



# MEMORANDUM

<b>DATE</b>	January 12, 2021
<b>TO</b>	Veterinary Medical Board (Board)
<b>FROM</b>	Jessica Sieferman, Executive Officer
<b>SUBJECT</b>	<b>Agenda Item 9. Update, Discussion, and Possible Action on 2021/2022 Legislation</b>

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 January 12, 2022.

**A. Legislative Proposal for Inclusion in an Omnibus Bill to Repeal BPC Section 4846.5(b)(5) Regarding Continuing Education Credits Earned Between January 1, 2000 and January 1, 2001, and Amend BPC Section 4883(s) to Add National Association of Veterinary Technician-Recognized RVT Specialty Organization**

Board staff have identified two issues for potential resolution through a legislative omnibus bill. First, Business and Professions Code (BPC) section 4846.5, subdivision (b)(5), references continuing education hours earned over two decades ago as follows:

(5) Continuing education hours earned by attending courses sponsored or cosponsored by those entities listed in paragraph (1) between January 1, 2000, and January 1, 2001, shall be credited toward a veterinarian’s continuing education requirement under this section.

As a matter of cleanup, Board staff recommend repealing this section.

Second, the Board’s Sunset Bill, Assembly Bill (AB) 1535 (Committee on Business and Professions, Chapter 631, Statutes of 2021), added BPC section 4883, subdivision (s), to ensure only appropriately certified individuals make any statements, claims, or advertisements that they are veterinary specialists or board certified. However, since the enactment of AB 1535, representatives from the California Registered Veterinary Technician Association (CaRVTA) raised a concern

that this excludes RVTs who are certified by the National Association of Veterinary Technicians in America ([NAVTA](#)). As such, they requested the statute be amended to include NAVTA-recognized specialty organizations as follows:

(s) Making any statement, claim, or advertisement that the licensee or registrant is a veterinary specialist or board certified unless they are certified by an American Veterinary Medical Association-Recognized Veterinary Specialty Organization or National Association of Veterinary Technicians in America-Recognized Veterinary Specialty Organization.

### **Action Requested**

If the Board agrees with above legislative proposal, please approve a motion to recommend to the California State Legislature the legislative proposal to repeal BPC section 4846.5, subdivision (b)(5), and amend BPC section 4883, subdivision (s), to add NAVTA-Recognized Veterinary Specialty Organizations for inclusion in an omnibus bill this legislative session.

### **B. Assembly Bill (AB) [29](#) (Cooper, 2021) State bodies: meetings**

**Board Position: Oppose Unless Amended**

Status: Assembly Appropriations

Analyses:           04/19/21- Assembly Appropriations  
                          04/07/21- Assembly Governmental Organization

Summary: This bill would require that notice to include all writings or materials provided for the noticed meeting to a member of the state body by the 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 those writings or materials to be made available on the state body's internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. The bill would prohibit a state body from discussing those writings or materials, or from taking action on an item to which those writings or materials pertain, at a meeting of the state body unless the state body has complied with these provisions.

Staff Comments: This bill is significantly similar to a prior versions of AB [2028](#) (Aguiar-Curry, 2020), which died last legislative session. The Board took an Oppose, Unless Amended position, requesting amendments to change "provided" to "prepared" by staff, make exceptions for non-ADA compliant materials, and allow removal of outdated materials and set a timeframe for removing older meeting materials in order to avoid confusion.

Board staff remains concerned that this bill hinders public participation. Board staff often disseminates written public comments and materials received by the public in the days leading up to and the day of the Board meeting. If this bill

were to pass as written, the Board would no longer be able to consider those written comments or materials provided by the public.

**C. AB 225 (Gray, 2021) Department of Consumer Affairs: boards: veterans: military spouses: licenses**

Status: Senate Business, Professions and Economic Development

Analyses: 05/25/21- Assembly Floor  
05/11/21- Assembly Appropriations  
04/26/21- Assembly Military and Veterans Affairs  
04/02/21- Assembly Business and Professions

Summary:

Existing law requires specified boards within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or 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 under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. Existing law requires the temporary licenses issued to military spouses to expire 12 months after issuance.

This bill would expand the eligibility for a temporary license to an applicant who meets the specified criteria and who supplies evidence satisfactory to the board that the applicant is a veteran of the Armed Forces of the United States within 60 months of separation from active duty under other than dishonorable conditions, a veteran of the Armed Forces of the United States within 120 months of separation from active duty under other than dishonorable conditions and a resident of California prior to entering into military service, or an active duty member of the Armed Forces of the United States with official orders for separation within 90 days under other than dishonorable conditions.

**D. AB 384 (Kalra, 2021) Cannabis and cannabis products: animals: veterinary medicine**

Status: Assembly Appropriations

Analyses: 04/26/21- Assembly Appropriations  
04/11/21- Assembly Business and Professions

Summary:

This bill would prohibit the Board from disciplining a veterinarian licensed under the Veterinary Medicine Practice Act (Act) who recommends the use of cannabis on an animal for potential therapeutic effect or health supplementation purposes, unless the veterinarian is employed by or has an agreement with a cannabis licensee, as specified. The bill would require the Board to adopt guidelines, on or

before January 1, 2023, for veterinarians to follow when recommending cannabis within the veterinarian-client-patient relationship and would require the Board to post the guidelines on its internet website.

