

AMENDED IN SENATE SEPTEMBER 1, 2015

AMENDED IN SENATE JUNE 30, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 316

Introduced by Assembly Member Maienschein

February 13, 2015

An act to ~~add Sections 900.1 and 901.1 to~~ amend Section 4830 of the Business and Professions Code, relating to veterinarians.

LEGISLATIVE COUNSEL'S DIGEST

AB 316, as amended, Maienschein. Veterinarians: cruelty incidents.

~~(1) Under~~

Under existing law, the Veterinary Medicine Practice Act, the Veterinary Medical Board licenses and regulates veterinarians and the practice of veterinary medicine. It is unlawful for any person to practice veterinary medicine in this state unless he or she holds a valid, unexpired, and unrevoked license issued by the board, except under specified circumstances, including when regularly licensed veterinarians are actually called from other states to attend cases in this state and do not open an office or appoint a place to do business within the state.

This bill would further specify, for purposes of that provision, that a regularly licensed veterinarian in good standing who is called from another state by a law enforcement agency or animal control agency to attend to cases that are a part of an investigation of an alleged violation of federal or state animal fighting or animal cruelty laws

within a single geographic location shall be exempt from specified licensing requirements if the agency determines that it is necessary to call the veterinarian in order to conduct the investigation, as specified. The bill would require an agency, department, or officer that calls a veterinarian pursuant to these provisions to notify the board of the investigation. The bill would also authorize a veterinarian who is called from another state to care for animals that are affected by an investigation with a temporary shelter facility established only for the purpose of the investigation, which would be exempt from specified registration requirements if it meets specified conditions.

~~Existing law exempts a health care practitioner licensed in another state or territory of the United States, who offers or provides health care for which he or she is licensed, from medical professional licensing requirements if the health care is provided only during a state of emergency upon the request of the Director of the Emergency Medical Services Authority, or if the practitioner is authorized by the relevant licensing board to participate in an event through which health care is provided to the public without compensation to the practitioner and other specified requirements are met.~~

~~This bill would authorize a sponsoring entity, as defined, to operate a temporary shelter to provide care to animals seized as a result of a cruelty incident, as defined, and deploy veterinary health care practitioners, as defined, licensed or certified by, and in good standing in, another state, district, or territory of the United States to this state to provide the veterinary health care services, for which the practitioner is licensed or certified, to the animals seized as a result of the cruelty incident. The bill would exempt a veterinary health care practitioner deployed by the sponsoring entity from medical professional licensing requirements if the practitioner receives authorization from the Veterinary Medical Board and other specified requirements are met.~~

~~(2) The Veterinary Medicine Practice Act requires the registration of all premises where veterinary medicine, veterinary dentistry, or veterinary surgery is being practiced. That act also requires these premises, and all instruments, apparatus, and apparel used in connection with those practices to be kept clean and sanitary at all times, and to conform to those minimum standards established by the board. Existing law makes it a misdemeanor to violate these provisions regulating the practice of veterinary medicine.~~

~~This bill would exempt a temporary shelter from that registration requirement if the temporary shelter is established to provide care and~~

~~shelter to animals seized as a result of a cruelty incident and other specified conditions are met.~~

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

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

1 SECTION 1. Section 4830 of the Business and Professions
2 Code is amended to read:

3 4830. (a) This chapter does not apply to:

4 (1) Veterinarians while serving in any armed branch of the
5 military service of the United States or the United States
6 Department of Agriculture while actually engaged and employed
7 in their official capacity.

8 (2) Regularly licensed veterinarians in actual consultation from
9 other states.

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

13 (4) Veterinarians employed by the University of California
14 while engaged in the performance of duties in connection with the
15 College of Agriculture, the Agricultural Experiment Station, the
16 School of Veterinary Medicine, or the agricultural extension work
17 of the university or employed by the Western University of Health
18 Sciences while engaged in the performance of duties in connection
19 with the College of Veterinary Medicine or the agricultural
20 extension work of the university.

21 (5) Students in the School of Veterinary Medicine of the
22 University of California or the College of Veterinary Medicine of
23 the Western University of Health Sciences who participate in
24 diagnosis and treatment as part of their educational experience,
25 including those in off-campus educational programs under the
26 direct supervision of a licensed veterinarian in good standing, as
27 defined in paragraph (1) of subdivision (b) of Section 4848,
28 appointed by the University of California, Davis, or the Western
29 University of Health Sciences.

