



# MEMORANDUM

<b>DATE</b>	July 9, 2024
<b>TO</b>	Veterinary Medical Board (Board)
<b>FROM</b>	Justin Sotelo, Policy Specialist
<b>SUBJECT</b>	<b>Agenda Item 9. Update, Discussion, and Possible Action on 2023-2024 Legislation Impacting the Board, DCA, and/or the Veterinary Profession</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 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 9, 2024.

## A. Priority Legislation for Board Consideration

### 1. Assembly Bill (AB) [814](#) (Lowenthal, 2023) Veterinary Medicine: Animal Physical Rehabilitation

**Board Position: Oppose**

**Status:** Senate Business, Professions and Economic Development Committee; hearing canceled at author’s request - Dead

**Analysis:** 05/19/23 – Assembly Floor Analysis  
05/15/23 – Assembly Appropriations Committee  
04/22/23 – Assembly Business and Professions Committee

Hearing Date: 6/26/24 (Canceled)

**Summary:** This bill would authorize a licensed physical therapist to be registered with the Veterinary Medical Board (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 Board and pay a registration fee, as prescribed.

This bill would require the Board to determine qualifications necessary for a physical therapist to register with the board to provide animal physical rehabilitation and would require the Board to create the registration form and determine the registration process. The bill would authorize the Board to discipline a registered animal physical therapist, as specified, and would require the 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. Although the bill was amended on April 27, 2023, the policy and fiscal concerns raised by the Board remained. In June 2023, 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 testified in opposition to the bill on July 10, 2023. Updates were provided to members during the July 2023 meeting.

On June 3, 2024, the Board submitted another opposition letter to Assembly Member Lowenthal, along with its previous opposition letters, dated April 24 and May 18, 2023 (Attachment 1). In the June 3, 2024 letter, the Board indicated that all concerns outlined in previous opposition letters remained, and that there were new concerns surrounding the 2024-25 State budget, which proposed a nearly 8% cut to state operations and a targeted elimination of 10,000 vacant state positions.

On June 27, 2024, the Board was notified that the bill's hearing before the Senate Business, Professions and Economic Development Committee was canceled at the request of the author. July 3, 2024 was the last day for bills to be heard in policy committees in the second house; after that, they are dead for the year.

2. **AB [2133](#) (Kalra, 2024) Veterinary Medicine: Registered Veterinary Technicians**

**Board Position: Oppose**

**Status:** Assembly Appropriations Committee

**Analysis:** 04/22/24 – Assembly Appropriations Committee

04/05/24 – Assembly Business and Professions Committee

Hearing Date: 5/16/24 (Held Under Submission)

**Summary:** This bill would authorize a registered veterinary technician (RVT) to perform neuter surgery on a male domestic cat under the direct supervision of a California-licensed veterinarian only if all of the following conditions are met: 1) the RVT is approved by the Board to perform cat neuter surgery; 2) the RVT reviews the animal patient's history in order to reasonably ensure that the neuter surgery is appropriate; 3) the RVT performs the neuter surgery in accordance with written protocols and procedures established by the veterinarian. Additionally, this bill would require that an RVT authorized to perform neuter surgery obtain training, as specified, in cat neuter surgery procedures before receiving Board approval.

**Staff Comments:** During the April 2024 meeting, there was extensive discussion and public comment regarding this bill. Ultimately, the Board took an Oppose position on the bill. The Board's position letter, outlining its significant concerns with animal patient harm and other implementation issues, is attached for reference (Attachment 2).

3. **AB [2265](#) (McCarty, 2024) Animals: Euthanasia**  
**Board Position: Watch**

**Status:** Assembly Appropriations Committee

**Analysis:** 04/30/24 – Assembly Appropriations Committee

04/22/24 – Assembly Business and Professions Committee

Hearing Date: 5/16/24 (Held Under Submission)

**Summary:** This bill would state that it is the policy of the state that no animal should be euthanized if it can be adopted into a suitable home or released to a qualified nonprofit animal rescue or adoption organization, except as specified.

This bill would declare it the policy of the state that no animal be euthanized by a public animal control agency or shelter or a private entity that contracts with a public animal control agency or shelter for animal care and control services, except as provided. This bill would require an eligible agency or shelter, as defined, up to 72 hours before a scheduled euthanasia of a dog or cat but no later than 24 hours before a scheduled euthanasia of a dog or cat, to post a daily list of any cat or dog scheduled for euthanasia on their public internet website or public social media page and to post a physical notice on the kennel of a dog or cat scheduled to be euthanized, except as provided. The bill would provide that a violation of these provisions is not a misdemeanor. To the extent that the above-described provisions impose unique requirements on public animal control agencies or shelters, the bill would impose a state-mandated local program.

This bill would collectively define "Hayden's Law" to mean several of those provisions relating to animals. The bill would require a public animal control agency or public animal shelter that seeks to adopt a policy, practice, or protocol

that raises the potential for conflict with Hayden’s Law to first give notice to the city or county body that funds the agency or shelter and post a notice regarding the policy, practice, or protocol at its facility in a manner that is accessible to public view. The bill would require the city or county body to, within 60 days of receipt of the notice, schedule a public hearing regarding the policy, practice, or protocol. Because these provisions would be part of the Food and Agricultural Code, the violation of which would be a crime, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

**Staff Comments:** During the April 2024 meeting, the Board discussed the impacts of the bill, including fee impacts to shelters, shelter posting requirements regarding animals scheduled for euthanasia, and changes to the Hayden Act. The Hayden Act impacts shelter funding, imposes requirements on shelters for animals deposited in their care, and sets euthanasia requirements. The Board took a Watch position on the bill.

