

AMENDED IN SENATE JUNE 29, 2010

AMENDED IN SENATE JUNE 7, 2010

AMENDED IN ASSEMBLY APRIL 28, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1980

Introduced by Assembly Member Hayashi

February 17, 2010

An act to amend Sections 4800, 4802, 4804.5, 4807, 4809.8, 4826, 4839, 4840.7, and 4887 of, to amend and repeal Sections 4832, 4833, 4834, and 4835 of, to amend, repeal, and add Section 4810 of, to add Sections 4830.8, 4839.5, and 4841.1 to, and to repeal and add Section 4801 of, the Business and Professions Code, and to amend Section 8659 of the Government Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1980, as amended, Hayashi. Veterinary medicine.

(1) Existing law, the Veterinary Medicine Practice Act, provides for the licensure and registration of veterinarians and registered veterinary technicians and the regulation of the practice of veterinary medicine by the Veterinary Medical Board and makes a violation of the act a crime. Under existing law, the board consists of 7 members, 3 of whom are public members and 4 of whom are licensed veterinarians. Existing law makes the provisions establishing the board, and authorizing the board to appoint an executive officer, inoperative as of July 1, 2011, and repealed as of January 1, 2012.

This bill would add one registered veterinary technician to the board, to be appointed by the Governor, and would make the provisions

establishing the board and authorizing it to appoint an executive officer inoperative and repealed on January 1, 2014.

(2) Existing law requires the board to appoint a voluntary, advisory multidisciplinary committee to assist, advise, and make recommendations for the implementation of rules and regulations necessary to ensure proper administration and enforcement of the act. Existing law makes the provision establishing this committee inoperative on July 1, 2011, and repealed as of January 1, 2012.

This bill would eliminate those inoperative and repeal dates, thereby making the committee operative indefinitely. The bill would name the committee the Veterinary Medicine Multidisciplinary Advisory Committee, would eliminate its voluntary nature, and would require it to also assist the board in its examination, licensure, and registration programs. The bill would prescribe the committee's composition and would require members to serve 3-year terms, as specified. The bill would authorize the board to remove a member of the committee for continued neglect of duty, incompetency, or unprofessional conduct.

(3) Existing law prohibits the practice of veterinary medicine without a license and specifies that a person practices veterinary medicine when he or she, among other things, represents himself or herself as engaged in the practice of veterinary medicine or administers a treatment of whatever nature for the cure or relief of a bodily injury or disease of an animal.

This bill would provide that a person also practices veterinary medicine when he or she performs physical rehabilitation or musculoskeletal manipulation upon an animal, unless otherwise authorized by regulation of the board. By thereby expanding the scope of a crime, the bill would impose a state-mandated local program.

(4) Existing law requires the board to establish the tasks that may be performed by a registered veterinary technician and requires a person performing those tasks to be registered by the board.

This bill would provide an exemption from those provisions for specified veterinary technology students. The bill would also prohibit a person from using the title "registered veterinary technician" or "veterinary technician," or any other words, letters, or symbols with the intent to represent that the person is authorized to act as a registered veterinary technician, unless he or she has met certain requirements. Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

Existing law requires the board to establish an advisory committee on issues pertaining to the practice of veterinary technicians known as the Registered Veterinary Technician Committee.

The bill would make the Registered Veterinary Technician Committee inoperative as of the July 1 following the initial appointment of a registered veterinary technician to the board.

(5) Existing law authorizes an unregistered assistant to operate radiographic equipment under the direct supervision of a registered veterinary technician or a licensed veterinarian.

This bill would require an unregistered assistant to be trained in the area of radiation safety and techniques in order to operate radiographic equipment under the direct supervision of a registered veterinary technician or licensed veterinarian and would require the responsible managing licensee of a veterinary premises to maintain records of that training. Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

(6) Existing law requires the attending or on-call veterinarian at a rodeo event to submit a brief written listing of any animal injury requiring veterinary treatment to the board within 48 hours of the conclusion of the event.

This bill would add that reporting requirement to the Veterinary Medicine Practice Act and ~~would specify that this requirement applies regardless of whether the veterinarian renders treatment to the animal.~~ The bill would also require any other veterinarian to report to the board within 7 days of rendering treatment to an animal known to be injured at a rodeo event. The bill would require the report to consist of specified information and would require the board to post a form on its Internet Web site for purposes of this requirement. Because a violation of these reporting requirements under the Veterinary Medicine Practice Act would be a crime, the bill would impose a state-mandated local program.

