

# VETERINARY MEDICAL BOARD

---

*Executive Officer: Jessica Sieferman ♦ (916) 515–5220 ♦ [www.vmb.ca.gov](http://www.vmb.ca.gov)*

*Protection of the public shall be the highest priority for the Veterinary Medical Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.*

— Business and Professions Code § 4800.1

**T**he Veterinary Medical Board (VMB) is a consumer protection agency within the state Department of Consumer Affairs (DCA). Pursuant to the Veterinary Medicine Practice Act (VMPA), Business and Professions Code section 4800 *et seq.*, VMB licenses doctors of veterinary medicine (DVMs) and registered veterinary technicians (RVTs); establishes the scope and standards of practice of veterinary medicine; and investigates complaints and takes disciplinary action against licensees, as appropriate. VMB's regulations are codified in Division 20, Title 16 of the California Code of Regulations (CCR). VMB also registers veterinary medical, surgical, and dental hospitals and health facilities. All such facilities must be registered with VMB and must comply with minimum standards. A facility may be inspected at any time, and its registration is subject to revocation or suspension if, following a hearing, it is deemed to have fallen short of these standards.

VMB is comprised of eight members—four veterinarians, one registered veterinary technician, and three public members. The Governor appoints all of the Board's DVM members, the RVT member, and one of the public members; the Senate Rules Committee and the Assembly Speaker each appoint one public member. Board members serve four-year terms and are limited to two consecutive terms.

Pursuant to Business and Professions Code section 4809.8, VMB maintains a nine-member Veterinary Medicine Multidisciplinary Committee (MDC) whose purpose is to “assist, advise, and make recommendations for the implementation of rules and regulations necessary to ensure proper administration and enforcement” of the VMPA. Committee members serve three-year terms and are limited to two consecutive terms.

## **MAJOR PROJECTS**

### **VMB Initiates Rulemaking Process for DCA’s Consumer Protection Enforcement Initiative (CPEI)**

On January 23, 2019, the Board unanimously [voted](#) to initiate the rulemaking process to increase the Board’s authority and ability to conduct disciplinary proceedings. On March 8, 2019, the Board [published notice](#) in the California Regulatory Notice Register that the Board is proposing to take action on the initiative. According to the notice, this action was in response to the Department of Consumer Affairs’ concern that the current enforcement process that Healing Arts board use “limit the boards’ abilities to investigate and act on cases in a timely manner.” The public comment period ends April 22, 2019.

According to the Board’s [Initial Statement of Reasons](#), the proposed regulatory action is “intended to improve the Board’s enforcement process, facilitate achievement of the Board’s goal to reduce delays of investigation and disciplinary actions, and thereby enhance consumer protection.” The proposed changes would amend section 2003 and adopt new sections 2017 and 2042, Title 16 of the CCR.

Section 2003, as amended, would allow the Board to delegate the authority to enter into settlement agreements with a licensee to the Executive Officer. According to the [Initial Statement](#)

[of Reasons](#), the Board has traditionally voted on settlement agreements. Under this section, the EO would also be able to investigate and evaluate the credentials of an applicant for licensure.

New section 2017 would enable the Board to conduct a psychological or medical evaluation prior to issuing a decision on a license application. Currently, the Board can conduct an evaluation and subsequently revoke a license once the applicant is licensed if it has reason to believe the licensee is impaired. The Board believes that by conducting the evaluation before the applicant is licensed, they are better equipped to prevent an impaired veterinarian from harming patients.

Section 2042, as amended, would authorize the Board to discipline a licensee or deny an applicant for failing to report disciplinary action within thirty days or for failing to comply with a court order to produce records. Currently, licensees only need to report disciplinary action taken against them by an out of state agency every two years. The Board believes the new thirty-day requirement will allow the Board to make disciplinary decisions more quickly.

## **OAL Approves Fee Increase Emergency Regulations for Additional 90 Days**

On October 16, 2018, the Office of Administrative Law (OAL) [approved](#) VMB's proposed second re-adoption of its [emergency rulemaking](#) amending sections 2070 and 2071, Title 16 of the CCR, to increase licensing fees for DVMs and RVTs. The re-adoption took effect on December 5, 2018, nine months after the [original adoption](#) on March 5. [[23:2 CRLR 107](#)] The Board requested the emergency fee increase remain in effect an additional 90 days, the maximum allowed for re-adopted emergency regulations.

