

AMENDED IN SENATE MAY 30, 2007

AMENDED IN SENATE MAY 16, 2007

**SENATE BILL**

**No. 969**

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**Introduced by Senator Aanestad**

February 23, 2007

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An act to amend ~~Sections 4826, 4830, and 4848~~ *Section 4826* of, and to add and repeal Section 4836.1 of, the Business and Professions Code, relating to veterinary medicine.

LEGISLATIVE COUNSEL'S DIGEST

SB 969, as amended, Aanestad. Veterinary medicine.

~~Existing law requires the Veterinary Medical Board to ascertain, by means of examination, the professional qualifications of applicants for licensure to practice veterinary medicine and to issue a license to every person whom it finds to be qualified. Under existing law, the board must waive those examination requirements and issue a temporary license to an applicant who, among other requirements, has practiced clinical veterinary medicine for a minimum of 4 years full time within the 5 years immediately preceding filing an application for licensure and has either graduated from a veterinary college recognized by the board or possesses a certificate issued by a specified commission.~~

~~This bill would instead require the board to waive the examination requirements and issue a temporary license to an applicant who, among other requirements, has either graduated from a veterinary college recognized by the board or possesses a certificate issued by a specified commission or by the Program for Assessment of Educational Equivalence and, within the 3 years immediately preceding filing an application, has practiced clinical veterinary medicine for a minimum of 2 years and completed a minimum of 2,944 hours of clinical practice.~~

~~The bill would also require the board to waive the examination requirements and issue a license to a person who, among other requirements, is certified by a specified organization or association and agrees to complete an approved educational curriculum on regionally specific and important diseases and conditions during the first year of licensure, as specified.~~

Existing law provides that a person practices veterinary medicine when he or she, among other things, administers a drug for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals, except where the drug is administered by a registered veterinary technician or an unregistered assistant at the direction of and under the direct supervision of a licensed veterinarian.

This bill would, until January 1, 2012, authorize a registered veterinary technician and an unregistered assistant to administer a drug, including, but not limited to, a drug that is a controlled substance, except for the induction of anesthesia, under the direct or indirect supervision of a licensed veterinarian when done pursuant to the order, control, and full professional responsibility of the veterinarian. This bill would also define various terms for purposes of that provision and would make related changes.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 4826 of the Business and Professions
- 2 Code is amended to read:
- 3 4826. A person practices veterinary medicine, surgery, and
- 4 dentistry, and the various branches thereof, when he or she does
- 5 any one of the following:
- 6 (a) Represents himself or herself as engaged in the practice of
- 7 veterinary medicine, veterinary surgery, or veterinary dentistry in
- 8 any of its branches.
- 9 (b) Diagnoses or prescribes a drug, medicine, appliance,
- 10 application, or treatment of whatever nature for the prevention,
- 11 cure or relief of a wound, fracture, bodily injury, or disease of
- 12 animals.
- 13 (c) Administers a drug, medicine, appliance, application, or
- 14 treatment of whatever nature for the prevention, cure, or relief of
- 15 a wound, fracture, bodily injury, or disease of animals, except

1 where the medicine, appliance, application, or treatment is  
2 administered by a registered veterinary technician or an  
3 unregistered assistant at the direction of and under the direct  
4 supervision of a licensed veterinarian subject to Article 2.5  
5 (commencing with Section 4832) or where the drug, including,  
6 but not limited to, a drug that is a controlled substance, is  
7 administered by a registered veterinary technician or an  
8 unregistered assistant pursuant to Section 4836.1. However, no  
9 person, other than a licensed veterinarian, may induce anesthesia  
10 unless authorized by regulation of the board.

11 (d) Performs a surgical or dental operation upon an animal.

12 (e) Performs any manual procedure for the diagnosis of  
13 pregnancy, sterility, or infertility upon livestock or Equidae.

14 (f) Uses any words, letters or titles in such connection or under  
15 such circumstances as to induce the belief that the person using  
16 them is engaged in the practice of veterinary medicine, veterinary  
17 surgery, or veterinary dentistry. This use shall be prima facie  
18 evidence of the intention to represent himself or herself as engaged  
19 in the practice of veterinary medicine, veterinary surgery, or  
20 veterinary dentistry.

21 ~~SEC. 2. Section 4830 of the Business and Professions Code,~~  
22 ~~as amended by Section 1 of Chapter 823 of the Statutes of 2006,~~  
23 ~~is amended to read:~~

24 ~~4830. (a) This chapter does not apply to:~~

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

29 ~~(2) Regularly licensed veterinarians in actual consultation from~~  
30 ~~other states.~~

31 ~~(3) Regularly licensed veterinarians actually called from other~~  
32 ~~states to attend cases in this state, but who do not open an office~~  
33 ~~or appoint a place to do business within this state.~~

34 ~~(4) Veterinarians employed by the University of California~~  
35 ~~while engaged in the performance of duties in connection with the~~  
36 ~~College of Agriculture, the Agricultural Experiment Station, the~~  
37 ~~School of Veterinary Medicine or the agricultural extension work~~  
38 ~~of the university or employed by the Western University of Health~~  
39 ~~Sciences while engaged in the performance of duties in connection~~

1 with the College of Veterinary Medicine or the agricultural  
2 extension work of the university.