**4. [AB 2269](#) (Flora, 2024) Board Membership Qualifications: Public Members**

**Status:** Senate Business, Professions and Economic Development Committee; hearing canceled at author’s request

**Analysis:** 06/06/24 – Senate Business, Professions and Economic Development Committee

04/15/24 – Assembly Appropriations Committee

03/28/24 – Assembly Business and Professions Committee

Hearing Date: 7/1/24 (Canceled)

**Summary:** Existing law establishes specified boards, bureaus, and commissions in the Department of Consumer Affairs for the purpose of licensing and regulating various professions and vocations. Existing law prohibits a public member or a lay member appointed to a board, as defined, from, among other things, having a specified relationship with a licensee of that board within 5 years of the public member’s or lay member’s appointment.

This bill would prohibit a public member or a lay member of any board from having a specified relationship with a licensee of that board, for services provided pursuant to that license, within 3 years of the public member’s or lay member’s appointment. The bill would provide that these requirements apply to a public member or a lay member of a board upon appointment or reappointment on or after January 1, 2025.

**Staff Comments:** The bill would revise the current prohibition on public members who have a contractual relationship with a board licensee that

constitutes more than 2 percent of the licensee's practice or business. Instead, the bill would prohibit a person from serving on the board who maintains a contractual relationship with a board licensee for services provided pursuant to the veterinary license.

A contractual relationship is created when one party offers to provide services or goods and a second party accepts that offer to receive those services or goods. In terms of veterinary medicine, a veterinarian creates a veterinarian-client-patient relationship that specifies services to be performed on the animal patient at specified rates, and the client accepts that offer and agrees to pay for those services. AB 2269 is overbroad and would exclude from the Board public members who enter into and maintain contracts with Board licensees for their animals to receive veterinary care from the licensees. The Board may want to request that the bill be amended to at least exempt contracts between veterinary health care providers and clients for services rendered to animal patients.

Board Counsel recommends that the Board take an Oppose unless amended position on the bill to exempt contracts of a public board member for the provision of veterinary services on the public member's animal patients and authorize the Board's Executive Committee and Executive Officer to communicate with the author and legislative committees to resolve the Board's concerns and, if the Board's concerns are resolved, remove the Board's opposition.

**5. AB [2862](#) (Gipson, 2024) Department of Consumer Affairs: African American Applicants**

**Status:** Senate Business, Professions and Economic Development Committee; hearing canceled at author's request

**Analysis:** 07/01/24 – Senate Business, Professions and Economic Development Committee  
06/20/24 – Senate Business, Professions and Economic Development Committee  
05/20/24 – Assembly Floor Analysis  
05/06/24 – Assembly Appropriations Committee  
04/19/24 – Assembly Judiciary Committee  
04/12/24 – Assembly Business and Professions Committee

Hearing Date: 7/1/24 (Canceled)

**Summary:** This bill would require boards of the Department of Consumer Affairs to prioritize African American applicants seeking licenses under these provisions, especially applicants who are descended from a person enslaved in the United States. The bill would repeal those provisions on January 1, 2029.

**Staff Comments:** The bill would require the Board to prioritize African American applicants seeking licenses, as specified. The bill raises implementation, clarity, and cost concerns.

First, the Business and Professions Code (BPC) currently requires that four applicant populations receive expedited review for licensure from the Board: (1) members of the Armed Forces who have served on active duty and were honorably discharged, (2) members of the Armed Forces enrolled in the US Department of Defense Skillbridge program; (3) spouses or domestic partners of active duty members of the Armed Forces who are currently assigned to a duty station in California under official active duty military orders, and (4) refugees who have been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States or those with a special immigrant visa. (BPC, §§ [115.4](#), [115.5](#), [135.4](#).) Further, the Board is required to process an application within 30 days to register a military spouse or domestic partner licensed in another state. (BPC, § [115.10](#).) AB 2862 is unclear whether it would require the Board to expedite license applications from African American applicants ahead of military members, their spouses or domestic partners, and asylees or refugees.

Second, the bill is unclear on what “prioritize” means and whether it would require the Board to expedite license applications from African Americans or require the Board to do something more, such as outreach to communities and schools to encourage African Americans to apply for Board licensure.

Third, Government Code section [12944](#) prohibits any licensing board from establishing any licensing qualification that has an adverse impact on any class by virtue of its race, unless the practice can be demonstrated to be job related. Further, Government Code section [11135](#) prohibits a state agency from denying full and equal access to the program or activity conducted by the state agency on the basis of race. This bill will require the Board to violate the Government Code prohibitions and select for expedited licensure some license applicants over other license applicants based on race.

Fourth, the Assembly Judiciary Committee April 12, 2024 analysis noted the constitutional concerns with this bill. Such constitutional challenges will be left to each licensing board to litigate, which may result in increased licensing fees creating more barriers to licensure. The litigation costs to the Board, and the Board’s licensees, could be significant if the Board is sued for racial discrimination against other applicants when implementing AB 2862.

The Assembly Judiciary Committee analysis noted that the Respiratory Care Board opposes the bill unless amended for two reasons:

1. First, is the significant time and expense that will be required to identify applicants as African American, and especially to determine if they are descended from a person enslaved in the United States.
2. Second, the time needed to identify a person as a descendant of enslaved persons will slow down the application processing, “which appears to conflict with the bill’s intent.”

