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AB-1535 Veterinary Medical Board: application and examination: discipline and citation. (2021-2022)

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Date Published: 10/08/2021 09:00 PM

Assembly Bill No. 1535

CHAPTER 631

An act to amend Sections 4800, 4804.5, 4827, 4830, 4836.2, 4841.4, 4841.5, 4848.1, 4853, 4853.1, 4853.6, 4861, 4862, 4863, 4864, 4866, 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4875.2, 4883, 4900, and 4905 of, to amend the heading of Article 3.5 (commencing with Section 4860) of Chapter 11 of Division 2 of, to add Sections 4826.3, 4847.1, and 4854.1 to, to repeal Sections 4836.3, 4842.5, 4846.4, 4847, 4848, 4848.3, and 4849 of, and to repeal and add Sections 4846 and 4875.6 of, the Business and Professions Code, relating to healing arts.

[Approved by Governor October 07, 2021. Filed with Secretary of State October 07, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1535, Committee on Business and Professions. Veterinary Medical Board: application and examination: discipline and citation.

(1) Existing law, the Veterinary Medicine Practice Act, provides for the licensure and registration of veterinarians and the regulation of the practice of veterinary medicine, until January 1, 2022, by the Veterinary Medical Board in the Department of Consumer Affairs. Existing law, until January 1, 2022, authorizes the board to appoint an executive officer to perform duties delegated by the board. Existing law makes it a misdemeanor for any person to violate or aid or abet in the violation of the act. Under the act, the repeal of the provision establishing the board renders the board subject to review by the appropriate policy committees of the Legislature. The act restricts the review to those issues identified by the appropriate policy committees of the Legislature and prohibits that review from involving the preparation or submission of a sunset review document or evaluative questionnaire.

This bill would extend the provisions establishing the board and authorizing the board to appoint an executive officer until January 1, 2026. The bill would remove the prohibition on a sunset review document or evaluative questionnaire.

(2) Existing law requires the board to regulate and discipline registered veterinary technicians and veterinary assistants in the state, including establishing an application and examination process, and setting specified fees. Existing law requires the board, by means of examination, to determine the professional qualifications of all applicants who wish to register as veterinary technicians in California. The act requires that examination to consist of a national licensing examination and an examination specific to the animal health care tasks limited to California registered veterinary technicians, as approved by the board. Existing law establishes requirements for eligibility to take the examination, including that the applicant be at least 18 years of age and furnish evidence of specified education.

This bill would set the application, registration, and renewal fees at \$225 each. The bill would limit the examination for veterinary technicians to a national licensing examination. The bill, in lieu of the examination eligibility requirements, would instead require an applicant for registration to furnish satisfactory evidence of education, as described.

Existing law authorizes a veterinary assistant to apply for a veterinary assistant controlled substance permit, as specified, and requires the veterinary assistant to pay a controlled substance permit application fee equal to the amount the board determines reasonably necessary to carry out the program, not to exceed \$100. Existing law requires a veterinary assistant to renew a veterinary assistant controlled substance permit on or before the last day of the applicant's birth month.

This bill would revise and recast the veterinary assistant controlled substance permit provisions. The bill would require a veterinary assistant to pay an application fee, a permit fee, and a renewal fee for the veterinary assistant controlled substance permit of \$100 each. The bill would require the permit to expire midnight on the last day of the month in which the permit was issued.

This bill, beginning on and after January 1, 2023, would require a veterinary technician, veterinary assistant, and veterinary assistant controlled substances permitholder registered in the state to wear a name tag identification in any area of the veterinary premises that is accessible to members of the public.

(3) Existing law requires the board, by means of examination, to ascertain the professional qualifications of all applicants for licenses to practice veterinary medicine in California. The act requires that examination to consist of a licensing examination that is administered on a national basis, a California state board examination, and an examination concerning the act and regulations administered by the board pursuant thereto. For purposes of reciprocity, the act provides an alternative licensing procedure in lieu of examination, that requires, among other things, that an applicant hold a current valid license in good standing in another state, Canadian province, or United States territory. Existing law requires the board to issue a temporary license valid for one year to an applicant accepted into a qualifying internship or residency program under specified conditions. Existing law requires applicants and licensees to pay various fees related to the practice of veterinary medicine, including an application fee in an amount determined by the board, not to exceed \$350.

This bill would revise and recast the examination and application requirements for applicants for veterinarian licenses to eliminate the California state board examination and to require, among other things, all applicants to disclose each state, Canadian province, or United States territory in which the applicant currently holds or has ever held a license to practice veterinary medicine, as provided. The bill would delete the above-described provision requiring the board to issue a temporary license.

