



MEMORANDUM

DATE	July 9, 2021
TO	Veterinary Medical Board (Board)
FROM	Jessica Siefertman, Executive Officer
SUBJECT	Agenda Item 8. Update, Discussion, and Possible Action on 2021 Legislation

Legislation is amended, statuses are updated, and analyses are added frequently; thus, hyperlinks, identified in [blue, underlined text](#), are provided throughout this document to ensure members and the public have access to the most up-to-date information. The information below was based on legislation, statuses, and analyses (if any) publicly available on [July 9, 2021](#).

Amendments since the last Board meeting are identified in ~~red strikethrough~~ for language being struck and *blue italics* for language being added.

A. Assembly Bill (AB) [1282](#) (Bloom, 2021) Veterinary medicine: blood banks for animals

AMENDED July 7, 2021

Hearing Date: July 14, 2021

Status: Senate Business, Professions and Economic Development Committee

- Analyses:
- [06/28/21- Senate Agriculture](#)
 - [05/25/21- Assembly Floor Analysis](#)
 - [05/11/21- Assembly Appropriations](#)
 - [04/27/21- Assembly Agriculture](#)
 - [04/20/21- Assembly Business and Professions](#)

Summary: This bill would add to the actions that constitute the practice of veterinary medicine the collection of blood from an animal for the purpose of transferring or selling that blood and blood component products, as defined, to a licensed veterinarian for use at a registered ~~premise~~ *premises*, except in certain circumstances. This bill would permit a registered veterinary technician or veterinary assistant to collect blood from an animal for the purpose of transferring or selling the blood and blood component products to a licensed veterinarian at a registered ~~premise~~ *premises*, under the direct or indirect supervision of a licensed veterinarian, as specified.

This bill would establish, within the Veterinary Medicine Practice Act, new procedures governing community blood banks for animals and would impose new requirements on veterinarians engaged in the production of animal blood and blood component products.

The bill would define a “community blood bank” as a commercial blood bank for animals that produces animal blood or blood component products solely from community-sourced animals whose owners voluntarily consent to the donation.

The bill would require each veterinarian who is licensed in California and engages in the production of animal blood or blood component products to meet specified conditions, including *following current and best practices on community animal blood banking*, using methods of production that are consistent with current standards of care and practice for the field of veterinary transfusion medicine, and obtaining informed written consent of the owner of the animal blood donor. The bill would prohibit a veterinarian or a community blood bank operating under these provisions from providing payment to a person who provides an animal for the purpose of donating that animal’s blood and blood component products for use in their practice and for retail sale and distribution.

The bill would authorize the Board to establish a community blood bank registration fee and an appropriate renewal fee to be paid by community blood banks to cover the costs associated with oversight and inspection of the premises. The bill would prohibit the fees from exceeding the reasonable regulatory costs of administering, implementing, and enforcing these provisions. The bill would require a community blood bank operating under the above-described provisions to comply with specified blood and blood component product registration requirements imposed under existing Food and Agricultural Code provisions. ~~The bill would require the Veterinary Medical Board, upon appropriation by the Legislature, to hire a consultant to assist in developing guidelines and best practices for veterinarians to follow when operating community blood banks and, by January 1, 2023, to adopt guidelines and publish them on the board’s internet website.~~

The bill would require a community blood bank to submit a quarterly report to the Department of Food and Agriculture (CDFA) every three months that includes, among other information, the number of donations and total volume of blood collected in milliliters from community-sourced animals during that quarter, by species of animal. The bill would define other related terms, for purposes of carrying out these provisions, including “captive closed colony” and “community sourced.”

This bill would prohibit a person from engaging in the production of animal blood and blood component products for retail sale and distribution except in a captive closed-colony commercial blood bank for animals licensed by the secretary or in accordance with the above-described provisions governing community blood banks for animals. The bill would require each community blood bank to register blood and blood component products with the secretary in accordance with existing procedures.

The bill would require CDFA to discontinue its licensing program for commercial blood banks for animals that produce canine blood and blood component products sourced from captive closed-colony dogs within ~~12~~ 18 months of the ~~Secretary of Food and Agriculture secretary~~ making ~~a~~ specified findings about the ~~average~~ amount of canine blood sold in ~~2018, 2019, and 2020, the state~~, and satisfying other conditions. The bill would require the calculation of canine blood to be done separately, with whole blood, packed red blood cells, and fresh frozen plasma being measured as ~~a separate volume.~~ *amounts in estimated milliliters based on weight in grams.* The bill would require the

department to annually submit specified canine blood collection information to specified members of the Legislature and the Veterinary Medical Board. *The bill would require CDFG, in collaboration with the Veterinary Medical Board, technical experts in animal blood banking, and any other relevant stakeholders, by January 1, 2023, to develop and publish on its internet website a "Community Animal Blood Banking Guidance Resource" or other documents that provide veterinarians, at a minimum, accurate, clear, and concise information regarding best management practices for operating community blood banks.* The bill would also prohibit the secretary from accepting new applications to license a commercial blood bank for animals that produce canine blood or blood component products sourced from captive closed-colony dogs. The bill would also require that the secretary, when licensing establishments as captive closed-colony commercial blood banks, to only license establishments that, among other conditions, keep, house, or maintain all animal donors within California state boundaries. *The bill would authorize closed-colony blood banks to transition to community-sourced models and continue to operate in accordance with specified provisions.*

