitted by state and local agencies to a committee of the Legislature or to the Members of either house of the Legislature generally, as specified.

4. SB [372](#) (Menjivar, Chapter 372, Statutes of 2023) Department of Consumer Affairs: licensee and registrant records: name and gender changes

Status: Chaptered by Secretary of State.

Analysis: 09/05/23- Senate Floor Analyses
09/01/23- Assembly Floor Analysis
08/18/23- Assembly Floor Analysis
08/14/23- Assembly Appropriations
06/22/23- Assembly Judiciary Committee
06/16/23- Assembly Business and Professions Committee

05/20/23- Senate Floor Analyses
04/28/23- Senate Appropriations Committee
04/14/23- Senate Judiciary Committee
03/24/23 - Senate Business, Professions and Economic
Development Committee
03/23/23 - Senate Business, Professions and Economic
Development Committee

Summary: This bill requires a board to update a licensee's or registrant's records, including records contained within an online license verification system, to include the licensee's or registrant's updated legal name or gender if the board receives government-issued documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed. The bill requires the board to replace references to the licensee's or registrant's former name or gender with the individual's current name or gender, as applicable, on the publicly viewable information displayed on the internet about the licensee or registrant. The bill prohibits a board from publishing information relating to the licensee's or registrant's former name or gender online and, instead, requires the board to post an online statement directing the public to contact the board for more information. For specified licensees and registrants, the board is prohibited from posting enforcement records online, but would be required to post an online statement stating that the individual was previously subject to an enforcement action and directing the public to contact the board, as prescribed. The bill provides that all records related to a request to update an individual's license or registration under the bill would be confidential and not subject to public inspection or disclosure. The bill requires the board, if requested by a licensee or registrant, to reissue any license created by the board and conferred upon the licensee or registrant. The bill prohibits a board from charging a higher fee for reissuing a document with an updated legal name or gender than the fee it charges for reissuing a document with other updated information.

Staff Comments: DCA is currently working on implementation across all DCA programs.

Attachments:

1. AB 1399 Oppose Unless Amended, dated July 24, 2023
2. AB 1399 Letter of Concern, dated August 2, 2023
3. AB 1399 Support, dated September 11, 2023
4. AB 1399 Request for Signature, dated September 18, 2023
5. SB 544 Support If Amended, dated July 28, 2023
6. SB 669 Veto Request, dated September 7, 2023



July 24, 2023

The Honorable Laura Friedman
 California State Assembly
 1021 O Street, Suite 5740
 Sacramento, CA 95814

Re: Assembly Bill (AB) 1399 (Friedman, 2023) – OPPOSE, UNLESS AMENDED

Dear Assemblymember Friedman:

The Veterinary Medical Board (Board) regulates the largest population of veterinarians and registered veterinary technicians in the nation. Its mission is to protect consumers and animals by regulating licensees, promoting professional standards, and diligently enforcing the Veterinary Medicine Practice Act (Practice Act). Public protection is the Board’s highest priority in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is paramount.

The Board discussed AB 1399 during its July 2023 Board meeting and voted to maintain its Oppose, Unless Amended position. The Board sincerely appreciates the discussions with you and your office and the amendments you have accepted thus far. Though the Board is still concerned with the prospect of animal patients going their entire life without receiving an in-person examination, the Board accepts your position regarding the majority of medications. However, one of the Board’s most significant concerns centers around the extended use of antibiotics. The World Health Organization (WHO) lists antimicrobial resistance as one of the top 10 threats to global health. The judicious use of antimicrobial drugs is vital for the health of humans globally, as antimicrobial resistance is directly related to the overuse of antibiotics. Additionally, judicious use of antibiotics is integral to animal welfare and must require an in-person examination if the antimicrobial drugs are not effective after 14 days.

In addition, the Board is concerned that AB 1399 includes portions of Veterinarian-Client-Patient-Relationship (VCPR) language from the Board’s current regulations and excludes others. As an example, AB 1399 would prohibit the practice of veterinary medicine outside the context of a VCPR with no exemption from creating a VCPR to treat a wild animal or animal with no known owner. The Board’s current regulation allows for an exemption of the VCPR for wildlife and when the animal owners are unknown. Further, requiring shelter veterinarians to establish a VCPR to treat an animal with no known owner will entirely inhibit the veterinarian’s ability to treat the animal, since no client is available to establish the VCPR with the veterinarian. This dichotomy between the statutes and regulations will lead to confusion for licensees trying to comply with the law. Additionally, if the Board’s amendments are not accepted, the Board would need to rewrite regulations to align with the statute, adding costs and causing confusion.

