

Date of Hearing: June 25, 2024

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Marc Berman, Chair

SB 1478 (Nguyen) – As Amended April 17, 2024

**SENATE VOTE:** 39-0

**SUBJECT:** Veterinary medicine: registered veterinary technicians

**SUMMARY:** authorizes licensed veterinarians to include specified information in an order issued to a registered veterinary technician (RVT) related to animal health care services performed on animals impounded in a public shelter.

**EXISTING LAW:**

- 1) Provides for the regulation of veterinary medicine under the Veterinary Medicine Practice Act (Act) and prohibits the practice of unlicensed of veterinary medicine. (Business and Professions Code (BPC) §§ 4800-4917)
- 2) Establishes the Veterinary Medical Board (VMB) within the Department of Consumer Affairs (DCA) to license and regulate the veterinary medicine profession. (BPC § 4800)
- 3) Declares it is unlawful to practice veterinary medicine in California unless the individual holds a valid, unexpired, and unrevoked license issued by the VMB. (BPC § 4825)
- 4) Provides that an individual practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when the practitioner does any one of the following:
  - a) Represents oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches.
  - b) Diagnoses or prescribes a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals.
  - c) Administers a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals, as specified.
  - d) Performs a surgical or dental operation upon an animal.
  - e) Performs any manual procedure for the diagnosis of pregnancy, sterility, or infertility upon livestock or equidae.
  - f) Collects blood from an animal for the purpose of transferring or selling that blood and blood component products to a licensed veterinarian at a registered premise, as specified.

- g) Uses any words, letters, or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry, as specified.

(BPC § 4826)

- 5) Permits a veterinarian to authorize an RVT to act as an agent of the veterinarian for the purpose of establishing the veterinarian-client-patient relationship to administer preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites, subject to certain conditions, including:
  - a) Vaccines must be administered in a registered veterinary premises at which the veterinarian is physically present.
  - b) If working at a location other than a registered veterinary premises, the veterinarian is in the general vicinity or available by telephone and is quickly and easily available. The RVT shall have necessary equipment and drugs to provide immediate emergency care.
  - c) The RVT examines the animal patient and administers vaccines in accordance with written protocols and procedures established by the veterinarian.
  - d) The veterinarian and RVT sign and date a statement containing an assumption of risk by the veterinarian for all acts of the RVT related to patient examination and administration of vaccines, short of willful acts of animal cruelty, gross negligence, or gross unprofessional conduct on behalf of the RVT.
  - e) The veterinarian and RVT sign and date a statement containing authorization for the RVT to act as an agent of the veterinarian until such date as the veterinarian terminates authorization.
  - f) Before the RVT examines or administers vaccines to the animal patient, the RVT informs the client orally or in writing that they are acting as an agent of the veterinarian.
  - g) Signed statements between the veterinarian and RVT must be retained by the veterinarian for the duration of the RVT's work as an authorized agent and until three years from the date of termination of their relationship with the veterinarian.

(BPC § 4826.7(b))

- 6) Requires all veterinarians engaged and employed as veterinarians by the state, or a county, city, corporation, firm, or individual to secure a license issued by the VMB. (BPC § 4828)
- 7) Requires the VMB to adopt regulations delineating animal health care tasks and an appropriate degree of supervision required for those tasks that may be performed solely by an RVT or licensed veterinarian. (BPC § 4836(a))
- 8) Permits the VMB to additionally adopt regulations establishing animal health care tasks that may be performed by a veterinary assistant, an RVT or a licensed veterinarian. (BPC § 4836(b))