This bill would specify that the application for a license applies to any establishment that produces, or proposes to produce, animal blood and blood component products from a closed-colony blood bank. The bill would require the written protocol submitted with the license application to be consistent with current standards of care and practice for the field of veterinary transfusion medicine and include bloodborne pathogen testing for all dog and cat blood donors, as prescribed.

The bill would prohibit a licensed commercial blood bank for animals from discriminating against veterinarians licensed in California in the sale of animal blood or blood component products. The bill would specify that a commercial blood bank for animals that refuses to sell animal blood or blood component products to a veterinarian in circumstances in which that blood bank has an available supply may be deemed by the secretary to be in violation of this provision.

This bill would increase the application and annual license fees from \$250 to \$1,000 for each establishment proposing to produce or producing animal blood and blood component products from a closed-colony blood bank and would allow for these fees to be adjusted annually for inflation. *The bill would authorize the Department of Food and Agriculture to set inspection fees, as specified.*

This bill would permit a person to offer a blood or blood component product that is in accordance with the procedures governing community blood banks for animals or imported into the state from an out-of-state community blood bank that the secretary would be required to track, administer, and enforce, in compliance with California standards. *The bill would require that the importation and sale of canine blood and blood component products from out-of-state sources is only permitted from community blood banks and would additionally require out-of-state community blood banks that sell canine blood and blood component products in the state to submit a quarterly report to the Department of Food and Agriculture every 3 months that includes specified information.*

The bill would require a blood or blood component product registration application to include the name and address of the person who owns the property, establishment, institution, or business that sells the blood, and various other information about the

products for sale and the facilities. The bill would impose a registration application fee and annual renewal ~~fee, in an unspecified amount,~~ *fee in the amount of \$500* for ~~an establishment proposing to offer each~~ blood or blood component products for retail sale or use in California. The bill would authorize CDFA to increase the fees in an amount that does not exceed CDFA's reasonable regulatory costs incurred to administer and enforce product safety standards.

The bill would require each licensed closed-colony blood bank to maintain an onsite record of the ~~volume~~*amount* of donations collected from captive animals, the volume of blood collected per donation in ~~milliliters,~~*estimated milliliters based on weight in grams,*, any adverse events, and other specified information. The bill would further require a licensed closed-colony blood bank to submit quarterly reports to CDFA every three months including specified information. The bill would make a violation of this provision a cause for corrective action, suspension, restriction, or the nonrenewal or revocation of a license by CDFA. The bill would require proceedings to be conducted in conformity with formal administrative adjudication procedures.

This bill would provide that "identifying personal information," as defined, would be kept confidential and not subject to disclosure under the California Public Records Act. The bill, however, would allow for the disclosure of certain information so long as the data does not contain individually identifiable information and would require disclosure of information that is already in the public domain. The bill would define "identifying personal information" to mean certain information pertaining to the owner of an animal donor, as specified, including social security number, date of birth, and related information. This bill would exempt from the provisions governing commercial blood banks for animals and biologics licensed veterinarians engaged in the production of animal blood and blood component products for community blood banks for animals, *except as specified*.

Staff Comments: After the April 2021 Board meeting, the Executive Committee (Dr. Nunez and Ms. Bowler) discussed the Board's Support, if Funded position on AB 1282. The intent of the "if Funded" position was to obtain funding from the General Fund (rather than the Board's fund) to pay for implementation costs. After multiple conversations with DCA's Budget Team, Board staff was unable to obtain examples of when a special funded entity obtained funding from the general fund. However, it was determined that the Board would, at the very least, need statutory authority to receive revenue from the General fund. The Board's position letter is attached for reference. To date, no amendments have been made to resolve the Board's concerns regarding funding.

DCA's Budget Office, Legislative Affairs, Assembly Member Bloom's office, and Board staff scheduled a meeting to meet with Assembly Member Bloom's office on June 17 to discuss the legislative amendments needed to secure funding. However, on June 16, Assembly Member Bloom's office requested to table the meeting due to potential amendments moving in a direction that would not directly impact the Board.

On June 29, the Governor's Office provided Board staff with proposed amendments to AB 1282 and organized a meeting for July 7 with the Board staff, CDFA, and Agency. On July 7, Assembly Member Bloom's Office provided amendments they believed aligned with the direction of CDFA and incorporated feedback from CVMA and other stakeholders.