This bill would require the application fee to be \$350, and would require an application to be considered abandoned and the application fee forfeited if an applicant fails to complete their application within one year after it has been filed. The bill would require an applicant to notify the board of any changes in mailing or employment address that occurred after filing the application.

The bill would revise and recast various veterinarian license fees, including removing the board's authority to revise certain fees, as specified.

(4) Existing law requires all premises where veterinary medicine is being practiced to be registered with the board and requires every application for registration of veterinary premises to set forth the name of the responsible licensee manager who is to act for and on behalf of the licensed premises. Existing law specifies the initial and annual renewal fees for registration of a premises to be \$400.

This bill would specify that the owner or operator of a veterinary premises is required to submit a premises registration application to the board and would require the application to set forth the name of each owner or operator of the premises, including the type of corporate entity, if applicable, and the name of the premises, in addition to the name of the responsible licensee manager. The bill would require an operator or owner that is a veterinary corporation, as specified, or a corporation or other artificial legal entity to set forth in the application the names and titles of officers, directors, shareholders, and others, and to report any changes to the board within 30 days. The bill would provide that the premises registration is nontransferable. The bill would increase the initial and renewal fees for a premises to \$500 and \$525, respectively.

Existing law requires the board to withhold, suspend, or revoke the registration of a veterinary premises under specified circumstances, including when the licensee manager ceases to become responsible for management of the registered premises and no substitution has been made by application.

This bill would additionally require the board to deny, suspend, or revoke registration of the veterinary premises if a premises registration holder who is not licensed under the act to practice veterinary medicine has practiced or influenced or exerted control over the provision of veterinary medicine.

This bill would prohibit a premises registration holder who is not a California-licensed veterinarian from interfering with, controlling, or otherwise directing the professional judgment of any California-licensed veterinarian or registered veterinary technician.

(5) Existing law authorizes the board to establish one or more diversion evaluation committees to identify and rehabilitate veterinarians and registered veterinary technicians with impairment due to abuse of dangerous drugs or alcohol, affecting

competency. Existing law requires the board to charge each veterinarian and registered veterinary technician who is accepted to participate in the diversion program a registration fee to be set by the board in an amount not to exceed \$4,000, as provided.

This bill would rename the committees as wellness evaluation committees. The bill would authorize the board president to suspend any committee member pending an investigation into allegations of existing alcohol or drug addiction and, after investigation, to remove them, as specified. The bill would delete the \$4,000 limit on the program registration fee and would instead require the board to charge a registration fee and reasonable administrative fees.

(6) Existing law authorizes the board to deny, revoke, or suspend a license or registration or to assess a fine for, among other things, false or misleading advertising and fraud, deception, negligence, or incompetence in the practice of veterinary medicine.

This bill would additionally authorize the board to deny, revoke, or suspend a license or registration or to assess a fine for, among other things, making any statement, claim, or advertisement that the licensee or registrant is a veterinary specialist or board certified unless the licensee or registrant is certified, as specified.

(7) Existing law prescribes the process by which the executive officer may issue a citation to a veterinarian, registered veterinary technician, or unlicensed person acting as a veterinarian or a registered veterinary technician. Under the act, before a citation can be issued, the executive officer is required to submit the alleged violation for review and investigation to at least one designee of the board who is a veterinarian licensed in or employed by the state. The act requires the designee to prepare a finding of fact and a recommendation upon conclusion of their review.

This bill would delete the process prescribed by the act and would instead authorize the executive officer to issue citations in accordance with provisions of law that authorize any board within the Department of Consumer Affairs to establish, by regulation, a system for the issuance of a citation to a licensee, which may contain an order of abatement or an order to pay an administrative fine assessed by the board, if the licensee is in violation of the applicable law.

Existing law prescribes the process by which a veterinarian, a registered veterinary technician, or an unlicensed person can administratively contest a civil citation or the proposed assessment of a civil penalty therefor. Existing law requires the cited person, within 10 business days after receipt of the citation, to notify the executive officer in writing of their request for an informal conference and requires the executive officer or their designee to hold an informal conference within 60 days after receiving the request.

This bill would revise and recast the procedure for contesting a violation under the act to, among other things, permit the cited person to request an informal conference within 30 days and authorize the executive officer or their designee to extend for good cause the 60-day period during which they are required to hold an informal conference. The bill would prohibit a cited person from requesting an informal conference for a citation that was affirmed or modified following an informal conference.

(8) Existing law exempts a person from licensure and specified requirements imposed on licensees when the person engages in specified acts of veterinary care for an animal.