While drafting the attached proposed amendments following the Board meeting, the Board’s legal counsel identified an additional critical problem with the bill. Currently, a veterinarian only has to establish a VCPR to treat an animal patient. Part of establishing a VCPR requires examining the animal patient and diagnosing the condition to be treated. However, the way AB 1399 is drafted, a VCPR will be required to practice veterinary medicine, which includes examining or diagnosing the animal, not just to prescribe treatment. As such, AB 1399 goes far beyond the existing VCPR requirement and will prohibit any veterinarian from creating a VCPR,

The Honorable Laura Friedman

July 24, 2023

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because they cannot examine or diagnose the animal to establish the VCPR – creating a Catch-22. The attached proposed amendments include text to fix this important issue.

For these reasons, the Board respectfully requests the attached amendments be included in AB 1399. The proposed amendments address the Board’s most significant concerns and would still allow the VCPR to be established via telehealth. If these amendments are included in the bill, the Board voted to remove its opposition and support the bill.

The Board’s Executive Committee and Executive Officer hope to continue engaging in conversations with you and stakeholders to protect animal patients.

Sincerely,



Christina Bradbury, DVM, President
Veterinary Medical Board

Maria Preciosa S. Solacito, DVM, Vice-President
Veterinary Medical Board

Cc: Senate Appropriations Committee

VETERINARY MEDICAL BOARD

PROPOSED AMENDMENTS TO AB 1399 (Friedman, 2023)

Note: The proposed amendments provided below are made to the July 13, 2023 version of the bill.

Additions are shown in *blue italicized* text. Deletions are shown in ~~red strikethrough~~ text.

SECTION 1. Section 4067 of the Business and Professions Code is amended to read:

4067. (a) No person or entity shall dispense or furnish, or cause to be dispensed or furnished, dangerous drugs or dangerous devices, as defined in Section 4022, on the internet for delivery to any person in this state without a prescription issued pursuant to a good faith prior examination of a human or animal for whom the prescription is meant if the person or entity either knew or reasonably should have known that the prescription was not issued pursuant to a good faith prior examination of a human or animal, or if the person or entity did not act in accordance with Section 1761 of Title 16 of the California Code of Regulations.

(b) Notwithstanding any other provision of law, a violation of this section may subject the person or entity that has committed the violation to either a fine of up to twenty-five thousand dollars (\$25,000) per occurrence pursuant to a citation issued by the board or a civil penalty of twenty-five thousand dollars (\$25,000) per occurrence.

(c) The Attorney General may bring an action to enforce this section and to collect the fines or civil penalties authorized by subdivision (b).

(d) For notifications made on and after January 1, 2002, the Franchise Tax Board, upon notification by the Attorney General or the board of a final judgment in an action brought under this section, shall subtract the amount of the fine or awarded civil penalties from any tax refunds or lottery winnings due to the person who is a defendant in the action using the offset authority under Section 12419.5 of the Government Code, as delegated by the Controller, and the processes as established by the Franchise Tax Board for this purpose. That amount shall be forwarded to the board for deposit in the Pharmacy Board Contingent Fund.

(e) Nothing in this section shall be construed to permit the unlicensed practice of pharmacy, or to limit the authority of the board to enforce any other provision of this chapter.

(f) For the purposes of this section, "good faith prior examination" includes the requirements for a physician and surgeon in Section 2242 and the requirements for a veterinarian in ~~subdivision (g) of Section 4825.1~~*4826.6*.

SEC. 2. Section 4825.1 of the Business and Professions Code is amended to read:

4825.1. These definitions shall govern the construction of this chapter as it applies to veterinary medicine.

(a) "Client" means the individual or individuals who represent to the veterinarian that they are the owner or owners of the animal patient at the time that the services are provided. The client may authorize an agent to act on the client's behalf.

(b) "Diagnosis" means the act or process of identifying or determining the health status of an animal through examination and the opinion derived from that examination.

(c) "Animal" means any member of the animal kingdom other than humans, and includes fowl, fish, and reptiles, wild or domestic, whether living or dead.

