



MEMORANDUM

DATE	January 6, 2025
TO	Multidisciplinary Advisory Committee (MDC)
FROM	<u>Unlicensed Practice Subcommittee (Subcommittee)</u> Barrie Grant, DVM Mark Nunez, DVM
SUBJECT	Agenda Item 6. Update, Discussion, and Potential Recommendations from the Unlicensed Practice Subcommittee

A. Proposed Legislation to Amend BPC Section 4827 Regarding Veterinary Medicine Practice Exemptions

As discussed at the last MDC meeting, the Subcommittee was, among other things, tasked with pursuing legislation to narrow the scope of the licensure exemptions in Business and Professions Code (BPC) section 4827 to prevent unintended consequences.

Specifically, the Board raised concerns with the owner exemption in BPC section 4827, subdivision (a)(1), and it being applied far beyond its intended purpose of allowing ranchers to provide veterinary services on their owned food production animals. The Board receives many complaints a year against rescue groups alleging practice of veterinary medicine by individuals associated with the rescue groups that causes significant harm to animals. However, since rescue groups are considered the owners of their animals, these complaints are closed. Many of these complaints are forwarded to District Attorney offices for consideration of animal cruelty charges. Unfortunately, most cases do not result in criminal charges being filed.

In addition, many unlicensed individuals in equine and small animal communities claim the services they provided were performed gratuitously and therefore exempt them from the Veterinary Medicine Practice Act (Act). In these cases, the animal owners are often uncooperative because they have long-standing relationships with these individuals and/or appreciate the cheaper services. As such, the Board is unable to prove the unlicensed individuals did not perform the services gratuitously.

As mentioned in more detail [here](#), the Subcommittee updated the MDC and the Board on its stakeholder meeting with the equine community during the October 2024 meeting. Since then, the Subcommittee held an additional stakeholder meeting with small animal stakeholders.

Like the equine community, small animal stakeholders reported the prevalence of unlicensed practice in dentistry and reproductive services. In dentistry, small animal stakeholders reported many groomers advertise for anesthetic-free teeth cleaning,

but the services often lead to more in depth cleaning and/or teeth extractions. In those instances, clients only bring their animals to the veterinarian after the harm to the animals has already occurred.

In reproductive services, stakeholders shared how consumers may invest thousands of dollars in reproductive services and find out years later that the services were performed incorrectly. Stakeholders reported these services are prevalent at dog shows and recommended consumer outreach be developed to educate consumers on the risks associated with using unlicensed individuals, rather than licensed veterinarians, for these services.

Concerns were also raised regarding boarding facilities administering vaccinations or other medications using the incorrect route of administration, which can harm animals. Those boarding facilities have claimed the BPC section 4827 exemption, since they are assisting the owner, performing the services gratuitously, and are only charging for the costs of the vaccination and/or medication.

Since the intended purpose of the owner exemption was for food animals, the Subcommittee recommends BPC section 4827, subdivision (a)(1), be narrowed as follows:

4827. (a) Nothing in this chapter prohibits any person from:

(1) Practicing veterinary medicine as a bona fide owner of one's own animal livestock or food animals. This exemption applies to the following:

(A) The owner's bona fide employees.

(B) Any person assisting the owner, provided that the practice is performed gratuitously.

With "livestock" being added, the Subcommittee believes the Board's Strategic Plan Objective 4.16 (propose legislation to amend BPC section 4825.1 to revise the definition of livestock to include commercial equines) should be done at the same time. The Subcommittee recommends amending the current "livestock" definition to the following:

4825.1. These definitions shall govern the construction of this chapter as it applies to veterinary medicine.

[...]

(e) "Livestock" includes all animals, poultry, aquatic and amphibian species that are raised, kept, or used for profit. It does not include those species that are usually kept as pets, such as dogs, cats, and pet birds, ~~or~~ companion animals, including equines any animal in individual training, or any animal that competes as an individual.

This definition is included in the legislative proposal from Agenda Item 5. To conform the unlicensed practice exemption to the proposed amended definition of "livestock," the Subcommittee also proposes amending BPC section 4827, subdivision (a)(3), to remove "equine" from determinations as to the status of pregnancy, sterility, or

infertility. With this amendment, if an equine is owned as livestock, those reproductive determinations would remain exempt from the Act. If an equine is a companion animal, in individual training, or competing as an individual, the exemption would not apply.

In addition, the Subcommittee believes animal owners and caretakers should still be exempt from the Act when administering medications to their own animals. Therefore, the Subcommittee recommends adding the following:

4827. (a) Nothing in this chapter prohibits any person from:

[...]

(6) Pursuant to a written treatment plan prepared by a veterinarian licensed in this state that includes the route and/or method of administration and dosage and/or frequency of use, administering a drug or medication, other than anesthesia, to an animal by the owner of the animal, an employee of the owner, or a designated caretaker of the animal.

This language also addresses the concern that boarding facilities are administering medications using the wrong routes of administration.

On January 6, 2025, the Subcommittee met with representatives from California Animal Welfare Association (CalAnimals) to discuss the above proposals. CalAnimals expressed concern the proposed amendments would have a significant negative impact on the public's ability to care for their own animals. Specifically, they were concerned the public's inability to give over-the-counter vaccines and other treatments without veterinarian involvement would jeopardize community health and result in even more animals entering their already overcrowded shelters.

To address these concerns, the Subcommittee proposes adding "prescription" to paragraph (6) and adding the following:

(7) Administering a nonprescription drug or medication to the animal by the owner of the animal, an employee of the owner, or a designated caretaker of the animal. An owner's decision for administration of the nonprescription drug or medication shall not be construed to mean the owner has made a diagnosis of the animal's medical condition.

This would exempt owners, employees of the owner, and their designated caretakers from the act when they are administering nonprescription drugs or medications to their animals. This provision is modeled on the animal shelter exemption in BPC section 4827, subdivision (a)(5), and, since the diagnosis of a medical condition in an animal would otherwise be the practice of veterinary medicine, the proposed amendment would exempt the owner's decision to have the nonprescription drug or medication administered to the animal from being considered a diagnosis of the animal's medical condition. Notably, if a person other than the owner, such as a veterinary professional hired by the owner to administer the nonprescription drug or medication to the animal patient, decided the animal

needed the drug or medication, that decision would be considered a diagnosis and not be exempt from the Act.

The Subcommittee asked CalAnimals to provide any additional feedback on what veterinary services owners should be allowed to provide to their own animals. The Subcommittee will update the MDC and the Board if additional feedback is provided prior to the meeting.

Action Requested:

If the MDC agrees with the Subcommittee's legislative proposal recommendation, please entertain a motion to recommend to the Board submission to the California State Legislature the attached legislative proposal to amend BPC section 4827 regarding veterinary medicine practice exemptions.

B. Proposed Legislation to Amend BPC Section 4875.2 and Add Section 4875.7 Regarding Unlicensed Practice Citations

The Subcommittee also was tasked with Strategic Plan Objective 4.2: Seek statutory changes to enhance unlicensed practice penalties to decrease unlicensed veterinary practice. The Board is concerned the \$5,000 statutory cap in BPC section 125.9 is too low to disincentivize unlicensed practice.