On July 7, the Governor's Office hosted a meeting with CDFA, Agency, Board Member Bowler, and the Board's Executive Officer. While the initial intent was to discuss the CDFA proposed amendments, the focus shifted to the new version of the bill.

During the meeting, Ms. Bowler and Ms. Siefertman raised concerns regarding the continued lack of funding from the general fund to cover the costs for creating the new program. In addition, they raised a concern for a potential loophole in the bill for third party commercial blood banks that are not practicing veterinary medicine to produce blood products without any state oversight. If veterinarians hold community blood drives at their premises, collect the blood, and then hand the blood over to a third-party commercial blood bank to transport to the blood bank for preparation, testing, processing, storage, or distribution of blood or blood component products, it is unclear which state agency has oversight over the third-party commercial blood bank. As written, it would not be the Board, and CDFA did not believe it would be them.

The Governor's Office agreed to assist the Board in addressing these concerns. Updates will be provided to the Board as they become available.

B. [AB 1535](#) (Committee on Business and Professions, 2021) Veterinary Medical Board: application and examination: discipline and citation

AMENDED July 7, 2021

Hearing Date: July 12, 2021

Status: Senate Business, Professions and Economic Development Committee

Analyses: [05/24/21- Assembly Floor Analysis](#)

[05/17/21- Assembly Appropriations](#)

[04/27/21- Assembly Business and Professions](#)

Summary: The bill would do the following:

- *Extend the provisions establishing the board and authorizing the board to appoint an executive officer until January 1, 2026.*
- Remove the prohibition on a sunset review document or evaluative questionnaire.
- *Set the RVT application, registration, and renewal fees at \$225 each and eliminate the state examination for veterinary technician registration.*
- *Revise and recast the VACSP provisions, require a VACSP applicant or permittee to pay an application fee, a permit fee, and a renewal fee of \$100 each. The bill would require the permit to expire midnight on the last day of the month in which the permit was issued.*
- *Beginning on and after January 1, 2023, require an RVT, veterinary assistant, and VACSP holder registered in the state to wear a name tag identification in any area of the veterinary premises that is accessible to members of the public.*

- *Revise and recast the examination and application requirements for applicants for veterinarian licenses to eliminate the California state board examination and to require, among other things, all applicants to disclose each state, Canadian province, or United States territory in which the applicant currently holds or has ever held a license to practice veterinary medicine, as provided. The bill would delete the provision requiring the board to issue a temporary license.*
- *Set the veterinarian license application fee at \$350 and require an application to be considered abandoned and the application fee forfeited if an applicant fails to complete their application within one year after it has been filed. The bill would revise and recast various veterinarian license fees, including removing the board's authority to revise certain fees, as specified.*
- *Require an applicant to notify the board of any changes in mailing or employment address that occurred after filing the application.*
- *Specify that the owner or operator of a veterinary premises is required to submit a premises registration application to the board and would require the application to set forth the name of each owner or operator of the premises, including the type of corporate entity, if applicable, and the name of the premises, in addition to the name of the responsible licensee manager.*
- *Require an operator or owner that is a veterinary corporation, as specified, or a corporation or other artificial legal entity to set forth in the application the names and titles of officers, directors, shareholders, and others, and to report any changes to the board within 30 days. The bill would provide that the premises registration is nontransferable. The bill would increase the initial and renewal premises registration fees to \$500 and \$525, respectively.*
- *Require the board to deny, suspend, or revoke registration of the veterinary premises if a premises registration holder who is not licensed to practice veterinary medicine has practiced or influenced or exerted control over the provision of veterinary medicine.*
- *Prohibit a premises registration holder who is not a California-licensed veterinarian from interfering with, controlling, or otherwise directing the professional judgment of any California-licensed veterinarian or registered veterinary technician.*
- *Authorize the board president to suspend any diversion evaluation committee member pending an investigation into allegations of existing alcohol or drug addiction and, after investigation, to remove them, as specified.*
- *Delete the \$4,000 limit on the diversion program registration fee and would instead require the board to charge a registration fee and reasonable administrative fees.*

- *Authorize the board to deny, revoke, or suspend a license or registration or to assess a fine for, among other things, making any statement, claim, or advertisement that the licensee or registrant is a veterinary specialist or board certified unless the licensee or registrant is certified, as specified.*
- *Delete the existing citation process and would instead authorize the executive officer to issue citations in accordance with provisions of law that authorize any board within the Department of Consumer Affairs to establish, by regulation, a system for the issuance of a citation to a licensee, which may contain an order of abatement or an order to pay an administrative fine assessed by the board, if the licensee is in violation of the applicable law.*
- *Revise and recast the procedure for contesting a violation to, among other things, permit the cited person to request an informal conference within 30 days and authorize the executive officer or their designee to extend for good cause the 60-day period during which they are required to hold an informal conference. The bill would prohibit a cited person from requesting an informal conference for a citation that was affirmed or modified following an informal conference.*
- *Add a licensure exemption for persons providing specified care to animals lawfully deposited with or impounded by a shelter, including administering nonprescription vaccinations, nonprescription medications, medications pursuant to a written treatment plan, and sodium pentobarbital for euthanasia. The care would be required to be performed pursuant to protocols written by veterinarians and by [a] person who receive proper training, as defined.*
- *Make other conforming and nonsubstantive changes, including replacing gendered terms with nongendered terms, updating cross-references, and deleting obsolete provisions.*

