



MEMORANDUM

DATE	July 5, 2023
TO	Veterinary Medical Board (Board)
FROM	Jessica Sieferman, Executive Officer
SUBJECT	Agenda Item 7. Update, Discussion, and Possible Action on 2023 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 July 5, 2023.

A. Priority Legislation for Board Consideration

1. **Assembly Concurrent Resolution (ACR) [86](#) (Kalra, 2023) Animals: overpopulation: spay and neutering services**

Status: Senate Rules

Analyses: 06/28/23- Assembly Floor Analysis

06/26/23- Assembly Appropriations Committee

06/16/23- Assembly Business and Professions Committee

Summary:

This measure would encourage various actions by the state, the Veterinary Medical Board, local municipalities, public and private shelters, nonprofit rescue organizations, and private foundations to increase their support for spay and neuter services, veterinary care licensing, and shelter animal adoption to address pet overpopulation, as specified.

This measure, among other things, specifically states the following:

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Veterinary Medical Board, with support from the Governor, other state boards and agencies, and interested stakeholders, encourages out-of-state licensed veterinarians and registered veterinary

technicians to become licensed in California to perform the necessary spay and neuter surgeries and other medical services in order to address pet overpopulation;

2. **Assembly Bill (AB) [814](#) (Lowenthal, 2023) Veterinary medicine: animal physical rehabilitation**

Board Position: Oppose

Status: Senate Business, Professions and Economic Development Committee

Analysis: 05/19/23- Assembly Floor Analysis

05/15/23- Assembly Appropriations Committee

04/22/23- Assembly Business and Professions Committee

Hearing Date: 7/10/23 (Anticipated)

Summary:

This bill would authorize a licensed physical therapist to be registered with the Veterinary Medical Board as-a registered animal physical therapist and to provide animal physical rehabilitation, as defined, to an animal if specified requirements are met, including that the registered animal physical therapist performs all delegated animal rehabilitation tasks under the supervision of a veterinarian who has an established veterinarian-client-patient relationship with the animal. The bill would authorize an animal physical rehabilitation assistant, as defined, to assist with delegated animal rehabilitation tasks subject to specified conditions, including that the tasks are performed under the direct supervision of a registered animal physical therapist. The bill would require the owner or operator of an animal physical rehabilitation facility, as defined, to submit a registration application to the Veterinary Medical Board and pay a registration fee, as prescribed.

This bill would require the Veterinary Medical Board to determine qualifications necessary for a physical therapist to register with the board to provide animal physical rehabilitation and would require the Veterinary Medical Board to create the registration form and determine the registration process. The bill would authorize the Veterinary Medical Board to discipline a registered animal physical therapist, as specified, and would require the Veterinary Medical Board to report disciplinary actions against a registered physical therapist to the Physical Therapy Board of California.

This bill would make a violation of the provisions by a licensee of the Physical Therapy Practice Act unprofessional conduct. The bill would establish fees for the issuance and renewal of a registration in animal physical rehabilitation and initial and annual renewal fees for registration of an animal physical rehabilitation facility, which would be deposited in the Veterinary Medical Board Contingent Fund.

Staff Comments: During the April 2023 meeting, the Board took an Oppose position on the bill. The Board's position letters are attached for reference. While the bill was amended on April 27, 2023, the policy and fiscal concerns raised by the Board remain. In June, the Board's Executive Committee and Executive Officer met with stakeholders and Senate Business, Professions, and Economic Development Committee staff regarding the Board's concerns with the bill. The Executive Officer will testify in opposition to the bill on July 10. Updates will be provided to members during the July meeting.

3. **AB 1399 (Friedman, 2023) Veterinary medicine: veterinarian-client-patient relationship: telehealth**

Board Position: Oppose, Unless Amended

Status: Senate Business, Professions and Economic Development Committee

Analysis: 05/25/23- Assembly Floor Analysis
05/12/23- Assembly Floor Analysis
05/08/23- Assembly Appropriations Committee
04/14/23- Assembly Business and Professions Committee

Hearing Date: 7/10/23 (Anticipated)

Summary: Similar to existing regulation, this bill would prohibit the practice of veterinary medicine outside the context of a veterinarian-client-patient relationship (VCPR), as defined, except as specified. However, unlike existing law, this bill would allow the VCPR to be established using synchronous (real-time) video and audio communication instead of a physical, hands-on examination. Once the VCPR is established, this bill would authorize a licensee to practice veterinary telehealth, as defined.

The bill would require a veterinarian who practices veterinary telehealth, among other things, to employ sound professional judgment to determine whether using veterinary telehealth is an appropriate method for delivering medical advice or treatment to the patient, provide quality of care consistent with prevailing veterinary medical practice, be familiar with available medical resources, be able to refer the client to a nearby veterinarian who may be able to see the patient in person upon the request of the client, make a patient record summary available, provide the client with information about the veterinarian, and secure an alternative means of contacting the client if the electronic means is interrupted, as specified. The bill would also define the term "client" for purposes of the act and make other conforming changes.