The Respiratory Care Board has asked for an amendment that would “allow for self-identification of African American ethnicity by the applicant, as well as the inclusion of a provision that requires the applicant to provide evidence that the applicant is the descendant of a person enslaved in the United States.”

Board Counsel recommends that the Board take an Oppose unless amended position on the bill to clarify what is meant by prioritizing these applications, request clarity of numerical priority as to what type of applicant population would get expedited processing, and require the state, not the Board or its licensees, to cover all costs associated with litigating claims brought against the Board due to its implementation of the bill; and authorize the Board’s Executive Committee and Executive Officer to communicate with the author and legislative committees to resolve the Board’s concerns and, if the Board’s concerns are resolved, remove the Board’s opposition.

6. **AB [2954](#) (Carrillo, 2024) Cats: Declawing Procedures: Prohibition**  
**Board Position: [Executive Committee granted authority to oppose any potential legislation during the 2024 legislative session that prohibits veterinarians from performing any cat declawing procedures](#)**

**Status:** Assembly Business and Professions Committee; hearing canceled at author’s request

**Analysis:**

Hearing Date: 4/8/24 (Canceled)

**Summary:** Existing law prohibits a person from performing, or otherwise procuring or arranging for the performance of, surgical claw removal, declawing, an onychectomy, or a tendonectomy on any cat that is a member of an exotic or native wild cat species, and prohibits a person from otherwise altering such a cat’s toes, claws, or paws to prevent the normal function of the cat’s toes, claws, or paws, except solely for a therapeutic purpose.

This bill would 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 a therapeutic purpose. The bill would subject a person that violates that prohibition to specified civil penalties.

**Staff Comments:** At its [January 2023 meeting](#), the Board was asked to discuss and take possible action on potential legislation regarding cat declaw procedures. The Board’s Executive Officer presented this agenda item and addressed questions. The [cover memo](#) for that item explained that during the July 2022 Board meeting, the Board approved a motion to grant the Executive Committee the authority to oppose any potential legislation during the 2022 legislative session that prohibited veterinarians from performing any cat declawing procedures. At the Board’s April 20, 2022 meeting, the Board voted to oppose

similar legislation, [AB 2606](#) (Carrillo, 2022). Additionally, the Board was asked to review an April 19, 2019 Assembly Business and Professions Committee [analysis](#), which discussed a legislative amendment to [AB 1230](#) (Quirk, 2019), striking prohibition of cat declaw procedures and replacing it with an informed consent requirement. The Board opposed [AB 1230](#).

At the April 2024 meeting, the Board granted its Executive Committee authority to oppose any potential legislation during the 2024 legislative session that prohibits veterinarians from performing any cat declawing procedures.

**7. Senate Bill (SB) [1478](#) (Nguyen, 2024) Veterinary Medicine: Registered Veterinary Technicians**

**Board Position:** Support

**Status:** Assembly Floor; ordered to consent calendar

**Analysis:** 06/28/24 – Assembly Appropriations Committee  
06/21/24 – Assembly Business and Professions Committee  
05/07/24 – Senate Floor Analyses  
04/19/24 – Senate Business, Professions and Economic Development Committee

Hearing Date: 7/2/24

**Summary:** This bill would authorize the order established by the veterinarian that authorizes a registered veterinary technician to perform animal health care services, as described, to include, among other things, information pertaining to time periods by which an impounded animal is required to be assessed at intake and monitored while in the custody of an agency, protocols to address the treatment of common medical conditions encountered in impounded animals, and communication requirements between the registered veterinary technician and the supervising veterinarian.

**Staff Comments:** During its April 2024 meeting, the Board voted unanimously to support SB 1478. The Board's position letter is attached for reference (Attachment 3).

**B. Other Board-Monitored Legislation**

**1. AB [3029](#) (Bains, 2024) Controlled Substances**

**Board Position:** Support

**Status:** Senate Appropriations Committee

**Analysis:** 06/28/24 – Senate Public Safety Committee  
05/20/24 – Assembly Floor Analysis  
04/30/24 – Assembly Appropriations Committee  
04/19/24 – Assembly Business and Professions Committee  
04/01/24 – Assembly Public Safety Committee

Hearing Date: 7/2/24



**Summary:** This bill would add xylazine, as specified, to Schedule III of the California Uniform Controlled Substances Act, except in certain circumstances relating to veterinary use, only after xylazine is placed on Schedule III of the federal Controlled Substances Act. The bill also would exclude from the prohibitions on paraphernalia any testing equipment to analyze a substance for the presence of xylazine and other emerging adulterants as determined by the State Department of Public Health. By creating a new crime, the bill would establish a state-mandated local program.

**Staff Comments:** During its April 2024 meeting, the Board voted unanimously to support AB 3029. The Board's position letter is attached for reference (Attachment 4).

2. **SB 1233 (Wilk, 2024) University of California: Western University of Health Sciences: Veterinary Medicine: Spay and Neuter Techniques**

**Board Position: Support**

**Status:** Assembly Appropriations Committee

**Analysis:** 06/21/24 – Assembly Business and Professions Committee

06/17/24 – Assembly Higher Education Committee

05/19/24 – Senate Floor Analyses

05/16/24 – Senate Appropriations Committee

05/03/24 – Senate Appropriations Committee

04/19/24 – Senate Business, Professions and Economic Development Committee

04/08/24 – Senate Education Committee

Hearing Date: 6/25/24

**Summary:** This bill would request the Regents of the University of California and the governing body of the Western University of Health Sciences, upon appropriation by the Legislature, to develop high-quality, high-volume spay and neuter certification programs to be offered as elective coursework to students enrolled in veterinary medicine programs at their respective institutions, as provided. The bill would require the certification programs to also be offered to California-licensed veterinarians and California-registered veterinary technicians, as provided.