Staff Comments: The April 20, 2021 and June 7, 2021 amendments reflect all legislative proposals requested from the Board since the April 2021 Board meeting. The Board's position letter is attached for reference.

In addition, the Assembly Committee on Business and Professions shared the attached letter from the California Registered Veterinary Technician Association (CaRVTA) that was submitted in February 2021. In the letter, CaRVTA requested the following:

- Reduce RVT fees, raise other fees;
- Reevaluate the Veterinary Assistant Controlled Substance Permit (VACSP) program;
- Add a second RVT member to the Board;
- Require veterinary staff to wear name and license identification badges.

Of those requests, the July 7, 2021 amendments included lowering the RVT fees and requiring the identification badges. Although CaRVTA's VACSP program request was not included in the bill, Board staff has committed to reevaluating the VACSP program

and bringing improvement recommendations to the Board at a future meeting. The Board may want to consider CaRVTA's request to add a second RVT member to the Board.

C. Senate Bill (SB) [344](#) (Hertzberg, 2021) Homeless shelters grants: pets and veterinary services

AMENDED May 25, 2021

Hearing Date: 7/12/21

Status: Assembly Housing and Community Development
Analyses: 07/08/21- Assembly Housing and Community Development
05/25/21- Senate Floor Analyses
05/20/21- Senate Appropriations
04/02/21- Senate Appropriations
03/15/21- Senate Housing

Summary: Existing law establishes the California Emergency Solutions and Housing Program, under the administration of the Department of Housing and Community Development (DHCD) and requires the DHCD to, among other things, provide rental assistance and housing relocation and stabilization services to ensure housing affordability to people who are experiencing homelessness or who are at risk of homelessness.

This bill would require the DHCD, *subject to an appropriation in the annual Budget Act*, to develop and administer a program to award grants to qualified homeless shelters, as described, for the provision of shelter, food, and basic veterinary services for pets owned by people experiencing homelessness. The bill would authorize the DHCD to use up to 5% of the funds appropriated in the annual Budget Act for those purposes for its costs in administering the program.

Staff Comments: The Board took a Support position during its April 2021 meeting. See the attached position letter for reference.

D. (SB) [731](#) (Durazo, 2021) Criminal records: relief

AMENDED JUNE 23, 2021

Status: Assembly Appropriations
Analyses: [06/28/21- Assembly Public Safety](#)
[05/25/21- Senate Floor Analyses](#)
[05/20/21- Senate Appropriations](#)
[04/30/21- Senate Appropriations](#)
[04/08/21- Senate Public Safety](#)

Summary: Existing law authorizes a defendant who was sentenced to a county jail for the commission of a felony and who has met specified criteria to petition to withdraw their plea of guilty or nolo contendere and enter a plea of not guilty after the completion of their sentence, as specified. Existing law requires the court to dismiss the accusations or information against the defendant and release them from all penalties and disabilities resulting from the offense, except as specified. This bill would make this relief available to a defendant who has been convicted of any felony.

Commencing July 1, 2022, existing law requires the DOJ, on a monthly basis, to review the records in the statewide criminal justice databases and identify persons who are eligible for specified automatic conviction and records of arrest relief without requiring the filing of a petition or motion. Under existing law, a person is eligible for arrest record relief if they were arrested on or after January 1, 2021, and the arrest was for a misdemeanor and the charge was dismissed or criminal proceedings have not been initiated within one year after the arrest, or the arrest was for a felony punishable in the county jail and criminal proceedings have not been initiated within 3 years after the date of the arrest. Under existing law, a person is eligible for automatic conviction record relief if, on or after January 1, 2021, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, and other criteria are met, as specified.

This bill would generally make this arrest record relief available to a person who has been arrested for a felony, including a felony punishable in the state prison, as specified. The bill would additionally make this conviction record relief available for a defendant convicted, on or after January 1, 2005, of a felony for which they did not complete probation without revocation if the defendant appears to have completed all terms of incarceration, probation, mandatory supervision, post release supervision, and parole and a period of four years has elapsed during which the defendant was not convicted of a new offense, except as specified.

