

MEMORANDUM

| | |
|----------------|--|
| DATE | October 7, 2024 |
| TO | Multidisciplinary Advisory Committee (MDC) |
| FROM | <u>Unlicensed Practice Subcommittee</u> Barrie Grant, DVM Mark Nunez, DVM |
| SUBJECT | Agenda Item 10. Update and Discussion from the Unlicensed Practice Subcommittee |

The Unlicensed Practice Subcommittee (Subcommittee) was tasked with the following Strategic Plan Objectives:

- Seek statutory changes to enhance unlicensed practice penalties to decrease unlicensed veterinary practice. (Objective 4.2)
- Pursue legislation to narrow licensure exemptions in the Business and Professions Code (BPC) Section 4827 to prevent unintended consequences. (Objective 4.3)
- Develop racetrack/horse show specific materials regarding unlicensed practice to educate consumers. (Objective 5.8)

In August, the Subcommittee reviewed its objectives and requested staff research how other state veterinary boards and boards within the Department of Consumer Affairs are combatting unlicensed practice. In addition, the Subcommittee developed a plan to hold multiple one-hour stakeholder meetings to seek input from the veterinary community.

The first stakeholder meeting, held on September 16, focused on unlicensed practice in the equine community and had over thirty participants. After brief introductions, the Board's Executive Officer (EO) provided an overview of the Subcommittee's objectives, the statutes and regulations related to unlicensed practice and the Board's authority to take specific actions. The EO also provided a brief overview of the Board's enforcement process and discussed inherent challenges with unlicensed practice complaints filed anonymously and/or with insufficient information or evidence.

After the EO's presentation, the Subcommittee led an open stakeholder discussion to share what unlicensed practice they have seen in the equine industry and what, if anything, can be done to help combat equine unlicensed practice.

Many participants identified the prevalence of unlicensed individuals performing teeth floating and other equine dentistry services. They also shared how many human practitioners, such as chiropractors, physical therapists, and massage therapists, are

practicing on equine. They discussed the challenges with clients not wanting to come forward with who is specifically providing the veterinary services - partially attributing this to the cheaper services they obtain.

In addition, the stakeholders raised concerns with unlicensed individuals performing reproductive work on cattle and performing other veterinary services on food production animals. One stakeholder shared many dairies are utilizing the exemption under BPC section 4827 to hire veterinarians licensed in Mexico.

Concerns were raised related to online and mobile pharmacies dispensing medications without verifying the prescribers were California-licensed veterinarians.

An Animal Physical Therapy Coalition (APTC) representative encouraged the Subcommittee to allow an exemption to permit a veterinarian to refer their animal patients to “non-vet professionals” such as licensed animal physical therapists. The APTC representative claimed this would relieve the Board’s enforcement burdens, help shoulder some of the patient care burden on veterinarians, and provide better access to care for animal-owning stakeholders.

Over the next few months, the Subcommittee will continue to hold stakeholder meetings with industry representatives from the equine, food production, and small animal communities.

Veterinary Medical Board
Multidisciplinary Advisory Committee (MDC)
October 15, 2024 Meeting
Agenda Item 10

A written public comment received prior to the MDC meeting and distributed to the MDC members can be found [here](#).