



MEMORANDUM

DATE	October 3, 2024
TO	Multidisciplinary Advisory Committee (MDC)
FROM	<u>Registered Veterinary Technician (RVT) Subcommittee</u> Kristi Pawlowski, RVT Leah Shufelt, RVT
SUBJECT	Agenda Item 6. Update, Discussion, and Potential Recommendation from the RVT Subcommittee

A. Proposed Legislation to Amend Sections 4836.2, 4839, 4841.5, 4875, 4875.1, 4875.2, 4883, 4885, 4886, 4901.2, and 4902, Repeal Sections 4837, 4841.4, 4842, 4845.5, 4876, and 4881, and Add Section 4882 to the Business and Professions Code (BPC) Regarding Registration and Permit Applications and Disciplinary Actions

In September 2024, the RVT Subcommittee met to review a legislative proposal prepared by Board Counsel and staff that removes unnecessary and/or redundant language, combines sections where appropriate, and better aligns the RVT application and disciplinary processes with that of the veterinarian license application and disciplinary processes. In addition, the proposal adds “veterinary assistant controlled substance permits” (VACSPs) to various sections that appeared to have been missed when initially creating the VACSP.

The proposal also creates a pathway for veterinary college graduates and ECFVG or PAVE certificate holders to obtain an RVT registration. The American Association of Veterinary State Boards (AAVSB) has agreed to approve these graduates to take the Veterinary Technician National Examination (VTNE) if the statute provides the clear pathway to registration.

After making a few changes to the proposal, the RVT Subcommittee agreed the proposal should go to the MDC and the Board for review. For ease of review, the attached document contains the legislative proposal and the rationale for each change. The RVT Subcommittee will walk the MDC through the proposal during the October meeting.

Action Requested:

If the MDC agrees with the RVT Subcommittee’s legislative proposal recommendation, the MDC is asked to entertain a motion to recommend to the Board submission to the California State Legislature the attached legislative proposal to amend sections 4836.2, 4839, 4841.5, 4875, 4875.1, 4875.2, 4883, 4885, 4886, 4901.2, and 4902, repeal sections 4837, 4841.4, 4842, 4845.5, 4876, and 4881, and add section 4882 to the BPC regarding registration and permit applications and disciplinary actions.

Attachment:

1. Legislative Proposal to Amend Business and Professions Code Sections 4836.2, 4839, 4841.5, 4875, 4875.1, 4875.2, 4883, 4885, 4886, 4901.2, and 4902, Repeal Sections 4837, 4841.4, 4842, 4845.5, 4876, and 4881, and Add Section 4882 Regarding Registration and Permit Applications and Disciplinary Actions

VETERINARY MEDICAL BOARD

LEGISLATIVE PROPOSAL TO AMEND BUSINESS AND PROFESSIONS CODE SECTIONS 4836.2, 4839, 4841.5, 4875, 4875.1, 4875.2, 4883, 4885, 4886, 4901.2, AND 4902, REPEAL SECTIONS 4837, 4841.4, 4842, 4845.5, 4876, AND 4881, AND ADD SECTION 4882 REGARDING REGISTRATION AND PERMIT APPLICATIONS AND DISCIPLINARY ACTIONS

Additions are indicated in single underline.

Deletions are indicated in ~~single strikethrough~~.

Amend sections 4836.2, 4839, 4841.5, 4875, 4875.1, 4875.2, 4883, 4885, 4886, 4901.2, and 4902, repeal sections 4837, 4841.4, 4842, 4845.5, 4876, and 4881, and add section 4882 of the Business and Professions Code as follows:

[Rationale to amend BPC section 4836.2: This section was amended to more closely align with the veterinarian license requirements in BPC section 4846. Amendments also would remove sections that are covered in amendments to BPC sections 4845 and 4883(a), (i), (g), (j), and (o).]

4836.2. (a) To obtain a veterinary assistant controlled substance permit in California, an individual shall satisfy the following requirements:

(1) Complete and submit an application ~~Applications for a veterinary assistant controlled substance permit shall be upon a form furnished by the board.~~

(2) Pay the applicable fees specified in Section 4905.