Staff Comments: During its May 2023 meeting, the Board took an Oppose Unless Amended position. The Board's position letter is attached for reference. Since the May 2023 Board meeting, the Board's Executive Committee and Executive Officer met with various stakeholders, the Senate Business, Professions and Economic Development Committee staff, the Author and the Author's staff.

Shortly following the meeting with the Author, the bill was amended accepting many of the Board's amendments. However, the Author did not accept the limitation to a 14-day prescription without an in-person examination and provided the following reason:

The current language in AB 1399 already cuts in half the prescription duration associated with an in-person exam (from one year to six months). We trust licensed California veterinarians to utilize their professional judgment regarding patient follow up. Additionally, requiring an in-person exam to continue a prescription that is working and needed after 28 days will almost certainly guarantee higher client costs overall.

The Executive Officer will testify in opposition to the bill on July 10. Updates will be provided to members during the July meeting.

4. Senate Bill (SB) [372](#) (Menjivar, 2023) Department of Consumer Affairs: licensee and registrant records: name and gender changes

Status: Assembly Appropriations Committee

Analysis: 06/22/23- Assembly Judiciary Committee

06/16/23- Assembly Business and Professions Committee

05/20/23- Senate Floor Analyses

04/28/23- Senate Appropriations Committee

04/14/23- Senate Judiciary Committee

03/24/23 - Senate Business, Professions and Economic
Development Committee

03/23/23 - Senate Business, Professions and Economic
Development Committee

Summary: This bill would require a board to update a licensee's or registrant's records, including records contained within an online license verification system, to include the licensee's or registrant's updated legal name or gender if the board receives government-issued documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed. The bill would require the board to replace references to the licensee's or registrant's former name or gender with the individual's current name or gender, as applicable, on the publicly viewable information displayed on the internet about the licensee or registrant. The bill would prohibit a board from publishing information relating to the licensee's or registrant's former name or gender online and, instead, require the board to post an online statement directing the public to contact the board for more information. For specified licensees and registrants, the board would be prohibited from posting enforcement records online, but would be required to post an online statement stating that the individual was previously subject to an enforcement action and directing the public to contact the board, as prescribed. The bill would provide that all records related to a request to update an individual's license or registration under the bill would be

confidential and not subject to public inspection or disclosure. The bill would require the board, if requested by a licensee or registrant, to reissue any license created by the board and conferred upon the licensee or registrant. The bill would prohibit a board from charging a higher fee for reissuing a document with an updated legal name or gender than the fee it charges for reissuing a document with other updated information.

Staff Comments: As explained during the May 2023 Board meeting, the Author's office met with DCA and various DCA boards and bureaus to discuss concerns raised regarding implementation of the bill and the consumer's ability to find disciplinary history, if any, taken against licensees. To address those concerns, DCA drafted proposed amendments, which the Board reviewed in May. Since then, the bill was amended twice and now includes the requested amendments. Staff no longer has concerns with the bill.

5. **SB 373 (Menjivar, 2023) Board of Behavioral Sciences, Board of Psychology, and Veterinary Medical Board: licensees' and registrants' addresses**

Board Position: Support if Amended

Status: Assembly Appropriations Committee

Analysis: 06/16/23- Assembly Business and Professions Committee

05/04/23- Senate Floor Analyses

04/14/23- Senate Judiciary Committee

04/06/23- Senate Business, Professions and Economic Development Committee

Summary: Existing law requires the Board of Behavioral Sciences and Board of Psychology, the Veterinary Medical Board, among other boards, to post information regarding the status and address of record of every license issued by those boards on the board's internet website.

This bill would, with certain exceptions, prohibit the Board of Behavioral Sciences, the Board of Psychology, and the Veterinary Medical Board from disclosing on the internet the full address of record of certain licensees and registrants, but would authorize the disclosure of the city, state, county, and ZIP Code of the address of record of those licensees and registrants. The bill would require the Veterinary Medical Board to establish a process for providing, within 10 business days and in accordance with the California Public Records Act, a licensee's or registrant's complete address upon receipt of a request that is related to a court proceeding against or request for records from the licensee or registrant.

Staff Comments: During its May meeting, the Board took a Support if Amended position and requested the Board be added to the bill. The Board's position letter is attached for reference. On June 21, 2023, the bill was amended to include the Board's licensees, as requested.

