



MEMORANDUM

DATE	April 17, 2019
TO	Veterinary Medical Board
FROM	Jessica Siefertman, Executive Officer
SUBJECT	Agenda Item 9. Update, Discussion, and Possible Action Regarding SB 1480 (Hill, Chapter 571, Statutes of 2018), Business and Professions Code Section 4829.5, Drug Consultation

Pursuant to Senate Bill (SB) [1480](#) (Hill, Chapter 571, Statutes of 2018), effective January 1, 2019, veterinarians are required to offer to provide drug consultations for dangerous drugs¹ (Business and Professions Code (BPC) section [4829.5](#)).

The Board received numerous questions regarding this new statutory drug consultation requirement. To provide clarity, the Board posted [this](#) document, which included a discussion and responses to some frequently asked questions, to its website.

Since posting the document, the Senate Business, Professions and Economic Development Committee (Committee) raised concerns that the Board's interpretation and implementation does not meet the intention of SB 1480. The Committee believes veterinarians may have concerns with the requirement as well.

As background, SB 546 (Hill, 2017) would have established the drug consultation requirement and, in nonemergency situations and outpatient settings, would have required the veterinarian to offer to provide the client a drug consultation each time the veterinarian prescribed, administered, dispensed, or furnished a dangerous drug or prescription medication. Following stakeholder input to Committee staff, SB 546 was proposed to be amended, among other things, to strike the term "administer" from the bill because in many instances the administration of medication for the animal patient would take place when the client is not present, which would be burdensome to veterinarians in trying to track down the client each time they have to administer a drug. In addition, the proposed amendments to SB 546 would have deleted the requirement that "for injections, the consultation shall be provided before the injection is administered to the animal patient." Notably, SB 1480 enacted the revised version of SB 546 that did not include drug consultation requirements for the administration of a drug.

Concern has now been raised that the Board's website posting of the new drug consultation requirements in BPC section 4829.5 should not include the instruction that the new statute does not apply to the administration of a drug. The argument before the Board is that the terms "dispense" and "furnish" include "administration" of a drug. Purportedly, if an animal owner is

¹ "Dangerous drug" means any drug requiring a prescription. (BPC § [4022](#))

present in an exam room and a veterinarian orders the administration of an injectable medication directly into the animal patient at the veterinary premises, the veterinarian must offer to provide the drug consultation in accordance with BPC section 4829.5.

Recognizing the differing interpretations of the new drug consultation requirement and whether the administration of a dangerous drug at the veterinary premises to the animal patient in an outpatient setting requires a drug consultation, Committee staff requests the Board discuss this further and consider potential legislative solutions.

To assist the discussion, the Board members are asked to consider the following questions:

1. Do veterinarians understand “dispense” or “furnish” to include “administer?”
2. What outpatient procedures may require administration of a drug where veterinarians are able to provide consultation without compromising the animal patient’s health, safety, or welfare?
3. What outpatient procedures may require administration of a drug where veterinarians would be unable to provide consultation without compromising the animal patient’s health, safety, or welfare?