(3) Pursuant to Section 144, submit a full set of fingerprints for the purpose of conducting a criminal history record check and undergo a state and federal criminal offender record information search conducted through the Department of Justice, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state or federal response to the board pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(b) The applicant shall disclose each state, Canadian province, or United States territory in which the applicant currently holds or has ever held a license, registration, or permit to practice veterinary medicine. License verification, including any disciplinary or enforcement history, shall be confirmed through electronic means or direct submission from each state, Canadian province, or United States territory in which the applicant has identified the applicant holds or has ever held a license to practice veterinary medicine.

(c) A veterinary assistant controlled substance permit application shall be subject to denial pursuant to Sections 480 and 4883.

~~(b) The board may suspend or revoke the controlled substance permit of a veterinary assistant after notice and hearing for any cause provided in this subdivision. The proceedings under this section shall be conducted in accordance with the provisions for administrative adjudication in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The board may deny, revoke, or suspend a veterinary assistant controlled substance permit, or, subject to terms and conditions deemed appropriate by the board, issue a probationary veterinary assistant controlled substance permit, for any of the following reasons: [Note: “Probationary” permit covered under BPC section 4845 amendment]~~

~~(1) The employment of fraud, misrepresentation, or deception in obtaining a veterinary assistant controlled substance permit. [Note: Covered under BPC section 4883 amendment]~~

~~(2) Chronic inebriety or habitual use of controlled substances. [Note: BPC section 4883(g)(2)(A) would make it cause for VACSP application denial or discipline for use of any controlled substance under unprofessional conduct; however, the Board could add "chronic inebriety or habitual use of controlled substances" to that section.]~~

~~(3) The applicant or permitholder has been convicted of a state or federal felony controlled substance violation. [Note: BPC sections 480(a)(1) and 4883(g)(1) applies to misdemeanor or felony criminal convictions for dangerous drugs or controlled substances.]~~

~~(4) Violating or attempts to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, or of the regulations adopted under this chapter. [Note: Covered under BPC section 4883(a), (j), (o).]~~

~~(5) Conviction of a crime substantially related to the qualifications, functions, or duties of veterinary medicine, veterinary surgery, or veterinary dentistry, in which case the record of the conviction shall be conclusive evidence. [Note: Criminal convictions covered under BPC sections 480(a)(1) and 4883(a).]~~

~~(c) (1) As part of the application for a veterinary assistant controlled substance permit, the applicant shall submit to the Department of Justice fingerprint images and related information, as required by the Department of Justice for all veterinary assistant applicants, for the purposes of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests and information as to the existence and content of a record of state or federal arrests for which the Department of Justice establishes that the person is free on bail or on the person's own recognizance pending trial or appeal.~~

~~(2) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information~~

~~that it receives pursuant to this section. The Department of Justice shall review any information returned to it from the Federal Bureau of Investigation and compile and disseminate a response to the board summarizing that information.~~

~~(3) The Department of Justice shall provide a state or federal level response to the board pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.~~

~~(4) The Department of Justice shall charge a reasonable fee sufficient to cover the cost of processing the request described in this subdivision.~~

~~(d) The board shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for persons described in paragraph (1) of subdivision (c). [Note: The Board has authority under BPC section 144.5 to receive continued reports on VACSP holders.]~~

[Rationale to repeal BPC section 4837: This is the same list as the VACSPs above, which contains the same rationale.]

~~**4837.** The board may revoke or suspend the registration of a registered veterinary technician in this state after notice and hearing for any cause provided in this article. The proceedings under this article shall be conducted in accordance with the provisions for administrative adjudication in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The board may revoke or suspend a certificate of registration for any of the following reasons:~~

~~(a) The employment of fraud, misrepresentation or deception in obtaining a registration.~~

~~(b) Conviction of a crime substantially related to the qualifications, functions and duties of a registered veterinary technician in which case the record of such conviction will be conclusive evidence.~~

~~(c) Chronic inebriety or habitual use of controlled substances.~~

~~(d) For having professional connection with or lending one's name to any illegal practitioner of veterinary medicine and the various branches thereof.~~

~~(e) Violating or attempts to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, or of the regulations adopted under this chapter.~~

[Rationale to amend BPC section 4839: Removes references to sections proposed for repeal and the obsolete operative date]

4839. (a) For purposes of this article, a registered veterinary technician means a person who has met the requirements set forth in ~~Sections 4841.4 and Section 4841.5,~~ has passed the examination described in Section 4841.4, and is registered by the board.

~~(b) This section shall become operative on January 1, 2011.~~

[Rationale to repeal BPC section 4841.4: This section is combined with application requirements in section 4841.5.]

