



MEMORANDUM

DATE	April 5, 2022
TO	Veterinary Medical Board (Board)
FROM	Jessica Sieferman, Executive Officer
SUBJECT	Agenda Item 8. Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, DCA, and/or the Veterinary Profession

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 Board 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 [April 5, 2022](#).

A. Priority Legislation for Board Consideration

- 1. Assembly Bill (AB) [1662](#) (Gipson, 2022) Licensing boards: disqualification from licensure: criminal conviction**
Status: Assembly Business and Professions Committee
Analysis:
Hearing Date: 4/26/22

Summary: This bill would authorize a prospective applicant that has been convicted of a crime to submit to a board a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction. The bill would require a board that receives that request to determine if the prospective applicant would be disqualified from licensure by the board based on the information submitted with the request and deliver that determination to the prospective applicant.

Staff Comments: Each criminal conviction notification received by the Board is investigated, which includes obtaining evidence from the arresting agency and the criminal court. If the conviction is substantially related to the practice of veterinary medicine, appropriate action is taken based on the Board's rehabilitation criteria pursuant to California Code of Regulations (CCR), title 16, section [2041](#).

If this bill were to pass, the Board would receive mail and email requesting a preapplication determination from prospective applicants regarding criminal convictions. Following receipt of this prospective applicant correspondence, the Board would have to conduct the same investigation and analysis to determine whether the prospective applicant may be disqualified from licensure. Board staff estimates this would increase enforcement workload by roughly 160 cases per year and cost an additional \$71,500.00 annually. The Board cannot absorb this additional workload or associated costs. There is no fee associated with processing the preapplication determination requests.

In addition, as written, the Board would be required to make that preapplication determination based on “information [the applicant] submitted with the request” and not criminal background results. Relying on information the applicant chooses to provide rather than official records, such as arrest reports, court documents, and laboratory results during the pre-application phase may result in differing determinations once the applicant applies for a license.

As of April 5, 2022, Board staff is aware of the following Boards that have taken positions on the bill:

- Dental Hygiene Board of California - Oppose
- Board of Registered Nursing - Oppose
- Board for Professional Engineers, Land Surveyors, and Geologists - Oppose Unless Amended to make it clear that any initial determination would be non-binding
- Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board - Oppose Unless Amended to require a fee and require individuals to submit a live scan
- Medical Board of California- Support if Amended to exempt the Medical Board

The non-absorbable workload and costs, duplicative investigations, and the potential for differing determinations would hinder the Board’s ability to fulfill its consumer protection mandate. As such, Board staff recommends opposing this bill.

2. [AB 1885](#) (Kalra, 2022) Cannabis and cannabis products: animals: veterinary medicine

[Status:](#) Assembly Business and Professions Committee

[Analysis:](#)

Hearing Date: 4/19/22

Summary: This bill would prohibit the Board from disciplining a veterinarian solely for discussing or recommending the use of cannabis on an animal for potential therapeutic effect or health supplementation purposes. The bill

would expand the existing Board authority to deny, revoke, or suspend a license for recommending cannabis for use with a client while the veterinarian is employed by or has an agreement with a cannabis licensee, as specified. The bill would require the Board to adopt guidelines, by January 1, 2024, 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.

In addition, this bill would amend the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) to revise the definitions of “cannabis products,” “cannabis concentrate,” and “edible cannabis product” to include products intended to be used for therapeutic effect, health supplementation, or consumption by, an animal. The bill would exclude from the definition of “animal,” for these purposes, livestock and food animals, as specified. The bill would require that cannabis products intended for therapeutic effect or health supplementation use on, or for consumption by, an animal to conform with additional relevant standards, including but not limited to, an alternative standardized concentration established by the Department of Cannabis Control.

Staff Comments: This bill is substantially similar to last year’s AB [384](#) (Kalra, 2021), which died in the Assembly Appropriations Committee. During its [April 2022 meeting](#), the Board heard concerns from the public regarding the availability of cannabis products in adult use dispensaries vs. medicinal dispensaries and the fact that a recommendation would not be required for consumers to obtain cannabis products for their pets. After receiving public feedback, the Board adopted a watch position. This bill will likely have the same public feedback as the April 2022 meeting.

3. **AB [2606](#) (Carrillo, 2022) Cats: declawing procedures: prohibition**

Status: Assembly Business and Professions Committee

Analysis:

Hearing Date: 4/26/22

Summary: This bill would amend the Food and Agricultural Code to prohibit a person from performing surgical claw removal, declawing, or a tendonectomy on any cat or otherwise altering a cat’s toes, claws, or paws to prevent or impair the normal function of the cat’s toes, claws, or paws, except for procedures performed solely for a therapeutic purpose. The bill would subject a person that violates that prohibition to specified civil penalties.