(7) Existing law exempts certain healing arts practitioners from liability for specified services rendered during a state of war, state of emergency, or local emergency.

This bill would exempt veterinarians and registered veterinary technicians for services rendered to animals during a state of war, state of emergency, or local emergency.

(8) 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. State-mandated local program: yes.

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

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

3 4800. (a) There is in the Department of Consumer Affairs a
4 Veterinary Medical Board in which the administration of this
5 chapter is vested. The board consists of the following members:

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

9 (b) This section shall remain in effect only until January 1, 2014,
10 and as of that date is repealed, unless a later enacted statute, that
11 is enacted before January 1, 2014, deletes or extends that date.

12 (c) The repeal of this section renders the board subject to the
13 review provided for by Division 1.2 (commencing with Section
14 473).

15 SEC. 2. Section 4801 of the Business and Professions Code is
16 repealed.

17 SEC. 3. Section 4801 is added to the Business and Professions
18 Code, to read:

19 4801. (a) Each veterinarian member of the board shall be a
20 bona fide resident of this state for a period of at least five years
21 immediately preceding his or her appointment and shall have been
22 a licensed veterinarian under this chapter and actually engaged in
23 the practice of veterinary medicine in this state during that period.

24 (b) The registered veterinary technician member of the board
25 shall be a bona fide resident of this state for a period of at least
26 five years immediately preceding his or her appointment and shall
27 have been registered under this chapter and actually engaged in
28 the practice of a registered veterinary technician in this state during
29 that period.

30 (c) Each public member of the board shall be a bona fide resident
31 of this state for a period of at least five years immediately preceding
32 his or her appointment and shall not be a licensee or registrant of

1 the board, any other board under this division, or any board referred
2 to in Section 1000 or 3600.

3 (d) No person shall serve as a member of the board for more
4 than two consecutive terms.

5 SEC. 4. Section 4802 of the Business and Professions Code is
6 amended to read:

7 4802. The members of the board shall hold office for a term
8 of four years. Each member shall serve until the appointment and
9 qualification of his or her successor or until one year shall have
10 elapsed since the expiration of the term for which he or she was
11 appointed, whichever first occurs. A member may be reappointed
12 subject to the limitation contained in Section 4801.

13 Vacancies occurring shall be filled by appointment for the
14 unexpired term, within 90 days after they occur.

15 The Governor shall appoint the four veterinarian members, the
16 one registered veterinary technician member, and one public
17 member, qualified as provided in Section 4801. The Senate
18 Committee on Rules and the Speaker of the Assembly shall each
19 appoint a public member, qualified as provided in Section 4801.

20 SEC. 5. Section 4804.5 of the Business and Professions Code
21 is amended to read:

22 4804.5. The board may appoint a person exempt from civil
23 service who shall be designated as an executive officer and who
24 shall exercise the powers and perform the duties delegated by the
25 board and vested in him or her by this chapter.

26 This section shall remain in effect only until January 1, 2014,
27 and as of that date is repealed, unless a later enacted statute, that
28 is enacted before January 1, 2014, deletes or extends that date.

29 SEC. 6. Section 4807 of the Business and Professions Code is
30 amended to read:

31 4807. Five members of the board constitute a quorum for
32 transaction of business at any meeting of the board.

33 SEC. 7. Section 4809.8 of the Business and Professions Code
34 is amended to read:

35 4809.8. (a) The board shall establish an advisory committee
36 to assist, advise, and make recommendations for the
37 implementation of rules and regulations necessary to ensure proper
38 administration and enforcement of this chapter and to assist the
39 board in its examination, licensure, and registration programs. This
40 committee shall be known as the Veterinary Medicine

1 Multidisciplinary Advisory Committee. Members of the
 2 multidisciplinary committee shall be appointed by the board from
 3 lists of nominees solicited by the board. The committee shall
 4 consist of the following seven members: four licensed
 5 veterinarians, two registered veterinary technicians, and one public
 6 member. Members of the multidisciplinary committee shall
 7 represent a sufficient cross section of the interests in veterinary
 8 medicine in order to address the issues before it, as determined by
 9 the board, including veterinarians, registered veterinary technicians,
 10 and members of the public.

11 (b) Multidisciplinary committee members shall hold office for
 12 a term of three years and appointments shall be staggered
 13 accordingly. A member may be reappointed, but no person shall
 14 serve as a member of the committee for more than two consecutive
 15 terms. Vacancies occurring shall be filled by appointment for the
 16 unexpired term, within 90 days after they occur.

17 (c) The multidisciplinary committee shall be subject to the
 18 requirements of Article 9 (commencing with Section 11120) of
 19 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
 20 Code.