The bill would require the certification programs to make available to the public low- or no-cost ovariectomies, ovariohysterectomies, or gonadectomies for cats and dogs that are performed by program participants, as provided. The bill would require the University of California and the Western University of Health Sciences College of Veterinary Medicine to triennially publish a public progress report on certification program activities, as specified.

This bill would apply to the University of California only to the extent that the regents, by appropriate resolution, make it apply, and to the Western

University of Health Sciences only to the extent that the Office of the Provost makes it apply.

**Staff Comments:** During its April 2024 meeting, the Board voted unanimously to support SB 1233. The Board's position letter is attached for reference (Attachment 5).

3. **SB 1459 (Nguyen, 2024) Animal Shelters**

**Board Position: Watch**

Status: Assembly Appropriations Committee

Analysis: 06/21/24 – Assembly Business and Professions Committee

05/17/24 – Senate Floor Analyses

05/16/24 – Senate Appropriations Committee

05/03/24 – Senate Appropriations Committee

04/19/24 – Senate Business, Professions and Economic  
Development Committee

Hearing Date: 6/25/24

**Summary:** Existing law governs the operation of animal shelters by, among other things, setting a minimum holding period for stray dogs and cats and requiring animal shelters to ensure that dogs and cats, if adopted, are spayed or neutered.

This bill would require, beginning January 1, 2026, public animal control agencies or shelters or private animal shelters with local contracts for animal care to update any data that they make available on their internet website at least once per month, and would require those agencies and shelters to publish specified information on their internet website, including the number of animals taken in during the prior month and the outcomes for animals over the prior month. By expanding the duties of public animal control agencies and shelters, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

**Staff Comments:** During its April 2024 meeting, the Board reviewed and discussed the bill. The Board expressed concerns related to the shelter websites data requirement, and the effectiveness of showing how many kennels were available, as there could be high turnover of animals at the shelter. The Board also noted that unlicensed individuals, including shelter

staff not licensed by the Board, could return or release a cat into the community.

At the April 2024 meeting, there was a motion to support the bill. Because the motion failed, the Board agreed to watch the bill.

**4. SB [1502](#) (Ashby, 2024) Controlled Substances: Xylazine**

**Board Position:** Support

**Status:** Senate Appropriations Committee

**Analysis:** 07/01/24 – Assembly Public Safety Committee

06/10/24 – Assembly Public Safety Committee

05/18/24 – Senate Floor Analyses

05/16/24 – Senate Appropriations Committee

05/03/24 – Senate Appropriations Committee

04/05/24 – Senate Public Safety Committee

Hearing Date: 7/2/24 (Held in Committee and Under Submission)

**Summary:** This bill would add xylazine to the list of Schedule III substances, as specified. If an animal drug containing xylazine that has been approved under the federal Food, Drug and Cosmetic Act is not available for sale in California, the bill would create an exception for a substance that is intended to be used to compound an animal drug, as specified. The bill would exclude from the prohibitions on paraphernalia any testing equipment to analyze a substance for the presence of xylazine. By creating a new crime, the bill would impose a state-mandated local program.

**Staff Comments:** During its April 2024 meeting, the Board voted unanimously to support SB 1502. The Board's position letter is attached for reference (Attachment 6).

**5. SB [1526](#) (Committee on Business, Professions and Economic Development, 2024) Consumer Affairs**

**Board Position:** Support

**Status:** Assembly Floor

**Analysis:** 06/28/24 – Assembly Appropriations Committee

06/21/24 – Assembly Business and Professions Committee

05/20/24 – Senate Business, Professions and Economic  
Development Committee

05/07/24 – Senate Floor Analyses

Hearing Date: 7/2/24

**Summary:** The Senate Business, Professions and Economic Development Committee's omnibus bill would, among other things, rename the Veterinary Medicine Practice Act, the Board, and the veterinary fund, respectively, the "California Veterinary Medicine Practice Act," the "California Veterinary Medical Board," and the "California Veterinary Medical Board Contingent Fund." The bill

also would change instances of “oral” to “verbal” in BPC sections [4826.7](#), [4857](#), and [4886](#).

**Staff Comments:** During its April 2024 meeting, the Board voted unanimously to support SB 1526.

### **C. Legislative Proposals for Consideration to Include in Board’s 2025 Sunset Review Report**

As described below, the attached legislation proposal (Attachment 7) shows proposed amendments and additions regarding disciplinary actions for potential inclusion in the Board’s 2025 Sunset Review Report.

#### **1. Amend BPC Section [4845](#) Regarding Issuing Probationary Veterinary Technician Registrations and Veterinary Assistant Controlled Substance Permits**

Board staff recommend BPC section 4845 be amended to add veterinary assistant controlled substance permit holders (VACSPs) and remove unnecessary and redundant language that may cause confusion.

Specifically, BPC section 4845, subdivisions (a) and (d), contain specific terms and conditions under which the Board may issue a probationary veterinary technician registration. However, the Board already follows its Disciplinary Guidelines and Uniform Standards for Substance Abusing-Licensees when imposing probationary terms and conditions. As such, the proposed amendments would remove the unnecessary and redundant provisions in subdivisions (a)(1) through (4) and (d). Similarly, subdivision (b) of BPC section 4845 is adequately covered under BPC section [480 et seq.](#), and subdivision (c) is covered under BPC section [4887](#), as well as the Board’s Disciplinary Guidelines. In addition, Board staff recommend adding new subdivision (b) to clarify that an unrestricted registration or permit may be issued after completion of the probationary license term.