Staff Comments: In [April 2019](#), the Board opposed AB [1230](#) (Quirk, 2019), which also sought to ban cat declawing procedures. During that meeting, the Board took an Oppose position and expressed concerns with outlawing declawing of cats, as it would encourage back-alley declaw procedures, contribute to additional cats not having homes, and that legislation should not dictate the practice of veterinary medicine. Assuming the same concerns exist

with AB 2606, staff recommends opposing this bill. Staff notes that while AB 1230 would have revised the Veterinary Medicine Practice Act (Act) to prohibit cat or animal declaw procedures except for therapeutic purposes and required the veterinarian to record the therapeutic purpose in the animal's medical record, AB 2606 does not amend the Act or require documentation of a therapeutic purpose.

4. Senate Bill (SB) [1031](#) (Ochoa Bogh, 2022) Healing arts boards: inactive license fees

Status: Senate Business, Professions and Economic Development Committee

Analysis:

Hearing Date: 4/18/22

Summary: This bill would require the renewal fee for an inactive license issued by a healing arts board to be 1/2 of the amount of the fee for a renewal of an active license unless the board establishes a lower fee.

Staff Comments: Although inactive licensees are unable to practice in California, maintaining the inactive license still requires Board resources. The Board still investigates inactive licensees when convictions or discipline occurs in another state. Inactive licensees often contact the Board regarding the process to transition to an active license, and Board staff must review continuing education certificates and criminal background history when the licensee wants to practice in California again. If enacted, the Board would lose roughly \$104,475 in revenue each renewal cycle.

Due to the Board resources required to maintain inactive licenses and the negative impact to the Board's fund if enacted, Board staff recommends opposing this bill.

5. SB [1495](#) (Committee on Business, Professions and Economic Development, 2022) Professions and vocations

Status: Senate Business, Professions and Economic Development Committee

Analysis:

Hearing Date: 4/18/22

Summary: This bill, among other things, deletes an obsolete provision in the Veterinary Medicine Practice Act relating to continuing education hours earned by attending courses sponsored or cosponsored by those entities between January 1, 2000, and January 1, 2001.

Staff Comments: This legislative amendment is one of four amendments the Board hoped to have included in an omnibus bill this legislative session. The remaining three amendments include the following:

- a. Amend Business and Professions Code (BPC) section 4883, subdivision (s), to include NAVTA-recognized specialty organizations;
- b. Add one RVT member to the Board composition (BPC, § 4800); and,
- c. Amend BPC section 4825.1 and add section 4826.3 to define Teleconsultation, Telehealth, Telemedicine, and Telerriage and specify how/when each can be used in practice.

After multiple meetings with representatives from the Senate Business, Professions and Economic Committee and the Senate Republican Caucus, the Board's Executive Officer was told the NAVTA-recognized specialty organizations amendment will likely be included in a future version of the bill. However, the latter two requests were too substantive for an omnibus bill.

Since the bill includes a Board-requested legislative proposal, Board staff recommends the Board support this bill. In the Support letter, the Board should also request the remaining amendments be considered in future versions of the bill.

B. Other Board-Monitored Legislation

6. [AB 225](#) (Gray, 2021) Department of Consumer Affairs: boards: veterans: military spouses: licenses

Status: Senate Business, Professions and Economic Development Committee

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

Summary: This bill would expand the provisions of the military spouse temporary licensure program to apply to military veterans who have been other-than-dishonorably discharged and active duty military members with orders for separation in 90 days.

7. [AB 1604](#) (Holden, 2022) The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications

Status: Assembly Appropriations Committee

Analysis: 04/04/22 – Assembly Appropriations
 03/14/22- Assembly Public Employment and Retirement

Hearing Date: 4/6/22

Summary: This bill would, among other things, establish that it is the policy of the state that the composition of state boards and commissions be broadly reflective of the general public, removing reference to ethnic minorities or women from this policy. This bill also would require, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members or commissioners, to have at least one volunteer board member or

commissioner from an underrepresented community, as defined. This bill would further clarify that new board or commission members should be replaced, under these parameters, as vacancies occur.

