



## MEMORANDUM

<b>DATE</b>	May 14, 2020
<b>TO</b>	Veterinary Medical Board
<b>FROM</b>	Jessica Sieferman, Executive Officer
<b>SUBJECT</b>	<b>Agenda Item 5. Update, Discussion, and Possible Action on 2019-2020 Legislation</b>

The information below was based on legislation, statuses, and analyses (if any) publicly available on April 30, 2020. Legislation is amended, statuses are updated, and analyses are added frequently; thus, hyperlinks are provided throughout this document to ensure members and the public have access to the most up to date information.

### A. **AB [1953](#) (Bloom, 2020) Veterinary medicine**

Status: In Committee: Assembly Business and Professions

Analysis: None

Board Position: None

Summary: This bill would include in the actions that constitute the practice of veterinary medicine the collection of blood from a dog for the purpose of transferring or selling that blood, or blood products derived from the blood, to a licensed veterinarian for use at a registered premise.

Staff Comments: This bill is currently just a spot bill. Staff has been informed that the author intends to introduce some significant amendments soon. However, until the Board has those amendments in front of them, there is not much for the Board to discuss. The Board may want to consider holding off on any discussions or taking a position until amendments are in print.

This bill is related to last year's AB 366 (Bloom, 2019), which was held in the Assembly Agriculture Committee. The Board submitted a letter to the author of AB 366, in which the Board raised the following concerns:

1. eliminating the blood bank model currently supplying the majority of California and a large portion of the nation risks the lives of all canine patients;
2. community blood banks are not producing all various types of blood component products;
3. current community banks do not think they can meet the same volume of

- supply within the time frame of this bill, if ever;
4. blood banks are regulated by the Department of Food and Agriculture (CDFA), so the provisions in the bill should be added to the Food and Agricultural Code (FAC), rather than the Veterinary Medicine Practice Act (VMPA);
  5. the veterinarian reporting requirement should be changed to require blood banks to report its data directly to CDFA; and
  6. although the bill references a “board-certified specialist,” the Board does not currently certify any specialists, so the bill should specify which government agency is certifying the specialists.

**B. AB 2028 (Aguiar-Curry, 2020) State agencies: meetings**

Status: In Committee: Assembly Governmental Organization

Analysis: None

Board Position: None

Summary: This bill, except for closed sessions, would require public meeting notices to include all writings or materials provided by the staff for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require these writings and materials to be made available on the internet at least 10 days in advance of the meeting. The bill would provide that a state body may only distribute or discuss these writings or materials at a meeting of the state body if it has complied with these requirements.

Staff Comments: Transparency is one of the Board’s core values, and staff appreciates the intent behind this bill. Currently, Board staff makes every reasonable effort to post materials as soon as possible. However, several factors outside the Board’s control lead to multiple staff implementation concerns.

Board meeting topics frequently change as new issues arise requiring Board input and/or action. Oftentimes, the Board agenda is not finalized until the day of or right before an agenda is posted. Staff works diligently to prepare in depth memoranda and supporting materials for each agenda item requiring Board consideration. These memos provide background and analysis of the issue and serve as a firm foundation for thoughtful deliberation. They also serve as documentation to be used in preparing rulemaking files and for historical reference. Board meeting materials are often extremely time consuming and are dependent on the available staff resources for preparation. Staff is concerned the quality of the materials we decline due to less time and resources to prepare them.

Further, board materials frequently change as issues evolve. Legislation, for example, can change multiple times from the time materials are posted online to the day of the meeting. Staff also prepares the most updated information the day of the Board meeting. In fact, the last few Board meetings have included materials that were prepared during the meeting and/or meeting breaks (i.e., legislative proposals revised by legal counsel, additional fee increase alternative scenarios prepared by

the budget office, etc.). This bill would prohibit the Board from discussing any of the revised materials, because they were not posted 10 days prior to the meeting.

Moreover, Board documents posted online must be ADA compliant. DCA's Office of Information Services (OIS) currently assists the Board in making all documents ADA compliant, and it often delays getting items posted. The time it takes OIS to post ADA-compliant documents is dependent on their available resources.