Further, under the Administrative Procedure Act (APA), an agency may formulate and issue a decision by settlement pursuant to the agreement of the parties without conducting an adjudicative proceeding. (Gov. Code, § [11415.60](#), subd. (a).) However, in an adjudicative proceeding to determine whether an occupational license should be revoked, suspended, limited, or conditioned, a settlement may not be made before issuance of the agency pleading (e.g., Statement of Issues). (Gov. Code, § 11415.60, subd. (b).) Although some boards, such as the Board (BPC, § 4845.) and the Medical Board of California (BPC, §§ [2064.7](#), [2221](#).), have statutory authority to issue a probationary license in the board’s sole discretion, it is unclear how the probationary license statutes operate with the pleading requirements under the APA. As such, the legislative proposal would add new subdivision (c) to clarify the APA adjudication process would not be required for the Board to issue a probationary registration or permit to an

applicant. This proposed amendment is intended to assist the Board and applicants reach stipulated settlements and expedite the issuance of probationary registrations or permits.

**2. Add BPC Section 4882 to Authorize Stipulated Settlements Without Requiring Commencement of Formal Disciplinary Proceedings under Administrative Procedure Act**

As noted above under Item 2, an adjudicative proceeding to determine whether an occupational license should be revoked, suspended, limited, or conditioned, a settlement may not be made before issuance of the agency pleading (e.g., Accusation). (Gov. Code, § 11415.60, subd. (b).) Currently, when the Board's Executive Officer initiates a formal disciplinary proceeding against a licensee, registrant, or permit holder, Board staff transmit the case to the Office of the Attorney General (OAG) to prepare, file, and serve an Accusation in accordance with the APA. The information transmitted to the OAG includes settlement terms and conditions that are consistent with the Board's Disciplinary Guidelines. Most disciplinary cases result in stipulated settlements mirroring what was initially included in the transmittal memo, but those cases may not be resolved for another year or more after transmitting the case to the OAG.

As part of the DCA Director's Enlighten Enforcement Project and Data Workgroups, it was recognized that some boards and bureaus under the DCA have statutory authority to accept stipulated settlements without requiring formal disciplinary proceedings under the APA. (See BPC, §§ [6582.2](#) and [10100.4](#).) Similar to the Board's current probationary registration/permit process, these programs enter into stipulated settlements without transmitting the case to the OAG to prepare, file, and serve an Accusation or Statement of Issues. The process is completely voluntary to the involved parties (Complainant and Respondent) and are still adopted by the Board. This allows quicker resolution for all parties and leads to quicker consumer protection. This also reduces costs for the Respondent and the Board.

To significantly reduce disciplinary cycle times and Board/Respondent costs related to formal disciplinary proceedings, Board staff recommend adding to the Veterinary Medicine Practice Act BPC section 4882, mirroring other board/bureau language that authorizes resolution of an administrative action through stipulated settlement without first requiring commencement of proceedings under the APA.

**3. Amend BPC Section [4887](#) Regarding Petitions for Reinstatement or Modification or Early Termination of Probation**

Board staff recommend amending BPC section 4887 to add VACSPs, allowing them to petition for reinstatement or modification or early termination of probation, and add language to accommodate reinstatement petitions following surrender of a license, registration, or permit. (Prop. BPC, § 4887,

subd. (a), (b), and (c).) In addition, Board staff recommend removing the requirement for a vote of five members of the Board to vote to reinstate a revoked license or registration under subdivision (c), as that provision unnecessarily impedes the ability of the Board to resolve reinstatement petitions, especially if the Board membership drops to five members, which is a quorum of the Board.

Further, the language in proposed new subdivision (e) is recommended to address potential delays by petitioners granted reinstatement in completion of specified conditions precedent. For example, if a petitioner was granted reinstatement and only required to complete continuing education or pay cost recovery as conditions precedent to reinstatement, but the petitioner waits for five or more years to complete those conditions, that delay may significantly change the petitioner's competency to practice. By the time the petitioner completes the conditions precedent, the Board may have otherwise determined the petitioner needed examination prior to reinstatement to ensure public protection. However, under the current statute, the Board's decision granting reinstatement could remain open indefinitely, removing the Board's ability to require additional conditions precedent when there is concern over the lengthy time away from practice. To assure the petitioner is suitable to return to practice, the proposed amendments would establish a one-year deadline for the petitioner to complete the conditions precedent for reinstatement.

**Action Requested:** If the Board agrees with the legislative proposal, please entertain a motion to include in the Board's 2025 Sunset Review Report a recommendation to the California State Legislature the legislative proposal to amend BPC sections 4845 and 4887 and add section 4882 as shown in Attachment 7.

### **Attachments**

1. Board AB 814 Opposition Letter, dated June 3, 2024
2. Board AB 2133 Opposition Letter, dated April 26, 2024
3. Board SB 1478 Support Letter, dated June 5, 2024
4. Board AB 3029 Support Letter, dated June 5, 2024
5. Board SB 1233 Support Letter, dated May 14, 2024
6. Board SB 1502 Support Letter, dated June 5, 2024
7. Legislative Proposal to Amend Business and Professions Code Sections 4845 and 4887, and Add Section 4882 Regarding Disciplinary Actions



June 3, 2024

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

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

Dear Assembly Member 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.