30 (6) A veterinarian who is employed by the Meat and Poultry
31 Inspection Branch of the California Department of Food and
32 Agriculture while actually engaged and employed in his or her
33 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) (1) *For purposes of paragraph (3) of subdivision (a), a*
11 *regularly licensed veterinarian in good standing who is called*
12 *from another state by a law enforcement agency or animal control*
13 *agency, as defined in Section 31606 of the Food and Agricultural*
14 *Code, to attend to cases that are a part of an investigation of an*
15 *alleged violation of federal or state animal fighting or animal*
16 *cruelty laws within a single geographic location shall be exempt*
17 *from the licensing requirements of this chapter if the law*
18 *enforcement agency or animal control agency determines that it*
19 *is necessary to call the veterinarian in order for the agency or*
20 *officer to conduct the investigation in a timely, efficient, and*
21 *effective manner. In determining whether it is necessary to call a*
22 *veterinarian from another state, consideration shall be given to*
23 *the availability of veterinarians in this state to attend to these*
24 *cases. An agency, department, or officer that calls a veterinarian*
25 *pursuant to this subdivision shall notify the board of the*
26 *investigation.*

27 (2) *Notwithstanding any other provision of this chapter, a*
28 *regularly licensed veterinarian in good standing who is called*
29 *from another state to attend to cases that are a part of an*
30 *investigation described in paragraph (1) may provide veterinary*
31 *medical care for animals that are affected by the investigation*
32 *with a temporary shelter facility, and the temporary shelter facility*
33 *shall be exempt from the registration requirement of Section 4853*
34 *if all of the following conditions are met:*

35 (A) *The temporary shelter facility is established only for the*
36 *purpose of the investigation.*

37 (B) *The temporary shelter facility provides veterinary medical*
38 *care, shelter, food, and water only to animals that are affected by*
39 *the investigation.*

40 (C) *The temporary shelter facility complies with Section 4854.*

1 (D) *The temporary shelter facility exists for not more than 60*
2 *days, unless the law enforcement agency or animal control agency*
3 *determines that a longer period of time is necessary to complete*
4 *the investigation.*

5 (E) *Within 30 calendar days upon completion of the provision*
6 *of veterinary health care services at a temporary shelter facility*
7 *established pursuant to this section, the veterinarian called from*
8 *another state by a law enforcement agency or animal control*
9 *agency to attend to a case shall file a report with the board. The*
10 *report shall contain the date, place, type, and general description*
11 *of the care provided, along with a listing of the veterinary health*
12 *care practitioners who participated in providing that care.*

13 (c) *For purposes of paragraph (3) of subdivision (a), the board*
14 *may inspect temporary facilities established pursuant to this*
15 *section.*

16 (b)

17 ~~This section shall become operative on January 1, 2011.~~

18 ~~SECTION 1. Section 900.1 is added to the Business and~~
19 ~~Professions Code, to read:~~

20 ~~900.1. Notwithstanding any other law, a temporary shelter shall~~
21 ~~be exempt from the premises registration requirements of Chapter~~
22 ~~11 (commencing with Section 4800) if all of the following~~
23 ~~requirements are met:~~

24 ~~(a) The temporary shelter is established to provide care and~~
25 ~~shelter to animals seized as a result of a cruelty incident and only~~
26 ~~provides care and shelter to those animals.~~

27 ~~(b) The temporary shelter is operated by a veterinary health care~~
28 ~~practitioner licensed or certified by, and in good standing in,~~
29 ~~another state, district, or territory of the United States, who is~~
30 ~~deployed to this state by a sponsoring entity pursuant to Section~~
31 ~~901.1.~~

32 ~~(c) The temporary shelter complies with Section 4854.~~

33 ~~(d) The temporary shelter does not operate beyond a~~
34 ~~60-calendar-day period per cruelty incident. If an animal control~~
35 ~~department or state or federal law enforcement agency determines~~
36 ~~that the cruelty incident will exceed the initial 60-calendar-day~~
37 ~~period, the animal control department or state or federal law~~
38 ~~enforcement agency shall grant an extension of that period in~~
39 ~~30-calendar-day increments until the cruelty incident is concluded.~~

