

AMENDED IN ASSEMBLY APRIL 14, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 460

Introduced by Assembly Member House

February 24, 1997

An act to ~~add Article 7 (commencing with Section 4920) to Chapter 11 of Division 2 of the Business and Professions Code~~ amend Section 4848 of the Business and Professions Code, relating to veterinary medicine, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 460, as amended, House. Veterinary medicine: ~~special license~~ *licensure*: commercial poultry industry.

Existing law provides that it is generally unlawful for any person to practice veterinary medicine or any branch thereof in this state unless at the time of so doing, the person holds a valid, unexpired, and unrevoked license issued by the Veterinary Medical Board. Existing law sets forth various licensing requirements to practice veterinary medicine, *including the passage of a California licensing examination, unless an applicant meets certain criteria.* These licensing provisions require applicants to pay examination and licensing fees that are collected by the board and credited to the Veterinary Medical Board Contingent Fund, a continuously appropriated fund.

This bill would ~~authorize the issuance of a special~~ *require the board to issue a license*; for the practice of veterinary

medicine in the commercial poultry industry, ~~as defined to any applicant who fulfills requirements prescribed by the bill. The bill would not require an applicant for a license for the practice of veterinary medicine in the commercial poultry industry who fulfills the prescribed requirements to pass a California licensing examination. The bill would prescribe requirements to obtain the special license to practice veterinary medicine in the commercial poultry industry.~~ Since the bill would authorize an increase in the amount of moneys in the Veterinary Medical Board Contingent Fund, it would, thereby, make an appropriation.

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

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

1 ~~SECTION 1. Article 7 (commencing with Section~~
2 SECTION 1. Section 4848 of the Business and
3 Professions Code is amended to read:
4 4848. (a) (1) The board shall, by means of
5 examination, ascertain the professional qualifications of
6 all applicants for licenses to practice veterinary medicine
7 in this state and shall issue a license to every person whom
8 it finds to be qualified. No license shall be issued to anyone
9 who has not demonstrated his or her competency by
10 examination.
11 (2) The examination shall consist of both of the
12 following:
13 (A) A licensing examination consisting of both of the
14 following:
15 (i) An examination in basic veterinary science.
16 (ii) An examination of clinical competency.
17 (B) A California state board examination.
18 The examinations may be given at the same time or at
19 different times as determined by the board. For
20 examination purposes, the board may make contractual
21 arrangements on a sole source basis with organizations
22 furnishing examination material as it may deem desirable
23 and shall be exempt from Section 10115 of the Public
24 Contract Code.



1 (3) The licensing examination may be waived by the
2 board in any case in which it determines that the
3 applicant has taken and passed an examination for
4 licensure in another state substantially equivalent in
5 scope and subject matter to the licensing examination last
6 given in California before the determination is made, and
7 has achieved a score on the out-of-state examination at
8 least equal to the score required to pass the licensing
9 examination administered in California.

10 (4) Nothing in this chapter shall preclude the board
11 from permitting a person who has completed a portion of
12 his or her educational program, as determined by the
13 board, in a veterinary college, recognized by the board
14 under Section 4846, to take any examination or any part
15 thereof prior to satisfying the requirements for
16 application for a license established by Section 4846.

17 (b) The board may waive the examination
18 requirements of subdivision (a), and issue a license to an
19 applicant to practice veterinary medicine, if the
20 applicant meets all of the following requirements and
21 would not be denied issuance of a license by any other
22 provision of this code:

23 (1) The applicant is licensed in one or more other
24 states in which the board has determined that he or she
25 has taken and passed a licensing examination, and a
26 written practical or written practice examination,
27 equivalent in scope and subject matter to the California
28 state board examination.

29 (2) The applicant has been lawfully and continuously
30 engaged in the practice of veterinary medicine for four
31 years or more in one or more states immediately
32 preceding filing his or her application for licensure in this
33 state.

34 (3) The applicant has graduated from a veterinary
35 college recognized by the board under Section 4846. In
36 the case of an applicant who is not a graduate of a
37 veterinary college recognized by the board, he or she
38 shall possess a certificate issued by the Educational
39 Commission for Foreign Veterinary Graduates of the
40 American Veterinary Medical Association which was



1 issued as a result of, among other things, passing the
2 Clinical Proficiency Examination administered by the
3 Educational Commission for Foreign Veterinary
4 Graduates.

5 (4) The board determines that no disciplinary action
6 has been taken against the applicant by any public agency
7 concerned with the practice of veterinary medicine and
8 that the applicant has not been the subject of adverse
9 judgments resulting from the practice of veterinary
10 medicine which the board determines constitutes
11 evidence of a pattern of incompetence or negligence.

12 (5) The applicant passes a practicing veterinarian
13 examination administered by the board or a committee
14 or organization authorized by the board. It may be oral
15 or practical or clinical in nature and full consideration
16 shall be given to the duration and character of the
17 applicant's practice.