Through the Board's Executive Officer (EO), the Subcommittee surveyed all other member boards of the American Association of Veterinary State Boards (AAVSB) to see if any other boards have a cap on administrative fines for unlicensed practice. Of the 14 boards that responded, none had such a cap (see Attachment 3). In addition, the Board's EO asked all member board executive directors present at the AAVSB annual conference if any had cap similar to California's cap, and they did not.

During the stakeholder meetings, the Subcommittee proposed increasing the unlicensed practice citation amounts, and all attendees appeared to be in favor of the increase. As such, the Subcommittee recommends the attached legislative proposal to increase the range associated with unlicensed practice and remove the overall cap of an unlicensed practice citation.

Action Requested:

If the MDC agrees with the Subcommittee's legislative proposal recommendation, please entertain a motion to recommend to the Board submission to the California State Legislature the attached legislative proposal to amend BPC section 4875.2 and add Section 4875.7 regarding unlicensed practice citations.

C. Proposed Rulemaking to Amend California Code of Regulations (CCR), Title 16, Section 2043 Regarding Unlicensed Practice Citations

CCR, title 16, section 2043 requires citations issued by the EO to include a classification for the violation for which the citation is being issued. The regulation establishes that unlicensed practice violations are Class C violations with a civil penalty in an amount no less than \$2,000 and not exceeding \$5,000 for each citation.

If the legislative proposal above is successful, there is no longer a need for unlicensed practice citations to be assigned a classification. As such, the Subcommittee recommends amending CCR, title 16, section 2043 to remove references to unlicensed practice citations (see Attachment 4).

Action Requested:

If the MDC agrees with the Subcommittee’s recommendation, please entertain a motion to recommend the Board take the following actions:

Approve the regulatory text for CCR, title 16, section 2043.

Direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if the board does not receive any comments providing objections or adverse recommendations specifically directed at the proposed action or to the procedures followed by the Board in proposing or adopting the action, then the Board authorizes the Executive Officer to take all steps necessary to initiate the rulemaking process, make any technical or non-substantive changes to the package, and set the matter for hearing, if requested.

If after the 45-day public comment period, no adverse comments are received, and no public hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt the proposed regulations as described in the text notice for CCR, title 16, section 2043.

Attachments:

1. Legislative Proposal to Amend BPC Section 4827 Regarding Veterinary Medicine Practice Exemptions
2. AAVSB Unlicensed Practice Query, August 27, 2024
3. Legislative Proposal to Amend Section 4875.2 and Add Section 4875.7 to the BPC Regarding Unlicensed Practice Citations
4. Regulatory Proposal to Amend CCR, Title 16, Section 2043 Regarding Unlicensed Practice Citations

CALIFORNIA VETERINARY MEDICAL BOARD
LEGISLATIVE PROPOSAL TO AMEND BUSINESS AND PROFESSIONS CODE
SECTION 4827 REGARDING EXEMPTIONS FROM VETERINARY MEDICINE
PRACTICE ACT

Additions are indicated in single underline.

Deletions are indicated in ~~single strikethrough~~.

Amend section 4827 of the Business and Professions Code as follows:

4827. (a) Nothing in this chapter prohibits any person from:

(1) Practicing veterinary medicine as a bona fide owner of one's own ~~animal~~ livestock or food animals. This exemption applies to the following:

(A) The owner's bona fide employees.

(B) Any person assisting the owner, provided that the practice is performed gratuitously.

(2) Lay testing of poultry by the whole blood agglutination test. For purposes of this section, "poultry" means flocks of avian species maintained for food production, including, but not limited to, chickens, turkeys, and exotic fowl.

(3) Making any determination as to the status of pregnancy, sterility, or infertility upon livestock, ~~equine~~, or food animals at the time an animal is being inseminated, providing no charge is made for this determination.

(4) Administering sodium pentobarbital for euthanasia of sick, injured, homeless, or surrendered domestic pets or animals without the presence of a veterinarian when the person is an employee of an animal control shelter and its agencies or humane society and has received proper training in the administration of sodium pentobarbital for these purposes.

(5) Providing the following care to animals lawfully deposited with or impounded by a shelter not registered with the board pursuant to Section 4853:

(A) Administering preventative or prophylactic nonprescription vaccinations to the animal pursuant to protocols written by a veterinarian licensed in this state for the purposes of preventing the spread of communicable diseases, without the presence of a veterinarian when the person has received proper training in the administration of the nonprescription preventative or prophylactic vaccinations.

(B) Administering nonprescription medications to the animal pursuant to protocols written by a veterinarian licensed in this state, for the control or

eradication of apparent or anticipated internal or external parasites, including, but not limited to, fleas, ticks, or worms, without the presence of a veterinarian when the person has received proper training in the administration of the nonprescription medications for the control or eradication of those internal or external parasites. A person's decision to administer these medications shall not be construed to mean the person has made a diagnosis of the animal's medical condition.

(C) Administering medications prescribed by a veterinarian licensed in the state to the animal without the presence of a veterinarian when the shelter has received a written treatment plan from the licensed veterinarian for that specific animal and has a dispensing protocol in place for the tracking of dispensed prescribed medications and when the person has received proper training in the administration of prescription medications.

(6) Pursuant to a written treatment plan prepared by a veterinarian licensed in this state that includes the route and/or method of administration and dosage and/or frequency of use, administering a drug or medication, other than anesthesia, to an animal by the owner of the animal, an employee of the owner, or a designated caretaker of the animal.

(7) Administering a nonprescription drug or medication to the animal by the owner of the animal, an employee of the owner, or a designated caretaker of the animal. An owner's decision for administration of the nonprescription drug or medication shall not be construed to mean the owner has made a diagnosis of the animal's medical condition.

(b) For the purposes of paragraph (5) of subdivision (a):

(1) "Proper training" means completing a training curriculum of at least four hours provided by a veterinarian licensed to practice in this state, and includes, but is not limited to, an overview of intake procedures and preventative medicine, recognizing when an animal is required to be seen by a veterinarian, prescription and nonprescription medications, humane animal restraint techniques, vaccination injection methods and procedures, and documentation.

(2) "Shelter" means a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter that is not registered with the board pursuant to Section 4853.

(c) A shelter providing care to an animal pursuant to this section that is not registered with the board pursuant to Section 4853 shall report to the board any adverse event resulting in significant impairment or death from the care provided, on a form prescribed by the board, including severe injuries, infections, and unintended reactions caused by the incorrect or inappropriate administration of a vaccine or medications.



A Query from an AAVSB Member Board

Unlicensed Practice

On August 27, 2024, Jessica Sieferman, Executive Officer with the California Veterinary Medical Board asked the following:

Our Board is considering amending our practice exemptions and increasing penalties against unlicensed practice and would like to know what other states are doing.

1. What actions are you authorized to take against unlicensed individuals?
2. In what areas of practice do you see unlicensed practice the most?
3. If you can issue citations/fines, what, if any, monetary limit exists (e.g., no more than \$5,000 per violation)?
4. What, if any, practice exemptions do you have (e.g., owner exemption, performed gratuitously, border veterinarian, etc.)?

If you can provide any relevant code sections, that would be great as well.

Georgia [Adrienne Price]

1. For unlicensed persons, the Board may issue a Cease-and-Desist Order [[O.C.G.A. § 43-1-20.1](#)] or file an action in the courts to enjoin the person or submit a request to the DA for criminal prosecution. Upon being convicted a first time, such person shall be punished by a fine of not more than \$500.00 for each offense. Upon being convicted a second or subsequent time, such person shall be punished by a fine of not more than \$1,000.00 for each offense, imprisonment for not more than 12 months, or both such fine and imprisonment [[O.C.G.A. § 43-50-44](#)].