~~**4841.4.** (a) The board, by means of examination, shall determine the professional qualifications of all applicants who wish to register as veterinary technicians in California. A registration shall not be issued to anyone who has not demonstrated their competency by examination.~~

~~(b) Subject to subdivision (d), the examination for veterinary technicians shall consist of a national licensing examination.~~

~~(c) For examination purposes, the board may make contractual arrangements on a sole source basis with organizations furnishing examination material as it may deem desirable and shall be exempt from Section 10115 of the Public Contract Code.~~

~~(d) The national licensing examination shall be implemented upon availability of the computerized examination on or after January 1, 2011.~~

[Rationale to amend BPC section 4841.5: Amendments restructure RVT application requirements for improved ease of readability and clarity of requirements for applicants. Amendments combine application and exam requirements and more closely align with the veterinarian license requirements in BPC section [4846](#). Amendments also would remove sections that are covered in amendments to BPC sections 4845 and 4883(a), (i), (g), (j), and (o).]

4841.5. (a) To obtain registration as a registered veterinary technician, the applicant shall satisfy the following requirements:

(1) Complete and submit an application upon a form furnished by the board.

(2) Pay the applicable fees specified in Section 4905.

(3) Pursuant to Section 144, submit a full set of fingerprints for the purpose of conducting a criminal history record check and undergo a state and federal criminal offender record information search conducted through the Department of Justice, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state or federal response to the board pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(4) Furnish satisfactory evidence of one of the following:

~~(aA)~~ Graduation from, at minimum, a two-year curriculum in veterinary technology, in a college or other postsecondary institution accredited by the American Veterinary Medical Association ~~approved by the board~~, or the equivalent thereof, as determined by the board. In the case of a private postsecondary institution, the institution shall also be approved by the Bureau for Private Postsecondary Education. Proof of graduation shall be ~~submitted directly to the board by~~ confirmed through electronic means or direct submission from the college, other postsecondary institution, or American Association of Veterinary State Boards (AAVSB). **[Note: These revisions were approved by the Board at the 4/19-20/23 meeting]**

(bB) Education or a combination of education and clinical practice experience, as determined by the board.

~~(eC)~~ Education equivalency certified by the ~~American Association of Veterinary State Boards~~ AAVSB'S Program for the Assessment of Veterinary Education Equivalence (PAVE) for Veterinary Technicians. The certificate of education equivalence shall be ~~submitted directly to the board by~~ confirmed through electronic means or direct submission from the American Association of Veterinary State Boards AAVSB. **[Note: These revisions were approved by the Board at the 4/19-20/23 meeting]**

(D) Graduation from a veterinary college recognized by the board. Proof of graduation shall be confirmed through electronic means or direct submission from the veterinary college or the AAVSB. [Note: This provides a pathway for a veterinary college graduate to obtain an RVT registration.]

(E) Education equivalency certified by the Educational Commission for Foreign Veterinary Graduates (ECFVG) or PAVE. The certificate of education equivalence shall be confirmed through electronic means or direct submission from ECFVG or PAVE. [Note: This provides a pathway for an ECFVG or PAVE certificate holder to obtain an RVT.]

(5) Pass the national licensing examination for veterinary technicians. If the applicant passed the national licensing examination over five years from the date of submitting the veterinary technician registration application, the applicant shall satisfy one of the following:

(A) Retake and pass the national licensing examination.

(B) Submit proof of having practiced clinical veterinary medicine for a minimum of two years and completed a minimum of 2,500 hours of clinical practice in another state, Canadian province, or United States territory within the three years immediately preceding filing an application for licensure in this state. [Note: At the 4/19-20/23 Board meeting, the Board approved amendments to provide for out-of-state licensure with a minimum of 4,416 hours in no less than 24 months, which is

the current regulatory requirement. The RVT Subcommittee recommends reducing the hours of practice required to match the hours required for out-of-state veterinarians in BPC section 4846(a)(5)(B)(ii).]

(i) The directed clinical practice shall have provided the applicant with knowledge, skills, and abilities in the areas of communication with clients, patient examinations, emergency procedures, laboratory procedures, diagnostic imaging, surgical assisting, anesthesia, animal nursing, nutrition, dentistry, animal behavior, and pharmacology. The supervising veterinarian(s) shall complete a check list attesting to proficiency in specific skill areas within the preceding categories.

(C) Complete the minimum continuing education requirements of Section 4846.5 for the current and preceding year.