This bill would expand this exception to include persons providing specified care to animals lawfully deposited with or impounded by a shelter, as defined, including administering nonprescription vaccinations, nonprescription medications, and medications pursuant to a written treatment plan. The bill would require the care to be performed pursuant to protocols written by veterinarians and by persons who receive proper training, as defined. By expanding the scope of a crime, this bill would impose a state-mandated local program.

(9) This bill would make other conforming and nonsubstantive changes, including replacing gendered terms with nongendered terms, updating cross-references, and deleting obsolete provisions.

(10) Because this bill would create new requirements within the Veterinary Medicine Practice Act, the violation of which would be a crime, the bill would impose a state-mandated local program.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4800 of the Business and Professions Code is amended to read:

4800. (a) There is in the Department of Consumer Affairs a Veterinary Medical Board in which the administration of this chapter is vested. The board shall consist of the following eight members:

- (1) Four licensed veterinarians.
- (2) One registered veterinary technician.
- (3) Three public members.

(b) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature. However, the review of the board shall be limited to those issues identified by the appropriate policy committees of the Legislature and shall involve the preparation or submission of a sunset review document or evaluative questionnaire.

SEC. 2. Section 4804.5 of the Business and Professions Code is amended to read:

4804.5. (a) The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter.

(b) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 3. Section 4826.3 is added to the Business and Professions Code, to read:

4826.3. (a) Notwithstanding any law, a veterinary technician, veterinary assistant, and veterinary assistant controlled substances permitholder registered in this state shall wear a name tag identification in at least 18 point type in any area of the veterinary premises that is accessible to members of the public. The name tag shall include the veterinary technician, veterinary assistant, and veterinary assistant controlled substances permitholder's name, and, if applicable, the license, registration, or permit type and number issued by the board.

(b) A person subject to the requirement in subdivision (a) may remove the name tag when working with or handling animal patients.

(c) This section shall become operative on January 1, 2023.

SEC. 4. Section 4827 of the Business and Professions Code is amended to read:

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

(1) Practicing veterinary medicine as a bona fide owner of one's own 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.

(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.

SEC. 5. Section 4830 of the Business and Professions Code is amended to read:

4830. (a) This chapter does not apply to:

(1) Veterinarians while serving in any armed branch of the military service of the United States or the United States Department of Agriculture while actually engaged and employed in their official capacity.

(2) Veterinarians holding a current, valid license in good standing in another state or country who provide assistance to a California-licensed veterinarian and attend on a specific case. The California-licensed veterinarian shall maintain a valid veterinarian-client-patient relationship. The veterinarian providing the assistance shall not establish a veterinarian-client-patient relationship with the client by attending the case or at a future time and shall not practice veterinary medicine, open an office, appoint a place to meet patients, communicate with clients who reside within the limits of this state, give orders, or have ultimate authority over the care or primary diagnosis of a patient that is located within this state.

(3) Veterinarians called into the state by a law enforcement agency or animal control agency pursuant to subdivision (b).

(4) A student of a veterinary medical program accredited by the American Veterinary Medical Association Council on Education who participates as part of the student's formal curriculum in the diagnosis and treatment with direct supervision by a California-licensed veterinarian, or in surgery with immediate supervision by a California-licensed veterinarian, provided all of the following requirements are met:

(A) The clinical training site has been approved by the university where the student is enrolled.

(B) The student has prior training in diagnosis, treatment, and surgery as part of the formal curriculum.

(5) A veterinarian who is employed by the Meat and Poultry Inspection Branch of the California Department of Food and Agriculture while actually engaged and employed in the veterinarian's official capacity. A person exempt under this paragraph shall not otherwise engage in the practice of veterinary medicine unless the person is issued a license by the board.

(6) Unlicensed personnel employed by the Department of Food and Agriculture or the United States Department of Agriculture when in the course of their duties they are directed by a veterinarian supervisor to conduct an examination, obtain biological specimens, apply biological tests, or administer medications or biological products as part of government disease or condition monitoring, investigation, control, or eradication activities.

(b) (1) For purposes of paragraph (3) of subdivision (a), a regularly licensed veterinarian in good standing who is called from another state by a law enforcement agency or animal control agency, as defined in Section 31606 of the Food and Agricultural Code, to attend to cases that are a part of an investigation of an alleged violation of federal or state animal fighting or animal cruelty laws within a single geographic location shall be exempt from the licensing requirements of this chapter if the law enforcement agency or animal control agency determines that it is necessary to call the veterinarian in order for the agency or officer to conduct the investigation in a timely, efficient, and effective manner. In determining whether it is necessary to call a

veterinarian from another state, consideration shall be given to the availability of veterinarians in this state to attend to these cases. An agency, department, or officer that calls a veterinarian pursuant to this subdivision shall notify the board of the investigation.