For someone who is an applicant for licensure, the Board may deny licensure or issue a Consent Agreement with terms and conditions as determined by the Board which may include a fine [[O.C.G.A. § 43-50-41\(d\)](#)].

2. Veterinary technicians.
3. For applicants for licensure that have been found to have engaged in ULP, the Board may issue a fine up to \$500 for each offense.

Too many to name! It is a lot simpler for me to give you the statute [[O.C.G.A. § 43-50-44](#)].

Idaho [Tabitha Edwards]

Reference our Complete Statutes - [Chapter 21 – Idaho State Legislature](#)

1. Within our Statutes refer to 54-2115 Ground for Discipline and 54-2118 Violations of Chapter -- Remedies and Penalties
2. We usually do not have many complaints coming in due to unlicensed practice.
3. This can be found in our Statues 54-2118 Remedies and Penalties
4. This can be found in our Statues 54-2104 License a Prerequisite to Practice – Exceptions

Kentucky [Michelle Shane]

See also attachment starting on page 17.

1. The Kentucky Veterinary Medicine Practice Act authorizes the following, per statute. In short, KBVE can issue a “Notice to Comply” or a “Notice of Violation” directly to parties for violations of the chapter, or can pursue action in Franklin Circuit Court.
 - [KRS 321.175 - Purpose of chapter.](#)
 - (2) It is hereby declared that:
 - (a) The practices of veterinary medicine, veterinary technology, animal euthanasia, and allied animal health professionals and the operation of veterinary facilities, AAHP facilities, and board-certified animal control agencies are **privileges which are granted by legislative authority and are subject to regulation and control** in the interest of public health, safety, and welfare to protect the public from:
 1. Being misled by incompetent, unscrupulous, and unauthorized practitioners;
 2. Unprofessional or illegal practices by persons licensed to practice veterinary medicine, veterinary technology, animal euthanasia, and the allied animal health professions;
 3. Substandard care; and
 4. **Unlicensed persons**;...
 - [KRS 321.190 - License required to practice veterinary medicine or veterinary technology.](#)
 - (4) A veterinarian shall utilize the services of a licensed veterinary technician or veterinary assistant in accordance with this chapter and the administrative regulations promulgated under the authority of this chapter. **Unauthorized utilization of any person’s services in violation of this chapter shall be considered as aiding and abetting any unlicensed person** to practice veterinary medicine as described in KRS 321.351.
 - ...
 - [KRS 321.235 - Powers and duties of board -- Personal immunity.](#)
 - (2) **The board may:**

- ...
- (b) **Promulgate administrative regulations** in accordance with KRS Chapter 13A:
 - ...
 - 3. **To establish:**
 - ...
 - c. Standards in veterinary medicine, medical records, and other **matters pertaining** to veterinarians, veterinary technicians, animal control agencies, animal euthanasia specialists, designated on-site managers, allied animal health professionals, veterinary facilities, AAHP facilities, veterinarian managers, AAHP managers, registered responsible parties, or **unlicensed persons**; and...
 - ...
 - (h) **Issue a notice to comply or a notice of violation to any person for violations of any provision of this chapter or administrative regulations promulgated pursuant to this chapter.** A "notice to comply" or "NC" may be issued during the inspection process to request additional information needed to determine compliance or as a notice to correct a minor violation found during the inspection. Failure to take corrective action may lead to the issuance of a "notice of violation" or "NOV." A notice of violation means that a business or person is operating in violation of the law and subject to penalty pursuant to this chapter. Each day or part of a day that the violation continues is a separate violation subject to daily penalties. A notice of violation shall contain:
 1. A citation to the statutory or regulatory requirement that has been or is being violated;
 2. A description of the circumstances surrounding the violation, set forth in common and concise language;
 3. Measures required to correct the violation;
 4. A reasonable time for correction, if the respondent cannot take measures to correct the violation immediately; and
 5. Notice of rights of appeal;
 - ...
 - (j) **Seek injunctive relief in Franklin Circuit Court to stop the unlawful practice of veterinary medicine or practice of veterinary technology by unlicensed persons, or against any person for the enforcement of this chapter or any administrative regulations promulgated pursuant to this chapter;**
 - [KRS 321.236 - Administrative regulations -- Registration requirements - Voluntary inspections by the board -- Disciplinary action against registrant.](#)
 - (1) **The board may promulgate administrative regulations** in accordance with KRS Chapter 13A defining:

...

(b) **Responsibilities and limitations** for registered responsible parties, veterinarian managers, and AAHP managers. **This shall include an administrative regulation governing interference or control by unlicensed persons in the practice of veterinary medicine or veterinary technology, or by persons who do not hold a board credential.** Both registered responsible parties and Veterinarian managers shall be responsible for a registered veterinary facility's operation and management, and both registered responsible parties and AAHP managers shall be responsible for a registered AAHP facility. Both parties associated with a registered facility shall be held accountable to the board as a credential holder for any violation of this chapter; and...

- [KRS 321.443 - Veterinary assistants – Duties.](#)

...

(5) A veterinarian shall utilize the service of a veterinary assistant in accordance with the terms and provisions of this chapter and its associated administrative regulations. **Unauthorized utilization of veterinary assistants shall be considered as aiding and abetting an unlicensed person** to practice veterinary medicine as described in KRS 321.351.

2. Most frequent areas of unlicensed practice reported in Kentucky:

- Equine dental providers (not licensed as veterinarians)
- Small animal spay/neuter
- Small animal ear cropping and tail docking
- Rabies vaccine administration (in Kentucky, only a veterinarian is authorized to administer, not LVTs and not veterinary assistants)
- Other “Complementary and alternative veterinary medicine therapies” providers, e.g., animal massage, etc.

3. Yes, fines are allowable under the “NC” and “NOV” provisions. This is a draft regulation about to be filed (see pages 18 – 21).

4.

- [KRS 321.200 – Exemptions](#)

(1) No provision of this chapter shall be construed to prohibit any of the following:

- (a) Any persons from gratuitously treating animals in cases of emergency care, provided they do not use the word "veterinarian," "veterinary," "veterinary technician," "veterinary nurse," or any title, words, abbreviation, or letters in a manner or under circumstances which may induce the belief that the person using them is qualified to engage in the practice of veterinary medicine or the practice of veterinary technology as described in KRS 321.181;
- (b) 1. The owner of any animal or animals, the owner's full-time, or part-time, regular employees, or the owner's agent from caring for and treating animals maintained in their custody, including but not