(c) The applicant shall disclose each state, Canadian province, or United States territory in which the applicant currently holds or has ever held a license, registration, or permit to practice veterinary medicine. License verification, including any disciplinary or enforcement history, shall be confirmed through electronic means or direct submission from each state, Canadian province, or United States territory in which the applicant has identified the applicant holds or has ever held a license to practice veterinary medicine.

(d) An application for veterinary technician registration shall be subject to denial pursuant to Sections 480 and 4883.

[Rationale to repeal BPC section 4842: During its April 2023 meeting, the Board approved striking "to take a written and practical examination for registration as a registered veterinary technician". With that said, the entire section is covered under the BPC section 4883 amendments.]

~~4842. The board may deny an application to take a written and practical examination for registration as a registered veterinary technician if the applicant has done any of the following:~~

~~(a) Committed any act which would be grounds for the suspension or revocation of registration under this chapter.~~

~~(b) While unregistered, committed, or aided and abetted the commission of, any act for which a certificate of registration is required by this chapter.~~

~~(c) Knowingly made any false statement in the application.~~

~~(d) Been convicted of a crime substantially related to the qualifications, functions and duties of a registered veterinary technician.~~

~~(e) Committed any act that resulted in a revocation by another state of his or her license, registration, or other procedure by virtue of which one is licensed or allowed to practice veterinary technology in that state.~~

[Rationale to repeal BPC section 4845.5: The entire section is covered under BPC section 480, Penal Code section 11105, subd. (t), the BPC section 4883 amendments and new BPC section 4882.]

~~**4845.5.** (a) Notwithstanding Sections 4837 and 4842.6 or any other provision of law, the board may revoke, suspend, or deny at any time a registration under this article on any of the grounds for disciplinary action provided in this article. The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.~~

~~(b) The board may deny a registration to an applicant on any of the grounds specified in Section 480.~~

~~(c) In addition to the requirements provided in Sections 485 and 486, upon denial of an application for registration, the board shall provide a statement of reasons for the denial that does the following:~~

~~(1) Evaluates evidence of rehabilitation submitted by the applicant, if any.~~

~~(2) Provides the board's criteria relating to rehabilitation, formulated pursuant to Section 482, that takes into account the age and severity of the offense, and the evidence relating to participation in treatment or other rehabilitation programs.~~

~~(3) If the board's decision was based on the applicant's prior criminal conviction, justifies the board's denial of a registration and conveys the reasons why the prior criminal conviction is substantially related to the qualifications, functions, or duties of a registered veterinary technician.~~

~~(d) Commencing July 1, 2009, all of the following shall apply:~~

~~(1) If the denial of a registration is due at least in part to the applicant's state or federal criminal history record, the board shall, in addition to the information provided pursuant to paragraph (3) of subdivision (c), provide to the applicant a copy of his or her criminal history record if the applicant makes a written request to the board for a copy, specifying an address to which it is to be sent.~~

~~(A) The state or federal criminal history record shall not be modified or altered from its form or content as provided by the Department of Justice.~~

~~(B) The criminal history record shall be provided in such a manner as to protect the confidentiality and privacy of the applicant's criminal history~~

~~record and the criminal history record shall not be made available by the board to any employer.~~

~~(C) The board shall retain a copy of the applicant's written request and a copy of the response sent to the applicant, which shall include the date and the address to which the response was sent.~~

~~(2) The board shall make that information available upon request by the Department of Justice or the Federal Bureau of Investigation.~~

~~(e) Notwithstanding Section 487, the board shall conduct a hearing of a registration denial within 90 days of receiving an applicant's request for a hearing. For all other hearing requests, the board shall determine when the hearing shall be conducted.~~

[Rationale to amend BPC section 4875: The first sentence is covered under BPC section 4883. VACSP is being added. The second proposed strikethrough is because it is being moved to BPC section 4882]

~~**4875.** The board may revoke or suspend for a certain time the license, or registration of any person to practice veterinary medicine or any branch thereof in this state after notice and hearing for any of the causes provided in this article. In addition to its authority to suspend or revoke a license, or registration, or permit, the board shall have the authority to assess a fine not in excess of five thousand dollars (\$5,000) against a licensee, or registrant, or permitholder for any of the causes specified in Section 4883. A fine may be assessed in lieu of or in addition to a suspension or revocation. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. Notwithstanding the provisions of Section 4903, all fines collected pursuant to this section shall be deposited to the credit of the Veterinary Medical Board Contingent Fund.~~

[Rationale to amend BPC section 4875.1: VACSP is being added and the list of professionals is proposed to change to "individual" to include those practicing without a license.]