(2) Notwithstanding any other provision of this chapter, a regularly licensed veterinarian in good standing who is called from another state to attend to cases that are a part of an investigation described in paragraph (1) may provide veterinary medical care for animals that are affected by the investigation with a temporary shelter facility, and the temporary shelter facility shall be exempt from the registration requirement of Section 4853 if all of the following conditions are met:

(A) The temporary shelter facility is established only for the purpose of the investigation.

(B) The temporary shelter facility provides veterinary medical care, shelter, food, and water only to animals that are affected by the investigation.

(C) The temporary shelter facility complies with Section 4854.

(D) The temporary shelter facility exists for not more than 60 days, unless the law enforcement agency or animal control agency determines that a longer period of time is necessary to complete the investigation.

(E) Within 30 calendar days upon completion of the provision of veterinary health care services at a temporary shelter facility established pursuant to this section, the veterinarian called from another state by a law enforcement agency or animal control agency to attend to a case shall file a report with the board. The report shall contain the date, place, type, and general description of the care provided, along with a listing of the veterinary health care practitioners who participated in providing that care.

(c) For purposes of paragraph (3) of subdivision (a), the board may inspect temporary facilities established pursuant to this section.

SEC. 6. Section 4836.2 of the Business and Professions Code is amended to read:

4836.2. (a) Applications for a veterinary assistant controlled substance permit shall be upon a form furnished by the board.

(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:

(1) The employment of fraud, misrepresentation, or deception in obtaining a veterinary assistant controlled substance permit.

(2) Chronic inebriety or habitual use of controlled substances.

(3) The applicant or permitholder has been convicted of a state or federal felony controlled substance violation.

(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.

(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.

(c) The board shall not issue a veterinary assistant controlled substance permit to any applicant with a state or federal felony controlled substance conviction.

(d) (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.

(e) 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 (d).

SEC. 7. Section 4836.3 of the Business and Professions Code is repealed.

SEC. 8. Section 4841.4 of the Business and Professions Code is amended to read:

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.

SEC. 9. Section 4841.5 of the Business and Professions Code is amended to read:

4841.5. To obtain registration as a registered veterinary technician, the applicant shall furnish satisfactory evidence of one of the following:

(a) Graduation from, at minimum, a two-year curriculum in veterinary technology, in a college or other postsecondary institution 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 the college, other postsecondary institution, or American Association of Veterinary State Boards.

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

(c) Education equivalency certified by the American Association of Veterinary State Boards Program for the Assessment of Veterinary Education Equivalence for Veterinary Technicians. The certificate of education equivalence shall be submitted directly to the board by the American Association of Veterinary State Boards.

SEC. 10. Section 4842.5 of the Business and Professions Code is repealed.

SEC. 11. Section 4846 of the Business and Professions Code is repealed.

SEC. 12. Section 4846 is added to the Business and Professions Code, to read:

4846. (a) In order to obtain a license to practice veterinary medicine in California, an individual shall meet the following requirements:

(1) Graduate from a veterinary college recognized by the board or receive a certificate from the Educational Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE). Proof of graduation must be directly submitted to the board by the veterinary college or from the American Association of Veterinary State Boards (AAVSB). Proof of certificate must be directly submitted to the board by ECFVG or PAVE.

(2) Complete a board-approved license application.

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

(4) As directed by the board 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.

(5) Pass an examination consisting of the following:

(A) A licensing examination that is administered on a national basis. If the applicant passed the national licensing examination over five years from the date of submitting the California Veterinarian license application, the applicant shall satisfy one of the following:

(i) Retake and pass the national licensing examination.

(ii) 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.

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

(B) A veterinary law examination administered by the board concerning the Veterinary Medicine Practice Act statutes and regulations. The examination may be administered by regular mail, email, or by other electronic means. The applicant shall certify that the applicant personally completed the examination. Any false statement is a violation subject to Section 4831. Every applicant who obtains a score of at least 80% on the veterinary law examination shall be deemed to have passed. University of California and Western University of Health Sciences veterinary medical students who have successfully completed a board-approved course on veterinary law and ethics covering the Veterinary Medicine Practice Act shall be exempt from this subparagraph.

(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 to practice veterinary medicine. License verification, including any disciplinary or enforcement history, must be directly submitted to the board from each state, Canadian province, or United States territory.

(c) A veterinarian license application shall be subject to denial pursuant to Sections 480, 4875, and 4883.

SEC. 13. Section 4846.4 of the Business and Professions Code is repealed.

SEC. 14. Section 4847 of the Business and Professions Code is repealed.