18 *(c) The board shall waive the examination*
19 *requirement of subdivision (a), and issue a license to an*
20 *applicant to practice veterinary medicine, if the*
21 *applicant meets all of the requirements prescribed by*
22 *subdivision (b) and each of the following requirements:*

23 *(1) The applicant shall be employed full time by, or*
24 *under contract to, an employer or enterprise that is*
25 *engaged primarily in the poultry industry on a*
26 *commercial basis.*

27 *(2) The applicant is a graduate of a veterinary college*
28 *accredited by the American Veterinary Medical*
29 *Association or possesses a certificate issued by the*
30 *Educational Committee for Foreign Veterinary*
31 *Graduates of the American Veterinary Medical*
32 *Association.*

33 *(3) The applicant holds a current general license to*
34 *practice veterinary medicine issued in this state or*
35 *another state or jurisdiction. The applicant's license shall*
36 *not be under discipline or have disciplinary action*
37 *pending at the time of the application.*

38 *(4) The applicant is a recognized diplomate of the*
39 *American College of Poultry Veterinarians. This*
40 *requirement does not apply to any applicant employed*



1 *by or under contract to an employer or enterprise that is*
2 *engaged primarily in the poultry industry on a*
3 *commercial basis prior to January 1, 1998.*

4 *(d) The board shall collect the license fee provided for*
5 *by Section 4905 from applicants who receive a license*
6 *pursuant to subdivision (c).*

7 ~~4920) is added to Chapter 11 of Division 2 of the Business~~
8 ~~and Professions Code, to read:~~

9

10 ~~Article 7. Special License for Commercial Poultry~~
11 ~~Industry~~
12

13 ~~4920. (a) For purposes of this article, the board is~~
14 ~~authorized to issue a special license limited to the practice~~
15 ~~of veterinary medicine in the commercial poultry~~
16 ~~industry, as defined in subdivision (h). In order to qualify~~
17 ~~for this special license, the applicant shall meet all~~
18 ~~qualifications set forth by the board to include, but not be~~
19 ~~limited to, the following:~~

20 ~~(1) The applicant shall be employed by, or under~~
21 ~~contract to, an employer or enterprise that is engaged~~
22 ~~primarily in the poultry industry on a commercial basis.~~

23 ~~(2) The applicant shall submit any information that~~
24 ~~the board finds necessary and sufficient to satisfy the~~
25 ~~board that the applicant is currently employed in the~~
26 ~~industry on a full-time basis or under contract to an~~
27 ~~employer to provide veterinary medical advice,~~
28 ~~consultation, or practice necessary to the industry.~~

29 ~~(3) The applicant shall be a graduate of an American~~
30 ~~Veterinary Medical Association accredited college of~~
31 ~~veterinary medicine or possess an Educational~~
32 ~~Commission for Foreign Veterinary Graduates certificate~~
33 ~~issued by the American Veterinary Medical Association.~~

34 ~~(4) The applicant shall hold a current general license~~
35 ~~to practice veterinary medicine issued in this state or~~
36 ~~another state or jurisdiction. That license shall not be~~
37 ~~under discipline or have disciplinary action pending at~~
38 ~~the time of application.~~

39 ~~(5) (A) The applicant shall be a recognized diplomate~~
40 ~~in the American College of Poultry Veterinarians.~~



1 ~~(B) Any applicant employed by or under contract to~~
2 ~~an employer or enterprise that is engaged primarily in~~
3 ~~the poultry industry on a commercial basis prior to~~
4 ~~January 1, 1998, shall not be subject to the requirement of~~
5 ~~subparagraph (A).~~

6 ~~(b) If approved by the board, the special license may~~
7 ~~be issued for a period not to exceed two years. Subject to~~
8 ~~other restrictions and requirements imposed by~~
9 ~~regulation of the board, the license may be renewed~~
10 ~~biennially if the applicant submits information~~
11 ~~satisfactory to the board that the applicant remains under~~
12 ~~the employment of the employer designated in the initial~~
13 ~~application, or is currently employed by, or under~~
14 ~~contract to, an employer or enterprise that is engaged~~
15 ~~primarily in the poultry industry on a commercial basis.~~

16 ~~(c) In order to remain eligible for renewal, in the~~
17 ~~event the licensee transfers employment to another~~
18 ~~employer or enterprise, the licensee shall notify the board~~
19 ~~of that change in status within thirty (30) days thereof.~~
20 ~~Failure to notify the board of that change in employment~~
21 ~~or status shall be sufficient grounds for refusing to renew~~
22 ~~the special license and disciplinary action pursuant to~~
23 ~~subdivision (d).~~

24 ~~(d) The special license shall be subject to the same~~
25 ~~disciplinary actions as any other license issued to practice~~
26 ~~veterinary medicine in the state.~~

27 ~~(e) Nothing contained in this section shall be~~
28 ~~construed as limiting the board's authority to provide~~
29 ~~other requirements for obtaining the special license as~~
30 ~~the board may find necessary or appropriate under its~~
31 ~~rulemaking authority.~~

32 ~~(f) (1) Any person desiring a special license to~~
33 ~~practice in the commercial poultry industry shall make a~~
34 ~~written application to the board on forms provided by the~~
35 ~~board upon the request of the applicant.~~

36 ~~(2) Each application shall contain a statement that~~
37 ~~representations made therein by the applicant,~~
38 ~~employer, or both, are true, correct, and contain no~~
39 ~~material omissions of fact to the best knowledge and~~



1 ~~belief of the person making the application and the~~
2 ~~employer.~~

3 ~~(3) Each applicant shall be responsible for having a~~
4 ~~National Disciplinary Database Report submitted~~
5 ~~directly to the board office by the agency responsible for~~
6 ~~the maintenance of that data base.~~

7 ~~(g) An applicant for a special license pursuant to this~~
8 ~~section shall be subject to an initial license fee, renewal~~
9 ~~fees, and any other fees that the board deems applicable~~
10 ~~that are imposed pursuant to Section 4905.~~

11 ~~(h) "Commercial poultry industry" means the~~
12 ~~industry involved in all aspects of hatching, raising, and~~
13 ~~processing of chickens, turkeys, pheasants, quail, and~~
14 ~~water fowl intended for the production of~~
15 ~~government-inspected meat or eggs. Commercial~~
16 ~~breeding of the same species for the production of~~
17 ~~government-inspected meat or eggs is also included in~~
18 ~~this definition.~~