4875.1. (a) In order to ensure that its resources are maximized for the protection of the public, the board shall prioritize its investigative and prosecutorial resources to ensure that veterinarians, ~~and~~ registered veterinary technicians, and veterinary assistant controlled substance permitholders representing the greatest threat of harm are identified and disciplined expeditiously. Cases involving any of the following allegations shall be handled on a priority basis, as follows, with the highest priority being given to cases in paragraph (1):

(1) Negligence or incompetence that involves death or serious bodily injury to an animal patient, such that the individual ~~veterinarian or registered veterinary technician~~ represents a danger to the public.

(2) Cruelty to animals.

(3) A conviction or convictions for a criminal charge or charges or being subject to a felony criminal proceeding without consideration of the outcome of the proceeding.

(4) Practicing veterinary medicine while under the influence of drugs or alcohol.

(5) Drug or alcohol abuse by a veterinarian, ~~or~~ registered veterinary technician, veterinary assistant controlled substance permitholder involving death or serious bodily injury to an animal patient or to the public.

(6) Self-prescribing of any dangerous drug, as defined in Section 4022, or any controlled substance, as defined in Section 4021.

(7) Repeated acts of excessive prescribing, furnishing, or administering of controlled substances, as defined in Section 4021, or repeated acts of prescribing, dispensing, or furnishing of controlled substances, as defined in Section 4021, without having first established a veterinarian-client-patient relationship pursuant to Section 4826.6.

(8) Extreme departures from minimum sanitary conditions such that there is a threat to an animal patient or the public and animal health and safety, only if the case has already been subject to Section 494 and board action.

(b) The board may prioritize cases involving an allegation of conduct that is not described in subdivision (a). Those cases prioritized shall not be assigned a priority equal to or higher than the priorities established in subdivision (a).

(c) The board shall annually report and make publicly available the number of disciplinary actions that are taken in each priority category specified in subdivisions (a) and (b).

[Rationale to amend BPC section 4875.2: VACSP is added.]

4875.2 If, upon completion of an investigation, the executive officer has probable cause to believe that a veterinarian, a registered veterinary technician, veterinary assistant controlled substance permitholder, or ~~an~~ unlicensed person has violated provisions of this chapter, the executive officer may issue a citation to the veterinarian, registered veterinary technician, veterinary assistant controlled substance permitholder, or unlicensed person, in accordance with Sections 125.9 and 148 and the board's regulations established pursuant thereto.

[Rationale to repeal BPC section 4876: Duplicative of BPC section 4883.]

~~**4876.** In addition to its authority to suspend or revoke a license or registration, or assess a fine on a person licensed or registered under this chapter, the board shall have the authority to place a licensee or registrant on probation. The~~

~~authority of the board to discipline by placing the licensee or registrant on probation shall include, but is not limited to, the following:~~

~~(a) Requiring the licensee or registrant to complete a course of study or service, or both, as prescribed by the board, and to demonstrate renewed competence to the satisfaction of the board.~~

~~(b) Requiring the licensee or registrant to submit to a complete diagnostic examination by one or more physicians appointed by the board. If the board requires a licensee or registrant to submit to that examination, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians of the licensee's or registrant's choice.~~

~~(c) Restricting or limiting the extent, scope, or type of practice of the licensee or registrant.~~

[Rationale to repeal BPC section 4881: Outdated and unnecessary; the Board is required to publicly post on the internet information on license enforcement actions (BPC, § 27), and certified license histories, which include enforcement actions against the license, issued by the Board are required to be admitted in any court as prima facie evidence of the facts therein recited (BPC, § 162).]

~~**4881.** The executive officer in all cases of suspension, revocation, or restriction of licenses or assessment of fines shall enter on the register the fact of suspension, revocation, restriction, or fine, as the case may be. The record of any suspension, revocation, restriction, or fine so made by the county clerks shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of the board in the matter of the suspension, revocation, restriction, or fine.~~

[Rationale to add new BPC section 4882: Subdivision (a) was moved from BPC section 4875 for ease of reference. Subdivision (b) was previously approved during the Board's July 2024 Board meeting]

4882. (a) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(b) Notwithstanding subdivision (b) 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 permit holder may withdraw the settlement and request commencement of proceedings in accordance with subdivision (b). The decision and order adopting the settlement shall be considered discipline and shall be posted on the board's Internet Web site. [Note: Approved at July 2024 Board Meeting]

[Rationale to amend BPC section 4883: Amendments make technical and clarifying amendments to streamline the disciplinary statute and conform the provisions for all licenses, registrations, and permits issued by the Board. Proposed amendments include amendments previously approved by the Board at the July 2024 Board meeting. Consider whether the VACSP should be added to BPC section 4883(t).]

