

VETERINARY MEDICAL BOARD

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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 section 4800.1

The California Veterinary Medical Board (VMB) is a consumer protection agency within the 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 is comprised of eight members—four veterinarians, one registered veterinary technician (RVT), and three public members. The Governor appoints all of the Board’s DVM members, the RVT member, and one of the public members. In addition, 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. At this writing, there is a vacant public member position on the VMB to be appointed by the Senate Rules Committee.

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. At its April 20, 2022 [meeting](#) [[Agenda Item 6](#)], the Board will interview applicants for the vacant veterinarian position on the MDC. The appointment is for a three-year term, beginning on July 1, 2022.

HIGHLIGHTS

OAL Approves Board Rulemaking Regarding Animal Physical Rehabilitation, Disciplinary Guidelines, and Drug Compounding

During this reporting period, the Office of Administrative Law (OAL) approved three rulemaking packages proposed by the VMB.

On November 15, 2021, OAL [approved](#) the Board’s regulatory proposal to add section 2038.5, Title 16 of the CCR regarding Animal Physical Rehabilitation (APR). The Board initially noticed its intent to amend and add the regulation on March 13, 2020. [*See* [26:1 CRLR 71–72](#)] According to the [final statement of reasons](#), the added section will establish a clear definition of APR as an animal health care task in the Board’s regulations and clarify what professionals can perform APR and under what circumstances. The Board narrowed the definition of APR to apply to the treatment of an injury or illness and to address pain and improve function. Further, the regulation clarifies that RVT or veterinarian assistants can perform APR under the appropriate supervision of a veterinarian. At its October 21, 2021, teleconference meeting [[Agenda Item 11D](#)], the Board approved the final proposed regulatory language. This included OAL’s recommendations to clarify the two types of supervision, direct or indirect, to be used for an RVT to perform APR. The regulatory action became effective on January 1, 2022.

On December 27, 2021, OAL [approved](#) the Board’s proposed amendments to section 2006, Title 16 of the CCR, to amend its Disciplinary Guidelines, which are used to establish appropriate disciplinary actions for similar offenses statewide. The Board initially [noticed](#) its intent on July 17, 2020, to update the Disciplinary Guidelines, as the last time they were modified was in July 2012. [[26:1 CRLR 77–78](#)] The regulatory proposal underwent three modifications before its final submission to OAL on December 22, 2021. The [final statement of reasons](#) explained that besides non-substantive and technical changes to the guidelines, such as amending terminology and adding clarifying language, the last modification aimed to address the concern over the maximum time probation can be tolled before a license is canceled. For that purpose, the final modified text revised the language to make a two-year non-practice condition a probation violation and remove language about a license being automatically canceled without a hearing. The amended disciplinary guidelines will become effective April 1, 2022.

Finally, on January 4, 2022, OAL [approved](#) the Board’s regulatory proposal to adopt sections 2090, 2091, 2092, 2093, 2094, and 2095, Title 16 of the CCR, regarding minimum standards for drug compounding services for animal patients. The Board initially [noticed](#) its intent to add sections 2090–2095 on July 17, 2020, to define drug compounding in veterinary premises and the parameters of a veterinarian or RVT providing drug compounding services. [[26:1 CRLR 78](#); [26:2 CRLR 98–99](#)] On January 4, 2022, the Board [submitted](#) the final rulemaking package, which will be used to establish the statutory authority and clarify the criteria for veterinarians and RVTs to provide drug compounding services. Notably, while the regulations mandate that veterinary premises adhere to minimum policies regarding drug compounding services, veterinarians are not required to perform drug compounding as they may instead issue a prescription to a pharmacy. The final rulemaking package contains six sections regarding the

definitions of drug compounding, application of these services on veterinary premises, and explanation of proper policies and procedures regarding topics such as formula records, expiration dates, and preparation and storage. The new guidelines for drug compounding will become effective on April 1, 2022.