- limited to euthanasia of livestock or administering drugs that are obtained and used in accordance with applicable state and federal statutes and regulations to, any animals belonging to the owner. With the exception of paragraph (c) of this subsection and other limiting statutes, treatment shall not include surgery.
2. Transfer of ownership, a temporary contract, or a temporary change in a person's employment status shall not be used for the purpose of circumventing this provision.
 3. This provision shall not exempt an employee who would otherwise qualify for a board credential from the credentialing requirements of this chapter based on the employment status;
- (c) Any person from castrating and dehorning food animals, as long as any drugs or medications are obtained and used in accordance with applicable state and federal statutes and regulations governing controlled substances, legend drugs, and veterinary drugs;
 - (d) Any veterinary student as defined in KRS 321.181 from working under the direct supervision of a veterinarian who is licensed under this chapter;
 - (e) Unlicensed graduate veterinarians in the United States Armed Services or employees of the United States Department of Agriculture, Animal and Plant Health Inspection Service, from engaging in the performance of their official duties;
 - (f) Other lawfully qualified veterinarians who reside in and are licensed in other jurisdictions from discussing or meeting, either in person or via telehealth, with licensed veterinarians of this Commonwealth in consultation about a patient so long as the Kentucky-licensed veterinarian has established and maintains a current VCPR with the patient;
 - (g) A trainer, sales agent, or herdsman from caring for animals, upon instruction from a Kentucky-licensed veterinarian, provided there is a current VCPR as defined in KRS 321.185;
 - (h) A university faculty member or unlicensed veterinarian employee from teaching veterinary science or related courses, providing services offered by the university's veterinary diagnostic laboratory, or from engaging in veterinary research through or on behalf of the university where the person is employed, including drug and drug testing research, provided that research is conducted in accordance with applicable state and federal statutes and regulations governing controlled substances, prescription drugs, veterinary drugs, and legend drugs. This provision shall not exempt the university faculty member or unlicensed veterinarian employee from the requirements of licensure if the person engages in the practice of veterinary medicine outside the authority of the university or the scope of employment with the university or engages in the private practice of veterinary medicine for compensation;

- (i) Any person who holds a postgraduate degree in reproductive physiology or a related field, and who has performed embryo transfers in Kentucky during the five (5) years immediately preceding July 14, 1992, from performing embryo transfers on animals;
 - (j) Volunteer health practitioners providing services under KRS 39A.350 to 39A.366;
 - (k) A retailer or its agent from providing information and suggestions regarding the over-the-counter products it sells to treat animals so long as the information and suggestions are consistent with the product label and species appropriate;
 - (l) A Kentucky-licensed veterinarian from inspecting an animal, or an animal's radiographs or other medical records, on behalf of a potential buyer or potential seller, without regard to the existence of a VCPR;
 - (m) Any persons from implanting a microchip in an animal for the purposes of identification or the establishment of ownership;
 - (n) A veterinarian who is licensed in another jurisdiction of the United States or Canada, is in good standing in that jurisdiction, meets all criteria for licensure in Kentucky, and who has an active application on file with the board pending for less than ninety (90) days, from working as a veterinarian in Kentucky under the supervision of a Kentucky-licensed veterinarian while the board application for licensure is being processed, so long as the place of employment, start date, contact information where the applicant works, and a supervising veterinarian are disclosed in the application;
 - (o) Allied animal health professional permittees who are working within the scope of the permit;
 - (p) Certified animal euthanasia specialists who are working within the scope of their certificate; or
 - (q) Volunteer health practitioners consulting with and assisting a licensed veterinarian at a facility accredited by the Association of Zoos and Aquariums from assisting in the care of and procedures on the zoo animals at the facility while under the supervision of the veterinarian.
- (2) (a) An unlicensed veterinarian who does not qualify for licensure in Kentucky and who is a nonresident of the United States may be employed in this Commonwealth to engage in the practice of veterinary medicine for not more than thirty (30) days in a calendar year, provided the person:
1. Holds a valid, current license as a veterinarian in the person's home country;
 2. Practices under the direct supervision of a veterinarian licensed in Kentucky;
 3. Registers with the board prior to commencing practice in the Commonwealth; and

4. Agrees to practice and follow all the rules and administrative regulations of this chapter and be subject to discipline for violations of those rules and administrative regulations by the Kentucky Board of Veterinary Examiners.
 - (b) This subsection shall not apply to a nonresident of the United States who is otherwise eligible for a Kentucky license or other credential under this chapter.
 - (3) Nothing in this chapter shall interfere with the professional activities of any licensed pharmacist.
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Louisiana [Jared Granier]

1. Our Board can take civil action or administrative action against individuals practicing veterinary medicine without a license.
2. Equine Dentistry
3. §1531. Violations; penalty
 - A. Any person who shall practice veterinary medicine without a currently valid license or temporary permit shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned for no more than ninety days, or both, and each act of such unlawful practice shall constitute a distinct and separate offense.
 - B. (1) In addition to any other civil remedy or criminal penalty provided for in this act, the board may, by majority vote, issue a subpoena to any person or persons who the board has probable cause to believe has engaged in the practice of veterinary medicine without a currently valid license or temporary permit.
 - (2) Subpoenas issued by the board shall comply with the notice requirements of the Administrative Procedure Act. The subpoena shall be served upon the unlicensed individual personally or by any type of mailing requiring a return receipt and shall include a statement of the manner in which the unlicensed person shall be required to respond to the board.
 - (3) The board may, by majority vote, levy a civil penalty of no more than one thousand dollars per offense upon any unlicensed person who, after a hearing or informal resolution in accordance with all provisions of the Administrative Procedure Act, is found to have practiced veterinary medicine without benefit of a currently valid license having been issued by this board pursuant to the provisions of this Chapter. In addition, the board may assess costs and attorney's fees may be recovered.
 - (4) The fact that any person engages in or performs or offers to engage in or perform, any of the practices, acts, or operations, set forth in this Chapter is prima facie evidence that such person is engaged in the practice of veterinary medicine.
 - (5) No person practicing veterinary medicine without a currently valid license or temporary permit shall have the right to receive any compensation for services so rendered. In addition to the penalties imposed under R.S. 37:1531(B)(3), any person who practices veterinary medicine without a license shall return any fees collected for

practicing veterinary medicine and shall be liable for any damages resulting from negligence.

(6) All rights and privileges afforded by the Administrative Procedures Act are specifically reserved to any party aggrieved by a decision of the board.

4. **§1514. License requirement and exceptions**

No person shall practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. This Chapter shall not be construed to prohibit:

(1) An employee of the federal, state, or local government performing his official duties.

(2) A person who is a regular student in a veterinary school performing duties or actions assigned by his instructors, or working under the direct supervision of a licensed veterinarian during a school vacation period.

(3) A person advising with respect to or performing acts that the board by rule has prescribed as accepted livestock management practices;. The following are hereby declared to be accepted livestock management practices and shall not require a license:

(a) The collection of semen for quality evaluation of male equine or bovine species conducted for the purpose of processing or freezing of semen for use in artificial insemination.

(b) The nonsurgical impregnation of farm animals with frozen embryos.

(c) The practice of artificial insemination of farm animals.

(d) The teaching in schools and short courses of artificial insemination techniques and pregnancy diagnosis by qualified employees of the National Association of Animal Breeder's Certified Semen Service Program.

(4) A veterinarian regularly licensed in another state consulting with a licensed veterinarian in this state.

(5) Any merchant or manufacturer selling, at his regular place of business, medicines, feed, appliances, or other products used in the prevention or treatment of animal diseases.

(6) The owner of an animal and the owner's full-time regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for purposes of circumventing this Chapter.

(7) A member of the faculty of a veterinary school performing his regular functions, or a person lecturing, or giving instructions or demonstrations at a veterinary school or in connection with a continuing education course or seminar.

(8) Any person selling or applying any pesticide, insecticide, or herbicide.

(9) Any person engaging in bona fide scientific research which reasonably requires experimentation involving animals.