6. SB [544](#) (Laird, 2023) Bagley-Keene Open Meeting Act: teleconferencing

Board Position: **Support**

Status: Assembly Governmental Organization Committee

Analysis: 05/10/23- Senate Floor Analyses

04/23/23- Senate Judiciary Committee

04/07/23- Senate Governmental Organization Committee

Summary: This bill would amend existing law that will remain operative after July 1, 2023, to remove indefinitely the teleconference requirements that a state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. The bill would require a state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely.

The bill would require any notice required by the act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person. The bill would revise existing law to no longer require that members of the public have the opportunity to address the state body directly at each teleconference location, but would continue to require that the agenda provide an opportunity for members of the public to address the state body directly. The bill would require a member or staff to be physically present at the location specified in the notice of the meeting.

The bill would provide that it does not affect prescribed existing notice and agenda requirements and would require the state body to post an agenda on its internet website and, on the day of the meeting, at any physical meeting location designated in the notice of the meeting. The bill would prohibit the notice and agenda from disclosing information regarding any remote location from which a member is participating and define “remote location” for this purpose. The bill would provide that members of the public shall be entitled to exercise their right to directly address the state body during the teleconferenced meeting without being required to submit public comments prior to the meeting or in writing.

The bill would require a state body, upon discovering that a means of remote participation required by the bill has failed during a meeting and cannot be restored, to end or adjourn the meeting in accordance with prescribed adjournment and notice provisions, including information about reconvening.

The bill would require a state body that holds a meeting through teleconferencing pursuant to the bill and allows members of the public to observe and address the meeting telephonically or otherwise electronically to implement and advertise, as prescribed, a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

The bill would require a member of a state body who attends a meeting by teleconference from a remote location to disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with any such individuals.

Staff Comments: During its April meeting, the Board supported this bill. The Board's position letter is attached for reference. Since this bill has no urgency clause, the Board will need to follow the current Bagley-Keene requirements and publicly post all Board member locations on the Board's meeting agendas.

7. **SB 669 (Cortese, 2023) Veterinarians: veterinarian-client-patient relationship**

Board Position: Oppose, Unless Amended

Status: Assembly Appropriations Committee

Analysis: 06/16/23- Assembly Business and Professions Committee

05/10/23- Senate Floor Analyses

04/21/23- Senate Business, Professions and Economic Development Committee

Summary: This bill would authorize a veterinarian to allow a registered veterinary technician to act as an agent of the veterinarian for the purpose of establishing the VCPR to administer preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or parasites by satisfying specified criteria.

Staff Comments: During the April meeting, the Board approved a motion to oppose unless amended to resolve the Board's concerns, including the insertions (1) for establishing the VCPR in [Business and Professions Code (BPC) section 4826.6.] subdivision (b), (2) new definitions, and (3) treatment of viruses and bacteria, and delegate to the Board's Executive Committee and Executive Officer authority to engage in discussions with the Author's office and stakeholders to resolve the Board's concerns. The Board's position letter is attached for reference.

SB 669 was subsequently amended on April 27, 2023 and resolved some of the Board's concerns.

On May 16, the Board's Executive Committee, Executive Officer, and legal counsel met with the Author's office and bill sponsor (Sacramento SPCA) to discuss concerns and potential amendments proposed by stakeholders. The Author's office seemed amenable to the majority of the edits, except for the requirement for veterinarians to review documentation. The sponsor's concern with the Board's request was shared with the Board during its May 2023 meeting. The Board's position letter is attached for reference.

Since the Board's May meeting, the bill was amended to include some of the Board's requested amendments. However, the concern regarding ensuring compliance with controlled substance and dangerous drug prescriptions requirements under existing federal and state law remains.

Only veterinarians can prescribe treatment to animal patients, which includes the controlled substances and dangerous drugs that would be administered by RVTs under the bill.

As currently written, the bill would authorize RVTs to administer medications to animals without examination or the required prescription by a veterinarian. Since no medication can be administered without it first being prescribed, this bill would, in effect, authorize RVTs to prescribe medication and drugs to animal patients, and result in inconsistencies with other provisions of the Veterinary Medicine Practice Act that only authorize licensed veterinarians to prescribe drugs and medications (BPC, § 4826, subd. (b)), and specifically prohibit an RVT from prescribing drugs and medication (BPC, § 4840.2(c)).

This bill would violate federal and state prescription laws and put the RVT at risk of professional discipline, criminal conviction, and civil litigation. (Federal: 21 USC § 829 (authorizes only "practitioner" (veterinarian) to administer controlled substances), 21 CFR § 353, subd. (f) (requires a written veterinarian prescription to dispense drugs for veterinary use only); State: Health & Saf. Code, § 11210 (only authorizes veterinarian to prescribe, furnish, or administer controlled substances to the patient).)