21 (d) Multidisciplinary committee members shall receive a per
 22 diem as provided in Section 103 and shall be compensated for their
 23 actual travel expenses in accordance with the rules and regulations
 24 adopted by the Department of Personnel Administration.

25 (e) The board may remove a member of the multidisciplinary
 26 committee for continued neglect of a duty required by this chapter,
 27 for incompetency, or for unprofessional conduct.

28 SEC. 8. Section 4810 of the Business and Professions Code is
 29 amended to read:

30 4810. (a) As used in this chapter:

- 31 (1) "Board" means the Veterinary Medical Board.
- 32 (2) "Committee" means the Registered Veterinary Technician
 33 Committee.
- 34 (3) "Multidisciplinary committee" means the Veterinary
 35 Medicine Multidisciplinary Advisory Committee established
 36 pursuant to Section 4809.8.
- 37 (4) "Regulations" means the rules and regulations set forth in
 38 Division 20 (commencing with Section 2000) of Title 16 of the
 39 California Code of Regulations.

1 (b) This section shall become inoperative on the July 1 following
2 the initial appointment of a registered veterinary technician to the
3 board, and on the January 1 following that date is repealed, unless
4 a later enacted statute, that becomes operative on or before that
5 January 1, deletes or extends the dates on which it becomes
6 inoperative and is repealed.

7 SEC. 9. Section 4810 is added to the Business and Professions
8 Code, to read:

9 4810. (a) As used in this chapter:

10 (1) "Board" means the Veterinary Medical Board.

11 (2) "Multidisciplinary committee" means the Veterinary
12 Medicine Multidisciplinary Advisory Committee established
13 pursuant to Section 4809.8.

14 (3) "Regulations" means the rules and regulations set forth in
15 Division 20 (commencing with Section 2000) of Title 16 of the
16 California Code of Regulations.

17 (b) This section shall become operative on the July 1 following
18 the initial appointment of a registered veterinary technician to the
19 board.

20 SEC. 10. Section 4826 of the Business and Professions Code
21 is amended to read:

22 4826. A person practices veterinary medicine, surgery, and
23 dentistry, and the various branches thereof, when he or she does
24 any one of the following:

25 (a) Represents himself or herself as engaged in the practice of
26 veterinary medicine, veterinary surgery, or veterinary dentistry in
27 any of its branches.

28 (b) Diagnoses or prescribes a drug, medicine, appliance,
29 application, or treatment of whatever nature for the prevention,
30 cure or relief of a wound, fracture, bodily injury, or disease of
31 animals.

32 (c) Administers a drug, medicine, appliance, application, or
33 treatment of whatever nature for the prevention, cure, or relief of
34 a wound, fracture, bodily injury, or disease of animals, except
35 where the medicine, appliance, application, or treatment is
36 administered by a registered veterinary technician or an
37 unregistered assistant at the direction of and under the direct
38 supervision of a licensed veterinarian subject to Article 2.5
39 (commencing with Section 4832) or where the drug, including,
40 but not limited to, a drug that is a controlled substance, is

1 administered by a registered veterinary technician or an
2 unregistered assistant pursuant to Section 4836.1. However, no
3 person, other than a licensed veterinarian, may induce anesthesia
4 unless authorized by regulation of the board.

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

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

8 (f) Performs physical rehabilitation or musculoskeletal
9 manipulation upon an animal, unless otherwise authorized by
10 regulation of the board.

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

18 SEC. 11. Section 4830.8 is added to the Business and
19 Professions Code, to read:

20 4830.8. (a) An attending or on-call veterinarian at a rodeo
21 event shall, pursuant to Section 596.7 of the Penal Code, report to
22 the board any animal injury at the event requiring veterinary
23 treatment within 48 hours of the conclusion of the rodeo, ~~regardless~~
24 ~~of whether the veterinarian provides treatment to the animal.~~

25 (b) A veterinarian, other than a veterinarian identified in
26 subdivision (a), shall report to the board within seven days of
27 rendering treatment to an animal for an injury that the veterinarian
28 knows occurred at a rodeo event.

29 (c) A report submitted pursuant to this section shall include the
30 title, location, and date of the rodeo event, the name of the
31 attending veterinarian at the event, the name of the reporting
32 veterinarian, the type of animal, and a brief description of the injury
33 suffered by the animal. The board shall post a form on its Internet
34 Web site to be used by veterinarians for purposes of submitting
35 this report.