(10) Registered equine dentists, as provided by Chapter 18-C of this Title, from performing duties authorized by the Louisiana Board of Veterinary Medicine.

Mississippi [Nancy Christiansen]

1. Unlicensed individuals are sent cease and desist letters when we have reports of unlicensed practice. If it is proven that the practice continues, our legal counsel files with the court system for an injunction against the unlicensed individual.
 2. We experience mostly equine dentists. We have also had unlicensed chiropractors and massage therapists. Diagnosis of pregnancy is considered the practice of veterinary medicine by rule in Mississippi. We have sent 3 cease and desist letters to unlicensed individuals advertising pregnancy diagnosis.
 3. We are not authorized to issue fines.
 4. The exemptions to this are listed in SECTION 6. Section 73-39-61, Mississippi Code of 1972, <https://mississippivetboard.org/wp-content/uploads/2013/02/Mississippi-Veterinary-Practice-Act-7-1-08.pdf>
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Nebraska [Vonda Apking]

1. If they are truly unlicensed then we would issue a Cease & Desist. If they apply and admit they were practicing without a license, we have the ability to charge an administrative penalty of \$10/day up to \$1000 (this admin penalty is the same for those seeking reinstatement). However, the Board has a right to recommend discipline against both new applicants and reinstatement applicants for practicing without a credential and/or practicing on an expired credential.
2. We have had a few Animal Therapists practice without a credential but have seen veterinarians or veterinary technicians.
3. See website: <https://dhhs.ne.gov/licensure/Documents/UniformCredentialingAct.pdf> 38-198. Civil penalty; manner of collection; attorney's fees and costs; disposition. If a civil penalty is imposed pursuant to section 38-196, it shall not exceed twenty thousand dollars. Any civil penalty assessed and unpaid shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the district court of the county in which the violator resides or owns property. The department may also collect in such action attorney's fees and costs incurred in the collection of the civil penalty. The department shall, within thirty days from receipt, remit any collected civil penalty to the State Treasurer to be disposed of in accordance with Article VII, section 5, of the Constitution of Nebraska. Source: Laws 1986, LB 926, § 29; R.S.1943, (2003), § 71-155.03; Laws 2007, LB463, § 98.
4. See website: <https://dhhs.ne.gov/licensure/Documents/VeterinaryMedicineSurgery.pdf> 38-3321. Veterinarian; veterinary technician; animal therapist; license; required; exceptions. No person may practice veterinary medicine and surgery in the state who is not a licensed veterinarian, no person may perform delegated animal health care tasks in the state who is not a licensed veterinary technician or an unlicensed assistant performing such tasks within the limits established under subdivision (2) of section 38-3326, and no person may perform health care therapy on animals in the state who is not a licensed animal therapist. The Veterinary Medicine and Surgery Practice Act shall not be construed to

prohibit: (1) An employee of the federal, state, or local government from performing his or her official duties; (2) A person who is a student in a veterinary school from performing duties or actions assigned by his or her instructors or from working under the direct supervision of a licensed veterinarian; (3) A person who is a student in an approved veterinary technician program from performing duties or actions assigned by his or her instructors or from working under the direct supervision of a licensed veterinarian or a licensed veterinary technician; (4) Any merchant or manufacturer from selling feed or feeds whether medicated or nonmedicated; (5) A veterinarian regularly licensed in another state from consulting with a licensed veterinarian in this state; (6) Any merchant or manufacturer from selling from his or her established place of business medicines, appliances, or other products used in the prevention or treatment of animal diseases or any merchant or manufacturer's representative from conducting educational meetings to explain the use of his or her products or from investigating and advising on problems developing from the use of his or her products; (7) An owner of livestock or a bona fide farm or ranch employee from performing any act of vaccination, surgery, pregnancy testing, retrievable transplantation of embryos on bovine, including recovering, freezing, and transferring embryos on bovine, or the administration of drugs in the treatment of domestic animals under his or her custody or ownership nor the exchange of services between persons or bona fide employees who are principally farm or ranch operators or employees in the performance of these acts; (8) A member of the faculty of a veterinary school or veterinary science department from performing his or her regular functions, or a person lecturing or giving instructions or demonstrations at a veterinary school or veterinary science department or in connection with a continuing competency activity; (9) Any person from selling or applying any pesticide, insecticide, or herbicide; (10) Any person from engaging in bona fide scientific research which reasonably requires experimentation involving animals; (11) Any person from treating or in any manner caring for domestic chickens, turkeys, or waterfowl, which are specifically exempted from the Veterinary Medicine and Surgery Practice Act; (12) Any person from performing dehorning or castrating livestock, not to include equidae. For purposes of the Veterinary Medicine and Surgery Practice Act, castration shall be limited to the removal or destruction of male testes; (13) Any person who holds a valid credential in the State of Nebraska in a health care profession or occupation regulated under the Uniform Credentialing Act from consulting with a licensed veterinarian or performing collaborative animal health care tasks on an animal under the care of such veterinarian if all such tasks are performed under the immediate supervision of such veterinarian; (14) A person from performing a retrievable transplantation of embryos on bovine, including recovering, freezing, and transferring embryos on bovine, if the procedure is being performed by a person who (a) holds a doctorate degree in animal science with an emphasis in reproductive physiology from an accredited college or university and (b) has and can show proof of valid professional liability insurance; or (15) Any person engaging solely in equine, cat, and dog massage practice. Source: Laws 1967, c. 439, § 3, p. 1354; Laws 1986, LB 926, § 47; Laws 1988, LB 1100, § 56; Laws 2002, LB 1021, § 23; Laws 2004, LB 1005, § 18; Laws 2005, LB 301,

§ 11; R.S.Supp.,2006, § 71-1,155; Laws 2007, LB463, § 1103; Laws 2008, LB928, § 13; Laws 2009, LB463, § 7; Laws 2012, LB686, § 1; Laws 2018, LB596, § 5. Annotations · Subsection (6) of this section applies to owners or bona fide farm or ranch employees who work on their own animals, not another person's animals, unless an exchange of services is involved. State ex rel. Dept. of Health v. Jeffrey, 247 Neb. 100, 525 N.W.2d 193 (1994).

Nevada [Jennifer Pedigo]

Administrative citations (even non-licensees), injunctions, criminal referral to the AG/DA offices

1. Rural practice for equine/food animal (specifically diagnostics like ultrasound) and allied health professionals like Chiropractic, Laser therapies, and Massage
2. NAC 638.0433 Practice without license: Issuance of citation; assessment of administrative fine. (NRS 638.070, 638.1471) 1. In addition to any other penalty provided by law, the Board may issue a citation to a person who practices veterinary medicine without a license issued pursuant to the provisions of this chapter or chapter 638 of NRS. 2. The Board may assess for each violation. In determining the appropriate amount of the administrative fine, the Board will consider: (a) The veterinary services performed by the person who practiced veterinary medicine without a license; (b) The degree of physical harm suffered by the animal; (c) The number and types of similar: (1) Complaints received against the person by the Board; and (2) Violations committed by the person in this State; (d) The person’s history or record of similar violations committed outside of this State; and (e) Any other facts or circumstances that the Board determines is relevant to protect animals and the public from any future harm by the person.
3. See below
 - a. NRS 638.125 Practice by veterinarians licensed by adjoining states in areas within State not adequately served; conditions. Unless the Board finds, after the filing with the Board of a protest by a person licensed under the provisions of this chapter, that the area involved is adequately served by a person or persons licensed under the provisions of this chapter, any veterinarian who resides in an adjoining state, and whose area of practice reasonably extends to points within this State, may practice veterinary medicine, surgery, obstetrics or dentistry within this State if:
 1. The greater portion of the veterinarian’s practice is in the state of his or her residence.
 2. The veterinarian does not open or maintain an office or branch office within this State.
 3. The veterinarian is licensed to practice veterinary medicine, surgery, obstetrics and dentistry in the state wherein he or she resides. (Added to NRS by 1960, 414)
 - b. NRS 638.015 Applicability of chapter. Nothing in this chapter applies:
 1. To the gratuitous castrating, dehorning or vaccinating of domesticated animals nor to the gratuitous treatment of diseased animals by friends or neighbors of the owner thereof, except that all vaccinations for zoonotic diseases must be

administered by a licensed veterinarian or a veterinary technician under the direct supervision of a licensed veterinarian.