4883. The board may deny, revoke, ~~or suspend,~~ or place on probation, a license, ~~or registration,~~ or permit or assess a fine as provided in Section 4875 for any of the following:

(a) Conviction of a crime substantially related to the qualifications, functions, or duties of veterinary medicine, surgery, or dentistry, in which case the record of the conviction shall be conclusive evidence.

(b) For having professional connection with, or lending the licensee's, ~~or registrant's,~~ or permit holder's name to, any illegal practitioner of veterinary medicine and the various branches thereof.

(c) Violation or attempting to violate, directly or indirectly, any of the provisions of this chapter.

(d) Fraud or dishonesty in applying, treating, or reporting on tuberculin or other biological tests.

(e) Employment of anyone but a veterinarian licensed in the state to demonstrate the use of biologics in the treatment of animals.

(f) False or misleading advertising.

(g) Unprofessional conduct, that includes, but is not limited to, the following:

(1) Conviction of a charge of violating any federal statutes or rules or any statute or rule of this state regulating dangerous drugs or controlled substances. The record of the conviction is conclusive evidence thereof. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order the license, ~~or registration,~~ or permit to be suspended or revoked, or assess a fine, or decline to issue a license, ~~or registration,~~ or permit, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4, 1210.1, or 3063.1 of the Penal Code allowing the person to withdraw

a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(2) (A) The use of, or prescribing for or administering to oneself, any controlled substance.

(B) The use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages to the extent, or in any manner as to be dangerous or injurious to a person issued a license, registration, or permit ~~or registered~~ under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the licensee, registrant, or permitholder ~~person so licensed or registered~~ to conduct with safety the practice authorized by the license, or registration, or permit.

(C) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section or any combination thereof, and the record of the conviction is conclusive evidence. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order the license, or registration, or permit to be suspended or revoked or assess a fine, or may decline to issue a license, or registration, or permit, when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under Section 1203.4, 1210.1, or 3063.1 of the Penal Code allowing the person to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(3) A violation of any federal statute, rule, or regulation or any of the statutes, rules, or regulations of this state regulating dangerous drugs, including antimicrobial drugs in animal feed, or controlled substances. **[Note: Approved at the July 2024 Board Meeting]**

(h) Failure to keep the licensee's or registrant's premises and all equipment therein in a clean and sanitary condition. **[Note: Not adding permit as this provision would not apply to a VACSP holder.]**

(i) Fraud, deception, negligence, or incompetence in the practice of veterinary medicine.

(j) Aiding or abetting in any acts that are in violation of any of the provisions of this chapter.

(k) The employment of fraud, misrepresentation, or deception in obtaining the license or registration, or permit.

(l) The revocation, suspension, or other discipline by another state or territory of a license, certificate, or registration to practice veterinary medicine or as a veterinary technician in that state or territory.

(m) Cruelty to animals, conviction on a charge of cruelty to animals, or both.

(n) Disciplinary action taken by any public agency in any state or territory for any act substantially related to the practice of veterinary medicine or the practice of a veterinary technician, or veterinary assistant controlled substance permitholder.

(o) Violation, or the assisting or abetting violation, of any regulations adopted by the board pursuant to this chapter.

(p) Accepting, soliciting, or offering any form of remuneration from or to a cannabis licensee if the veterinarian or the veterinarian's immediate family have a financial interest with the cannabis licensee. For purposes of this subdivision, the following definitions shall apply:

(1) "Cannabis licensee" shall have the same meaning as "licensee" in Section 26001.

(2) "Financial interest" shall have the same meaning as in Section 650.01.

(q) Discussing or recommending cannabis for use with a client while the veterinarian is employed by, or has an agreement with, a cannabis licensee. For purposes of this subdivision, "cannabis licensee" shall have the same meaning as "licensee" in Section 26001.

(r) Distributing any form of advertising for cannabis in California.