8. **AB [1733](#) (Quirk, 2022) State bodies: open meetings**
Status: Assembly Governmental Organization Committee
Analysis:

Summary: This urgency bill would specify that a “meeting” held under the Bagley-Keene Open Meeting Act includes a meeting held entirely by teleconference, as defined, so long as the state body adheres to certain specified requirements such as: ensuring the public has the means to hear, observe, and address the state body during the meeting; providing the public with at least one physical location where they can participate; posting the meeting agendas online and at the physical meeting location with information indicating how the meeting can be accessed; and ensuring that if a means of remote participation fails, the meeting must adjourn.

9. **AB [1795](#) (Fong, 2022) Open Meetings: remote participation**
Status: Assembly Governmental Organization Committee
Analysis:

Summary: This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

10. **AB [1881](#) (Santiago, 2022) Animal welfare: Dog and Cat Bill of Rights**
Status: Assembly Business and Professions Committee
Analysis:

Summary: This bill would amend the Food and Agricultural Code to enact the Dog and Cat Bill of Rights, and would require every public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group to post a copy of the Dog and Cat Bill of Rights in a conspicuous place accessible to public view. The bill would impose a civil penalty for failure to post the Dog and Cat Bill of Rights, as specified. The bill would make legislative findings and declarations in support of the Dog and Cat Bill of Rights. By imposing new duties on local public officials, the bill would create a state-mandated local program.

11. **AB [2055](#) (Low, 2022) Controlled substances: CURES database**
Status: Assembly Public Safety Committee
Analysis: 03/25/22- Assembly Business and Professions

Summary: This bill, as of April 1, 2023, would transfer the responsibility for administration of the CURES database from the Department of Justice to a department specified by the Governor.

12. AB [2104](#) (Flora, 2022) Professions and vocations

Status: Assembly Business and Professions Committee

Analysis:

Summary: This bill would authorize the Department of Consumer Affairs (DCA) and each board in DCA to charge a fee not to exceed \$2 for the certification of a copy of any record, document, or paper in its custody. The bill would also require the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not to exceed \$150.

13. AB [2642](#) (Mayes, 2022) Department of Consumer Affairs: director: powers and duties

Status: Assembly, Pending Referral

Analysis:

Summary: This is a spot bill related to DCA

14. AB [2948](#) (Cooper, 2022) Consumer protection: Department of Consumer Affairs: complaints

Status: Assembly Business and Professions Committee

Analysis:

Summary: This bill would require the DCA Director to advise, within 60 calendar days of the date that a consumer complaint is deemed closed, the consumer of the action taken on the complaint and of any other means which may be available to the consumer to secure relief, unless doing so would be injurious to the public health, safety, or welfare.

15. SB [1237](#) (Newman, 2022) Licenses: military service

Status: Senate Business, Professions and Economic Development Committee

Analysis: 03/31/22- Senate Business, Professions and Economic Development

Summary: Existing law provides for the regulation of various professions and vocations by boards within DCA and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee or registrant whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate the licensee's or registrant's license without examination or penalty if certain requirements are met.

Existing law requires the boards described above, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. Existing law, except as specified, prohibits a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect.

This bill would define the phrase “called to active duty” to include active duty in the United States Armed Forces and on duty in the California National Guard, as specified.

16. SB 1310 (Leyva, 2022) Professions and vocations: consumer complaints

Status: Senate Business, Professions and Economic Development
Committee

Analysis:

Summary: Existing law establishes DCA under the direction of the Director of Consumer Affairs and requires the director to receive complaints from consumers concerning prescribed matters, including violations of California law governing businesses and professions licensed by any agency of the department, and promulgated regulations. Existing law requires the director, through the Division of Investigation, to implement complaint prioritization guidelines for boards within the department to utilize in prioritizing their respective complaint and investigative workloads. Existing law requires the director to amend the guidelines to include the category of “allegations of serious harm to a minor” under the “urgent” or “highest priority” level on or before July 1, 2019.

This bill would require the director to post these guidelines on the department’s internet website and periodically amend this material. The bill would remove the obsolete provision requiring the director to amend the guidelines to include the category described above under the “urgent” or “highest priority” level.

17. SB 1365 (Jones, 2022) Licensing boards: procedures

Status: Senate Business, Professions and Economic Development
Committee

Analysis: 03/31/22- Senate Business, Professions and Economic
Development

Summary: This bill would require each board within DCA to publicly post on its internet website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees. The bill would require

the department to establish a process to assist each board in developing its internet website, as specified.

The bill would also require the department to develop a process for each board to use in verifying applicant information and performing background checks of applicants and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents. The bill would further require the board to develop a procedure to provide for informal appeals process that would occur between an initial license denial and an administrative law hearing.