

VETERINARY MEDICAL BOARD

*Executive Officer: Jessica Sieferman ♦ (916) 515-5520 ♦ Toll-Free (866) 229-0170 ♦
Internet: 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 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. There is currently one vacant position on the Board.

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.

On February 24, 2023, Governor Newsom [announced](#) the appointment of Barrie Grant to the VMB, serving as a licensee. Grant, who earned his Doctor of Vet Medicine and Master of Science degrees from Washington State University, has been an equine surgeon since 1991.

At its January 25, 2023, [meeting](#), VMB conducted interviews of various candidates to fill the veterinarian member position on the MDC. After a motion and public comment, the Board appointed W. Kent Fowler to serve the remaining veterinarian member term until June 30, 2023, and serve the full veterinarian member term from July 1, 2023, through June 30, 2026.

At this writing, there are four vacancies for VMB’s Wellness Evaluation Committee; three licensee positions and one public position, all of which are to be appointed by VMB. On March 17, 2023, applications to fill these positions were due.

RULEMAKING

The following is a status update on the recent rulemaking proceeding VMB has initiated:

- **Civil Penalties for Citations.** On February 17, 2023, the Office of Administrative Law (OAL) [approved](#) VMB’s [proposed amendment](#) to section 2043 of Article 5.5 of Division 20 of Title 16 of CCR. The Board originally published [notice](#) on August 4, 2022, with the intent to fulfill its consumer protection mandate by striking the language “while engaged in the practice” because the regulation limited VMB’s authority to take action or pursue disciplinary action on violations that occur outside of actual practice. [[28:1 CRLR 41–42](#)] The amended regulation became effective on April 1, 2023.

LEGISLATION

- [SB 669 \(Cortese\)](#), as amended March 21, 2023, would add section 4826.6 to the

Business and Professions Code. This Sacramento SPCA-sponsored bill would authorize an RVT to establish a veterinarian-client-patient relationship (VCPR) under the supervision of a veterinarian for the purpose of administering vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites, viruses, or bacteria. Specifically, the bill would also define “veterinarian,” list the criteria for an RVT to establish a VCPR and detail the requirements of the veterinarian and the RVT to complete documentation that relates to the RVT acting as an agent of the veterinarian. SB 669 would help alleviate the burden on veterinarians, for the United States is facing a national shortage of veterinarians. *[S. BP&ED]*

- [AB 1399 \(Friedman\)](#), as amended on March 16, 2023, would amend sections 4067, 4825.1, 4829.5, 4857, and 4875.1 of, and to add section 4826.6 to, the Business and Professions Code, and to amend section 14401 of the Food and Agricultural Code, relating to veterinary medicine. This American Society for the Prevention of Cruelty to Animals and the San Diego Human Society co-sponsored bill would expand the authority of a licensed veterinarian to establish a VCPR and practice veterinary medicine through the use of telehealth, which is defined as a mode of delivering veterinarian medicine via electronic communication technologies to facilitate the diagnosis, consultation, care management, or treatment of an animal patient. At its January 25–26, 2023, [meeting](#), members discussed having definitions included in the proposed regulation, for “telemedicine” and “telehealth” are often used interchangeably despite the words having different meanings. *[A. B&P]*

- [AB 814 \(Lowenthal\)](#), as amended March 23, 2023, would amend section 4905 of, and add sections 2631 and 2660.9 4828.5 to the Business and Professions Code. AB 814 would authorize a licensed physical therapist (PT), who meets both the requirements by VMB in collaboration with the Physical Therapy Board of California, to provide animal physical

rehabilitation to an animal patient. This Animal Physical Therapy Coalition-sponsored bill would help with the national shortage of veterinarians and allow veterinarians to refer an animal to an authorized PT. *[A. B&P]*

- [SB 816 \(Roth\)](#), as introduced February 17, 2023, and as it would apply to VMB, would amend various sections of the Business and Professions Code, relating to professions and vocations. This bill would make various changes stemming from prior sunset review oversight efforts, including removing conflicting language of the Veterinary Assistant Controlled Substance Permit (VACSP) issued by VMB. *[S. BP&ED]*

LITIGATION

- *San Francisco Society for the Prevention of Cruelty to Animals, et al. v. Jessica Sieferman*, Case No. 2:21-cv-00786-TLN-KJN (E.D. Cal.). On August 8, 2022, the court stayed the case pending the Ninth Circuit’s decision in *Tingley v. Ferguson*, 557 F. Supp. 3d 1131 (W.D. Wash. 2021), appeal docketed, Nos. 21-35815, 21-35856 (9th Cir. Sept. 28, 2021). On January 31, 2023, the parties filed a Joint Status Report with the district court notifying the court that the Ninth Circuit issued a mandate in *Tingley*. Pursuant to the parties’ Joint Status Report, the court issued a minute order reinstating Defendant’s Motion to Dismiss proceedings.

On April 4, 2023, the case was reassigned to Judge Daniel J. Calabretta. Upon reassignment, all motions were taken under submission without oral argument, and all hearings and pretrial dates were vacated. As of this writing, the parties are currently waiting for a decision on the motion to dismiss from Judge Calabretta.