Accordingly, to ensure consistency within the Veterinary Medicine Practice Act, compliance with federal and state law, and ensure consumer protection, the Board requested the Author include the requirement for veterinarians to review documentation prior to prescribing or dispensing (proposed subdivision (d)). Without the amendments, RVTs will be in violation of state and federal laws – both of which the Board is responsible for enforcing.

8. [SB 887](#) (Committee on Business, Professions and Economic Development, 2023) Consumer affairs

Board Position: Support

Status: Assembly Business and Professions Committee

Analysis: 05/10/23- Senate Floor Analyses

04/20/23- Senate Business, Professions and Economic
Development Committee

Hearing Date: 7/11/23

Summary: This bill, among other things, includes Board requested legislative amendments to authorize license verification be confirmed through electronic means, revises the Board's Wellness Evaluation Committee composition to require at least one licensed veterinarian, at least two public members, and at least one registered veterinary technician, and deletes the provision related to the criteria for a subject matter expert in citation cases.

Staff Comments: During its April 2023 meeting, the Board voted to support this bill. The Board's position letter is attached for reference.

B. Other Board-Monitored Legislation

1. **AB 883 (Mathis, 2023) Business licenses: United States Department of Defense SkillBridge program**

Status: Senate Military and Veterans Affairs Committee

Analysis: 06/08/23- Senate Business, Professions and Economic
Development Committee

05/24/23- Assembly Floor Analysis

04/18/23- Assembly Appropriations Committee

03/24/23 - Assembly Business and Professions Committee

Hearing Date: 7/10/23

Summary: This bill would require, on and after July 1, 2024, a board to expedite, and authorize a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program, as specified, and would provide that regulations to administer those provisions be adopted in accordance with the rulemaking provisions of the Administrative Procedure Act.

2. **AB 996 (Low, 2023) Department of Consumer Affairs: continuing education: conflict-of-interest policy**

Status: Senate Floor

Analysis: 06/16/23- Senate Business, Professions and Economic
Development Committee

05/19/23- Assembly Floor Analysis

05/15/23- Assembly Appropriations Committee

04/21/23- Assembly Business and Professions Committee

Summary: This bill would require entities within the Department of Consumer Affairs that are responsible for approving continuing education providers to develop and maintain a conflict-of-interest policy that, at minimum, discourages the qualification of any continuing education course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that course and requires conflicts to be disclosed at the beginning of each continuing education course.

Staff Comments: BPC section [4846.5](#) provides a list of statutorily approved continuing education providers. In addition, the Board recognizes the American Association of Veterinary State Boards (AAVSB) as a continuing education approval body. The Board is not responsible for approving providers specifically listed in BPC section 4846.5 or approved by AAVSB. Therefore, none of those providers would be impacted by this bill.

The statute does provide the Board authorization to approve continuing education providers, but it is not required to approve such providers. In addition, staff is unaware of any time when the Board approved continuing education providers. If the Board began approving providers, it would need to create regulations to comply with this bill.

3. AB [1237](#) (Petrie-Norris, 2023) Student financial aid: California Public Interest Veterinary Debt Relief Program

Board Position: **Support**

Status: Assembly Appropriations Committee – Held under submission

Analysis: 05/01/23- Assembly Appropriations Committee

04/17/23- Assembly Higher Education Committee

Summary: This bill, upon appropriation by the Legislature, would establish the California Public Interest Veterinary Debt Relief Program under the administration of the Student Aid Commission (Commission) to award funds to California-licensed veterinarians, in relief of their educational loan debt, as defined, who enter into a contract with the Commission to provide veterinary services in eligible premises settings, as defined, on a full-time basis, as specified. The bill, upon appropriation by the Legislature, would establish the California Public Interest Veterinary Debt Relief Program Fund as the initial depository of all moneys appropriated, donated, or otherwise received for the program and would require the Commission to disburse moneys in the fund for purposes of the program, as provided. The bill would require the Commission, on or before March 31, 2026, and each year thereafter, to submit a report to the Legislature that includes specified information on the program, including the number of applicants and program participants and the amount of funds expended for the program.

4. SB [259](#) (Seyarto, 2023) Reports submitted to legislative committees

Status: Senate for concurrence

[Analysis](#): 07/03/23- Senate Floor Analyses
06/26/23- Assembly Appropriations Committee
06/05/23- Assembly Accountability and Administrative Review Committee
04/12/23- Senate Floor Analyses
03/09/23- Senate Governmental Organization Committee

Summary: Existing law requires a state agency that is required or requested by law to submit a report to the Members of either house of the Legislature generally to submit the report in a specified manner and to post the report on the state agency's internet website.

This bill would additionally require a state agency to post on its internet website any report required or requested by law or identified in the Legislative Analyst's Supplemental Report of the Budget Act, that the state agency submits to a committee of the Legislature or to the Members of either house of the Legislature.

Existing law requires the Legislative Counsel to make various categories of legislative information available to the public in an electronic form.