(d) "Food animal" means any animal that is raised for the production of an edible product intended for consumption by humans. The edible product includes, but is not limited to, milk, meat, and eggs. Food animal includes, but is not limited to, cattle (beef or dairy), swine, sheep, poultry, fish, and amphibian species.

(e) "Livestock" includes all animals, poultry, aquatic and amphibian species that are raised, kept, or used for profit. It does not include those species that are usually kept as pets such as dogs, cats, and pet birds, or companion animals, including equines.

(f) "Synchronous" means a real-time interaction between a client and patient with a veterinarian who is licensed in this state and located at a distant site.

~~(g) (1) "Veterinarian-client-patient relationship" means a relationship that exists if all of the following conditions are met:~~

~~(A) The veterinarian and client agree to the veterinarian assuming responsibility for making medical judgments regarding the health of the animal patient.~~

~~(B) 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 through a recent observation and examination, either in person or using synchronous video communication, of the animal or of a group of animals of which the patient is a part, or through medically appropriate and timely visits to the premises where the animal, or the group of animals of which the patient is a part, is kept.~~

~~(C) The veterinarian is readily available or has provided for followup care in case of adverse reactions or failure of treatment.~~

~~(2) A veterinarian-client-patient relationship shall not be established solely by audio-only communication or by means of a questionnaire.~~

(hg) "Telehealth" means the mode of delivering veterinary medicine via electronic communication technologies to facilitate the diagnosis, consultation, care management, or treatment of an animal patient, and includes, but is not limited to, synchronous video and audio communication; synchronous, two-way audio communication; and electronic transmission of images, diagnostics, data, and medical information.

SEC. 3. Section 4826.6 is added to the Business and Professions Code, to read:

~~**4826.6.** (a) (1) Except as provided in subdivision (f) or otherwise permitted by law, a person shall not practice veterinary medicine outside the context of a veterinarian-client-patient relationship.~~

~~(2) Synchronous video communication is not required for the delivery of veterinary medicine via telehealth after a veterinarian-client-patient relationship has been established unless the veterinarian determines that it is necessary in order to provide care consistent with prevailing veterinary medical practice.~~

(a) A veterinarian shall not prescribe, dispense, or administer a drug, medicine, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals unless a veterinarian-client-patient relationship exists or as otherwise permitted by law, except when the patient is a wild animal or the owner of the animal patient is unknown. A veterinarian-client-patient relationship exists if:

(1) The client has authorized the veterinarian to assume responsibility for medical judgments regarding the health of an animal patient;

(2) The veterinarian possesses sufficient knowledge of the animal patient to initiate at least a general or preliminary diagnosis of the animal patient's medical condition; and

(3) The veterinarian has assumed responsibility for making medical judgments regarding the health of the animal patient and has communicated with the client a medical, treatment, diagnostic, and/or therapeutic plan appropriate to the circumstance.

(b) A veterinarian possesses sufficient knowledge of the animal patient for purposes of paragraph (2) of subdivision (a) if the veterinarian has recently seen, or is personally acquainted with, the care of the animal patient by:

(1) Examining the animal patient in-person;

(2) Examining the animal patient by use of synchronous audio-video communication; or

(3) Making medically appropriate and timely visits to the premises on which the animal patient is kept.

(c) For purposes of paragraphs (1) and (3) of subdivision (a), the client may authorize an agent to act on the client's behalf.

(d) Synchronous video communication is not required for the delivery of veterinary medicine via telehealth after a veterinarian-client-patient relationship has been established unless the veterinarian determines that it is necessary in order to provide care consistent with prevailing veterinary medical practice.

(eb) Only a person who holds a current license to practice veterinary medicine in this state is authorized to practice veterinary medicine via telehealth. That practice shall be deemed

to occur at the premises where the patient is located at the time that the veterinarian practices veterinary medicine.

(fe) Before delivering veterinary medicine via telehealth, the veterinarian shall inform the client about the use and potential limitations of telehealth and obtain consent from the client to use telehealth, including acknowledgment of all of the following:

- (1) The same standards of care apply to veterinary medicine services via telehealth and in-person veterinary medical services.
- (2) The client has the option to choose an in-person visit from a veterinarian at any time.
- (3) The client has been advised how to receive follow-up care or assistance in the event of an adverse reaction to the treatment or in the event of an inability to communicate resulting from technological or equipment failure.