This bill would revise the definitions of “cannabis products,” “cannabis concentrate,” and “edible cannabis product” under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) to include products intended to be used for therapeutic effect or health supplementation use on, or for consumption by, an animal. The bill would define “animal” for these purposes to mean any member of the animal kingdom other than humans, including fowl, fish, and reptiles, wild or domestic, whether living or dead, but would exclude livestock and food animals, as specified.

Staff Comments:

The Board took a Support, If Amended position on similar legislation (SB [627](#), Galgiani) last session. The main concern was the 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. For SB 627, the Board proposed amendments to Health and Safety Code section 11362.9 to provide for funding for animal cannabis research. SB 627 was unsuccessful.

**E. [AB 553](#) (Kamlager, 2021) Pet insurance**

Status: Assembly Insurance

Analyses: 04/14/21- Assembly Insurance

Summary:

Existing law generally regulates classes of insurance, including pet insurance. Under existing law, pet insurance is an individual or group insurance policy that provides coverage for veterinary expenses, which are defined as the costs associated with medical advice, diagnosis, care, or treatment provided by a veterinarian.

This bill would expand the definition of veterinary expenses to include costs associated with medical advice, diagnosis, care, or treatment provided by a person working under the direction of a veterinarian. The bill would require a pet insurance policy issued, amended, or renewed on or after January 1, 2022, to provide full coverage for a sterilization surgery and the veterinary expenses associated with, or arising from, the sterilization surgery, and would prohibit an insurer from accepting or requiring an additional payment for sterilization surgery.

The bill would require a notice of cancellation for a pet insurance policy issued, amended, or renewed on or after January 1, 2022, to be delivered at least 20 calendar days before the effective date of the cancellation, or at least 10 calendar days before the effective date in cases of nonpayment of premiums or fraud.

**F. AB 646 (Low, 2021) Department of Consumer Affairs: boards: expunged convictions**

Status: Assembly Appropriations

Analyses: 04/19/21- Assembly Appropriations  
04/06/21- Assembly Business and Professions

Summary:

This bill would require a board within the Department of Consumer Affairs that has posted on its internet website that a person's license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board's internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would require a person in either case to pay a \$50 fee to the board, unless another amount is determined by the board to be necessary to cover the cost of administering the bill's provisions.

**G. AB 1236 (Ting, 2021) Healing arts: licensees: data collection**

Status: Assembly Inactive File

Analyses: 05/24/21- Assembly Floor  
05/10/21- Assembly Appropriations  
04/25/21- Assembly Business and Professions

Summary:

This bill would require all boards that oversee healing arts licensees to collect at the time of electronic application for a license and license renewal, or at least biennially, specified demographic information and to post the information on the internet websites that they each maintain.

This bill would, commencing July 1, 2022, require each board, or the Department of Consumer Affairs on its behalf, to provide the information annually to the Office of Statewide Health Planning and Development. The bill would require these boards to maintain the confidentiality of the information they receive from licensees and to only release information in aggregate form, as specified.

**H. AB 1386 (Cunningham, 2021) License fees: military partners and spouses**

Status: Assembly Appropriations

Analyses: 05/03/21- Assembly Appropriations  
04/25/21- Assembly Business and Professions

Summary:

Existing law requires a board to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and provides evidence that they are married to or 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 under official active duty military orders.

This bill would prohibit a board from charging an initial application fee or an initial license issuance fee to an applicant who meets these expedited licensing requirements. The bill would also prohibit a board from charging an initial examination fee to an application who meets the expedited licensing requirements if the examination is administer by the board.

I. **AB 1498 (Low, 2021) Members of boards within the Department of Consumer Affairs: per diem**

Status: Assembly Appropriations

Analyses: 01/09/22- Assembly Business and Professions

Summary:

Existing law establishes various boards, as defined, within the Department of Consumer Affairs for the licensure and regulation of various professions and vocations. Existing law requires a member of certain boards to receive a per diem of \$100 for each day actually spent in the discharge of official duties and to be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties. Existing law requires payment to be made only from the fund from which the expenses of the board are paid and subject to availability of money in the fund. Existing law conditions receipt of these moneys on authorization in specified provisions, some of which authorize these expenditures from a continuously appropriated fund.

This bill would recast those provisions to, instead, base the per diem of \$100 on each day that the member discharged official duties, and would require the board to define “day that the member discharged official duties” as either the “accumulation of 8 hours spent in the discharge of official duties” or as a “day on which the member performed an official duty.”

Author’s Purpose:

According to the author: “California law provides that members appointed to boards, bureaus, and commissions under the Department of Consumer Affairs are entitled to a per diem payment of \$100 for each day spent conducting official duties. However, statutes are unclear about the actual definition of “each day,” and whether it means part of the day or a specific hourly requirement. As a result, boards have developed various interpretations of “each day”, leading to inconsistencies and disparities on the amount of per diem payments across DCA boards. This technical bill aims to provide statutory clarity on per diem payments by allowing the boards to choose between two definitions of “per day:” either the accumulation of 8 hours spent

discharging official duties, or any day on which the member performed an official duty.”