According to VMB's [Finding of Emergency](#), the emergency rulemaking for the Fee Schedule was necessary to avoid the imminent shutdown of the Board's enforcement activity, the impending insolvency of the Board, and the potential for serious harm to the public and their animals should this occur. The Board noted that a variety of factors outside its control had contributed to a structural imbalance between revenues and expenditures that was impacting the Board's ability to continue its enforcement efforts and severely limited the performance of its core licensing, examination, and inspection functions. Specifically, the Board reported a 100% increase in consumer complaints from FY 2016–2017, and stated that it expects the increase to continue throughout the fiscal year. The Board also reported that costs associated with legislative mandates and implementation of the BreZE database system, among other expenses, have also contributed to the deficit.

## **Board Proposed to Make Increase to Licensing Fees Emergency Regulations Permanent through Normal Process**

On November 26, 2018, the written comment period ended for the Board's proposal to make the licensing fee increase permanent through the normal rulemaking process. On October 12, 2018, the Board [published notice](#) in the California Regulatory Notice Register that they would pursue the changes.

According to the [Final Statement of Reasons](#), the comment period yielded seven comments concerning the disproportionate negative impact the fee increase would have on small veterinary practices. The Board responded that it has no way of tracking the size of veterinary practices, such that it could not feasibly assess a different fee based on practice size. As of April 15, 2019, the proposal is pending with the OAL.

# LEGISLATION

[SB 627 \(Galgiani\)](#), as amended March 28, 2019, would amend sections 4825.1, 4884, 26000, 26001, 26030, 26050, 26104, 26140, and 26162.5 of, and add sections 4826.3 and 26003 to the Business and Professions Code. The bill would amend the Veterinary Medicine Practice Act to allow veterinarians to issue a recommendation for the use of medicinal cannabis products on an animal patient “for any condition for which cannabis or cannabis products provide relief.” VMB would be prohibited from disciplining veterinarians for issuing recommendations.

It would also amend the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which governs the sale of both medical and recreational cannabis, to regulate cannabis recommendations by veterinarians the same as it does recommendations by physicians. “Primary caregivers,” who are adults over the age of eighteen who own the animal that cannabis is recommended for, would be able to essentially fill a cannabis prescription for their pet. In contrast, MAUCRSA only permits adults twenty-one years and older to purchase recreational cannabis. [*S. BP&ED*]

[AB 1553 \(Fong\)](#), as introduced February 22, 2019, would make technical changes to provisions in the Civil, Food and Agricultural, Government, Health and Safety, and Penal Codes. The bill would change “pound” to “animal shelter,” and “destroy,” “dispose of,” or “kill” to “humanely euthanize” when referring to animals. It would also change “unwanted” to “surrendered” when referring to animals within the Business and Professions Code. [*A. B&P*]

[AB 611 \(Nazarian\)](#), as introduced February 14, 2019, amend Section 4830.7 of the Business and Professions Code, and to amend Section 597.9 of, and to repeal and add Section 286.5 of, the Penal Code, to expand a veterinarian’s duty to report suspected abuse of an animal

under their care to include sexual abuse of animals. Under current law, a veterinarian's failure to report animal cruelty to law enforcement is punishable as a misdemeanor. This bill would also criminalize the failure to report sexual abuse. However, veterinarians would be protected from civil liability for reporting suspected sexual abuse, as well as animal cruelty. [*A. Rules*]

## RECENT MEETINGS

At its November 14, 2018, [meeting](#), the Board voted to appoint Dr. Jaymie Noland to the position of Board President and Dr. Cheryl Waterhouse to the position of Board vice-president for the 2019 term. The Board moved to delegate to the MDC to review requirements for cannabis discussion guidelines required by AB 2215 which was passed during the previous legislative session. [*24:1 CRLR 113-114*] The Board directed the MDC to determine if the guidelines should be promulgated through the rulemaking process or as a guidance document.

The Board also moved to recommend legislation to exempt non-profit organizations from premises permit fees when they hold vaccination events that provide free or low-cost vaccination immunization services.

Finally, the Board moved to submit to the California legislature the [proposed language](#) drafted by legal counsel to address the issue of corporate practice of veterinary medicine. The proposed language works to draw a distinct line between veterinary medicine and corporate ownership, in order to allow a veterinarian to use their judgement to provide veterinary services without corporate influence.

At its January 23, 2019, [meeting](#), representatives from corporate lobbying groups argued for the Board to retract its proposed language regarding the corporate practice of medicine from the legislature which the Board moved to submit at its previous meeting. Ms. Sieferman, VMB

Executive Officer, noted that the corporate practice legislation recommendation had been publicly noticed since February 2018, and the corporations were invited to provide public comment at the previous meeting. After discussion, the Board moved to withdraw the proposed legislative language and instead direct the MDC for “guidance, instruction, research, and stakeholder meetings.”