SEC. 15. Section 4847.1 is added to the Business and Professions Code, to read:

4847.1. (a) If an applicant fails to complete their application within one year after it has been filed, the application shall be considered abandoned and the application fee forfeited.

(b) An application submitted subsequent to the abandonment of the former application shall be treated as a new application.

(c) An applicant shall notify the board of any changes in mailing or employment address that occur after filing the application.

SEC. 16. Section 4848 of the Business and Professions Code is repealed.

SEC. 17. Section 4848.1 of the Business and Professions Code is amended to read:

4848.1. (a) A veterinarian engaged in the practice of veterinary medicine, as defined in Section 4826, employed by the University of California and engaged in the performance of duties in connection with the School of Veterinary Medicine or employed by the Western University of Health Sciences and engaged in the performance of duties in connection with the College of Veterinary Medicine shall be issued a university license pursuant to this section or hold a license to practice veterinary medicine in this state.

(b) An individual may apply for and be issued a university license if all of the following are satisfied:

(1) The applicant is currently employed by the University of California or Western University of Health Sciences, as defined in subdivision (a).

(2) The applicant passes an examination concerning the statutes and regulations of the Veterinary Medicine Practice Act, administered by the board, pursuant to subparagraph (C) of paragraph (2) of subdivision (a) of Section 4848.

(3) The applicant completes and submits the application specified by the board and pays the application and the initial license fee, pursuant to Section 4905.

(c) A university license:

(1) Shall automatically cease to be valid upon termination or cessation of employment by the University of California or by the Western University of Health Sciences.

(2) Shall be subject to the license renewal provisions in Section 4900 and the payment of the renewal fee pursuant to subdivision (g) of Section 4905.

(3) Shall be subject to denial, revocation, or suspension pursuant to Sections 480, 4875, and 4883.

(4) Authorizes the holder to practice veterinary medicine only at an educational institution described in subdivision (a) and any locations formally affiliated with those institutions.

(d) An individual who holds a university license is exempt from satisfying the license renewal requirements of Section 4846.5.

SEC. 18. Section 4848.3 of the Business and Professions Code is repealed.

SEC. 19. Section 4849 of the Business and Professions Code is repealed.

SEC. 20. Section 4853 of the Business and Professions Code is amended to read:

4853. (a) All veterinary premises shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

(b) "Premises" for the purpose of this chapter shall mean the location of operation where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced and shall include a building, kennel, mobile unit, or vehicle. Mobile units and vehicles shall be exempted from independent registration with the board when they are operated from a building or facility which is the licensee manager's principal place of business and the building is registered with the board, and the registration identifies and declares the use of the mobile unit or vehicle.

(c) The owner or operator of a veterinary premises shall submit a premises registration application to the board. The application shall set forth the name of each owner or operator of the premises, including the type of corporate entity, if applicable, the name of the premises, and the name of the responsible licensee manager who is to act for and on behalf of the registered premises. Substitution of the responsible licensee manager may be accomplished by application to the board if the following conditions are met:

(1) The person substituted qualifies by presenting satisfactory evidence that the person possesses a valid, unexpired, and unrevoked license as provided by this chapter and that the license is not currently under suspension.

(2) No circumvention of the law is contemplated by the substitution.

(d) If the owner or operator of a veterinary premises is a veterinary corporation practicing pursuant to Article 6 (commencing with Section 4910), the application shall set forth the names and titles of each officer, director, or shareholder. Any changes in the officers, directors, or shareholders shall be reported to the board within 30 days.

(e) If the owner or operator of a veterinary premises is a corporation or other artificial legal entity other than a veterinary corporation as provided under subdivision (d), the application shall set forth the names and titles of all owners, officers, general partners, if any, and the agent for service of process. Any changes in the owners, officers, general partners, or agent for service of process shall be reported to the board within 30 days.

(f) The premises registration is nontransferable. In the event of change of an owner or operator of the premises, the premises registration holder shall notify the board of the change within 30 days after any such change.

(g) This section does not authorize any person, corporation, or artificial legal entity, other than a California-licensed veterinarian or a veterinary corporation practicing pursuant to Article 6 (commencing with Section 4910) and the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), to furnish to any person or animal patient any veterinary services, diagnosis, or treatment within the scope of California veterinarian licensure under this chapter. This section does not authorize any person, other than a California-licensed veterinarian within the scope of their license, to engage directly or indirectly in the practice of veterinary medicine, veterinary surgery, veterinary dentistry, and the various branches thereof in accordance with Section 4826. This section does not regulate, govern, or affect in any manner the practice of veterinary medicine, veterinary surgery, or veterinary dentistry by any person duly licensed to engage in such practice.