(s) Making any statement, claim, or advertisement that the licensee or registrant is a veterinary specialist or board certified unless they are certified by an American Veterinary Medical Association-Recognized Veterinary Specialty Organization or a National Association of Veterinary Technicians in America-Recognized Veterinary Specialty Organization. **[Note: Did not add permitholder; assumption is a VACSP holder would not make such specialist claim.]**

(t) Exercising control over, interfering with, or attempting to influence the professional judgment of another California-licensed veterinarian or registered veterinary technician through coercion, extortion, inducement, collusion, or intimidation through any means, including, but not limited to, compensation, in order to require the other California-licensed veterinarian or registered veterinary technician to perform veterinary services in a manner inconsistent with current veterinary medical practice in this state. **[Note: Consider whether to add permitholder.]**

[Rationale to amend BPC section 4885: “or the practice of veterinary technician” is proposed to be struck because the practice of veterinary medicine includes the healthcare tasks performed by RVTs and VACSP holders. VACSP is added.]

4885. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense related to the practice of veterinary medicine ~~or the practice of a veterinary technician~~ is deemed to be a conviction within the meaning of this article. The board may order the license, ~~or registration,~~ or permit to be suspended or revoked, or assess a fine as provided in Section 4883 or may decline to issue a license, ~~or registration,~~ or permit, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1210.1, or 3063.1 of the Penal Code allowing that person to withdraw ~~his or her~~ their plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

[Rationale to amend BPC section 4886: Adding permit/holder.]

4886. In reinstating a license ~~or registration,~~ or permit that has been revoked or suspended under Section 4883, the board may impose terms and conditions to be followed by the licensee, ~~or registrant,~~ or permitholder after the license, ~~or registration,~~ or permit has been reinstated. The authority of the board to impose terms and conditions includes, but is not limited to, the following:

(a) Requiring the licensee, ~~or registrant,~~ permitholder to obtain additional professional training and to pass an examination upon completion of the training.

(b) Requiring the licensee, ~~or registrant,~~ or permitholder to pass an oral, written, practical, or clinical examination, or any combination thereof to determine ~~his or her~~ their present fitness to engage in the practice of veterinary medicine ~~or to practice as a veterinary technician~~.

(c) Requiring the licensee, ~~or registrant,~~ or permitholder to submit to a complete diagnostic examination by one or more physicians appointed by the board. If the board requires the licensee, ~~or registrant,~~ or permitholder to submit to that examination, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians of the licensee's, ~~or registrant's,~~ or permitholder's choice.

(d) Restricting or limiting the extent, scope, or type of practice of the licensee, ~~or registrant,~~ or permitholder.

[Rationale to amend BPC section 4901.2: Clarifies the license expiration provision also applies to surrendered licenses, registrations, and permits. Adding the ability to

abandon the reinstatement application after one year if the Petitioner fails to pay the required reinstatement fee.]

4901.2. (a) A revoked or surrendered license, or registration, or permit is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, or registrant, or permit holder, as a condition precedent to reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated plus the delinquency fee, if any, accrued at the time of its revocation.

(b) If reinstatement and delinquency fees and reimbursement of costs of prosecution and enforcement are not paid by a petitioner under Section 4887 within one year of the effective date of a decision reinstating the license, registration, or permit, the petition shall be deemed abandoned, and the license, registration, or permit shall not be reinstated as ordered by the decision.

[Rationale to amend BPC section 4902: Amendments clarify existing processes for cancelled licenses, clarify application of the statute to registrations and permits, and remove unnecessary language.]

~~**4902.** (a) A person who fails to renew his license, registration, or permit that is not renewed within five years after its expiration may not renew it, and it shall be cancelled and shall not be renewed, restored, reissued, or reinstated thereafter, but such person the license, registration, or permit holder may apply for and obtain a new license, registration, or permit if: the person applies for a license, registration, or permit as a new applicant and meets all the requirements for the license, registration, or permit.~~

~~(a) He is not subject to denial of licensure under Section 480.~~

~~(b) He takes and passes the examination, if any, which would be required of him if he were then applying for a license for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he is qualified to practice veterinary medicine, and,~~

~~(c) He pays all of the fees that would be required of him if he were then applying for the license for the first time.~~

~~The board may, by regulation, provide for the waiver or refund of all or any part of the examination fee in those cases in which a license is issued without an examination pursuant to the provisions of this section.~~