Board staff is concerned that this bill may lead to less comprehensive Board meeting materials and lengthier Board discussions on each item. Members may feel less prepared and be forced to make critical consumer protection decisions with outdated information. In addition, stakeholders providing public comment at meetings would not have updated information on which to provide comment for Board consideration.

**C. [AB 2185](#) (Patterson, 2020) Professions and vocations: applicants licensed in other states: reciprocity**

Status: In Committee: Assembly Business and Professions  
Analysis: None  
Board Position: None

Summary: This bill, with exceptions, would require each board within DCA to issue a license to an applicant in the discipline for which the applicant applies if the person meets certain requirements, including, but not limited to, that the person is married to, or is in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States, who is assigned to a duty station in this state, the person currently holds a license in good standing in another state in the discipline and practice level and with the same scope of practice for which the person applies, the person has held the license and has practiced in the licensed field in the other state for at least three of the last five years, and the person pays all applicable fees and complies with any applicable surety bond and insurance requirements.

**D. [AB 2855](#) (Committee on Business and Professions, 2020) Veterinary Medical Board**

Status: In Committee: Assembly Business and Professions  
Analysis: None  
Board Position: None

Summary: The bill would remove the prohibition on a sunset review document or evaluative questionnaire. The bill would make a nonsubstantive change to the executive officer provision. The bill would limit the examination for veterinary technicians to a national licensing examination.

Staff Comments: This is the Board's Sunset bill. At this time, it is unknown what will happen with this bill. Staff will provide updates, if available, during the Board meeting.

**E. SB 627 (Galqiani, 2019) Medicinal cannabis and medicinal cannabis products: veterinary medicine**

Status: Pulled at the request of author  
Analysis: 05/02/19 – Senate Business, Professions, and Economic Development Committee  
05/03/19 – Senate Appropriations Committee  
05/18/19 – Senate Floor Analyses  
07/05/19 – Assembly Business and Professions Committee  
Board Position: Support if Amended

Summary: SB 627, among other things, would authorize veterinarians to recommend medicinal cannabis or medicinal cannabis products for use on animal patients. It also would require the Board, on or before January 1, 2022, to adopt guidelines for veterinarians to follow when recommending cannabis within the veterinarian-client-patient relationship. The Board would be required to report to the Legislature on January 1, 2021, and every six months thereafter, on the status and progress of developing the guidelines.

Staff Comments: During the April 2019 meeting, the Board opposed this bill but acknowledged that cannabis and cannabis products may have potential health benefits to animals. However, there is still a significant need for funding for cannabis research so that veterinarians and the public are informed on the possible efficacious use of cannabis to treat animals and ensure the full protection of consumers and their animals. While other medications and dangerous drugs have been provided to animal patients without significant research, those were not previously identified as Schedule I Controlled Substances, as is cannabis.

In the [Assembly Business and Professions Committee analysis of SB 627](#), multiple policy issues and recommended amendments were identified, many mirroring the Board's concerns, including the lack of research and necessary funding for the research. In addition, one of the amendments removed the Board's reporting requirement to the Legislation and replaced it with a 2022 deadline for adopting recommendation guidelines.

During the July 9, 2019 Assembly Business and Professions Committee hearing, the author's office accepted all amendments in the Committee analysis, the Chair provided a "Do Pass" recommendation, and the bill passed out of Committee to the Assembly Appropriations Committee.

Although the Committee analysis specifically raised concerns about the lack of research and funding for said research, there were no proposed amendments in the analysis to address the concerns. Shortly after the July 9, 2019 hearing, Committee staff requested the Board's Executive Officer and legal counsel draft language that would address the concerns for the author's consideration (attached). Committee staff also forwarded the language to the Assembly Appropriations Committee for consideration.

During the last Board meeting, the Board amended its "Oppose" position to "Support if Amended" with the hopes of securing funding for necessary research.

Shortly after sending its position letter, the Board was notified the author's office pulled the bill from hearing in the Assembly Appropriations Committee. At that time, the author expressed interest in working with the Board to address the Board's concerns.

At the Board's January 30, 2020 meeting, the bill's sponsor, Lovingly and Legally, updated the Board they were working to amend the bill to prohibit animal cannabis product sales at recreational cannabis facilities. The sponsor urged the Board to support this restriction for protection of the animal patients and alert the author of the Board's position. The sponsor also is urging funding for animal medicinal cannabis research. There have been no updates on this bill since the January 30, 2020 meeting.