SEC. 21. Section 4853.1 of the Business and Professions Code is amended to read:

4853.1. Each application to register a premises pursuant to Section 4853 shall be made on a form provided by the board.

SEC. 22. Section 4853.6 of the Business and Professions Code is amended to read:

4853.6. (a) The board shall deny, suspend, or revoke registration of a veterinary premises if any of the following occur:

(1) The licensee manager set forth in the application in accordance with Section 4853 ceases to become responsible for management of the registered premises and no substitution of the responsible licensee manager has been made by application

as provided for in Section 4853.

(2) The premises registration holder or the licensee manager has, under proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the license to practice veterinary medicine, surgery, and dentistry revoked or suspended.

(3) Unless licensed pursuant to Section 4825, the premises registration holder has practiced, influenced, or exerted control over the provision of veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof.

(b) The board shall not renew the premises registration if there is no licensee manager associated with the premises.

(c) The board may deny, suspend, or revoke registration of the veterinary premises for unlicensed practice of veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof by the premises registration holder.

SEC. 23. Section 4854.1 is added to the Business and Professions Code, to read:

4854.1. A premises registration holder who is not a California-licensed veterinarian pursuant to Section 4825 shall not interfere with, control, or otherwise direct the professional judgment of any California licensed veterinarian or registered veterinary technician. The board may require any information, including, but not limited to, employment contracts between the premises registration holder and a California-licensed veterinarian or registered veterinary technician, the board deems is reasonably necessary for the enforcement of this section.

SEC. 24. The heading of Article 3.5 (commencing with Section 4860) of Chapter 11 of Division 2 of the Business and Professions Code is amended to read:

Article 3.5. Wellness Evaluation Committees

SEC. 25. Section 4861 of the Business and Professions Code is amended to read:

4861. (a) One or more wellness evaluation committees is hereby authorized to be established by the board. Each wellness evaluation committee shall be composed of five persons appointed by the board.

(b) Each wellness evaluation committee shall have the following composition:

(1) Three veterinarians licensed under this chapter. The board in making its appointments shall give consideration to recommendations of veterinary associations and local veterinary societies and shall consider, among others, where appropriate, the appointment of veterinarians who have recovered from impairment or who have knowledge and expertise in the management of impairment.

(2) Two public members.

(c) Each person appointed to a wellness evaluation committee shall have experience or knowledge in the evaluation or management of persons who are impaired due to alcohol or drug abuse.

(d) It shall require the majority vote of the board to appoint a person to a wellness evaluation committee. Each appointment shall be at the pleasure of the board for a term not to exceed four years. In its discretion the board may stagger the terms of the initial members appointed.

(e) The board president may suspend any wellness evaluation committee member pending an investigation into allegations of existing alcohol or drug addiction. If, after investigation, there is evidence of an alcohol or drug addiction relapse, the board president shall have authorized discretion to remove the member without input from the board.

(f) The board may appoint a program director and other personnel as necessary to carry out this article.

SEC. 26. Section 4862 of the Business and Professions Code is amended to read:

4862. Each member of a wellness evaluation committee shall receive per diem and expenses as provided in Section 103.

SEC. 27. Section 4863 of the Business and Professions Code is amended to read:

4863. Three members of a wellness evaluation committee shall constitute a quorum for the transaction of business at any meeting. Any action requires the majority vote of the wellness evaluation committee.

SEC. 28. Section 4864 of the Business and Professions Code is amended to read:

4864. Each wellness evaluation committee shall elect from its membership a chairperson and a vice chairperson.

SEC. 29. Section 4866 of the Business and Professions Code is amended to read:

4866. (a) The board shall establish criteria for the acceptance, denial, or termination of veterinarians and registered veterinary technicians in a wellness program. Only those veterinarians and registered veterinary technicians who have voluntarily requested wellness treatment and supervision by a wellness evaluation committee shall participate in a program.

(b) The board shall establish criteria for the selection of administrative physicians who shall examine veterinarians and registered veterinary technicians requesting wellness under a program. Any reports made under this article by the administrative physician shall constitute an exception to Sections 994 and 995 of the Evidence Code.

(c) The wellness program may accept no more than 100 participants who are licensees of the board.

SEC. 30. Section 4867 of the Business and Professions Code is amended to read:

4867. The wellness evaluation committee shall inform each veterinarian and registered veterinary technician who requests participation in a program of the procedures followed in the program, of the rights and responsibilities of the veterinarian and registered veterinary technician in the program, and of the possible results of noncompliance with the program.

