

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 20. VETERINARY MEDICAL BOARD

INITIAL STATEMENT OF REASONS

Civil Penalties for Citation

Hearing Date: No hearing has been scheduled for the proposed action.

Subject Matter of Proposed Regulations: Civil Penalties for Citation

Section(s) Affected: Amend section 2043 of article 5.5 of division 20 of title 16 of the California Code of Regulations (CCR).

Background and Statement of the Problem:

The California Veterinary Medical Board (Board) licenses, regulates, and investigates complaints against five different license categories in California, totaling approximately 48,000 licensees. These licensing categories include veterinary premises, veterinarians, university veterinarians, registered veterinary technicians, and veterinary assistant controlled substance permit holders. It is the Board's duty to enforce and administer the California Veterinary Medicine Practice Act (Chapter 11 (commencing with section 4800) of Division 2 of the Business and Professions Code (BPC) (Practice Act). The Board is authorized to establish reasonably necessary regulations for the enforcement of the Practice Act (BPC section 4808).

The Board is proposing to amend section 2043 of article 5.5 of division 20 of title 16 of the CCR, as it pertains to civil penalties for citation. More specifically, due to statutory changes (effective January 1, 2026), there is no longer a need for unlicensed practice citations to be assigned a classification (class "C") (subsection (e) of CCR section 2043); and, references to unlicensed person and unlicensed citation can now be removed from the regulation based on the following:

The Board and its Multidisciplinary Advisory Committee's Unlicensed Practice Subcommittee reviewed unlicensed practice penalties as part of a Strategic Plan Objective in 2024, which sought stronger statutory tools to deter unlicensed veterinary practice.

The Board determined that the \$5,000 statutory cap under BPC section 125.9 was too low to effectively discourage violations. Surveys of American Association of Veterinary State Boards member jurisdictions confirmed that no responding states imposed a similar cap, and stakeholder discussions showed support for increasing fine amounts.

Based on this input, the Subcommittee recommended pursuing legislative changes to expand the fine range for unlicensed practice citations and remove the overall fine cap. The Board approved this legislative proposal - amending BPC section 4875.2 and adding section 4875.7 - on January 15, 2025. These statutory changes were subsequently

enacted through Assembly Bill (AB) 1502 (Berman, 2025), effective January 1, 2026.

With the statutory changes in effect, the existing regulatory provision in CCR section 2043, classifying unlicensed practice as a Class C violation with fines of \$2,000 to \$5,000, is no longer needed. As part of the legislative component, the Subcommittee had also proposed amending CCR section 2043 to remove references to the unlicensed practice citation classification. The Board also approved this regulatory proposal on January 15, 2025, contingent upon enactment of the statutory changes, which are now in effect.

For these reasons, the Board is proposing to amend CCR section 2043.

Anticipated benefits from this regulatory action:

The proposed regulations will benefit veterinarians, registered veterinary technicians, licensees, and unlicensed individuals by clarifying citation requirements and removing outdated provisions related to the classification of unlicensed practice violations. Updating CCR section 2043 will also bring the Board's regulatory framework into alignment with recent statutory changes enacted through AB 1502. The proposed regulations are not expected to benefit worker safety or the state's environment.

Specific purpose of, and rationale for, each adoption, amendment, or repeal:

1. Amend Opening Paragraph of CCR Section 2043

Purpose: The purpose of the proposed change is to strike the reference to "...[or] an unlicensed person...".

Rationale: Due to the statutory changes, effective January 1, 2026, there is no longer a need to reference unlicensed practice citations in the regulation. The issuance of unlicensed practice citations is now authorized under new BPC section 4875.7.

2. Strike CCR Section 2043, Subsection (e)

Purpose: The purpose of the proposed change is to strike the provision that references an unlicensed person class "C" violation citation, and the associated civil penalty range.

Rationale: Due to the statutory changes, effective January 1, 2026, there is no longer a need to reference unlicensed practice citations in the regulation. The issuance of unlicensed practice citations is now authorized under new BPC section 4875.7.

3. Re-Letter CCR Section 2043, Subsection (f) to Subsection (e)

Purpose: The purpose of the proposed change is to re-letter CCR section 2043, subsection (f) to subsection (e).

Rationale: Due to the aforementioned proposed change to strike subsection (e), existing subsection (f) would become new subsection (e).

4. Re-Letter CCR Section 2043, Subsection (g) to Subsection (f)

Purpose: The purpose of the proposed change is to re-letter CCR section 2043, subsection (g) to subsection (f).

Rationale: Due the aforementioned changes, this re-lettering would also be required.

5. Amend Re-Lettered CCR Section 2043, Subsection (f)

Purpose: The purpose of the proposed change is to add a reference to BPC section 125.9.

Rational: This provision addresses requirements for orders of abatement (which may be contained in a citation), and as such, should appropriately reference BPC section 125.9 as the general statutory authority for boards, bureaus, or commissions under the Department of Consumer Affairs to establish systems for the issuance of citations to licensees.

6. Strike Reference to BPC Section 148 in the Note/Reference

Purpose: The purpose of the proposed change is to strike the reference to BPC section 148 in the Regulation Note/Reference.

Rationale: The regulation would instead reference the newly added, applicable BPC section 4875.7 for citations issued to a person or entity practicing or offering to practice veterinary medicine without a license, registration, or permit issued by the Board pursuant to the chapter.

7. Strike Reference to BPC Section 4846.5 in the Note/Reference

Purpose: The purpose of the proposed change is to strike the reference to BPC section 4846.5 in the Regulation Note/Reference.

Rational: BPC section 4846.5 was repealed, effective January 1, 2026 (AB 1502, Berman, 2025).

8. Add Reference to BPC Section 4875.7 in the Note/Reference

Purpose: The purpose of the proposed change is to add a reference to BPC section 4875.7 in the Regulation Note/Reference.

Rationale: The regulation now would reference the newly added, applicable statute, BPC section 4875.7 for citations issued to a person or entity practicing or offering to practice veterinary medicine without a license, registration, or permit issued by the Board pursuant to the chapter.

Underlying Data:

- January 14, 2025 MDC Meeting Agenda, Relevant Materials, and Minutes
- January 15-16, 2025 Board Meeting Agenda, Relevant Materials, and Minutes

Business Impact:

The Board has made the initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the inability of California businesses to compete with businesses in other states.

This initial determination is based on the following facts:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California. The regulatory proposal would eliminate the outdated references to the unlicensed practice classification and ensure the regulation aligns with the Board's current statutory authority regarding the issuance of citations.

Economic Impact Assessment:

The Board has determined that this regulatory proposal:

- Will not create or eliminate jobs within the State of California because it does not create any new requirements or changes within the regulations.
- Will not create new businesses or eliminate existing businesses within the State of California because it does not create any new requirements or changes within the regulations.
- Will not affect the expansion of businesses currently doing business within the State of California because it does not create any new requirements or changes within the regulations.
- Does not relate to health and welfare or describe benefits consistent with anticipated benefits section.
- Does not involve worker safety or describe benefits consistent with anticipated benefits section.
- Does not involve the environment or describe benefits consistent with anticipated benefits section.

The proposed regulations will benefit the health and welfare of California residents, specifically, veterinarians, registered veterinarian technicians, other licensees of the Board, and unlicensed individuals by clarifying citation requirements and removing outdated provisions related to the classification of unlicensed practice violations. The proposed regulations are not expected to benefit worker safety or the state's environment.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

No such alternatives have been proposed, however, the Board welcomes comments from the public.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.