1 ~~SEC. 2.—Section 901.1 is added to the Business and Professions~~
2 ~~Code, to read:~~
3 ~~901.1.—(a) For purposes of this section and Section 900.1, the~~
4 ~~following provisions apply:~~
5 ~~(1) “Animal control department” has the meaning set forth in~~
6 ~~Section 31606 of the Food and Agricultural Code.~~
7 ~~(2) “Board” means the Veterinary Medical Board.~~
8 ~~(3) “Cruelty incident” means an alleged violation of a federal~~
9 ~~or state animal fighting or animal cruelty law that involves~~
10 ~~numerous animals and overwhelms the response capabilities of~~
11 ~~California’s veterinary health care practitioners.~~
12 ~~(4) “Sponsoring entity” means a nonprofit organization~~
13 ~~organized pursuant to Section 501(c)(3) of the Internal Revenue~~
14 ~~Code that employs licensed veterinarians.~~
15 ~~(5) “Veterinary health care practitioner” or “practitioner” means~~
16 ~~any person who engages in acts that are subject to licensure or~~
17 ~~regulation under Chapter 11 (commencing with Section 4800).~~
18 ~~(b) In the event of a cruelty incident, and at the request of an~~
19 ~~animal control department or state or federal law enforcement~~
20 ~~agency, a sponsoring entity may operate a temporary shelter to~~
21 ~~provide care to animals seized as a result of a cruelty incident and~~
22 ~~deploy veterinary health care practitioners licensed or certified by,~~
23 ~~and in good standing in, another state, district, or territory of the~~
24 ~~United States to this state to provide the veterinary health care~~
25 ~~services, for which the practitioner is licensed or certified, to the~~
26 ~~animals seized as a result of the cruelty incident. A veterinary~~
27 ~~health care practitioner deployed by a sponsoring entity pursuant~~
28 ~~to this section is exempt from the requirement for licensure under~~
29 ~~this division if all of the following requirements are met:~~
30 ~~(1) Prior to providing services, the practitioner does all of the~~
31 ~~following:~~
32 ~~(A) Obtains authorization from the board to be deployed by a~~
33 ~~sponsoring entity after submitting to the board a copy of his or her~~
34 ~~valid license or certificate from each state in which he or she holds~~
35 ~~licensure or certification and a photographic identification issued~~
36 ~~by one of the states in which he or she holds licensure or~~
37 ~~certification. The board shall notify the veterinary health care~~
38 ~~practitioner, within 20 calendar days of receiving a request for~~
39 ~~authorization, whether that request is approved or denied, provided~~
40 ~~that, if the board receives a request for authorization less than 20~~

1 calendar days prior to the date of deployment in response to a
2 cruelty incident, the board shall make reasonable efforts to notify
3 the sponsoring entity whether that request is approved or denied
4 prior to the date of that deployment. Authorization shall expire 12
5 months from the date of initial authorization unless the veterinary
6 health care practitioner has resubmitted the required information
7 for renewal at least 20 calendar days prior to expiration.

8 (B) Satisfies the following requirements:

9 (i) The veterinary health care practitioner has not committed
10 any act or been convicted of a crime constituting grounds for denial
11 of licensure or registration under Section 480 and is in good
12 standing in each state in which he or she holds licensure or
13 certification.

14 (ii) The veterinary health care practitioner has the appropriate
15 education and experience to provide veterinary health care services
16 to animals seized as a result of a cruelty incident, as determined
17 by the board.

18 (iii) The veterinary health care practitioner agrees to comply
19 with all applicable practice requirements set forth in this division
20 and the regulations adopted pursuant to this division.

21 (C) Submits to the board, on a form prescribed by the board, a
22 request for authorization to practice without a license, and pays a
23 fee, in an amount determined by the board by regulation, which
24 shall be available, upon appropriation, to cover the cost of
25 developing the authorization process and processing the request.

26 (2) The services are provided under all of the following
27 circumstances:

28 (A) Only to animals seized as the result of the cruelty incident.

29 (B) On a short-term voluntary basis, not to exceed a
30 60-calendar-day period per cruelty incident. If an animal control
31 department or state or federal law enforcement agency determines
32 that the cruelty incident will exceed the initial 60-calendar-day
33 period, the animal control department or state or federal law
34 enforcement agency shall grant an extension of that period in
35 30-calendar-day increments until the cruelty incident is concluded.

36 (C) In association with a sponsoring entity registered with the
37 board pursuant to subdivision (d).

38 (D) Without charge to the recipient or to a third party on behalf
39 of the recipient.