The Board remains opposed to AB 814. The Board's April 24 and May 18, 2023 opposition letters are attached for reference. All of the concerns outlined in those letters remain. However, those concerns were heightened on May 10, 2024, when Governor Gavin Newsom [released](#) the [May Revision](#) of the proposed 2024-25 State budget that reduces and stabilizes spending following the COVID-19 pandemic. The budget proposal includes cuts of one-time spending by \$19.1 billion and ongoing spending by \$13.7 billion through 2025-26; a nearly 8% cut to state operations; and a targeted elimination of 10,000 vacant state positions.

Until the State budget is finalized, it is uncertain how these cuts will specifically impact the Board. In the meantime, all state boards continue to scrutinize expenditures and maximize cost savings and are only authorizing expenditures that are mission critical and essential to operations and public services.

Due to the numerous concerns outlined in the Board's previous letters and the new heightened concerns surrounding the State's economic uncertainty, the Board strongly urges you to not move forward with AB 814.

Sincerely,

Christina Bradbury, DVM, President  
 Veterinary Medical Board

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

cc: Senate Business, Professions and Economic Development Committee



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 DEPARTMENT OF CONSUMER AFFAIRS • VETERINARY MEDICAL BOARD  
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 P (916) 515-5220 | Toll-Free (866) 229-0170 | www.vmb.ca.gov



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

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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.

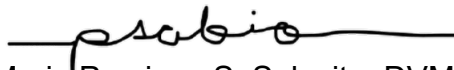
Further, this bill would take a considerable amount of time to implement as it would require extensive regulations. The bill would require the Veterinary Medical Board to work with the Physical Therapy Board of California to determine qualifications to receive an authorization in animal physical rehabilitation, 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



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR  
 DEPARTMENT OF CONSUMER AFFAIRS • VETERINARY MEDICAL BOARD  
 1747 North Market Blvd., Suite 230, Sacramento, CA 95834-2978  
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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

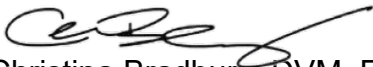
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In addition, the Board is concerned any newly assessed fees for the animal physical therapist registration would automatically make the registration unattainable. To assess the fees, the Board would take the “reasonable regulatory costs,” divided by 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](http://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



April 26, 2024

The Honorable Ash Kalra  
 California State Assembly  
 1021 O Street, Suite 4610  
 Sacramento, CA 95814

Re: Assembly Bill (AB) 2133 (Kalra, 2024) – Oppose

Dear Assembly Member Kalra:

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 enforcing the California 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.

The Board respectfully opposes AB 2133. AB 2133 would authorize registered veterinary technicians (RVTs) to perform neuter surgeries on male domestic cats under the direct supervision of a California-licensed veterinarian after completing a Board-approved training and receiving Board approval. The Board's primary concern is that this bill will result in life-threatening harm to animal patients, because RVTs do not possess the knowledge or training required to perform surgery. Veterinarians complete years of rigorous accredited training to provide pre-operative care, assess patients' suitability for anesthesia, perform surgery, and provide adequate postoperative care. Veterinarians are also trained to make quick, lifesaving medical decisions when something goes wrong during the procedure, such as an adverse reaction to anesthesia or excessive bleeding.

While RVTs must complete a two-year curriculum (which may or may not be accredited) prior to being registered by the Board, the training is technical in nature and does not include the necessary steps and medical decision making that must occur before, during, and after surgery. The necessary training required to protect the health and safety of animals should be equivalent to that of veterinarians, and there is no accredited curriculum for RVTs to perform surgery. Directing the Board to develop a non-accredited curriculum for RVTs to perform surgery would be below the standard and result in inadequate training.

Further, the Board does not have the knowledge or expertise to establish training curriculum in techniques and procedures. As such, the Board would have to rely on the availability and voluntary participation of outside experts, such as faculty members from the veterinary schools, to assist in developing the curriculum. It appears more appropriate for accredited veterinary schools to establish the appropriate curriculum, similar to the goal of SB [1233](#).

The Honorable Ash Kalra

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If the bill's requirement for the Board to establish the training curriculum through regulation remains, the Board will need to hold multiple meetings (held quarterly) and such regulation would likely take well over a year to approve due to the contentious nature of the issue. Once approved by the Board and the rulemaking process is initiated, it would likely take another two years before enactment of the regulation. The Board would note this bill will not be the quick fix for feline overpopulation that the bill's sponsor anticipates.

The Board also notes that this bill, as written, would not be able to be implemented, as it lacks the necessary steps for the Board to approve RVTs seeking to perform neuter surgeries under the bill. This includes, but is not limited to, requiring an application to be submitted to the Board for approval to perform neuter surgeries, a requirement for the RVT to submit proof of the completed training, and an appropriate fee to cover Board staff costs to review documents submitted by the RVTs. The bill also does not currently require an examination be performed on the animal prior to surgery to determine if the animal is healthy enough for the surgery – a task that cannot be delegated to the RVT.

This bill, if passed, will result in significant patient harm. For these reasons, the Board strongly opposes AB 2133.

Sincerely,



Christina Bradbury, DVM, President  
Veterinary Medical Board



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



June 5, 2024

The Honorable Janet Nguyen  
 California State Senate  
 1021 O Street, Suite 7130  
 Sacramento, CA 95814

Re: Senate Bill (SB) 1478 (Nguyen, 2024) – Support

Dear Senator Nguyen:

The Veterinary Medical Board (Board) regulates the largest population of veterinarians and registered veterinary technicians (RVTs) in the nation. Its mission is to protect consumers and animals by regulating licensees, promoting professional standards, and enforcing the California 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.