(gd) A veterinarian that practices veterinary medicine via telehealth shall do all of the following:

- (1) Ensure that the technology, method, and equipment used to provide veterinary medicine services via telehealth comply with all current privacy protection laws.
- (2) Have historical knowledge of the animal *patient* by obtaining and reviewing the *animal* patient's relevant medical history, and, if available, medical records. If medical records exist from a previous in-person visit and are available to the client, the client may transmit those records, including any diagnostic data contained therein, to the veterinarian electronically.
- (3) Employ sound professional judgment to determine whether using telehealth is an appropriate method for delivering medical advice or treatment to the *animal* patient and providing quality of care consistent with prevailing veterinary medical practice.
- (4) Be familiar with available medical resources, including emergency resources near the *animal* patient's location, be able to provide the client with a list of nearby veterinarians who may be able to see the patient in person upon the request of the client, and keep, maintain, and make available a summary of the *animal* patient record, as specified in Section 4855.
- (5) Provide the client with the veterinarian's name, contact information, and license number.
- (6) Secure an alternative means of contacting the client if the electronic means is interrupted.

(he) (1) A veterinarian shall not prescribe a drug for a duration that is inconsistent with the medical condition of the animal patient or the type of drug prescribed.

(24) Except as provided in paragraphs (32) to (54), inclusive, a veterinarian ~~that~~*who* practices veterinary medicine via telehealth may order, prescribe, or make available drugs, as defined in Section 11014 of the Health and Safety Code, in accordance with all relevant state and federal regulations.

(3) A veterinarian who established the required veterinarian-client-patient relationship by examining the animal patient in-person or by making medically appropriate and timely visits to the premises on which the animal patient is kept shall not prescribe a drug for a duration longer than one year from the date that the veterinarian examined the animal patient in-person or visited the premises and prescribed the drug.

(42) A veterinarian who established the required veterinarian-client-patient relationship using synchronous video communication shall not prescribe a drug to the animal patient for use for a period longer than six months from the date upon which the veterinarian examined the *animal* patient or prescribed the drug. The veterinarian shall not issue another prescription to the animal patient for the same drug unless they have conducted another examination of the *animal* patient, either in person or using telehealth.

(5) A veterinarian who established the required veterinarian-client-patient relationship using synchronous video communication shall not prescribe an antimicrobial drug to the animal patient for a period longer than 14 days of treatment. The veterinarian shall not issue any further antimicrobial drug prescription, including a refill, to treat the condition of the animal patient unless the veterinarian has conducted an in-person examination of the animal patient.

(63) The veterinarian shall not order, prescribe, or make available a controlled substance, as defined in Section 4021, or xylazine, unless the veterinarian has performed an in-person physical examination of the *animal* patient or made medically appropriate and timely visits to the premises where the *animal* patient is kept.

(74) The veterinarian shall notify the client that some prescription drugs or medications may be available at a pharmacy and, if requested, the veterinarian shall submit a prescription to a pharmacy that the client chooses.

(i) As used herein, “drug” shall mean any controlled substance, as defined by Section 4021 of the code, and any dangerous drug, as defined by Section 4022 of the code.

(f) A veterinarian is permitted to use telehealth without establishing a veterinarian-client-patient relationship in order to provide advice in an emergency, as defined in Section 4840.5.

SEC. 4. Section 4829.5 of the Business and Professions Code is amended to read:

4829.5. (a) Each time a veterinarian initially prescribes, dispenses, or furnishes a dangerous drug, as defined in Section 4022, to an animal patient in an outpatient setting, the veterinarian shall offer to provide, verbally, in writing, or by email to the client, a consultation that includes the following information:

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

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

- (3) Any special directions for proper use and storage.
- (4) Actions to be taken in the event of a missed dose.
- (5) If available, precautions and relevant warnings provided by the drug's manufacturer, including common severe adverse effects of the drug.
- (b) If requested, a veterinarian shall provide drug documentation, if available.
- (c) A veterinarian may delegate to a registered veterinary technician or veterinary assistant the task of providing the consultation and drug documentation required by this section.
- (d) It shall be noted in the medical record of the animal patient if the consultation described in this section is provided or declined by the client.