This bill would additionally require the Legislative Counsel to make available to the public a link to the list of state and local agency reports submitted by state and local agencies to a committee of the Legislature or to the Members of either house of the Legislature generally, as specified.

5. [SB 279](#) (Niello, 2023) Administrative regulations: public participation: comment process

[Status](#): Senate Appropriations Committee – Held under submission

[Analysis](#): 05/05/23- Senate Appropriations Committee
04/21/23- Senate Governmental Organization Committee

Summary: This bill would require a state agency to provide a minimum 21-day public comment period for purposes of determining whether the proposed adoption, amendment, or repeal of a regulation would be a "major regulation" that requires a standardized regulatory impact analysis. A "major regulation" under existing law is any proposed adoption, amendment, or repeal of a regulation that has an economic impact on California business enterprises and individuals in an amount exceeding \$50,000,000, as estimated by the agency.



April 24, 2023

The Honorable Josh Lowenthal
California State Assembly
1021 O Street, Suite 5130
Sacramento, CA 95814

Re: Assembly Bill (AB) 814 (Lowenthal, 2023) – OPPOSE

Dear Assemblymember Lowenthal:

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. 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.

After discussing numerous concerns regarding the scope of practice provisions and potential Board implementation of AB 814 during its April 20, 2023 meeting, the Board took an oppose position.

Animal physical rehabilitation (APR) is the practice of veterinary medicine. Under the Veterinary Medicine Practice Act, the practice of veterinary medicine requires a veterinarian license or supervision of a licensed veterinarian. The Veterinary Medicine Practice Act and Physical Therapy Practice Act, as enacted by the California State Legislature, establish the limitations on the performance of APR by a licensed physical therapist. A physical therapist, who otherwise is not a licensed veterinarian or registered veterinary technician, can currently administer APR treatment to an animal at the direction of and under the direct supervision of a licensed veterinarian.

Human physical therapists do not learn canine, feline, equine, or any other animal anatomy as part of their core curriculum when becoming a licensed physical therapist, and they are not trained in how to treat animal patients in an emergency. The biomechanics of quadrupedal locomotion of domestic animals differs significantly from human bipedal locomotion. Further, the anatomy, physiology, and biomechanics between animal species differs greatly. Throughout their four years of veterinary medical school, a veterinarian has multiple courses and extensive training in these topics.

Yet, the educational requirements listed in AB 814 would be RACE approved continuing education courses designed as courses that build upon a core knowledge base veterinarians have attained through their primary education. Continuing education courses could not sufficiently provide an adequate level of knowledge and training to a human physical therapist to protect the public and animal patients.

The Honorable Josh Lowenthal

April 24, 2023

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Additionally, the Board is concerned with the significant impact this bill would have on the Board's fund and staff resources. Board staff estimates implementation of this bill would cost the Board \$472,314 in year one, \$322,000 in year two and have an ongoing cost of \$156,000 including the costs associated with regulatory proposals, hiring limited term and new staff to implement the licensing, and conducting a fee audit. This would be a significant impact to the Board's fund and would require high registration fees.

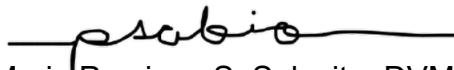
Further, this bill would take a considerable amount of time to implement as it would require extensive regulations. The bill would require the Veterinary Medical Board to work with the Physical Therapy Board of California to determine qualifications to receive an authorization in animal physical rehabilitation, and then require the Veterinary Medical Board to create a registration form and registration process, all of which must be enacted through regulations. The regulatory process takes a minimum of two years to complete, but in many cases has taken at least five years. Without regulations to implement the qualifications, registration, and fee described in the bill, a delayed implementation date would be needed to fully implement this bill.

Due to the numerous concerns raised during the Board's April 20, 2023 meeting, the Board opposes AB 814.

Sincerely,



Christina Bradbury, DVM, President
Veterinary Medical Board



Maria Preciosa S. Solacito, DVM, Vice-President
Veterinary Medical Board

cc: Assembly Business and Professions Committee



May 18, 2023

The Honorable Chris Holden, Chair
Committee on Appropriations
California State Assembly
1021 O Street, Suite 8220
Sacramento, CA 95814

Re: Assembly Bill (AB) 814 (Lowenthal, 2023) – OPPOSE

Dear Chair Holden:

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. 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 814 would establish new Board oversight over physical therapists who are licensed by the Physical Therapy Board of California (PTBC) and wish to perform animal physical rehabilitation. The Board opposes this bill due to, in part, the significant negative impact it would have on the Board's fund. If passed, this bill would cost the Board close to \$1.2 million over the first two years and \$161,000 ongoing to implement this bill. The Board's fund cannot absorb these costs.