Staff Comments: The Board of Psychology and Physician Assistant Board have opposed the bill. Board staff shares very similar concerns as those outlined in the Board of Psychology's opposition letter (attached). Their letter stated, in part, the following:

"The bill would diminish the Board's ability to adequately protect the health and safety of California consumers of psychological services by removing the Board's ability to review and evaluate a current licensee's arrest and conviction information for the purposes of approving an application for licensure. Such arrest records have provided a comprehensive proof of an applicant's ability to practice without harm to the public. For example, an initial arrest record has revealed instances of domestic violence that might not have been shared with the Board previously. While these types of arrest warrants are usually dropped, some arrest reports include information regarding substance abuse or cognitive issues. We have seen arrests for possession of child pornography, indecent exposure, stalking, possession of drugs and violating a restraining order. These types of reports provide a holistic view of an applicant in the context of consumer protection and are vital to our vetting process."

Similarly, the California State Board of Pharmacy (CSBP) took an Oppose Unless Amended position and requested to be exempted from the bill. Board staff share the same concerns, since Board licensees, registrants, and permit holders "are involved daily in the preparation, dispensing and administration of dangerous drugs and controlled substances." The CSBP position letter is also attached for reference.

Due to the diminished ability for the Board to adequately protect consumers and fulfill its statutory mandate, Board staff recommends either an Oppose or Oppose Unless Amended position with a request the Board be exempted from the bill.

Attachments:

1. AB 1282 Board Support if Funded Position Letter
2. AB 1535 Board Support Letter
3. CaRVTA's February 2021 Response to Board Sunset Review Report 2019
4. SB 344 Board Support Letter
5. [SB 731 Board of Psychology Opposition Letter, April 13, 2021](#)
6. SB 731 CSBP Oppose Unless Amended Letter, May 13, 2021



May 10, 2021

The Honorable Richard Bloom
California State Assembly
Capitol Office, Room 2003
PO Box 942849
Sacramento, CA 94249

Re: Assembly Bill (AB) 1282 (Bloom, 2021) – Support if Funded

Dear Assembly Member Bloom:

The Veterinary Medical Board (Board) regulates the largest population of veterinarians and registered veterinary technicians in the nation. Its mission is to protect consumers and animals by regulating licensees, promoting professional standards, and diligently enforcing the Veterinary Medicine Practice Act (Act). Public protection is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is paramount.

During its April 22, 2021 meeting, the Board discussed AB 1282, as amended on April 15, 2021, and took a support if funded position.

In the past, the Board has supported similar legislation, such as Senate Bill 202, which would have increased the animal blood supply in California by allowing closed-colony and community blood bank models to coexist. The existing shortage of animal blood and blood products threatens the health and welfare of animals throughout California. While the two current closed-colony blood banks in California supply the majority of California animals and provide a significant supply to the nation, they cannot meet the demand – especially during natural disasters, such as the recent devastating wildfires.

The Board appreciates your willingness to implement a phase out approach, which aims to ensure the community blood bank supply can maintain the current blood supply levels prior to transitioning the closed-colony model.

If enacted, it will take the Board time to implement the provisions in AB 1282 and start charging the authorized fees. Although AB 1282 would require the Board, upon appropriation by the Legislature, to hire a consultant to assist in developing guidelines and best practices when operating a community blood bank, that provision would not address the funds required to implement the proposal (e.g., inspector training, blood bank application and regulation promulgation, blood bank application processing, etc.).

Hon. Richard Bloom
May 10, 2021
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While the bill's current appropriation language may be an attempt to increase the Board's budgetary authority, it does not provide any additional funding to the Board. Rather, any approved legislative appropriation contemplated by AB 1282 to pay for the new consultant would come out of the Board's existing fund.

The Board is solely funded by its licensees, registrants, and permit holders. Unless the Board receives funding from the General Fund to implement AB 1282, all of the Board's licensees, registrants, and permit holders, the majority of whom would not be applying to transfer or sell blood and blood component products authorized by the bill, will be forced to absorb these implementation costs. In addition, any funds used to implement these provisions could negatively impact the ability of the Board to carry out its existing essential functions.

During the April 22, 2021 meeting, the Board was assured by supporters of the bill that your office can secure General Fund money to cover the implementation costs of this bill. This likely would require a legislative amendment to Business and Professions Code section 4904 to allocate money from the General Fund to the Veterinary Medical Board Contingent Fund, which is available, upon appropriation by the Legislature, for use of the Board.

For these reasons, the Board supports AB 1282, if funded by the General Fund.

If you have any questions, please do not hesitate to email the Board's Executive Officer, Jessica Sieferman, directly at Jessica.Sieferman@dca.ca.gov.

Sincerely,



Mark Nunez, DVM, President
Veterinary Medical Board



Kathy Bowler, Vice-President
Veterinary Medical Board



May 19, 2021

The Honorable Evan Low
Committee Chair
Assembly Business and Professions Committee
Legislative Office Building, Room 379
Sacramento, CA 95814

Re: Assembly Bill (AB) 1535 (Committee on Business and Professions, 2021) – Support

Dear Assembly Member Low:

The Veterinary Medical Board (Board) regulates the largest population of veterinarians and registered veterinary technicians in the nation. Its mission is to protect consumers and animals by regulating licensees, promoting professional standards, and diligently enforcing the Veterinary Medicine Practice Act (Act). Public protection is the Board’s highest priority in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is paramount.