36 (d) For purposes of this section, “rodeo” has the same meaning
37 set forth in Section 596.7 of the Penal Code.

38 SEC. 12. Section 4832 of the Business and Professions Code,
39 as added by Section 35 of Chapter 759 of the Statutes of 1997, is
40 repealed.

1 SEC. 13. Section 4832 of the Business and Professions Code,
2 as amended by Section 2 of Chapter 529 of the Statutes of 2008,
3 is amended to read:

4 4832. (a) The board shall establish an advisory committee on
5 issues pertaining to the practice of veterinary technicians, that shall
6 be known as the Registered Veterinary Technician Committee,
7 hereafter referred to as the committee.

8 (b) It is the intent of the Legislature that the Veterinary Medical
9 Board, in implementing this article, give specific consideration to
10 the recommendations of the Registered Veterinary Technician
11 Committee.

12 (c) The committee shall consist of five members appointed by
13 the board commencing January 1, 2009. Three members shall be
14 registered veterinary technicians, one member shall be either a
15 licensed veterinarian or an additional registered veterinary
16 technician, and one member shall be a member of the public.
17 Appointments shall be for a term of three years, and shall be
18 staggered accordingly.

19 (d) No member of the committee shall serve for more than two
20 terms. The committee shall annually elect one of its members as
21 chairperson.

22 (e) The committee shall comply with Section 101.7.

23 (f) The scope of the committee shall not exceed the authority
24 provided under Section 4833.

25 (g) This section shall become inoperative on the July 1 following
26 the initial appointment of a registered veterinary technician to the
27 board, and on the January 1 following that date is repealed, unless
28 a later enacted statute, that becomes operative on or before that
29 January 1, deletes or extends the dates on which it becomes
30 inoperative and is repealed.

31 SEC. 14. Section 4833 of the Business and Professions Code
32 is amended to read:

33 4833. (a) The committee shall advise and may assist the board
34 in the examination of applicants for veterinary technician
35 registration. The examination shall be held at least once a year at
36 the times and places designated by the board.

37 (b) The committee may investigate and evaluate each applicant
38 applying for registration as a registered veterinary technician and
39 may recommend to the board for final determination the admission
40 of the applicant to the examination and eligibility for registration.

1 (c) The committee may make recommendations to the board
2 regarding the establishment and operation of the continuing
3 education requirements authorized by Section 4838 of this article.

4 (d) The committee shall advise and may assist the board in the
5 inspection and approval of all schools or institutions offering a
6 curriculum for training registered veterinary technicians.

7 (e) The committee may advise and assist the board in developing
8 regulations to establish animal health care tasks and the appropriate
9 degree of supervision required for those tasks for registered
10 veterinary technicians and for unregistered assistants.

11 (f) The committee may advise and assist the board in developing
12 regulations to define subdivision (c) of Section 4840, including,
13 but not limited to, procedures for citations and fines, in accordance
14 with Section 125.9.

15 (g) This section shall become inoperative on the July 1 following
16 the initial appointment of a registered veterinary technician to the
17 board, and on the January 1 following that date is repealed, unless
18 a later enacted statute, that becomes operative on or before that
19 January 1, deletes or extends the dates on which it becomes
20 inoperative and is repealed.

21 SEC. 15. Section 4834 of the Business and Professions Code
22 is amended to read:

23 4834. (a) The board has the power to remove from office at
24 any time any member of the committee for continued neglect of
25 any duty required by this article, for incompetency, or for
26 unprofessional conduct.

27 (b) This section shall become inoperative on the July 1 following
28 the initial appointment of a registered veterinary technician to the
29 board, and on the January 1 following that date is repealed, unless
30 a later enacted statute, that becomes operative on or before that
31 January 1, deletes or extends the dates on which it becomes
32 inoperative and is repealed.

33 SEC. 16. Section 4835 of the Business and Professions Code
34 is amended to read:

35 4835. (a) Each member of the committee shall receive a per
36 diem and expenses, as provided in Section 103.

37 (b) This section shall become inoperative on the July 1 following
38 the initial appointment of a registered veterinary technician to the
39 board, and on the January 1 following that date is repealed, unless
40 a later enacted statute, that becomes operative on or before that

1 January 1, deletes or extends the dates on which it becomes
2 inoperative and is repealed.

3 SEC. 17. Section 4839 of the Business and Professions Code,
4 as added by Section 5 of Chapter 80 of the Statutes of 2009, is
5 amended to read:

6 4839. (a) For purposes of this article, a registered veterinary
7 technician means a person who has met the requirements set forth
8 in Sections 4841.4 and 4841.5, has passed the examination
9 described in Section 4841.4, and is registered by the board.