SEC. 5. Section 4857 of the Business and Professions Code is amended to read:

4857. (a) A veterinarian licensed under this chapter shall not disclose any information concerning an animal *patient* receiving veterinary services, the client responsible for the animal *patient* receiving veterinary services, or the veterinary care provided to an animal *patient*, except under any one of the following circumstances:

- (1) Upon written or witnessed oral authorization by knowing and informed consent of the client.
- (2) Upon authorization received by electronic transmission when originated by the client.
- (3) In response to a valid court order or subpoena.
- (4) As may be required to ensure compliance with any federal, state, county, or city law or regulation, including, but not limited to, the California Public Records Act (Division 10 commencing with Section 7920.000) of Title 1 of the Government Code).
- (5) If the care or service was for a horse that has participated in the previous year, or is intended to participate, in a licensed horse race. In these situations, the entire medical record for the horse shall be made available upon request to anyone responsible for the direct medical care of the horse, including the owner, trainer, or veterinarian, the California Horse Racing Board or any other state or local governmental entity, and the racing association or fair conducting the licensed horse race.
- (6) As otherwise provided in this section.
- (b) This section shall not apply to the extent that the client responsible for an animal or an authorized agent of the client responsible for the animal has filed or caused to be filed a civil or criminal complaint that places the veterinarian's care and treatment of the animal *patient* or the nature and extent of the injuries to the animal *patient* at issue, or when the veterinarian is acting to comply with federal, state, county, or city laws or regulations.
- (c) A veterinarian shall be subject to the criminal penalties set forth in Section 4831 or any other provision of this code for a violation of this section. In addition, any veterinarian

who negligently releases confidential information shall be liable in a civil action for any damages caused by the release of that information.

(d) Nothing in this section is intended to prevent the sharing of veterinary medical information between veterinarians and peace officers, humane society officers, or animal control officers who are acting to protect the welfare of animals.

(e) Nothing in this section is intended to prevent the sharing of veterinary medical information between veterinarians and facilities for the purpose of diagnosis or treatment of the animal *patient* that is the subject of the medical records.

SEC. 6. Section 4875.1 of the Business and Professions Code is amended to read:

4875.1. (a) In order to ensure that its resources are maximized for the protection of the public, the board shall prioritize its investigative and prosecutorial resources to ensure that veterinarians and registered veterinary technicians representing the greatest threat of harm are identified and disciplined expeditiously. Cases involving any of the following allegations shall be handled on a priority basis, as follows, with the highest priority being given to cases in paragraph (1):

(1) Negligence or incompetence that involves death or serious bodily injury to an animal patient, such that the veterinarian or registered veterinary technician represents a danger to the public.

(2) Cruelty to animals.

(3) A conviction or convictions for a criminal charge or charges or being subject to a felony criminal proceeding without consideration of the outcome of the proceeding.

(4) Practicing veterinary medicine while under the influence of drugs or alcohol.

(5) Drug or alcohol abuse by a veterinarian or registered veterinary technician involving death or serious bodily injury to an animal patient or to the public.

(6) Self-prescribing of any dangerous drug, as defined in Section 4022, or any controlled substance, as defined in Section 4021.

(7) Repeated acts of excessive prescribing, furnishing, or administering of controlled substances, as defined in Section 4021, or repeated acts of prescribing, dispensing, or furnishing of controlled substances, as defined in Section 4021, without having first established a veterinarian-client-patient relationship pursuant to ~~subdivision (f) of Section 4825.1~~ 4826.6.

(8) Extreme departures from minimum sanitary conditions such that there is a threat to an animal patient or the public and animal health and safety, only if the case has already been subject to Section 494 and board action.

(b) The board may prioritize cases involving an allegation of conduct that is not described in subdivision (a). Those cases prioritized shall not be assigned a priority equal to or higher than the priorities established in subdivision (a).

(c) The board shall annually report and make publicly available the number of disciplinary actions that are taken in each priority category specified in subdivisions (a) and (b).

SEC. 7. Section 14401 of the Food and Agricultural Code is amended to read:

14401. Beginning January 1, 2018, a medically important antimicrobial drug shall not be administered to livestock unless ordered by a licensed veterinarian through a prescription or veterinary feed directive, pursuant to a veterinarian-client-patient relationship that meets the requirements of ~~subdivision (g) of~~ Section ~~4825.1~~4826.6 of the Business and Professions Code.

SEC. 8. 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.



August 2, 2023

The Honorable Laura Friedman
California State Assembly
1021 O Street, Suite 5740
Sacramento, CA 95814

Re: Assembly Bill (AB) 1399 (Friedman, 2023) – Letter of Concern

Dear Assemblymember Friedman:

The Veterinary Medical Board (Board) recently identified an additional concern regarding AB 1399 and wanted to bring it to your attention as soon as possible. During an investigation into a complaint involving telemedicine services, the Board found a violation of Business and Professions Code (BPC) section [4853](#).