AB 1535 provides necessary changes to the Act that, if enacted, will improve processes for applicants, licensees, consumers, and overall Board operations. The Board has spent the last two years evaluating its statutes and regulations to eliminate unnecessary barriers to licensure, streamline the licensing process, and improve consumer protection mechanisms. This bill is the product of that in-depth review.

Specifically, this bill eliminates the requirement that a veterinarian complete a California state board examination for licensure, specifies changes to the Board’s veterinary premises registration application, and the Board’s enforcement authority over veterinary premises. In addition, AB 1535 would establish safeguards related to the corporate practice of medicine, implement changes to the Board’s drug and alcohol diversion program, clarify the process to contest Board-issued citations, and clarify the appropriate use of the title “veterinary specialist” or “board certified.” The bill also would authorize the Board to abandon applications for licensure or registration left incomplete after a period of one year.

During its April 2021 Board meeting, the Board approved additional legislative proposals that would provide a pathway for applicants with foreign registered veterinary technician (RVT) education to become licensed as an RVT, replace references to “Diversion Evaluation Committees” with “Wellness Evaluation Committees,” and provide a way to decrease RVT fees by more proportionately sharing the impact of the January 2020 fee increases among all licensees, registrants, and permit holders.


Hon. Evan Low
May 17, 2021
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The Board sincerely appreciates the work you and your Committee staff have put into this bill and looks forward to our continued work together as we improve our ways to fulfill our consumer protection mandate.

For these reasons, the Board supports AB 1535.

If you have any questions, please do not hesitate to email the Board's Executive Officer, Jessica Sieferman, directly at Jessica.Sieferman@dca.ca.gov.

Sincerely,


Mark Nunez, DVM, President
Veterinary Medical Board


Kathy Bowler, Vice-President
Veterinary Medical Board



VETERINARY MEDICAL BOARD SUNSET REVIEW REPORT 2019 CaRVTA Response February, 2021

HISTORY:

The Registered Veterinary Technician Committee (RVTC) (originally the Animal Health Technician Examination Committee) was created in 1974. **The legislature gave the RVTC a broad mission to assist the Veterinary Medical Board with RVT issues.** Specifically:

- Advise and assist the board with examinations
- Investigate and evaluate applications
- Inspection and approval of RVT schools
- Advise and assist in developing regulations for job tasks for RVT and assistants
- Advise and assist the board in developing regulations to define 4840 (c) (regarding DEA licenses)

As a committee, the RVTC was able to create its own agenda and, thereby, determine what issues it would be addressing.

In 2003, the Joint Legislative Sunset Review Committee (JLSRC) recommended that the RVTC be given *more* authority over issues within its jurisdiction to answer the concern that RVTs were excluded from independent authority over their own profession.

The RVT profession felt that by not having an RVT member on the Veterinary Medical Board, it lacked a vote in the final decisions that impacted the profession. In 2010, there was compromise legislation that added an RVT to the VMB and sunsetted the RVTC. While CaRVTA was reluctant to give up the RVTC, it was hoped that by adding an additional RVT to the Multidisciplinary Advisory Committee (MDC), the MDC would be able to take up the issues that had previously been handled by the RVTC.

However, unlike the RVTC, the MDC's mission is not dealing exclusively with RVT and assistant issues, so these issues are not given the same emphasis. For many years, until just recently, the RVT exam scores had not been published as required, or RVT schools inspected. A regulation scheduled to go into effect in 2024 will require the VMB to approve all Alternate Route schools. Currently, there are 11 such programs. Inspecting and monitoring these programs will be an on-going concern.

The RVTC insured that the schools were meeting their obligation to provide candidates with the schools' pass rates and held the schools accountable if they fell below the required standard. They also closely monitored school inspections. Neither the MDC nor the VMB have performed these necessary functions for many years, although at the January 2021 VMB meeting it was stated that RVT school inspections would finally begin. It remains to be seen, if without an RVT Committee watching over these obligations, if they will really get done in a timely manner.

ISSUES RAISED IN 2019 VMB SUNSET RESPONSE

FEE INCREASE

The VMB instituted an emergency fee increase on all licensee categories that were not at their statutory maximum on January 27, 2020. While CaRVTA appreciates that the VMB needs to be solvent, we believe that it is totally unacceptable to raise RVT fees to the levels that they did, increasing the application and license fees each by \$200. According to the US Department of Labor, the average salary of a California RVT is \$18.56/hour, or \$38,600/year.