SEC. 31. Section 4868 of the Business and Professions Code is amended to read:

4868. Each wellness evaluation committee shall have the following duties and responsibilities:

(a) To evaluate those veterinarians and registered veterinary technicians who request participation in the program according to the guidelines prescribed by the board and to consider the recommendation of the administrative physician on the admission of the veterinarian or registered veterinary technician to the wellness program.

(b) To review and designate those treatment facilities to which veterinarians and registered veterinary technicians in a wellness program may be referred.

(c) To receive and review information concerning veterinarians and registered veterinary technicians participating in the program.

(d) To call meetings as necessary to consider the requests of veterinarians and registered veterinary technicians to participate in a wellness program, and to consider reports regarding veterinarians and registered veterinary technicians participating in a program from an administrative physician, or from others.

(e) To consider in the case of each veterinarian and registered veterinary technician participating in a program whether they may with safety continue or resume the practice of veterinary medicine or the assisting in the practice of veterinary medicine.

(f) To set forth in writing for each veterinarian and registered veterinary technician participating in a program a treatment program established for each such veterinarian and registered veterinary technician with the requirements for supervision and surveillance.

(g) To hold a general meeting at least twice a year, which shall be open and public, to evaluate the program's progress, to review data as required in reports to the board, to prepare reports to be submitted to the board, and to suggest proposals for changes in the wellness program.

SEC. 32. Section 4869 of the Business and Professions Code is amended to read:

4869. Notwithstanding Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to public meetings, a wellness evaluation committee may convene in closed session to consider reports pertaining to any veterinarian or registered veterinary technician requesting or participating in a wellness program. A wellness evaluation committee shall only convene in closed session to the extent that it is necessary to protect the privacy of a veterinarian or registered veterinary technician.

SEC. 33. Section 4870 of the Business and Professions Code is amended to read:

4870. Each veterinarian and registered veterinary technician who requests participation in a wellness program shall agree to cooperate with the treatment program designed by a wellness evaluation committee. Any failure to comply with the provisions of a treatment program may result in termination of the veterinarian's or registered veterinary technician's participation in a program.

SEC. 34. Section 4871 of the Business and Professions Code is amended to read:

4871. (a) After a wellness evaluation committee in its discretion has determined that a veterinarian or registered veterinary technician has been rehabilitated and the wellness program is completed, the wellness evaluation committee shall purge and destroy all records pertaining to the veterinarian's or registered veterinary technician's participation in a wellness program.

(b) All board and wellness evaluation committee records and records of proceedings pertaining to the treatment of a veterinarian or registered veterinary technician in a program shall be kept confidential and are not subject to discovery or subpoena.

SEC. 35. Section 4872 of the Business and Professions Code is amended to read:

4872. The board shall provide for the representation of any persons making reports to a wellness evaluation committee or the board under this article in any action for defamation.

SEC. 36. Section 4873 of the Business and Professions Code is amended to read:

4873. The board shall charge each veterinarian and registered veterinary technician who is accepted to participate in the wellness program a wellness program registration fee and reasonable administrative fees.

SEC. 37. Section 4875.2 of the Business and Professions Code is amended to read:

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

SEC. 38. Section 4875.6 of the Business and Professions Code is repealed.

SEC. 39. Section 4875.6 is added to the Business and Professions Code, to read:

4875.6. (a) In addition to requesting an administrative hearing as provided for in paragraph (4) of subdivision (b) of Section 125.9, the cited person may request an informal conference to review the acts shared in the citation. The cited person shall make the request for an informal conference in writing, within 30 days of the date of issuance of the citation, to the executive officer.

(b) The executive officer or their designee shall hold, within 60 days from the receipt of the request, an informal conference with the cited person. The executive officer or their designee may extend the 60-day period for good cause.

(c) Following the informal conference, the executive officer or their designee may affirm, modify, or dismiss the citation, including any fine that is levied, order of abatement, or order of correction issued. The executive officer or their designee shall state in writing the reasons for the action and transmit a copy of those findings to the cited person within 30 days after the informal conference.

(d) If the citation, including any fine that is levied, order of abatement, or order of correction, is affirmed or modified following the informal conference, the respondent may make a request in writing to the executive officer within 30 days of the affirmed or modified citation, for a formal hearing, which shall be conducted as provided in paragraph (4) of subdivision (b) of Section 125.9.

(e) A cited person shall not request an informal conference for a citation that has been affirmed or modified following an informal conference.

SEC. 40. Section 4883 of the Business and Professions Code is amended to read:

4883. The board may deny, revoke, or suspend a license or registration 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 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 to be suspended or revoked, or assess a fine, or decline to issue a license or registration, 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 licensed 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 person so licensed or registered to conduct with safety the practice authorized by the license or registration.