The Board is a specially funded board, meaning it is solely funded through license fees. While the Board's mission protects all Californians and their animals, California taxpayers are not paying for the Board's services. When costs increase due to increased enforcement complaints, higher rent, increased wages pursuant to union contracts, inflation, etc., those costs are absorbed by the Board's fund. When the Board's fund can no longer absorb the cost increases, license fees must be increased.

The \$1.2 million to implement the new animal physical therapist registration program required by this bill would not be covered by the initial and renewal fees, as those fees will not be collected until *after* the registration program is implemented. If passed as written, existing veterinary licensees (who already can and do provide animal physical rehabilitation to animals) will be forced to cover the costs of this program, and likely lead to additional fee increases.

In 2018, the Board faced a severe structural deficit and modestly increased fees. That fee increase was insufficient, and the Board was forced to increase all fees to their statutory caps in 2020 to prevent insolvency. These increases caused outrage within the license population, and any increase due to this bill will reignite that outrage.

The Honorable Chris Holden

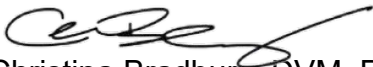
May 18, 2023

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In addition, the Board is concerned any newly assessed fees for the animal physical therapist registration would automatically make the registration unattainable. To assess the fees, the Board would take the “reasonable regulatory costs,” divided by the anticipated number of registration population. It remains unclear how many PTBC-licensed physical therapists would apply for animal physical therapist registration, but it is estimated to be very low. According to www.caninerehabinstitute.com, there are 14 physical therapists in California who may qualify to perform animal physical rehabilitation if AB 814 passes. Even if the estimate is over 100 individuals, the fees will be incredibly high.

For these reasons, the Board opposes AB 814 and strongly urges you to vote “No” on this bill.

Sincerely,



Christina Bradbury, DVM, President
Veterinary Medical Board

Maria Preciosa S. Solacito, DVM, Vice President
Veterinary Medical Board

cc: Assembly Member Josh Lowenthal



June 8, 2023

The Honorable Caroline Menjivar
California State Senate
1021 O Street, Suite 6720
Sacramento, CA 95814

Re: Senate Bill (SB) 373 (Menjivar, 2023) – Support if Amended

Dear Senator Menjivar:

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 (Practice 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 373, with certain exceptions, would prohibit the Board of Behavioral Sciences and the Board of Psychology from disclosing on the internet the full address of record of certain licensees and registrants. During its May 24, 2023 meeting, the Board took a support if amended position on SB 373. The Board appreciates the intent of the bill and respectfully requests that the Board's veterinarian licensees, registered veterinary technicians (RVTs), and Veterinary Assistant Controlled Substance Permit (VACSP) holders also be protected from full address of record disclosure on the internet.

Much like the other professions impacted by the bill, displaying through the Board's website the complete address of record poses safety concerns for the Board's veterinarian licensees, RVTs, and VACSP holders. Many mobile veterinarians have their address of record as their home address. While the option exists to provide a post office box address in lieu of a physical address, that has caused issues for veterinarians and RVTs in obtaining/maintaining separate registration through the U.S. Drug Enforcement Agency to obtain controlled substances. There have been known instances of consumers and animal rights activists harassing, threatening, and stalking licensees at their home.

For these reasons, the Board supports SB 373 if it is amended to include disclosure protection for the Board's veterinarian licensees, RVTs, and VACSP holders.

Sincerely,

Christina Bradbury, DVM, President
Veterinary Medical Board

Maria Preciosa S. Solacito, DVM, Vice President
Veterinary Medical Board

cc: Assembly Business and Professions Committee
Senate Judiciary Committee
Senate Business, Professions and Economic Development Committee



May 2, 2023

The Honorable John Laird
California State Senate
1021 O Street, Suite 8720
Sacramento, CA 95814

Re: Senate Bill (SB) 544 (Laird, 2023) – SUPPORT

Dear Senator Laird:

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. 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 20, 2023 meeting, the Board unanimously voted to support SB 544. Since the COVID-19 pandemic, the ability to hold virtual meetings without listing all physical meeting locations from which Board members participated, and finding locations where the public could attend such meetings, led to significant cost savings while dramatically increasing public participation. SB 544 would permanently allow state boards, bureaus, and committees to meet remotely, while also providing both virtual and physical options for members of the public to participate.

The importance of SB 544 was highlighted during the Board's Multidisciplinary Advisory Committee (MDC) meeting on April 19, 2022. At that meeting, most of the MDC members and the public participated in person at a Sacramento location, and one MDC member participated virtually from a publicly noticed location in Hayward, California. Despite a quorum of Board members at the Sacramento location, the meeting was delayed because the Board member participating from Hayward was ill and had difficulty getting to the meeting location. Had she been unable to get to the publicly noticed Hayward location, the entire meeting would have been cancelled, as required by the Bagley-Keene Open Meeting Act. If SB 544 was currently enacted, the meeting could have started on schedule, and the ill member could have participated from home.