Interim Suspension Order Issued Against California Horse Racing Board Equine Medical Director Jeff Blea, Pending Full Investigation and Formal Hearing

On January 28, 2022, Judge Nana Chin, Administrative Law Judge for the Office of Administrative Hearings (OAH), [granted](#) VMB's Petition for Interim Suspension and Cease Practice Order against the license of Jeff A Blea ([VET 11928](#)). As a result of this order, Jeff Blea will be unable to actively practice veterinary medicine or hold himself out as practicing veterinary medicine.

Judge Chin found evidence against Blea that “[p]ermitting Respondent to practice and engage in veterinary medicine poses a risk of injury to the public health, safety, and welfare.” The Interim Suspension Order followed the VMB's formal filing of an accusation against Jeff Blea on December 21, 2021, and Judge Chin's [order](#) granting VMB's December 21 petition for interim license suspension on January 3, 2022 (Case No. 4602021001570). VMB's charges stem from Blea's actions as a horse track veterinarian in Southern California between January and March 2021. The *Los Angeles Times* reported on January 12, 2022, that the University of California, Davis, placed Blea on administrative leave from his role as Equine Medical Director (EMD) pending further review of his veterinary license. Further, news sources have reported that Drs. Heather Knych and Ashley Hill have been named acting EMDs and will perform the statutory

functions of the EMD. On January 26, 2022, the California Horse Racing Board (CHRB) published a [press release](#) stating their unanimous support for Jeff Blea during these proceedings.

Petitioner Jessica Sieferman, in her official capacity as VMB's Executive Officer, filed this accusation against Respondent, alleging eight causes for discipline for violating the Veterinary Medical Practice Act. The allegations include negligence, improper recordkeeping, and unprofessional conduct, including prescribing, dispensing, and administering drugs to equine patients without establishing a veterinarian-client-patient relationship (VCPR), without performing an examination, without forming a diagnosis, and without medical necessity.

On February 11, 2022, Petitioner Sieferman filed the [first amended accusation](#), containing specific details regarding the Board's current investigation into Blea. In this public document, Petitioner asserts that Blea administered medication, Thyro-L, an aspirin powder, and thyroid replacement drug, to equine patients, without FDA approval and in violation of the Animal Medicinal Drug Use Clarification Act of 1994. VMB also accuses Blea of administering Lasix, a long-considered performance-enhancing drug in the horse racing industry, to four horses to counter exercise-induced pulmonary hemorrhage, a condition in which horses experience lung bleeding during exercise, without ever examining the horses. Notably, the amended accusation alleges that from January through March 2021, Blea administered medications to 3,225 horses over 67 working days (an average of 48 horses per day).

In the amended accusation, the Board seeks to revoke or suspend Blea's license and order Blea to pay the costs of the investigation and enforcement of this case and a fine of up to \$5,000. Another formal hearing within the next several months will be required to address the merits of the Board's allegations and to revoke Blea's license permanently.

On February 24, 2022, according to Blea’s attorney, Blea filed a writ of mandate with the California Superior Court for the County of Los Angeles seeking to lift the VMB’s interim suspension on his veterinary license. The results of his petition are pending, awaiting the next formal hearing on the case to be held.

MAJOR PUBLICATIONS

The following reports/studies/guidelines have been conducted by or about the VMB during this reporting period:

- [Winter 2022 Newsletter](#), Veterinary Medical Board, January 12, 2022 (summarizes VMB actions over the past year, including detailed information regarding the Board’s recent Sunset bill and what that means for professionals and consumers, narratives on Board member transitions, and other noteworthy developments to continuing education audits, disciplinary actions, and specific fee increases).
- [2021 Leadership Accountability Report](#), Jessica Sieferman, Executive Officer of VMB, December 29, 2021 (In accordance with the State Leadership Accountability Act (SLAA), the Board submitted its review report regarding the efficiency and adequacy of its internal control and monitoring systems. This included assessments of the Veterinary Medicine risk assessment process, disciplinary and enforcement logs, and integrity of data collection.).