Currently, BPC section 4853 requires all veterinary premises to be registered with the Board. “Premises” means “the location of operation where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced and shall include a building, kennel, mobile unit, or vehicle.” (BPC, § 4853, subd. (b).)

If AB 1399 were to pass as written, any veterinarian practicing telemedicine would be required to obtain a premises registration at the location where the veterinarian is practicing veterinary telemedicine. Depending upon the interpretation of the location where veterinary medicine is being practiced under BPC section 4853, subdivision (b), the location could either be the veterinarian’s location or where the animal patient is located, which would likely be the residence of the animal patient owner. As such, the current premises registration requirement will be difficult for the Board to enforce and confusing to the veterinarian’s practicing telemedicine.

Understanding that it is not the intent of AB 1399 to require premises registrations for veterinarians practicing telemedicine, the Board’s Executive Committee wanted to raise this issue in case the author would like to address it this legislative session.

Sincerely,

Christina Bradbury, DVM, President
Veterinary Medical Board

Maria Preciosa S. Solacito, DVM, Vice-President
Veterinary Medical Board



September 11, 2023

The Honorable Laura Friedman
California State Assembly
1021 O Street, Suite 5740
Sacramento, CA 95814

Re: Assembly Bill (AB) 1399 (Friedman, 2023) – SUPPORT

Dear Assemblymember Friedman:


The Veterinary Medical Board (Board) regulates the largest population of veterinarians and registered veterinary technicians in the nation. Its mission is to protect consumers and animals by regulating licensees, promoting professional standards, and diligently enforcing the Veterinary Medicine Practice Act (Practice Act). Public protection is the Board’s highest priority in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is paramount.

In its July 24, 2023 Oppose Unless Amended position letter, the Board requested multiple consumer protection enhancements to AB 1399. These included adding a requirement for an in-person examination for antimicrobial prescriptions over 14 days and aligning with the Board’s current Veterinarian-Client-Patient-Relationship (VCPR) language by adding the exemption from creating a VCPR to treat a wild animal or animal with no known owner.

The Board sincerely appreciates the multiple discussions with you, your office, and the sponsors and all of the amendments you have accepted throughout this process. The amendments published on September 1, 2023, included everything the Board requested and addressed an issue raised by the Board’s legal counsel related to the establishment of the VCPR. In addition, the Board also appreciates your willingness to accept additional amendments on the Senate Floor to address concerns related to the veterinary premises registration requirement.

The AB 1399 amendments now address the Board’s most significant concerns and still allows the VCPR to be established via telehealth. As such, the Board removes its opposition and now supports AB 1399.

Sincerely,


Christina Bradbury, DVM, President
Veterinary Medical Board

Maria Preciosa S. Solacito, DVM, Vice-President
Veterinary Medical Board



September 18, 2023

Governor Gavin Newsom
1021 O Street, Suite 9000
Sacramento, CA 95814

Re: Assembly Bill (SB) 1399 (Friedman, 2023) – **Request for Signature**

Dear Governor Newsom:

The Veterinary Medical Board (Board) regulates the largest population of veterinarians and registered veterinary technicians in the nation. Its mission is to protect consumers and animals by regulating licensees, promoting professional standards, and diligently enforcing the Veterinary Medicine Practice Act (Practice Act). Public protection is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is paramount.

The Board respectfully requests your signature on AB 1399, which allows veterinarians to establish a veterinarian-client-patient-relationship (VCPR) through telemedicine without an in-person examination. The Board believes telemedicine plays a vital role in delivering timely care to animal patients. While the Board has a fundamental concern that this bill may enable animal patients to go their entire lifespan without an in-person examination, the Board sincerely appreciates Assembly Member Friedman's acceptance of all the Board's requested amendments for additional consumer protection.

These amendments included adding a 14-day limitation on antibiotics, which would not be refilled without an in-person examination and specifying that veterinarians could not prescribe controlled substances or xylazine unless they have examined the animal patient in person.

The Board's most significant concerns with the bill have been addressed while allowing the VCPR to be established via telehealth. As such, the Board is in support of the bill and respectfully requests you sign AB 1399.