Due to the significant cost savings and increase in public participation, the Board strongly supports SB 544.

Sincerely,

Christina Bradbury, DVM, President
Veterinary Medical Board

Maria Preciosa S. Solacito, DVM, Vice-President
Veterinary Medical Board

cc: Assembly Governmental Organization Committee



June 8, 2023

The Honorable Dave Cortese
California State Senate
1021 O Street, Suite 6630
Sacramento, CA 95814

Re: Senate Bill (SB) 669 (Cortese, 2023) – OPPOSE, UNLESS AMENDED

Dear Senator Cortese:

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 (Practice 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.

On May 1, 2023, your staff submitted to the Board proposed amendments to the bill that, among other things, would expand the ability of a registered veterinary technician (RVT) to administer preventative or prophylactic vaccines or medications when the RVT was working at a location other than a registered veterinary premises and the supervising veterinarian is available by telephone. (See Attached Prop. Amendments to Business and Professions Code (BPC), § 4826.7, subd. (b)(2).) The proposed amendments also included recommended amendments from the California Veterinary Medical Board (CVMA) that would require client disclosure that the RVT is acting as an agent of the veterinarian for purposes of administering preventative/prophylactic vaccines or medications and, prior to prescribing or dispensing preventative or prophylactic vaccines or medications, requiring the veterinarian to review the RVT documentation of the animal patient. (Prop. BPC, § 4826.7, subds. (c), (d).)

After discussing numerous concerns with the current version of the bill and latest proposed amendments to the bill during its May 24, 2023 meeting, the Board took an oppose, unless amended position. The Board appreciated the intent of the bill, as it mirrored proposed regulations approved by the Board at its January 2023 Board meeting. Unfortunately, consumer protection concerns remain for the Board.

Under current law, only a veterinarian can prescribe drugs and medications to animal patients, and registered veterinary technicians are prohibited from prescribing drugs and medications. The proposed amendments to BPC section 4826.7, subdivision (b)(2), would authorize the RVT to administer vaccines and medications without any veterinarian review of the animal patient and fails to account for the veterinarian prescription requirement. Accordingly, the Board agrees with the CVMA and recommends including subdivision (d), as shown in the attached amendments, in BPC

The Honorable Dave Cortese

June 8, 2023

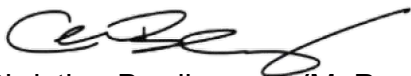
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section 4826.7, to properly provide for veterinarian prescription before RVT administration of the vaccines or medications.

The Board also agrees with CVMA's recommendation to include client disclosure that the RVT is acting as an agent of the veterinarian; this provides appropriate consumer protection since the bill would establish a new pathway to the long standing veterinarian-client-patient relationship. The Board also agrees with the minor, technical changes in the proposed amendments, and recommends documentation of the veterinarian review of animal patient documentation prior to prescription and client disclosure.

Due to the current concerns with the bill, the Board regrettably opposes SB 669, unless amended. We look forward to working with your staff to resolve these outstanding concerns.

Sincerely,



Christina Bradbury, DVM, President
Veterinary Medical Board



Maria Preciosa S. Solacito, DVM, Vice-President
Veterinary Medical Board

Encl.: May 1, 2023 Proposed Amendments with CVMA and Board additions

cc: Assembly Business and Professions Committee

Veterinary Medical Board
SB 669 Recommended Amendments

SEC. 2. Section 4826.7 is added to the Business and Professions Code, to read:

4826.7. (a) For purposes of this section, “veterinarian” means a California licensed veterinarian *and “registered veterinary technician” means a California licensed registered veterinary technician.*

(b) A veterinarian may authorize a registered veterinary technician to act as an agent of the veterinarian for the purpose of establishing the veterinarian-client-patient relationship to administer preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites if all of the following conditions are met:

(1) *In a registered veterinary premises, ¶the registered veterinary technician administers preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites* ~~in a registered veterinary premises~~ *when the veterinarian is physically present at the registered veterinary premises.*

(2) If working at a location other than a registered veterinary premises, the registered veterinary technician administers preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites when the veterinarian is in the general vicinity *or available by telephone and is quickly and easily available. The registered veterinary technician shall have equipment and drugs necessary to provide immediate emergency care at a level commensurate with the provision of preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites.*

(3) The registered veterinary technician examines the animal patient and administers preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites, in accordance with written protocols and procedures established by the veterinarian, which shall include, at a minimum, all of the following:

(A) Obtaining the animal patient’s history from the client in order to reasonably ensure that the administration of preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites is appropriate.