RULEMAKING

The following is a status update on recent rulemaking proceedings initiated by VMB:

- **Animal Physical Rehabilitation:** On January 1, 2022, the guidelines regarding APR went into effect after OAL’s [approval](#) on November 15, 2021, of the Board’s regulatory

proposal to add section 2038.5, Title 16, of the CCR (see HIGHLIGHTS). [see [25:2 CRLR 66](#); [26:1 CRLR 71–72, 80](#); [26:2 CRLR 98–99](#); [27:1 CRLR 111–112](#)].

- **Disciplinary Guidelines:** On December 22, 2021, OAL [approved](#) the regulatory action to amend section 2006, Title 16 of the CCR, to update the Board’s Disciplinary Guidelines, which were out of date, inconsistent with recent changes to statutory law, and required broad clarification. The action became effective on April 1, 2022 (see HIGHLIGHTS). [see [26:1 CRLR 77–78](#); [27:1 CRLR 112](#)]

- **Drug Compounding:** On January 4, 2022, OAL [approved](#) the Board’s proposal to amend sections 2090 through 2095, Title 16 of the CCR, regarding minimum standards for drug compounding services by veterinary professionals. The changes became effective on April 1, 2022 (see HIGHLIGHTS). [see [26:1 CRLR 78](#); [26:2 CRLR 98–99](#); [27:1 CRLR 112](#)].

LEGISLATION

- [AB 1885 \(Kalra\)](#), as introduced on February 8, 2022, would amend sections 4883, 4884, 26001, and 26130 of the Business and Professions Code to prohibit disciplinary action against a veterinarian solely for discussing or recommending the use of cannabis for an animal for therapeutic effects or health supplementation purposes. The bill would also require the VMB to create and adopt guidelines for veterinarians to follow when discussing cannabis within the veterinarian-client-patient relationship (VCPR) by January 2024. The bill would also amend the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) to revise definitions of cannabis products to include those that are intended to be used by an animal. Under the bill, animal cannabis products would be tested for safety, pesticides, and potency. The bill would also require that cannabis products for animals comply with additional concentration and other

manufacturing, packaging, and labeling standards adopted by regulations of the department. According to the author, pet owners should be able to obtain informed recommendations from veterinary medical professionals regarding the safe and responsible use of cannabis products, in line with the legal and regulated cannabis market. This bill is similar to last year's [AB 384 \(Kalra\)](#), which died in the Assembly Appropriations Committee. During its April 22, 2021 [meeting \[Agenda Item 7F\]](#), the Board heard concerns from the public regarding the availability of cannabis products in adult dispensaries and that a recommendation would not be required for consumers to obtain cannabis products for their pets. After receiving this feedback, the Board adopted a watch position on AB 384. *[A. B&P]*

- [AB 2606 \(Carrillo\)](#), as introduced on February 18, 2022, would add section 31755 to the Food and Agricultural Code to explicitly prohibit anyone from performing surgical claw removal or declawing on any cat except for procedures performed solely for a therapeutic purpose. The bill would impose civil penalties for any person who violates the prohibition. Although it has not yet voted to take a formal position on this bill, the Board has voted to oppose prior legislation that would have banned declawing procedures. For example, at the Board's April 17, 2019 [meeting \[Agenda Item 8G\]](#), the Board voted to oppose [AB 1230 \(Quirk\)](#), which also aimed to ban cat declawing procedures after expressing concerns that it would encourage back alley declawing and contribute to increased cat homelessness. *[A. B&P] [25:1 CRLR 98–99]*

- [AB 1881 \(Santiago\)](#), as introduced on February 8, 2022, would add Division 14.6 to the Food and Agricultural Code to enact the Dog and Cat Bill of Rights, which enumerates seven fundamental rights for every dog and cat in California. The bill includes legislative findings and declarations which provide that dogs and cats have the right to be respected as sentient beings, that lifelong care and enrichment should be for the entirety of an animal's life, and that pets should

have the right to be spayed and neutered at a free or low cost to “reduce the state’s overpopulation of dogs and cats.” The bill would make it a crime for an owner to subject a pet to abuse or neglect. It would also require every public animal control agency, animal shelter, or rescue group to post a copy of the Bill of Rights in a place accessible to the public and impose civil penalties for failure to do so. *[A. B&P]*