2. To debar any veterinarian in the employ of the United States Government or the State of Nevada from performing official duties necessary for the conduct of the business of the United States Government or the State of Nevada, or a political subdivision thereof, upon which the veterinarian is assigned.

3. To any person who is a diplomate from an approved specialty board of the American Veterinary Medical Association who is called into the State for consultation by a person licensed to practice under this chapter for a period not to exceed 30 days in any 12-month period if the person practices under the auspices of a licensed veterinarian.

4. To the giving of advice with respect to or the performance of acts which the Board by rule has prescribed as accepted livestock management practices.

5. To the owner of an animal or full-time regular employee of the owner who is caring for and treating an animal which belongs to the owner unless the ownership of the animal is transferred for the purposes of circumventing this chapter, except that all vaccinations for zoonotic diseases must be administered by a licensed veterinarian or a person under the direct supervision of a licensed veterinarian.

6. To any person or agency that performs humane services for wildlife animals without charge.

7. To any person, other than a veterinarian, who renders aid, assistance or relief to an animal in an emergency without charge if the person does not represent himself or herself as holding a license to practice veterinary medicine or as holding a degree in veterinary medicine or other related field.

8. To any person, other than a veterinarian, who renders emergency paramedical services to an animal without charge during the transportation of the animal to a veterinary facility.

[Part 8:17:1919; 1919 RL p. 3205; NCL § 7797]—(NRS A 1960, 413; 1965, 366; 1983, 1675; 1995, 1676; 2021, 874)

Ohio [Jake Bell]

Ohio does not have jurisdiction on unlicensed individuals. I would be interested in what the results are from other states as our only remedy in Ohio is to:

- 1) Refer to the county prosecutor for charges (which, rarely happen)
- 2) Send a “cease and desist” letter that has no teeth (and most likely gets pitched in trash)

Please let me know what you find out, I would like to strengthen our laws in Ohio as well. The bad actors know they cannot be punished and just continue.

Oklahoma [Cathy Kirkpatrick]

1. We have authority over unlicensed individuals that are practicing veterinary medicine:

§ 698.18 PENALTIES

It shall be unlawful for any person to practice or attempt to practice veterinary medicine without a current license or certificate issued pursuant to the Oklahoma Veterinary Practice Act, or to knowingly aid or abet another person in the unlicensed practice or attempted practice of veterinary medicine in this state.

2. Vaccinations and ultrasound preg checking
3. § 698.19a CITATION AND FINE In addition, each field citation may contain an order of abatement fixing a reasonable time for abatement of the violation, and may contain an assessment of an administrative penalty not to exceed Five Hundred Dollars (\$500.00) for a first offense and not to exceed Five Thousand Dollars (\$5,000.00) for a second or each subsequent offense. Each day such violation continues shall constitute a separate offense.

Yes, 1st offense can be up to \$500 and subsequent offense can be up to \$5,000

4. § 698.12 ACTS NOT PROHIBITED

The Oklahoma Veterinary Practice Act shall not be construed to prohibit;

1. Acts of animal husbandry consisting of dehorning, branding, tagging or notching ears, teeth floating, farriery, pregnancy checking by transrectal palpation, collecting semen, preparing semen, freezing semen, castrating, worming, vaccinating, injecting or nonsurgical artificial insemination of farm animals; or the acts or conduct of a person advising with respect to nutrition, feeds or feeding
2. The owner of any animal or the owner's employees or helpers from caring for or treating animals belonging to the owner; provided that, the acts of the owner's employees or helpers otherwise prohibited by the Oklahoma Veterinary Practice Act are only an incidental part of the employment duties and for which no special compensation is made;
3. Acts of a person in lawful possession of an animal for some other purpose than practicing veterinary medicine; provided that, no charge may be made or included in any other charge or fee or adjustment otherwise made of any charge or fee for acts performed pursuant to this subsection unless the acts are performed by a licensed veterinarian as provided by the Oklahoma Veterinary Practice Act;
4. Acts of auction markets and other shippers of food animals in preparing such animal for shipment;
5. Acts of a person who is a student in good standing in a veterinary school, in performing duties or functions assigned by the student's instructors, or working under the direct supervision of a licensed veterinarian for each individual case and acts performed by an instructor or student in a school of veterinary medicine recognized by the Board and performed as a part of the educational and training curriculum of the school under the direct supervision of faculty. The unsupervised or unauthorized practice of veterinary medicine even though on the premises of a school of veterinary medicine is prohibited;

6. Acts of any employee in the course of employment by the federal government or acts of a veterinarian practicing on property and persons outside the jurisdiction of the State of Oklahoma.
 7. A veterinarian currently licensed in another state from consulting with a licensed veterinarian of this state;
 8. Acts of agriculture education instructors or students while engaged in regular agriculture education instruction in programs approved by the Oklahoma Department of Vocational and Technical Education; provided that said acts are under the supervision of instructors and are carried out in the usual course of instruction and not as independent practice by an unlicensed veterinarian without supervision;
 9. Any person employed by a licensed veterinarian who is assisting with the professional duties of the licensed veterinarian and who is under the direct supervision of the licensed veterinarian from administering medication or rendering auxiliary or supporting assistance under the direct supervision of such licensed veterinarian, provided that the practice is conducted in compliance with all laws of this state and rules of this Board;
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Prince Edward Island [Dr. Jessie MacQuarrie]

1. We typically start by sending a Cease and Desist through the association's legal counsel
2. Equine dentistry and bodywork (chiropractic, osteopathy, etc)
3. From the Veterinary Profession Act:

Every person who contravenes this Act is guilty of an offence and on summary conviction is liable for the first offence, to a fine not less than \$25 and not more than \$200 or, for any subsequent offence to a fine of not less than \$50 and not more than \$500.

4. From the Veterinary Profession Act:

Nothing in this Act applies to or affects (a) the furnishing of first aid or temporary assistance to an animal in an emergency; (b) the treatment of an animal by its owner, by a member of his household, or by a person regularly employed by him in agricultural or domestic work; (c) the caponizing and the taking of blood samples from poultry; (d) the castration of pigs, calves and lambs; (e) the dehorning of cattle; (f) the dispensing of medicines under the Pharmacy Act R.S.P.E.I. 1988, Cap. P-6.1. R.S.P.E.I. 1974, Cap. V-4, s.3; 2014,c.39,s.71.