Sincerely,

Christina Bradbury, DVM, President
Veterinary Medical Board

Maria Preciosa S. Solacito, DVM, Vice-President
Veterinary Medical Board



July 28, 2023

The Honorable John Laird
California State Senate
1021 O Street, Suite 8720
Sacramento, CA 95814

Re: Senate Bill (SB) 544 (Laird, 2023) – SUPPORT IF AMENDED

Dear Senator Laird:

The Veterinary Medical Board (Board) regulates the largest population of veterinarians and registered veterinary technicians in the nation. Its mission is to protect consumers and animals by regulating licensees, promoting professional standards, and diligently enforcing the Veterinary Medicine Practice Act. Public protection is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is paramount.

The Board is advised that you have agreed to accept the amendments described in the Assembly Government Operations Committee analysis for the July 13, 2023 hearing. One of the amendments would require that a majority of members (quorum) of the state body would need to be present at one physical location for a minimum of 50% of the meetings of the state body each year.

Since the Board anticipates that amendment going into the bill following that Committee hearing, during its July 19, 2023 meeting, the Board changed its original Support position to Support if Amended. The Board's main concern with accepting the quorum amendment is that it essentially defeats the purpose of the bill to promote public participation in state government and significantly decreases the cost savings this bill was aiming to create.

As stated in the Board's May 2, 2023 Support letter, since the COVID-19 pandemic, the ability to hold virtual meetings without listing all physical meeting locations from which Board members participated, and finding locations where the public could attend such meetings, led to significant cost savings, while dramatically increasing public participation. SB 544 would have permanently allowed state boards, bureaus, and committees to meet remotely, while also providing both virtual and physical options for members of the public to participate.

Most Board members prefer to meet in person whenever possible, but providing the opportunity to meet virtually when the unexpected happens or scheduling conflicts occur increases the member participation. The Board understands the importance of the public being able to participate in person and interact directly with members, but requiring a quorum of the Board at the physical location, when most of the public participate virtually, seems unnecessary, especially given the increased costs associated with the requirement.

The Honorable John Laird
July 26, 2023
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The Board urges you to reconsider the most recent quorum amendment and remove it from SB 544. In addition, to ensure the public and the Boards benefit from this bill as soon as possible, the Board respectfully requests an urgency clause be added to the bill.

For these reasons, the Board supports SB 544 if amended as requested.

Sincerely,

Christina Bradbury, DVM, President
Veterinary Medical Board


Maria Preciosa S. Solacito, DVM, Vice-President
Veterinary Medical Board

cc: Assembly Appropriations Committee



September 7, 2023

Governor Gavin Newsom
1021 O Street, Suite 9000
Sacramento, CA 95814

Re: Senate Bill (SB) 669 (Cortese, 2023) – **Request for Veto**

Dear Governor Newsom:

The Veterinary Medical Board (Board) regulates the largest population of veterinarians and registered veterinary technicians in the nation. Its mission is to protect consumers and animals by regulating licensees, promoting professional standards, and diligently enforcing the Veterinary Medicine Practice Act (Practice Act). Public protection is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is paramount.

The Board appreciates the intent of the bill. Unfortunately, a crucial problem remains in the bill; for this reason, the Board requests your veto on SB 699.

The Board is concerned with ensuring compliance with federal and state controlled substance and dangerous drug prescriptions requirements that only authorize veterinarians to prescribe such drugs to animal patients. Under this bill, the controlled substances and dangerous drugs that otherwise require veterinarian prescription prior to administration to animal patients instead would be prescribed and administered by RVTs.

As currently written, SB 669 would authorize RVTs to administer medications to animals without examination or the required prescription by a veterinarian. Since no medication can be administered without it first being prescribed, this bill, in effect, would authorize RVTs to prescribe medication and drugs to animal patients. Accordingly, this bill will result in inconsistencies with other provisions of the Practice Act and state and federal law that only authorize licensed veterinarians to prescribe drugs and medications, and specifically prohibit an RVT from prescribing drugs and medication.

This bill would violate federal and state prescription laws and put the RVT at risk of professional discipline, criminal conviction, and civil litigation.

To ensure consistency within the Practice Act, compliance with federal and state law, and appropriate consumer protection, the bill must include the requirement for veterinarians to review documentation prior to prescribing or dispensing. This concern has been shared with the Author's office numerous times, but it has not been addressed. Therefore, we urge you to veto SB 669.

Sincerely,

Christina Bradbury, DVM, President
Veterinary Medical Board