(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 to be suspended or revoked or assess a fine, or may decline to issue a license or registration, 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 or controlled substances.

(h) Failure to keep the licensee's or registrant's premises and all equipment therein in a clean and sanitary condition.

(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.

(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.

(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 medicinal cannabis 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.

(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.

SEC. 41. Section 4900 of the Business and Professions Code is amended to read:

4900. (a) All veterinary licenses, veterinary technician registrations, and veterinary assistant controlled substance permits, shall expire at 12 midnight of the last day of the month in which the license was issued during the second year of a two-year term if not renewed.

(b) All premises registrations shall expire annually at 12 midnight of the last day of the month in which the license was issued, unless renewed.

(c) To renew an unexpired license, registration, or permit, the licensee, registrant, or permitholder shall, on or before the date of expiration of the license or registration, apply for renewal on a form provided by the board, accompanied by the prescribed renewal fee. The renewal application shall contain a statement to the effect that the applicant has not been convicted of a felony or misdemeanor, has not been the subject of professional disciplinary action taken by any public agency in California or any other state or territory, and has not violated any of the provisions of this chapter. If the applicant is unable to make that statement, the application shall contain a statement of the conviction, professional discipline, or violation.

(d) Each licensee, registrant, and permitholder who has an electronic mail address shall report to the board that electronic mail address during the time of renewal and confirm that the electronic mail address and address of record is current and valid. The electronic mail address shall be considered confidential and not subject to public disclosure.

SEC. 42. Section 4905 of the Business and Professions Code is amended to read:

4905. The following fees shall be collected by the board and shall be credited to the Veterinary Medical Board Contingent Fund:

(a) The veterinarian license application fee shall be three hundred fifty dollars (\$350).

(b) The Veterinary Medicine Practice Act course fee shall be set by the board in an amount it determines reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed one hundred dollars (\$100).

(c) The initial veterinarian license fee shall be set by the board not to exceed five hundred dollars (\$500).

(d) The biennial veterinarian license renewal fee shall be five hundred dollars (\$500).

(e) The university licensee application fee shall be three hundred fifty dollars (\$350).

(f) The initial university license fee shall be five hundred dollars (\$500).

(g) The biennial university licensee renewal fee shall be five hundred dollars (\$500).

(h) The delinquency fee shall be fifty dollars (\$50).

(i) The fee for issuance of a duplicate license, registration, or permit shall be twenty-five dollars (\$25).

(j) Any charge made for duplication or other services shall be set at the cost of rendering the service, except as specified in subdivision (i).

(k) The fee for failure to report a change in the mailing address shall be twenty-five dollars (\$25).

(l) The initial veterinary premises registration fee shall be five hundred dollars (\$500) annually.

(m) The annual veterinary premises registration renewal fee shall be five hundred twenty-five dollars (\$525).

(n) The registered veterinary technician application fee shall be two hundred twenty-five dollars (\$225).

(o) The initial registered veterinary technician registration fee shall be two hundred twenty-five dollars (\$225).

(p) The biennial registered veterinary technician renewal fee shall be two hundred twenty-five dollars (\$225).

(q) The veterinary assistant controlled substance permit application fee shall be one hundred dollars (\$100).

(r) The veterinary assistant controlled substance permit fee shall be one hundred dollars (\$100).

(s) The biennial veterinary assistant controlled substance permit renewal fee shall be one hundred dollars (\$100).

(t) The veterinary assistant controlled substance permit delinquency fee shall be 50 percent of the renewal fee for such permit in effect on the date of the renewal of the permit, but shall not be less than twenty-five dollars (\$25) nor more than one hundred fifty dollars (\$150).

(u) The fee for filing an application for approval of a school or institution offering a curriculum for training registered veterinary technicians pursuant to Section 4843 shall be set by the board at an amount not to exceed three hundred dollars (\$300). The school or institution shall also pay for the reasonable regulatory costs incident to an onsite inspection conducted by the board pursuant to Section 2065.6 of Title 16 of the California Code of Regulations.

(v) If the money transferred from the Veterinary Medical Board Contingent Fund to the General Fund pursuant to the Budget Act of 1991 is redeposited into the Veterinary Medical Board Contingent Fund, the fees assessed by the board shall be reduced correspondingly. However, the reduction shall not be so great as to cause the Veterinary Medical Board Contingent Fund to have a reserve of less than three months of annual authorized board expenditures. The fees set by the board shall not result in a Veterinary Medical Board Contingent Fund reserve of more than 10 months of annual authorized board expenditures.

SEC. 43. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.