One of the motivations for eliminating the California RVT Exam in 2019 was that the \$200 exam fee was preventing some qualified applicants from applying. Raising the fees this much negated the remedy we finally achieved by eliminating the redundant California RVT exam. The enormous increase has not only prevented some applicants from applying – it has caused some RVTs not to renew their licenses. Some veterinarians may choose to hire assistants rather than RVTs to avoid paying the increased license fees. None of this is good for the consumer.

The VMB attributes a significant increase in the Attorney General's rate as one cause for its poor fiscal condition. However, RVTs are a minor percentage of disciplinary cases. The VMB reported just 72 formal RVT disciplinary cases from 2013-2019. **With 7,194 RVTs, that means just 0.01% of the RVT population is disciplined each year. RVTs should not be underwriting the discipline of other licensees with our fees.**

The VMB appears to admit that the California RVT Exam was underwriting other programs when it states in its Sunset Report page 45: *“Most notably, the Board is no longer collecting revenue from California RVT examination fees. While the Board is saving roughly \$50,000 in annual expenditures to develop and implement the exam, the Board is generating roughly \$180,000 less annual revenue than previously projected.”* This statement suggests that the VMB was charging \$180,000 for an exam that actually costs \$50,000 to develop and implement.

Also on page 45 the VMB states that the VACSP program has brought in less than anticipated revenue since its inception. CaRVTA advised the VMB from the beginning that their estimates of how many VACSPs would be issued was way too high. *We have consistently objected to the underlying legislation that allows unlicensed and untrained individuals to administer controlled substances due to our concern for the safety of our patients. We remain concerned that drug abusers are drawn to veterinary employment due to easy access to controlled drugs.* At the February 2018 VMB meeting, the Board reported that as many as 85% of the VACSP applications were being denied due to problems with their background check. The VMB states that permits are not being renewed as anticipated due to the “transient nature of the VACSP profession”. The fee for the VACSP should reflect its actual cost to the VMB. *Additionally, there is no educational requirement or skills or knowledge testing required to acquire a VACSP, yet VACSP holders are*

allowed to obtain and administer the most dangerous drugs to our patients. RVTs should certainly not be underwriting the VACSP program. **We strongly believe that the entire VACSP program needs to be reevaluated**

UNLICENSED ACTIVITY/TITLE PROTECTION

Legislation protecting the title Registered Veterinary Technician was implemented in 2011. In spite of that protection, many veterinary facilities continue to refer to their unlicensed assistants as technicians and many allow them to perform tasks restricted to RVTs. Unlike Tennessee, where their VMB issued a stern warning to all veterinarians that referring to unlicensed assistants as technicians or using any term implying that they had formal education was illegal, and that they could face a serious fine, our VMB has done nothing to enforce or inform the profession or the public about this important issue. **The public is entitled to being protected from unlicensed activity and should not be misled about the credentials of personnel treating their animals.**

CaRVTA's RECOMMENDATIONS:

1. Reduce RVT Fees, Raise Other Fees

RVT fees should be reduced back to where they were on January 26, 2020. In place of the RVT fee increases, we recommend that either the Premise Permit fee be modified from a fixed fee to a sliding scale based on the number of veterinarians employed by the premise, or the veterinarian license fee be raised.

California should also consider changing the way that professional boards are financed. Some other states do not rely entirely on license fees and use some general funds to support their professional boards. **Since the public benefits from professionals being licensed, we recommend that the legislature consider alternative ways of supporting professional boards so that low paying licensees like RVTs do not have to carry such a large financial burden.**

2. Reevaluate VACSP

The VMB has stated that the VACSP program is not bringing in the revenue anticipated and that the cost of administering the program is higher than expected. We also have come to understand that many veterinarians assume that VACSP holders have some knowledge of controlled substances, which is currently not required, and assign tasks to these VACSP holders for which they are not qualified. Handling of controlled substances requires knowledge of state and federal laws, as well as knowledge of drug safety issues. **Since the VACSP program is not functioning as anticipated, the program should be reevaluated to see if it is viable. At minimum, the program should be self-supporting so that RVTs do not have to underwrite the VACSP program.**

3. Add a Second RVT to VMB

Because the current makeup of the VMB is unbalanced with regards to RVT membership, we recommend at an additional RVT be added to the VMB. RVTs represent 38% of the licensed veterinary professionals in California, but only 20% of the licensed professionals on the VMB. Adding another RVT would make the representation 33%, closer to the percentage of licensees. Having only 1 RVT on the VMB means that when that RVT cannot make a meeting or multiple meetings, which has happened, there is no RVT representation on the VMB for those meetings. Having 2 RVTs on the VMB will insure that there is RVT representation on the VMB. **The 2 RVTs could also form a sub-committee to insure that RVTs issues are addressed.**