1 ~~(e) The board may deny a veterinary health care practitioner~~
2 ~~authorization to practice without a license if the practitioner fails~~
3 ~~to comply with the requirements of this section or for any act that~~
4 ~~would be grounds for denial of an application for licensure.~~

5 ~~(d) A sponsoring entity seeking board approval to deploy~~
6 ~~veterinary health care practitioners to California in order to provide~~
7 ~~veterinary health care services in response to a cruelty incident~~
8 ~~pursuant to this section shall register with the board by completing~~
9 ~~a registration form that includes all of the following:~~

10 ~~(1) The name of the sponsoring entity.~~

11 ~~(2) The name of the principal individual or individuals who are~~
12 ~~the officers or organizational officials responsible for the operation~~
13 ~~of the sponsoring entity.~~

14 ~~(3) The address, including street, city, ZIP Code, and county,~~
15 ~~of the sponsoring entity's principal office and each individual listed~~
16 ~~pursuant to paragraph (2).~~

17 ~~(4) The telephone number for the principal office of the~~
18 ~~sponsoring entity and each individual listed pursuant to paragraph~~
19 ~~(2).~~

20 ~~(5) Any additional information required by the board.~~

21 ~~(e) Within 30 calendar days of the provision of veterinary health~~
22 ~~care services pursuant to this section, the sponsoring entity shall~~
23 ~~file a report with the board. This report shall contain the date,~~
24 ~~place, type, and general description of the care provided, along~~
25 ~~with a listing of the veterinary health care practitioners who~~
26 ~~participated in providing that care.~~

27 ~~(f) The sponsoring entity shall maintain a list of veterinary health~~
28 ~~care practitioners associated with the provision of veterinary health~~
29 ~~care services pursuant to this section. The sponsoring entity shall~~
30 ~~maintain a copy of each veterinary health care practitioner's current~~
31 ~~license or certification and shall require each veterinary health~~
32 ~~care practitioner to attest in writing that his or her license or~~
33 ~~certificate is not suspended or revoked pursuant to disciplinary~~
34 ~~proceedings in any jurisdiction. The sponsoring entity shall~~
35 ~~maintain these records for a period of at least five years following~~
36 ~~the provision of veterinary health care services pursuant to this~~
37 ~~section and shall, upon request, furnish those records to the board.~~

38 ~~(g) A contract of liability insurance issued, amended, or renewed~~
39 ~~in this state on or after January 1, 2016, shall not exclude coverage~~
40 ~~of a veterinary health care practitioner or a sponsoring entity that~~

1 provides, or arranges for the provision of, veterinary health care
2 services pursuant to this section, provided that the practitioner or
3 sponsoring entity complies with this section.

4 ~~(h) Subdivision (b) shall not be construed to authorize a~~
5 ~~veterinary health care practitioner to render care outside the scope~~
6 ~~of practice authorized by his or her license or certificate or this~~
7 ~~division.~~

8 ~~(i) (1) The board may terminate authorization for a veterinary~~
9 ~~health care practitioner to provide veterinary health care services~~
10 ~~pursuant to this section for failure to comply with this section, any~~
11 ~~applicable practice requirement set forth in this division, any~~
12 ~~regulations adopted pursuant to this division, or for any act that~~
13 ~~would be grounds for discipline if done by a licensee.~~

14 ~~(2) If the board terminates authorization, the board shall provide~~
15 ~~both the sponsoring entity and the veterinary health care~~
16 ~~practitioner with a written notice of termination including the basis~~
17 ~~for that termination. The veterinary health care practitioner may,~~
18 ~~within 30 days after the date of the receipt of notice of termination,~~
19 ~~file a written appeal to the board. The appeal shall include any~~
20 ~~documentation the veterinary health care practitioner wishes to~~
21 ~~present to the board.~~

22 ~~(3) A veterinary health care practitioner whose authorization to~~
23 ~~provide veterinary health care services pursuant to this section has~~
24 ~~been terminated shall not provide veterinary health care services~~
25 ~~pursuant to this section unless and until a subsequent request for~~
26 ~~authorization has been approved by the board. A veterinary health~~
27 ~~care practitioner who provides veterinary health care services in~~
28 ~~violation of this paragraph shall be deemed to be practicing~~
29 ~~veterinary health care in violation of the applicable provisions of~~
30 ~~this division, and be subject to any applicable administrative, civil,~~
31 ~~or criminal fines, penalties, and other sanctions provided in this~~
32 ~~division.~~