Texas [Brittany Sharkey]

1. We are authorized to issue Cease and Desist orders against unlicensed individuals and assess administrative penalties for subsequent violations of the Cease and Desist Order.
2. The unlicensed practice we see really runs the gamut here, backyard surgeons performing ear croppings and tail dockings, folks taking animals across the border to be treated in Mexico and brought back with complications, to folks buying vaccines at Tractor Supply and running in home vaccine clinics.
3. The current maximum penalty for violations of cease and desist orders is \$5,000 per offense.

4. The major practice act exemption we have is the owner exemption which has been broadly defined to include animals in shelters owned by the shelter.
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West Virginia [Trish Holstein]

1. Our board does not have authority.
2. Teeth Floating
3. NA
4. [Owner exemption](#)

§30-10-17. Exemptions from article.

The following persons are exempt from licensing under the provisions of this article:

- (a) An employee of the federal government performing his or her official duties, as defined by the employing agency;
 - (b) A student of a veterinary school working under the direct supervision of a licensed veterinarian;
 - (c) A person advising with respect to or performing acts which the board has prescribed by legislative rule as accepted livestock management practices;
 - (d) The owner of an animal, the owner's employees, or persons assisting the owner without any fee or compensation, caring for and treating the animal, except where the ownership of the animal was transferred for the purpose of circumventing the provisions of this article;
 - (e) A member of the faculty of a veterinary school performing his or her regular duties and functions, including lecturing, giving instructions or demonstrations, at a veterinary school or in connection with a board approved continuing education course or seminar;
 - (f) A person selling or applying a pesticide, insecticide or herbicide;
 - (g) A person engaging in bona fide scientific research which reasonably requires experimentation involving animals;
 - (h) A person engaging in bona fide scientific research in consultation with a licensed veterinarian in this state;
 - (i) A person treating or relieving a living animal in the case of an emergency for no fee or other compensation;
 - (j) A person who disposes of the carcass of a dead animal; and
 - (k) Veterinary assistants acting under the general supervision of a licensed veterinarian.
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Wisconsin [Melissa Mace]

1. If the board determines that unlicensed practice occurred they refer the case to the Department of Agriculture Trade and Consumer protection. If found to be practicing the Department will start with a cease and desist notification. If they continued with the unlicensed practice then we follow the pathways set forth under [WI Statute s. 89.079 \(1\) - \(3\)](#):
 - (1) The department may conduct investigations, hold hearings, and make findings as to whether a person has engaged in a practice or used a title without a credential required under this chapter.
 - (2) If, after holding a public hearing, the department determines that a person has engaged in a practice or used a title without a required credential, the department may issue a special order enjoining the person from continuing the practice or use of the title.
 - (3) In lieu of holding a public hearing, if the department has reason to believe that a person has engaged in a practice or used a title without a required credential, the department may petition the circuit court for a temporary restraining order or an injunction as provided in ch. [813](#).
2. Recently we have been seeing pet breeders practicing on their animals they sell and breed (tail docking, dew claw removal, ultra sounds, and other diagnostics involvled with breeding.
Equine dentistry
Unlicensed assistance completing veterinary medical service they are may not do without certification
3. See WI Statute s. 89.079 (4).
 - (a) Any person who violates a special order issued under sub. [\(2\)](#) may be required to forfeit not more than \$10,000 for each offense. Each day of continued violation constitutes a separate offense. The attorney general or any district attorney may commence an action in the name of the state to recover a forfeiture under this paragraph.
 - (b) Any person who violates a temporary restraining order or an injunction issued by a court upon a petition under sub. [\(3\)](#) may be fined not less than \$25 nor more than \$5,000 or imprisoned for not more than one year in the county jail or both.
4. The only practice ‘exemption’ is practice for no compensation either direct or indirect or in the expectation of compensation.

BOARDS AND COMMISSIONS

Kentucky Board of Veterinary Examiners

(New Administrative Regulation)

201 KAR 16:614. Fines. (Citation subject to change based on filing, est. Sept. 2024)

RELATES TO: KRS 321.352, 321.990

STATUTORY AUTHORITY: KRS 321.235(1)(b), 321.352(1), (5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.352(1) requires the board to establish the amounts, limits, or ranges for any fines imposed under KRS Chapter 321 through the promulgation of administrative regulations. KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement and enforce KRS Chapter 321 and 201 KAR Chapter 16. This administrative regulation establishes the amounts, limits, or ranges for all fines imposed under KRS Chapter 321.

Section 1. Mandatory Fines. (1) A person who, for practicing or performing services without a credential issued by the board, violates or aids in the violation of:

(a) KRS 321.190 shall be fined per violation per day for practice as a veterinarian:

1. For the first offense in an amount of not less than \$250 and not more than \$500;
2. For subsequent offenses in an amount of not less than \$500 and not more than \$1,000;

(#) KRS 321.190 shall be fined per violation per day for practice as a veterinary technician:

1. For the first offense in an amount of not less than \$100 and not more than \$250;
2. For subsequent offenses in an amount of not less than \$250 and not more than \$500;

(b) KRS 321.201 shall be fined per violation per day for the veterinarian supervisor and the individual acting as a special permittee,

1. For the first offense in an amount of not less than \$250 and not more than \$500;
2. For subsequent offenses in an amount of not less than \$500 and not more than \$1,000;

(c) KRS 321.207 shall be per violation per day for the animal control agency, the designated on-site manager, and the individual acting as an animal euthanasia specialist,

1. For the first offense in an amount of not less than \$50 and not more than \$150;
2. For subsequent offenses in an amount of not less than \$150 and not more than \$300;

(d) KRS 321.211 shall be fined per violation per day:

1. For the first offense in an amount of not less than \$250 and not more than \$500;
2. For subsequent offenses in an amount of not less than \$500 and not more than \$1,000;

(e) KRS 321.236 shall be fined per violation per day for the veterinarian manager and the registered responsible party,

1. For the first offense in an amount of not less than \$250 and not more than \$500;
2. For subsequent offenses in an amount of not less than \$500 and not more than \$1,000;

(f) KRS 321.441 shall be fined per violation per day,

1. For the first offense in an amount of not less than \$100 and not more than \$250;
2. For subsequent offenses in an amount of not less than \$250 and not more than \$500;

(g) KRS 321.442 shall be fined per violation per day:

1. For the first offense in an amount of not less than \$100 and not more than \$250;
2. For subsequent offenses in an amount of not less than \$250 and not more than \$500;

(2) A person who is issued a notice of violation by the board for failure to comply with KRS Chapter 321 or an administrative regulation promulgated thereunder shall be fined in the amount per violation per day.