(B) Data that must be collected by physical examination of the animal patient in order to reasonably ensure that the administration of preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites is appropriate.

(C) Information in the patient history or physical examination results that would preclude the administration of preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites.

(D) Criteria that would disqualify the animal patient from receiving the preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites.

(E) Vaccination protocols for each animal species for which preventive or prophylactic vaccines are administered, that include, at a minimum, handling and administration of vaccines in accordance with manufacturer label recommendations and what to do in the event of an adverse reaction or other emergency.

(F) Preventative procedures for parasite control for each animal species for which medications for the control or eradication of apparent or anticipated internal or external parasites are being administered, which shall include, at a minimum, handling and administration of medications in accordance with manufacturer label recommendations and what to do in the event of an adverse reaction or other emergency.

(G) Documentation of all of the following animal patient information:

(i) Name or initials of the person responsible for entries.

(ii) Name, address, and phone number of the client.

(iii) Name or identity of the animal, herd, or flock.

(iv) Except for herds or flocks, age, sex, breed, species, and color of the animal.

(v) Beginning and ending dates of custody of the animal, if applicable.

(vi) A history or pertinent information as it pertains to each animal, herd, or flock's medical status.

(vii) Data, including that obtained by instrumentation, from the physical examination.

(viii) Treatment and intended treatment plan, including medications, dosages, route of administration, and frequency of use.

(ix) Diagnosis or assessment before performing a treatment or procedure.

(x) If relevant, a prognosis of the animal's condition.

(xi) All medications and treatments prescribed and dispensed, including strength, dosage, route of administration, quantity, and frequency of use.

(4) The veterinarian and the registered veterinary technician sign and date a statement containing an assumption of risk by the veterinarian for all acts of the registered veterinary technician related to examining the animal patient and administering

preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites, ~~short of except for~~ willful acts of animal cruelty, gross negligence, or gross unprofessional conduct ~~on behalf of~~ *performed by* the registered veterinary technician.

(5) The veterinarian and the registered veterinary technician sign and date a statement containing authorization for the registered veterinary technician to act as the agent of the veterinarian only to establish the veterinarian-client-patient relationship *only* for purposes of administering preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites, when acting in compliance with the protocols and procedures specified in paragraph (3), and only until the date the veterinarian terminates supervision or authorization for the registered veterinary technician to act as the agent of the veterinarian.

(c) Prior to examination of, or administration of any preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites to the animal patient, the registered veterinary technician discloses orally or in writing to the client that the registered veterinary technician is acting as an agent of the veterinarian for purposes of administering to the animal patient preventive or prophylactic vaccines or medications, as applicable, and provides the veterinarian's name and license number to the client. After such disclosure is provided, the registered veterinary technician shall obtain the oral or written authorization of the client to proceed with the registered veterinary technician's examination of the animal patient and administration of the specified vaccine or medication. Such client authorization shall be recorded by the registered veterinary technician in the animal patient's medical record.

(d) Prior to prescribing or dispensing the preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites, the veterinarian shall review the documentation required pursuant to subparagraph (G) of paragraph (3) of subdivision (b).

~~(ee) (4)~~ Documentation relating to satisfaction of the requirements of paragraphs (4) and (5) of subdivision (b) *and subdivisions (c) and (d)* shall be retained by the veterinarian for the duration of the registered veterinary technician's work as an agent of that veterinarian and until three years from the date of the termination of the veterinarian's relationship with the registered veterinary technician.

~~(f2)~~ Documentation relating to satisfaction of the requirements of subparagraph (G) of paragraph (3) of subdivision (b) shall be retained by the veterinarian for a minimum of three years after the animal *patient's* last visit.



May 2, 2023

The Honorable Richard D. Roth, Chair
Senate Committee on Business, Professions and Economic Development
1021 O Street, Room 3320
Sacramento, CA 95814

Re: Senate Bill (SB) 887 (Committee on Business, Professions and Economic Development, 2023) – Support

Dear Senator Roth:

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 (Practice 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.

This bill would, among other things, authorize the Board to receive out-of-state license verification of license applicants through electronic means, revise the Board's Wellness Evaluation Committee composition to require at least one licensed veterinarian, at least two public members, and at least one registered veterinary technician, and delete the provision related to the criteria for a subject matter expert in citation cases. The Board supports these changes to the Practice Act in SB 887, as these amendments were requested by the Board this legislative session to improve the Practice Act.

The Board appreciates the Committee Chair and Members including these important amendments in SB 887 and the continued partnership in protecting California consumers and their animals.

Sincerely,

Christina Bradbury, DVM, President
Veterinary Medical Board

Malia Preciosa S. Solacito, DVM, Vice President
Veterinary Medical Board

cc: Assembly Business and Professions Committee