The Board voted unanimously to support SB 1478. Under existing law, RVTs are authorized to perform animal health care services on animals impounded by a state, county, city, or city and county agency pursuant to the order of a veterinarian licensed or authorized to practice in this state.

SB 1478 would authorize the order established by the veterinarian that authorizes an RVT to perform animal health care services, as described, to include, among other things, information pertaining to time periods by which an impounded animal is required to be assessed at intake and monitored while in the custody of an agency, protocols to address the treatment of common medical conditions encountered in impounded animals, and communication requirements between the RVT and the supervising veterinarian.

The Board appreciates the clarity SB 1478 would provide to veterinarians and RVTs and believes this bill will encourage consistency and guidance to the veterinary profession.

As such, the Board supports SB 1478.

Sincerely,

Christina Bradbury, DVM, President  
 Veterinary Medical Board

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



June 5, 2024

The Honorable Jasmeet Bains  
 California State Assembly  
 1021 O Street, Suite 5730  
 Sacramento, CA 95814

Re: Assembly Bill (AB) 3029 (Bains, 2024) – Support

Dear Assembly Member Bains:

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 enforcing the California 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.

At its April 2024 meeting, the Board voted unanimously to support AB 3029. AB 3029 adds xylazine, as specified, to Schedule III of the California Uniform Controlled Substances Act, except in certain circumstances relating to veterinary use, only after xylazine is placed on Schedule III of the federal Controlled Substances Act. The bill would also exclude from the prohibitions on paraphernalia any testing equipment to analyze a substance for the presence of xylazine and other emerging adulterants as determined by the State Department of Public Health.

As you are aware, xylazine is a U.S. Food and Drug Administration approved drug for veterinary use for a wide array of purposes, such as sedation, anesthesia, and pain relief for many animal species, particularly livestock and equine. It is not only an important drug for the health of large animal patients but is also critical to the safety of veterinarians and veterinary staff.

With that said, the Board understands the need to combat the quickly growing epidemic related to xylazine abuse in the illicit drug market. While reports suggest xylazine is already mixed with fentanyl when illegally trafficked into the U.S.,<sup>1</sup> the Board appreciates your efforts to better regulate, track, and ideally reduce the illegal xylazine use in the state while still protecting legitimate veterinary use.

For these reasons, the Board supports AB 3029.

Sincerely,

Christina Bradbury, DVM, President  
 Veterinary Medical Board

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

<sup>1</sup> U.S. Drug Enforcement Administration, [DEA Reports Widespread Threat of Fentanyl Mixed with Xylazine](#), Nov. 2022; U.S. Department of Treasury, [Treasury Targets Large Chinese Network of Illicit Drug Producers](#), October 2023.



May 14, 2024

The Honorable Scott Wilk  
 California State Senate  
 1021 O Street, Suite 7140  
 Sacramento, CA 95814

Re: Senate Bill (SB) 1233 (Wilk, 2024) – Support

Dear Senator Wilk:

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 enforcing the California 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.

Over the last several years, the Board has worked to improve access to quality veterinary care throughout California by identifying and eliminating unnecessary barriers to licensure and streamlining the licensing process for veterinarians and registered veterinary technicians (RVTs). This has resulted in veterinary professionals entering the workforce faster than ever before. However, access to care is a multifaceted problem that requires a multifaceted approach. The Board may be licensing professionals faster, but if licensees are not comfortable or unwilling to provide specific services and consumers are unable to afford the veterinary services, the access to care problem remains. SB 1233 provides the necessary multifaceted solutions.

By creating and implementing the nation's first High-Quality High-Volume Spay/Neuter (HQHVSN) certification program for new graduates, practicing veterinarians, and RVTs, SB 1233 will provide the confidence veterinarians, especially new graduates, need to provide HQHVSN services. In addition, SB 1233 addresses the economic barrier by providing low-cost or no-cost spay and neuter services to consumers in need.

The Board proudly supports SB 1233 and appreciates your willingness to author the bill and the California Veterinary Medical Association for sponsoring.

Sincerely,

Christina Bradbury, DVM, President  
 Veterinary Medical Board





June 5, 2024

The Honorable Angelique Ashby  
 California State Senate  
 1021 O Street, Suite 7320  
 Sacramento, CA 95814

Re: Senate Bill (SB) 1502 (Ashby, 2024) – Support

Dear Senator Ashby:

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 enforcing the California 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.


At its April 2024 meeting, the Board voted unanimously to support SB 1502. SB 1502 adds xylazine to the list of Schedule III substances, as specified. If an animal drug containing xylazine that has been approved under the federal Food, Drug and Cosmetic Act is not available for sale in California, the bill would create an exception for a substance that is intended to be used to compound an animal drug or an animal drug compound containing xylazine, as specified. The bill would exclude from the prohibitions on paraphernalia any testing equipment to analyze a substance for the presence of xylazine.

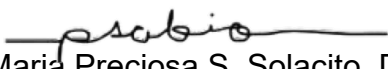
As you are aware, xylazine is a U.S. Food and Drug Administration approved drug for veterinary use for a wide array of purposes, such as sedation, anesthesia, and pain relief for many animal species, particularly livestock and equine. It is not only an important drug for the health of large animal patients but is also critical to the safety of veterinarians and veterinary staff.