4. Require Name and License ID

Clients are entitled to know the identity and qualifications of the individuals providing veterinary care to their animals. **In order to assure that the public informed, we recommend that all veterinary personnel that have interactions with the public wear name badges that include their title “DVM”, RVT, or “Veterinary Assistant”. We also recommend that because the public is not educated on the difference between an RVT and a veterinary assistant, veterinary premises be required to post a sign in the waiting room that states:**

VETERINARY HOSPITAL STAFF

<u>Title</u>	<u>Qualifications</u>
DVM	Doctor of Veterinary Medicine Graduate of Veterinary School Licensed by State of California
RVT	Registered Veterinary Technician Graduate of approved RVT school or equivalent Licensed by State of California
Veterinary Assistant	Employed by veterinary premise



May 17, 2021

The Honorable Robert Hertzberg
California State Senate
State Capitol, Room 313
Sacramento, CA 95814

Re: Senate Bill (SB) 344 (Hertzberg, 2021) – Support

Dear Senator Hertzberg:

The Veterinary Medical Board (Board) is pleased to support SB 344 and appreciates your willingness to address such an important issue facing the California homeless community.


The Board regulates the largest population of veterinarians and registered veterinary technicians in the nation. Its mission is to protect consumers and animals by regulating licensees, promoting professional standards, and diligently enforcing the Veterinary Medicine Practice Act (Act). Public protection is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is paramount.


SB 344, if enacted, would require the Department of Housing and Community Development (HCD) to establish a grant program that would provide homeless shelter funding for the provisions of shelter, food, and basic veterinary services for pets owned by consumers experiencing homelessness.

There is an undeniable bond between consumers and their animals, and providing a way for animals to stay with their owners and obtain necessary veterinary care despite their current living situation undoubtedly helps protect consumers and their animals. Not only will the animals receive necessary veterinary services, but more consumers will begin accepting the much needed assistance they have rejected for so long.

For these reasons, the Board supports SB 344.

Sincerely,


Mark Noland, DVM, President
Veterinary Medical Board


Kathy Bowler, DVM, Vice-President
Veterinary Medical Board


California State Board of Pharmacy

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Business, Consumer Services and Housing Agency
 Department of Consumer Affairs
 Gavin Newsom, Governor



May 13, 2021

The Honorable María Elena Durazo
 California State Senate
 State Capitol Room 2032
 Sacramento, CA 94249

RE: Senate Bill 731 – Oppose Unless Amended

Dear Senator Durazo:

The California State Board of Pharmacy regrets to advise you that it has established an Oppose unless amended position on Senate Bill 731, which would release persons convicted of any felony from any work-related disabilities resulting from the felony offense provided that the person has completed their sentence and at least one year has elapsed since the date of judgment.

The Board's licensees, including pharmacists, pharmacist interns and pharmacy technicians are involved daily in the preparation, dispensing and administration of dangerous drugs and controlled substances. As part of its discussion, the Board noted that it is imperative for consumer protection that the Board be able to review the criminal histories of applicants who can prepare, administer and dispense dangerous drugs and controlled substances and, in appropriate cases, deny a license based on an applicant's prior criminal history if the conviction is related to the practice of the profession. The bill, as drafted, would mean the Board would not receive information about an applicant's prior criminal history for most felonies. There is a wide variety of offenses that could raise concerns in a pharmacy setting. For example, an applicant with a criminal history of theft and substance abuse could be granted a license and thereby have access to dangerous drugs or controlled substances that could result in diversion of such drugs for either personal use potentially resulting in the individual working while under the influence or result in diversion for sale. It is vital that the Board receive this information to determine if such risks are present and what, if any safeguards are necessary to protect consumers (e.g., issue a probationary license that allows for monitoring of the licensee for a period of time). There are other classes of crimes that could impact the practice of pharmacy, including prior fraudulent activity that could be repeated in a pharmaceutical setting to the detriment of consumer protection, including healthcare fraud.

Also, persons or entities with access to controlled substances also must register with the federal Drug Enforcement Agency (DEA) to administer, dispense or have access to controlled substances. As part of the registration process, a person or entity must undergo a background check including prior criminal history review and prior substance abuse history and such activity could warrant denial of DEA registration or the revocation of an issued DEA registration. Without a DEA registration, licensees will not be able to practice their profession in any entity that dispenses, administers, or has controlled

substances. Although your bill is trying to remove employment impediments to persons with prior criminal backgrounds, the Board is concerned that failure to account for federal standards and review of prior criminal histories of applicants with access to controlled substances could result in persons undertaking significant education expense and still not be able to practice the profession based on DEA registration requirements.

For these reasons, the Board has established an Oppose unless amended position on SB 731, and respectfully requests your consideration to exempt the California State Board of Pharmacy from these proposed changes related to relief from the consequences of all repercussions from prior felony criminal convictions.

Please do not hesitate to contact me at (916) 518-3110 if you have any questions.

Sincerely,

Anne Sodergren

Anne Sodergren
Executive Officer

cc: Department of Consumer Affairs