Staff Comments:

Board staff appreciates the clarity the Author is trying to achieve, as this has been a longstanding issue throughout DCA. However, if the goal is for DCA boards to define “per day” consistently, the Legislature should provide one definition, rather than different options.

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

**Board Position: Support**

Status: Assembly Appropriations

Analyses: 08/16/21- Assembly Appropriations  
07/08/21- Assembly Housing and Community Development  
05/25/21- Senate Floor  
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 and requires the department 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 department 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 department to use up to 5% of the funds appropriated in the annual Budget Act for those purposes for its costs in administering the program.

**K. SB [585](#) (Stern, 2021) Cats: declawing procedures: prohibition**

Status: Senate Business, Professions and Economic Development

Analyses: 04/01/21- Senate Business, Professions and Economic Development

Summary:

This bill would prohibit a person from removing or disabling a cat’s claws by performing a declawing procedure, as defined, except when a phalangectomy is performed solely for a therapeutic purpose, as specified. The bill would require a licensed veterinarian who performs a phalangectomy for a therapeutic purpose to file a written statement, which would include the purpose for performing the phalangectomy, with the Veterinary Medical Board, as specified. The bill would impose on a person that removes or disables a cat’s claws by performing a

declawing procedure a civil penalty of not more than \$1,000 for the first violation, \$1,500 for the second violation, and \$2,500 for the third and subsequent violations, as specified.

The bill would impose on a licensed veterinarian that fails to file the written statement a civil penalty of not more than \$200 and would provide that such conduct or performing a declawing procedure constitutes unprofessional conduct. The bill would authorize the Attorney General, a city attorney, and a county counsel to bring an action to impose these civil penalties. The bill would require a person, upon determining a licensed veterinarian potentially performed a declawing procedure, to notify the board of the potential violation, and would specify that a violation of this requirement is not a crime and is not subject to any civil or criminal penalty.

Staff Comments:

The Board previously opposed a similar bill (AB [1230](#) Quirk, 2019) banning declaw. The Board members agreed that declawing should not be a procedure performed without consideration of the best interest of the animal patient. However, the Board believed that determination is best left to the veterinarian and the animal owner. In addition, concerns were raised that prohibiting declaw procedures would negatively affect the ability of cats to either stay in existing homes or be adopted into a new home. Concern was also raised regarding back alley procedures where animal owners will attempt to declaw the animals themselves.

The Senate Business, Professions and Economic Development Committee and the Author's office staff contacted Board staff multiple times to discuss technical and implementation concerns. As the bill would amend a section of the Food and Agriculture Code, Board staff was concerned about the unclear enforceability of the section since the Board does not enforce that section and it does not issue civil penalties. It was also unclear to Board staff what the reporting requirement ultimately achieved. If this bill was enacted, it would be challenging to enforce, unless it was moved to the Veterinary Medicine Practice Act.

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

**Board Position: Oppose Unless Amended**

Status: Assembly Floor

Analyses: 09/10/21- Senate Floor  
09/02/21- Assembly Floor  
08/31/21- Assembly Floor  
08/16/21- Assembly Appropriations  
06/28/21- Assembly Public Safety  
05/25/21- Senate Floor  
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 Department of Justice, 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 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.

Commencing July 1, 2022, this bill would require the Department of Justice to archive records of arrest and conviction that were granted relief under specified provisions. The bill would require the Attorney General to exclude archived records from state summary criminal history information, except as specified.

**M. [SB 772](#) (Ochoa Bogh, 2021) Professions and vocations: citations: minor violations**

**Board Position: Oppose**

Status: Senate Business, Professions and Economic Development

Analyses: 04/14/21- Senate Business, Professions And Economic Development

Summary:

Existing law authorizes the State Board of Chiropractic Examiners, the Osteopathic Medical Board of California, and any board within the Department of Consumer

Affairs to issue a citation to a licensee, which may contain an order of abatement or an order to pay an administrative fine assessed by the board.

This bill would prohibit the assessment of an administrative fine for a minor violation and would specify that a violation shall be considered minor if it meets specified conditions, including that the violation did not pose a serious health or safety threat and there is no evidence that the violation was willful.

Staff Comments:

Citations with administrative fines are an important enforcement tool used to incentivize compliance. The citation process is governed by BPC sections 148 and 4875.2, California Code of Regulations, title 16, section 2043, and the Administrative Procedures Act. Appropriate action is assessed on a case-by-case basis depending on the circumstances, and in most cases, are not issued citations and fines for minor violations. Rather, most cases are closed with educational letters to the licensees. However, in some cases, citations with administrative fines are more appropriate given the circumstances.

Board staff believe existing statutes and regulations provide ample appeal rights for licensees, and removing this important enforcement mechanism will hinder the Board's ability to provide consumer protection.