With that said, the Board understands the need to combat the quickly growing epidemic related to xylazine abuse in the illicit drug market. While reports suggest xylazine is already mixed with fentanyl when illegally trafficked into the U.S.,<sup>1</sup> the Board appreciates your efforts to better regulate, track, and ideally reduce the illegal xylazine use in the state while still protecting legitimate veterinary use.

For these reasons, the Board supports SB 1502.

Sincerely,

  
 Christina Bradbury, DVM, President  
 Veterinary Medical Board

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

<sup>1</sup> U.S. Drug Enforcement Administration, [DEA Reports Widespread Threat of Fentanyl Mixed with Xylazine](#), Nov. 2022; U.S. Department of Treasury, [Treasury Targets Large Chinese Network of Illicit Drug Producers](#), October 2023.

**VETERINARY MEDICAL BOARD**  
**LEGISLATIVE PROPOSAL TO AMEND**  
**BUSINESS AND PROFESSIONS CODE SECTIONS 4845 AND 4887, AND ADD**  
**SECTION 4882 REGARDING DISCIPLINARY ACTIONS**

Additions are indicated in single underline.

Deletions are indicated in ~~single strikethrough~~

Amend sections 4845 and 4887 and add section 4882 to the Business and Professions Code as follows:

**4845.** (a) Notwithstanding any other provision of law, the board may, in its sole discretion, issue a probationary registration or permit under this article to an applicant subject to terms and conditions deemed appropriate by the board, ~~including, but not limited to, the following:~~

- ~~(1) Continuing medical, psychiatric, or psychological treatment.~~
- ~~(2) Ongoing participation in a specified rehabilitation program.~~
- ~~(3) Abstention from the use of alcohol or drugs.~~
- ~~(4) Compliance with all provisions of this chapter.~~

~~(b) (1) Notwithstanding any other provision of law, and for purposes of this section, when deciding whether to issue a probationary registration, the board shall request that an applicant with a dismissed conviction provide proof of that dismissal and shall give special consideration to applicants whose convictions have been dismissed pursuant to Section 1203.4 or 1203.4a of the Penal Code.~~

~~(2) The board shall also take into account and consider any other reasonable documents or individual character references provided by the applicant that may serve as evidence of rehabilitation as deemed appropriate by the board.~~

~~(c) The board may modify or terminate the terms and conditions imposed on the probationary registration upon receipt of a petition from the applicant or registrant.~~

~~(d) For purposes of issuing a probationary license to qualified new applicants, the board shall develop standard terms of probation that shall include, but not be limited to, the following:~~

- ~~(1) A three-year limit on the individual probationary registration.~~
- ~~(2) A process to obtain a standard registration for applicants who were issued a probationary registration.~~
- ~~(3) Supervision requirements.~~

~~(4) Compliance and quarterly reporting requirements.~~

(b) Upon successful completion of all terms and conditions of probation or termination of the probationary terms and conditions pursuant to subdivision (c), the board may issue an unrestricted registration or permit to the registrant or permitholder.

(c) Adjudication under the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) shall not be required to issue a probationary registration or permit pursuant to subdivision (a).

**4882.** Notwithstanding Section 4875 of this code and Section 11415.60 of the Government Code, a licensee, registrant, or permitholder may enter into a settlement to resolve an administrative action, including through license, registration, or permit surrender, suspension, or revocation, or placing the license, registration, or permit on probation, instead of commencement of proceedings under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. Such settlement shall be subject to board approval or counteroffer of terms of the settlement of the action. At any time prior to the issuance of a decision and order by the board adopting the settlement, the licensee, registrant, or permitholder may withdraw the settlement and request commencement of proceedings in accordance with Section 4875. The decision and order adopting the settlement shall be considered discipline and shall be posted on the board's Internet Web site.

**4887.** (a) (1) A person whose license, ~~or registration, or permit~~ has been revoked or surrendered to resolve a disciplinary proceeding or who has been placed on probation may petition the board for reinstatement or modification of penalty including modification or termination of probation after the period as described below in subparagraphs (A) to (C), inclusive, has elapsed from the effective date of the decision ordering the disciplinary action. The petition shall state facts as required by the board. The period shall be as follows:

(A) At least three years for reinstatement of a surrendered or revoked license, registration, or permit.

(B) At least two years for early termination or modification of probation of three years or more.

(C) At least one year for modification of a condition or termination of probation of less than three years.

(2) Notwithstanding paragraph (1), the board may, upon a showing of good cause, specify in a revocation order, a surrender order, or an order imposing probation of more than three years that the person may petition the board for reinstatement or modification or termination of probation after one year.

(b) The petition shall be accompanied by at least two verified recommendations from veterinarians licensed by the board who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed. The petition shall be heard by the

board. The board may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities since the license, ~~or~~ registration, or permit was in good standing, and the petitioner's rehabilitation efforts, general reputation for truth, and professional ability. The hearing may be continued from time to time as the board finds necessary.

(c) The board reinstating the license, ~~or~~ registration, or permit or modifying a penalty may impose terms and conditions as it determines necessary. ~~To reinstate a revoked license or registration or to otherwise reduce a penalty or modify probation shall require a vote of five of the members of the board.~~

(d) The petition shall not be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. The board may deny without a hearing or argument any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.

(e) If the petition is granted, the petitioner shall have one year from the effective date of the decision to satisfy all conditions required to be completed prior to any change of the status of the license, registration, or permit as ordered in the decision.