(a) For the first offense in an amount of not less than \$100 and not more than \$250;

(b) For subsequent offenses in an amount of not less than \$250 and not more than \$500;

(3) A person who exercises or attempts to exercise control over, interferes with, or attempts to influence the professional judgment of a credential holder in any manner, including through coercion, collusion, extortion, inducement, or intimidation shall be fined per violation per day:

(a) For the first offense in an amount of not less than \$500 and not more than \$1,000;

(b) For subsequent offenses in an amount of not less than \$1,000 and not more than \$2,500;

(4) A person who violates any ruling of the board or hinders any agent of the board in carrying out the duties assigned to the agent shall be fined per violation per day:

(a) For the first offense in an amount of not less than \$500 and not more than \$1,000;

(b) For subsequent offenses in an amount of not less than \$1,000 and not more than \$2,500;

(5) A person who is an officer who refuses to enforce the provisions of this chapter when called upon by the board to do so shall be fined per violation per day:

(a) For the first offense in an amount of not less than \$100 and not more than \$250;

(b) For subsequent offenses in an amount of not less than \$250 and not more than \$500;

(6) A person who attempts in any way to hinder or obstruct the board in carrying out the provisions of KRS Chapter 321 shall be fined per violation per day:

(a) For the first offense in an amount of not less than \$100 and not more than \$500;

(b) For subsequent offenses in an amount of not less than \$500 and not more than \$1,000;

(7) A person who resists, obstructs, interferes with, threatens, attempts to intimidate, or in any other manner interferes with an agent of the board or who willfully refuses to obey their lawful order shall be fined per violation per day:

(a) For the first offense in an amount of not less than \$500 and not more than \$1,000;

(b) For subsequent offenses in an amount of not less than \$1,000 and not more than \$2,500;

Section 2. Permissive Fines. (1) The board may impose an additional fine per violation per day for a person who is convicted under KRS 321.990:

- (a) For the first offense in an amount of not less than \$500 and not more than \$1,000;
- (b) For subsequent offenses in an amount of not less than \$1,000 and not more than \$2,500;

(2) The board may impose an additional fine for any violation of the Kentucky Veterinary Medicine Practice Act that consists of an amount equal to the cost of investigative and legal fees, court reporters, expert witnesses, administrative hearing officers, and all related costs incurred by the board in processing the case.

Section 3. Continuing Violation. (1) Each day or part of a day that a violation continues is a separate violation and subject to additional fines per day.

APPROVED BY THE BOARD: 6/13/2024

CALIFORNIA VETERINARY MEDICAL BOARD

LEGISLATIVE PROPOSAL TO AMEND SECTION 4875.2 AND ADD SECTION 4875.7 TO THE BUSINESS AND PROFESSIONS CODE REGARDING UNLICENSED PRACTICE CITATIONS

October 2024 Board-approved additions are indicated in single underline.

October 2024 Board-approved deletions are indicated in ~~single strikethrough~~.

Proposed new additions are indicated in double underline.

Proposed new deletions are indicated in ~~double strikethrough~~.

Amend section 4875.2 of the Business and Professions Code as follows:

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 veterinary premises registration holder~~ 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 veterinary premises registration holder ~~an unlicensed person~~, in accordance with Sections ~~125.9 and 148~~ and the board's regulations established pursuant thereto.

Add section 4875.7 to the Business and Professions Code as follows:

4875.7. (a) Notwithstanding paragraph (3) of subdivision (b) of Section 125.9 and Section 148, the executive officer may issue a citation to any person or entity, and that person or entity shall be subject to a fine no less than two thousand dollars (\$2,000) and not exceeding ten thousand dollars (\$10,000), for each violation of practicing or offering to practice veterinary medicine without a license, registration, or permit issued by the board pursuant to this chapter. The maximum fine for unlicensed activity is separate and not inclusive of fines for other violations.

(b) Administrative fines collected pursuant to this section shall be deposited in accordance with Section 4903.

CALIFORNIA VETERINARY MEDICAL BOARD

**REGULATORY PROPOSAL TO AMEND CALIFORNIA CODE OF REGULATIONS,
TITLE 16, SECTION 2043 REGARDING UNLICENSED PRACTICE CITATIONS**

Proposed additions are indicated in single underline.

Proposed deletions are indicated in ~~single strikethrough~~.

§ 2043. Civil Penalties for Citation.

When the executive officer determines that a violation has occurred and issues a citation to a licensee ~~or an unlicensed person~~, that citation shall include its classification and may include an assessment of a civil penalty. The classification of a citation shall be as follows:

(a) Class "A" violations involve a person who has violated a statute or regulation substantially related to the practice of veterinary medicine but has not caused either death or harm to an animal patient and has not presented a substantial probability that death or serious harm to an animal patient could result from the violation. A class "A" violation is subject to a civil penalty in an amount not less than two hundred and fifty dollars (\$250) and not exceeding three thousand dollars (\$3,000) for each citation.

(b) Class "B" violations involve a person who has violated a statute or regulation relating to the practice of veterinary medicine and either (1) has caused harm to an animal patient, or (2) has presented a substantial probability that death or serious harm to an animal patient could result from the violation, or (3) has committed a violation which meets the criteria for a class "A" violation and has two or more prior citations for a class "A" violation within the 5-year period immediately preceding the act serving as the basis for the citation. However, the increase in the civil penalty required by this subsection shall not be due and payable unless and until the actions to enforce the previous citations have been terminated in favor of the board. A class "B" violation is subject to a civil penalty in an amount not less than one thousand dollars (\$1,000) and not exceeding four thousand dollars (\$4,000) for each citation.

(c) Class "C" violations involve a person who (1) has caused death or serious harm to an animal patient, or (2) has committed a violation that has endangered the health or safety of another person or animal, or (3) has committed multiple violations that show a willful disregard of the law, or (4) has committed a violation that meets the criteria for a class "B" violation within the 5-year period immediately preceding the act serving as the basis for the citation. However, the increase in the civil penalty required in this subsection shall not be due and payable unless and until the actions to enforce the previous citations have been terminated in favor of the board. A class "C" violation is subject to a civil penalty in an amount not less than two thousand dollars (\$2,000) and not exceeding five thousand dollars (\$5,000) for each citation.

(d) In assessing the amount of a civil penalty, the executive officer shall consider the following criteria:

- (1) The nature and severity of the violation.
- (2) Evidence that the violation was willful.
- (3) History of violations of the same or similar nature.
- (4) The extent to which the cited person has cooperated with the board's investigations.
- (5) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.
- (6) Such other matters as justice may require.

~~(e) Notwithstanding the foregoing, in all situations involving unlicensed persons practicing veterinary medicine, the citation shall be a class "C" violation, and the civil penalty shall be in an amount no less than two thousand dollars (\$2,000) and not exceeding five thousand dollars (\$5,000) for each citation as defined in subsection (c) above.~~

(fe) Every citation that is issued pursuant to this article shall be considered a public document. Citations that have been resolved, by payment of the civil penalty or compliance with the order of abatement, shall be purged five (5) years from the date of resolution, unless the licensee is subject to formal discipline within five (5) years immediately following the citation order, at which time the citation may become part of the permanent enforcement record. A citation that has been withdrawn or dismissed shall be purged immediately upon withdrawal or dismissal.

(gf) An order of abatement issued pursuant to section 125.9 or 4875.2 of the Code shall fix a reasonable time for abatement of the violation. An order of abatement may require any or all of the following:

- (1) That the individual to whom the citation was issued demonstrate how future compliance with the laws and regulations related to the violation for which the citation was issued will be accomplished. The demonstration may include, but is not limited to, submission of a written corrective action plan.
- (2) That the individual to whom the citation was issued take a course offered by a board-approved provider, related to the violation for which the citation was issued. Any courses taken to satisfy the order of abatement shall be individually approved by the board and in addition to those required as continuing education for license renewal.

NOTE: Authority cited: Sections 125.9, 4808 and 4875.4, Business and Professions Code. Reference: Sections 12.5, 125.9, ~~148~~, 4826, 4846.5, 4875.2, ~~and 4875.4~~ and 4875.7 Business and Professions Code.