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

11 SEC. 18. Section 4839.5 is added to the Business and
12 Professions Code, to read:

13 4839.5. No person shall use the title “registered veterinary
14 technician” or “veterinary technician,” or any other words, letters,
15 or symbols, including, but not limited to, the abbreviation “R.V.T.,”
16 with the intent to represent that the person is authorized to act as
17 a registered veterinary technician, unless that person meets the
18 requirements of Section 4839.

19 SEC. 19. Section 4840.7 of the Business and Professions Code
20 is amended to read:

21 4840.7. (a) A registered veterinary technician who has been
22 examined by the board in the area of radiation safety and techniques
23 may operate radiographic equipment under the indirect supervision
24 of a licensed veterinarian.

25 (b) (1) An unregistered assistant who has been trained in the
26 area of radiation safety and techniques may operate radiographic
27 equipment under the direct supervision of a registered veterinary
28 technician or a licensed veterinarian.

29 (2) The responsible managing licensee of a veterinary premises
30 shall maintain records of the training described in paragraph (1).
31 An unregistered assistant for whom records of this training do not
32 exist shall not operate radiographic equipment.

33 (3) The training records described in paragraph (2) shall be
34 made available to the board upon request and at the time of any
35 inspection of the veterinary premises.

36 SEC. 20. Section 4841.1 is added to the Business and
37 Professions Code, to read:

38 4841.1. (a) This article shall not apply to students in the clinical
39 portion of their final year of study in a board-approved California
40 veterinary technology program who perform the job tasks for

1 registered veterinary technicians as part of their educational
2 experience, including students both on and off campus acting under
3 the supervision of a licensed veterinarian in good standing, as
4 defined in paragraph (1) of subdivision (b) of Section 4848.

5 (b) The board shall adopt regulations defining the parameters
6 of supervision required for the students described in subdivision
7 (a).

8 SEC. 21. Section 4887 of the Business and Professions Code
9 is amended to read:

10 4887. A person whose license or registration has been revoked
11 or who has been placed on probation may petition the board for
12 reinstatement or modification of penalty including modification
13 or termination of probation after a period of not less than one year
14 has elapsed from the effective date of the decision ordering the
15 disciplinary action. The petition shall state such facts as may be
16 required by the board.

17 The petition shall be accompanied by at least two verified
18 recommendations from veterinarians licensed by the board who
19 have personal knowledge of the activities of the petitioner since
20 the disciplinary penalty was imposed. The petition shall be heard
21 by the board. The board may consider all activities of the petitioner
22 since the disciplinary action was taken, the offense for which the
23 petitioner was disciplined, the petitioner's activities since the
24 license or registration was in good standing, and the petitioner's
25 rehabilitation efforts, general reputation for truth, and professional
26 ability. The hearing may be continued from time to time as the
27 board finds necessary.

28 The board reinstating the license or registration or modifying a
29 penalty may impose such terms and conditions as it determines
30 necessary. To reinstate a revoked license or registration or to
31 otherwise reduce a penalty or modify probation shall require a
32 vote of five of the members of the board.

33 The petition shall be considered while the petitioner is under
34 sentence for any criminal offense, including any period during
35 which the petitioner is on court-imposed probation or parole. The
36 board may deny without a hearing or argument any petition filed
37 pursuant to this section within a period of two years from the
38 effective date of the prior decision following a hearing under this
39 section.

1 SEC. 22. Section 8659 of the Government Code is amended
2 to read:

3 8659. (a) Any physician or surgeon (whether licensed in this
4 state or any other state), hospital, pharmacist, respiratory care
5 practitioner, nurse, or dentist who renders services during any state
6 of war emergency, a state of emergency, or a local emergency at
7 the express or implied request of any responsible state or local
8 official or agency shall have no liability for any injury sustained
9 by any person by reason of those services, regardless of how or
10 under what circumstances or by what cause those injuries are
11 sustained; provided, however, that the immunity herein granted
12 shall not apply in the event of a willful act or omission.

13 (b) Any veterinarian or registered veterinary technician who
14 renders services during any state of war emergency, a state of
15 emergency, or a local emergency at the express or implied request
16 of any responsible state or local official or agency shall have no
17 liability for any injury sustained by any animal by reason of those
18 services, regardless of how or under what circumstances or by
19 what cause those injuries are sustained; provided, however, that
20 the immunity herein granted shall not apply in the event of a willful
21 act or omission.

22 SEC. 23. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.

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