



MEMORANDUM

DATE	November 15, 2018
TO	Veterinary Medical Board
FROM	Jessica Siefertman, Executive Officer
SUBJECT	Agenda Item 14. Update, Discussion, and Possible Action Regarding 2018 Legislation and Implementation Plan

As board members are aware, multiple chaptered bills from the 2018 legislative session impacts the practice of veterinary medicine and requires Board implementation. This includes statutory, regulatory, operational, and outreach impacts. Implementation recommendations are before for Board consideration.

AB 2138 – Chiu. Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction.

This Board-opposed amended several sections of the Business and Professions code related to how regulatory licensing boards respond to applicants with criminal convictions. This bill removes any authority for the Board to deny an application based on formal discipline by a licensing board in or outside of California or criminal convictions and underlying acts occurring over seven years ago.

Regulatory Impact: *Regulatory revisions must be implemented by July 1, 2020.*

- Disciplinary Guidelines is not being amended to contain the revised statute at this time but may be a possible amendment in the future.
- CCR 2040 will need to be revised to include new criteria (bill section 7, new BPC section 481(b)(1)-(3))
- CCR 2041(a) will need to be revised to include completion of the criminal sentence at issue without a violation of parole or probation (bill section 9, new BPC section 482(b)(1)) and revised to correspond with new BPC section 483(b)(1)-(2) (bill section 13)
- CCR 2041(b) will need to be revised to cross-reference BPC section 490 (bill section 9, new BPC section 481(a)(2)) and revised to correspond with new BPC section 483(b)(1)-(2) (bill section 13)
- CCR 2042 may need to be revised.

Operational Impact

- There will be increased staff workload to collect criminal information. Licensing will now be tasked with reaching out to the individual jurisdictions to obtain documents, since the applicants no longer are required to submit this information upon application. The Board may be required to request additional staffing via BCP due to increased workload.
- Update BreZE and paper applications to comply with new statutes including review and revise all license, registration, and permit applications to remove disclosure of criminal

history (per bill section C5; new BPC sec. 480(f)(2)); Add a question to the applications whether the applicant has documents or evidence they wish to provide with the application regarding mitigating information relative to a conviction or disciplinary action; have to advise applicant on the form that disclosure is voluntary and the applicant's decision not to disclose any information shall not be a factor in a board's decision to grant or deny an application for licensure (per bill section 4, new BPC sec. 480(f)(2).

- Amend retention schedule and workflow process to retain all application forms and other documents submitted by applicant for 3 years, any notice provided to applicant, and all other communications received from and provided to applicant, and criminal history reports of an applicant. (per bill section 4, new BPC sec. 480(g)(1).
- Amend retention schedule and workflow process to retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history; retain information as listed in subparagraphs (A)-(D) (per bill section 4, new BPC sec. 480(g)(2)(A)-(D))
- Annually publish on Board's website and in legislative report the deidentified information collected in application forms, other documents, notice to applicants, all other communications received from/provided to applicant, and criminal history reports of applicants (per bill section 4, new BPC sec. 480(g)(3)(A)).
- Annually publish on Board's website a summary of the criteria used to consider whether a crime is considered to be substantially related to the qualifications, functions, or duties of the business or profession it regulates (per bill section 7, new BPC sec. 481(d)).
- Review and possibly amend existing regulations regarding substantially related crimes that would qualify for denial of licensure and post those requirements and post those requirements onto the website.

Outreach:

- Inform the applicant and licensee population at large via a general update on Legislation.

AB 2215 – Kalra. Use of Cannabis for Animals.

This Board-supported bill provides veterinarians the ability to discuss the use of cannabis on an animal patient and requires the Board to establish guidelines for veterinarians discussing cannabis with the veterinarian-client-patient relationship.

Regulatory Impact: Guidelines required for implementation of January 1, 2020.

- Possibly update the Disciplinary Guidelines with reference to new statute.
- Determine if the cannabis discussion "Guidelines" should be implemented through regulation or as a stand-alone document like the [Medical Board's guidelines](#).

Operational Impact

- If the cannabis discussion Guidelines are implemented as a stand-alone document, then staff will work with stakeholders to develop the document. If implemented as a regulatory document incorporated by reference, staff will work with stakeholders and develop a regulatory package.
- Update BreEZe with new enforcement codes.

Outreach:

- Inform veterinarians and those involved with the practice of veterinary medicine about the new statutes and what this allows. Distribute cannabis discussion guidelines via a newsletter, social media, and the website.

AB 2300 – Maienschein. Continuing Education: Veterinarian Spay and Neutering

This Board-opposed bill authorized a veterinarian to earn a total of 6 hours or less of the 36 hours of continuing education by either taking up to 6 hours of self-study courses or providing up to 4 hours of pro bono spaying or neutering services to benefit residents of low-income communities.

Regulatory Impact:

- Veterinary continuing education regulations ([CCR 2085-series](#)) may need to be updated so statutes does not conflict with existing regulation.

Operational Impact

- Possible implementation of new regulations.
- Additional work will be required of licensing staff when performing continuing education audits to obtain the necessary information to ensure that the veterinarian is providing the spay/neuter services pro-bono and to “a household with a demonstrated financial need for reduced-cost services”.

Outreach:

- Update the website with continuing education credit information and disseminate the new requirement via normal channels (i.e. newsletters, website, ListServ, social media, etc.)

SB 1480 & SB 1491 – Committee Bills – VMB Sponsored Changes

These Board-support bills contain numerous technical changes to clarify existing statute, streamline processes, and mandate 20% premises inspections.

Regulatory Impact:

- Update the Disciplinary Guidelines to include probationary veterinary assistant controlled substance permit information, update [CCR 2032.1](#) and [2032.15](#) regarding veterinary-client-patient relationships to identify the conditions for an emergency pursuant to the new statutes.
- Possible amendment to [CCR 2027](#) to confirm with statute and consider past Board discussion to allow for certain American Veterinary Medical Association (AVMA) veterinary graduates to apply for and obtain registered veterinary technician (RVT) registration.
- [CCR 2015.2](#) states the veterinary law exam (VLE) shall be administered by mail and refers to mailing date(s). Statute overrides regulations, but may consider updating regulations to conform with statute.

Operational Impact

- Possible amendment and/or implementation of new regulations.
- Amend regulations regarding veterinary student exemption to align with statute.
- Request additional Board staff and funding to implement the 20% mandatory inspections with consideration to total budgetary impact and long-term Board solvency of additional expenditures for staff and inspection costs.
- Develop the electronic VLE and implementation of new exam format and requisite website amendments.
- Possible amendments to regulations.

Outreach:

- Update the website and social media with information regarding the changes per these statutes (including drug counseling information, updated to the veterinary student exemption, updates to the AVMA graduates practicing as RVTs, etc.)
- Notify applicants of updated VLE format via existing applications.
- General notification of changes via normal channels (newsletter, website, etc.)

Attachments

- Bill Text for Legislation of Interest