3 (5) ~~Students in the School of Veterinary Medicine of the~~  
4 ~~University of California or the College of Veterinary Medicine of~~  
5 ~~the Western University of Health Sciences who participate in~~  
6 ~~diagnosis and treatment as part of their educational experience,~~  
7 ~~including those in off-campus educational programs under the~~  
8 ~~direct supervision of a licensed veterinarian in good standing, as~~  
9 ~~defined in subdivision (f) of Section 4848, appointed by the~~  
10 ~~University of California, Davis, or the Western University of~~  
11 ~~Health Sciences.~~

12 (6) ~~A veterinarian who is employed by the Meat and Poultry~~  
13 ~~Inspection Branch of the California Department of Food and~~  
14 ~~Agriculture while actually engaged and employed in his or her~~  
15 ~~official capacity. A person exempt under this paragraph shall not~~  
16 ~~otherwise engage in the practice of veterinary medicine unless he~~  
17 ~~or she is issued a license by the board.~~

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

25 (8) ~~Veterinarians employed by a city, city and county, or county~~  
26 ~~who meet all of the following criteria:~~

27 (A) ~~They have earned and possess a doctorate in veterinary~~  
28 ~~medicine from an American Veterinary Medical~~  
29 ~~Association-accredited college of veterinary medicine, or they~~  
30 ~~possess a degree in veterinary medicine from a non-American~~  
31 ~~Veterinary Medical Association-accredited college of veterinary~~  
32 ~~medicine and possess a certificate issued by the Educational~~  
33 ~~Commission for Foreign Veterinary Graduates or a certificate~~  
34 ~~issued by the Program for Assessment of Veterinary Equivalency,~~  
35 ~~or they have achieved board certification from the American~~  
36 ~~College of Veterinary Pathologists.~~

37 (B) ~~They have successfully completed a residency approved by~~  
38 ~~the American College of Veterinary Pathologists.~~

39 (C) ~~They are conducting activities, under the direct supervision~~  
40 ~~of a California licensed veterinarian, related to pathology and~~

1 epidemiology on dead animals as part of a government program  
2 to monitor a disease or a disease-related condition or to investigate,  
3 control, or eradicate a disease.

4 (b) This section shall remain in effect only until January 1, 2011,  
5 and as of that date is repealed, unless a later enacted statute that  
6 is enacted before January 1, 2011, deletes or extends that date.

7 SEC. 3. Section 4830 of the Business and Professions Code,  
8 as added by Section 2 of Chapter 823 of the Statutes of 2006, is  
9 amended to read:

10 4830. (a) This chapter does not apply to:

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

15 (2) Regularly licensed veterinarians in actual consultation from  
16 other states.

17 (3) Regularly licensed veterinarians actually called from other  
18 states to attend cases in this state, but who do not open an office  
19 or appoint a place to do business within this state.

20 (4) Veterinarians employed by the University of California  
21 while engaged in the performance of duties in connection with the  
22 College of Agriculture, the Agricultural Experiment Station, the  
23 School of Veterinary Medicine, or the agricultural extension work  
24 of the university or employed by the Western University of Health  
25 Sciences while engaged in the performance of duties in connection  
26 with the College of Veterinary Medicine or the agricultural  
27 extension work of the university.

28 (5) Students in the School of Veterinary Medicine of the  
29 University of California or the College of Veterinary Medicine of  
30 the Western University of Health Sciences who participate in  
31 diagnosis and treatment as part of their educational experience,  
32 including those in off-campus educational programs under the  
33 direct supervision of a licensed veterinarian in good standing, as  
34 defined in subdivision (f) of Section 4848, appointed by the  
35 University of California, Davis, or the Western University of  
36 Health Sciences.

37 (6) A veterinarian who is employed by the Meat and Poultry  
38 Inspection Branch of the California Department of Food and  
39 Agriculture while actually engaged and employed in his or her  
40 official capacity. A person exempt under this paragraph shall not

1 otherwise engage in the practice of veterinary medicine unless he  
2 or she is issued a license by the board.

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

10 ~~(b) This section shall become operative on January 1, 2011.~~

11 ~~SEC. 4.~~

12 *SEC. 2.* Section 4836.1 is added to the Business and Professions  
13 Code, to read:

14 4836.1. (a) Notwithstanding any other provision of law, a  
15 registered veterinary technician or an unregistered assistant may  
16 administer a drug, including, but not limited to, a drug that is a  
17 controlled substance, under the direct or indirect supervision of a  
18 licensed veterinarian when done pursuant to the order, control,  
19 and full professional responsibility of a licensed veterinarian.  
20 However, no person, other than a licensed veterinarian, may induce  
21 anesthesia unless authorized by regulation of the board.

22 (b) For purposes of this section, the following definitions apply:

23 (1) "Controlled substance" has the same meaning as that term  
24 is defined in Section 11007 of the Health and Safety Code.

25 (2) "Direct supervision" has the same meaning as that term is  
26 defined in subdivision (e) of Section 2034 of Title 16 of the  
27 California Code of Regulations.

28 (3) "Drug" has the same meaning as that term is defined in  
29 Section 11014 of the Health and Safety Code.

30 (4) "Indirect supervision" has the same meaning as that term is  
31 defined in subdivision (f) of Section 2034 of Title 16 of the  
32 California Code of Regulations.

33 (c) This section shall remain in effect until January 1, 2012, and  
34 as of that date is repealed, unless a later enacted statute, which is  
35 enacted before January 1, 2012, deletes or extends that date.

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**All matter omitted in this version of the bill appears in the bill as amended in the Senate, May 16, 2007. (JR11)**

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