**F. SB [1115](#) (Wilk, 2020) Commercial blood banks for animals: animal blood donors**

**AMENDED APRIL 15, 2020**

Status: In Committee: Senate Committee on Agriculture

Analysis: None

Board Position: None

Summary: This bill, among other things, would modify the definition of a commercial blood bank for animals to limit the definition to establishments that collect blood from "community-sourced" animals, as defined, that are brought by their owners to the commercial blood bank for animals to have their blood collected. The bill would exclude from the definition of a commercial blood bank for animals establishments that collect blood from "captive closed-colony" animals that are kept, housed, or maintained for the purpose of collecting their blood. By modifying the definition of a commercial blood bank for animals in this manner, the bill would prohibit the use of captive closed-colony animals at a commercial blood bank for animals.

The bill would make the modification of the definition of a commercial blood bank for animals operative on January 1 next following the date that CDFA determines that an equivalent supply of blood sold in California from captive closed-colony blood banks for animals during the years 2019 to 2020, inclusive, is being produced over an equivalent time period from community-sourced blood banks for animals. The bill would define "indirect supervision" to have the same meaning as in specified regulations and would make certain related changes.

This bill is similar to SB 202 (Wilk, 2019), which was vetoed by the Governor.

**G. SB [1347](#) (Galgiani, 2020) Veterinary medicine: authorized care and registration**

Status: In Committee: Senate Business, Professions and Economic Development

Analysis: None

Board Position: None

Summary: Existing law exempts a person from Board licensure when the person engages in specified acts of veterinary care for an animal, including, among other acts, administering sodium pentobarbital for the euthanasia of sick, injured,

homeless, or unwanted domestic pets or animals without the presence of a veterinarian when the person is an employee of an animal control shelter and its agencies or humane society and has received proper training in the administration of sodium pentobarbital for these purposes.

This bill would expand this exception to include officers, employees, and volunteers of a shelter and would expand the types of veterinary care that may be provided pursuant to these provisions to include, but not be limited to, vaccinations to prevent the spread of communicable disease. The bill would require a shelter engaging in these exempted acts of veterinary care to maintain records of the care, as provided.

The bill would preclude these exemptions from being construed to relieve a duly authorized officer of a shelter from the obligation to convey an injured animal to a veterinarian as specified or as otherwise necessary to provide the animal with the veterinary care that the shelter is unable to perform in accordance with the exempted acts of veterinary care. The bill would exempt a person from licensure and specified requirements on licensees when engaging in specified acts of veterinary care.

Existing law also requires all premises, as defined, where veterinary medicine, dentistry, or surgery, or the various branches thereof, is being practiced to register with the Board. This bill would, notwithstanding any law, exempt from the registration requirement any premises where the above-described exempted acts of veterinary care are performed, if no other veterinary medicine, dentistry, or surgery, or a branch thereof, is practiced at that premises.

Staff Comments: Existing law authorizes registered veterinary technicians and veterinary assistants to perform veterinary health care under indirect supervision, including through the use of written protocols; as such, it is unclear why this bill is necessary. Further, the bill does not provide a definition of “shelter,” so it is unclear whether declared non-profit organizations, which may only be individuals hoarding animals, could perform the veterinary care exempted from licensure requirements as provided in this bill.

The bill would remove Board oversight from facilities providing such veterinary care, even though the bill attempts to ensure veterinarian oversight. Exempting “shelters” from the VMPA would remove the existing requirements for a managing veterinarian to oversee the facility, which would allow untrained individuals to perform veterinary medical care without veterinarian supervision. The bill attempts to require veterinarian instructions, but those instructions may not be coming from any veterinarian overseeing the facility.

Further, the bill also does not define “first aid” or describe the training and documentation of such training, which may place animals in danger. “First aid” could be interpreted to include temporary stabilization through intubation, IV catheter placement, IV fluids, drug treatment for shock; the bill would not require any determination by a licensed professional of when the animal would need to be transported to a veterinarian for treatment. The bill also would authorize application of bandages or dressings, but improper wound care can be dangerous if incorrectly

applied or administered and, therefore, should only be practiced with an appropriate degree of veterinarian supervision.