

**Introduced by Senator Negrete McLeod**February 18, 2011

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An act to amend Sections 4826 and 4875.1 of the Business and Professions Code, relating to veterinary medicine.

## LEGISLATIVE COUNSEL'S DIGEST

SB 697, as introduced, Negrete McLeod. Veterinary medicine.

Existing law, the Veterinary Medicine Practice Act, provides for the licensure and registration of veterinarians and registered veterinary technicians by the Veterinary Medical Board and makes a violation of the act a crime.

Under existing law, a person practices veterinary medicine when he or she, among other things, represents himself or herself as engaged in the practice of veterinary medicine.

This bill would additionally provide that a person practices veterinary medicine when he or she advertises himself or herself as engaged in the practice of veterinary medicine.

Existing law makes it unlawful for any person to practice veterinary medicine without a license and prohibits a person from using the title "registered veterinary technician" unless he or she has satisfied the requirements for registration. Existing law requires the board to prioritize its investigative and prosecutorial resources to ensure that disciplinary cases against veterinarians and registered veterinary technicians are handled expeditiously.

This bill would additionally require the board to prioritize its resources to ensure that cases against unlicensed and unregistered persons and any person aiding and abetting these unlicensed and unregistered persons, as specified, are brought in a similar manner.

By changing the definition of a crime, the bill would impose a state-mandated local program.

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 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~~ *Advertises or represents* himself or herself as  
7 engaged in the practice of veterinary medicine, veterinary surgery,  
8 or veterinary dentistry in 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  
16 where the medicine, appliance, application, or treatment is  
17 administered by a registered veterinary technician or an  
18 unregistered assistant at the direction of and under the direct  
19 supervision of a licensed veterinarian subject to Article 2.5  
20 (commencing with Section 4832) or where the drug, including,  
21 but not limited to, a drug that is a controlled substance, is  
22 administered by a registered veterinary technician or an  
23 unregistered assistant pursuant to Section 4836.1. However, no  
24 person, other than a licensed veterinarian, may induce anesthesia  
25 unless authorized by regulation of the board.

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

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

1 (f) Uses any words, letters or titles in such connection or under  
2 such circumstances as to induce the belief that the person using  
3 them is engaged in the practice of veterinary medicine, veterinary  
4 surgery, or veterinary dentistry. This use shall be prima facie  
5 evidence of the intention to represent himself or herself as engaged  
6 in the practice of veterinary medicine, veterinary surgery, or  
7 veterinary dentistry.

8 SEC. 2. Section 4875.1 of the Business and Professions Code  
9 is amended to read:

10 4875.1. (a) In order to ensure that its resources are maximized  
11 for the protection of the public, the board shall prioritize its  
12 investigative and prosecutorial resources to ensure that  
13 veterinarians and registered veterinary technicians, *and unlicensed*  
14 *persons acting as veterinarians, unregistered persons acting as*  
15 *registered veterinary technicians, and any person aiding and*  
16 *abetting these unlicensed or unregistered persons*, representing  
17 the greatest threat of harm are identified and disciplined  
18 expeditiously. Cases involving any of the following allegations  
19 shall be handled on a priority basis, as follows, with the highest  
20 priority being given to cases in paragraph (1):

21 (1) Negligence or incompetence that involves death or serious  
22 bodily injury to an animal patient, such that the veterinarian~~or~~,  
23 registered veterinary technician, *or unlicensed person* represents  
24 a danger to the public.

25 (2) Cruelty to animals.

26 (3) A conviction or convictions for a criminal charge or charges  
27 or being subject to a felony criminal proceeding without  
28 consideration of the outcome of the proceeding.

29 (4) Practicing veterinary medicine while under the influence of  
30 drugs or alcohol.

31 (5) Drug or alcohol abuse by a veterinarian or registered  
32 veterinary technician involving death or serious bodily injury to  
33 an animal patient or to the public.

34 (6) Self-prescribing of any dangerous drug, as defined in Section  
35 4022, or any controlled substance, as defined in Section 4021.

36 (7) Repeated acts of excessive prescribing, furnishing, or  
37 administering of controlled substances, as defined in Section 4021,  
38 or repeated acts of prescribing, dispensing, or furnishing of  
39 controlled substances, as defined in Section 4021, without having

1 first established a veterinarian-client-patient relationship pursuant  
2 to Section 2032.1 of Title 16 of the California Code of Regulations.

3 (8) Extreme departures from minimum sanitary conditions such  
4 that there is a threat to an animal patient or the public and animal  
5 health and safety, only if the case has already been subject to  
6 Section 494 and board action.

7 (b) The board may prioritize cases involving an allegation of  
8 conduct that is not described in subdivision (a). Those cases  
9 prioritized shall not be assigned a priority equal to or higher than  
10 the priorities established in subdivision (a).

11 (c) The board shall annually report and make publicly available  
12 the number of disciplinary actions that are taken in each priority  
13 category specified in subdivisions (a) and (b).

14 SEC. 3. No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution because  
16 the only costs that may be incurred by a local agency or school  
17 district will be incurred because this act creates a new crime or  
18 infraction, eliminates a crime or infraction, or changes the penalty  
19 for a crime or infraction, within the meaning of Section 17556 of  
20 the Government Code, or changes the definition of a crime within  
21 the meaning of Section 6 of Article XIII B of the California  
22 Constitution.