- 9) Requires the VMB to establish an appropriate degree of supervision by an RVT or a licensed veterinarian over a veterinary assistant for any authorized tasks and provides that the degree of supervision for any of those tasks shall be higher than, or equal to, the degree of supervision required when an RVT performs the task. (BPC § 4836(b))
- 10) Authorizes the VMB to revoke or suspend the certificate of registration of an RVT, as specified. (BPC § 4837)
- 11) Prohibits an individual from using the title “RVT,” “veterinary technician,” or using the initials “RVT” without meeting the requirements of an RVT. (BPC § 4839.5)
- 12) Defines “direct supervision” as the supervisor physically present at the location where animal healthcare professionals provide care and tasks which are expected to be conducted quickly and are easily available. (California Code of Regulations (CCR), tit. 16, § 2034(e))
- 13) Defines “indirect supervision” as the supervisor not being physically present at the location where animal healthcare tasks, treatments, procedures, etc. are to be performed, but has given either written or oral instructions (“direct orders”) for treatment of the animal and the animal has been examined by a veterinarian in a manner consistent with the appropriate delegated animal health care task and that the animal is not anesthetized, as defined. (CCR, tit. 16, § 2034(f))
- 14) Authorizes RVTs and veterinary assistants to perform those animal health care services prescribed by law under the supervision of a veterinarian licensed or authorized to practice. (BPC § 4840(a))
- 15) Specifies that an RVT may perform animal health care services on impounded animals by a state, county, city, or city and county agency pursuant to the direct order, written order, or telephonic order of a veterinarian licensed or authorized to practice in California. (BPC § 4840(b))
- 16) Permits an RVT to apply for registration from the federal Drug Enforcement Administration to allow the direct purchase of sodium pentobarbital for the performance of euthanasia, without the supervision or authorization of a licensed veterinarian. (BPC § 4840(c))
- 17) Prohibits an RVT from performing the following functions or activities that represent the practice of veterinary medicine, requires the knowledge, skill, and training of a licensed veterinarian:
  - a) Surgery,
  - b) Diagnosis and prognosis of animal diseases, and
  - c) Prescribing drugs, medications, or appliances.(BPC § 4840.2)
- 18) Allows an RVT to perform the following procedures under the direct supervision of a licensed veterinarian:
  - a) Induce anesthesia,

- b) Perform dental extractions,
- c) Suture cutaneous and subcutaneous tissues, gingiva, and oral mucous membranes,
- d) Create a relief hole in the skin to facilitate placement of an intravascular catheter, and
- e) Drug compounding from bulk substances.

(CCR, tit. 16 § 2036(b))

19) Authorizes an RVT to perform the following procedures under indirect supervision of a licensed veterinarian:

- a) Administer controlled substances,
- b) Apply casts and splints,
- c) Provide drug compounding from non-bulk substances.

(CCR, tit. 16 § 2036(b))

**THIS BILL:**

- 1) Authorizes veterinarians to include any of the following information in a direct order, written order, or telephonic order issued to an RVT for care to animals impounded by a state or municipal agency:
- a) Time periods by which an impounded animal is required to be assessed at intake and monitored while in the custody of an agency,
  - b) Protocols to address the treatment of common medical conditions encountered in impounded animals,
  - c) Protocols for controlling infectious and zoonotic diseases and for preventing environmental contamination,
  - d) Protocols for controlling the acute pain of an impounded animal,
  - e) Communication requirements between the registered veterinary technician and the supervising veterinarian, and
  - f) Euthanasia criteria for medically related cases.

**FISCAL EFFECT:** This bill was ordered out of the Senate Committee on Appropriations pursuant to Senate Rule 28.8, due to negligible fiscal impact on the State.

**COMMENTS:**

**Purpose.**

This bill is author-sponsored. According to the author:

Unwanted pets remain a serious problem in California. An estimated 500,000+ cats and dogs entered California animal shelters in 2023. Unfortunately, over 10% of them did not find a home and were euthanized. With 232 animal shelters in California there is no standard guidance in the code for what constitutes a reasonable and efficient protocols for the management of shelter animals. SB 1478 will provide a standard by which animal shelters can judge the adequacy of their daily treatment and management of the animals in their care.

**Background.**

*Veterinarians and RVTs.* Veterinarians (Doctors of Veterinary Medicine, or “DVM”s) and registered veterinary technicians (RVTs) each play a distinct, vital role in an animal hospital or veterinary clinic, one not dissimilar to the relationship between a Doctor of Medicine (MD) and a registered nurse (RN) in an emergency room or medical clinic. In order to practice veterinary medicine and provide healthcare to a variety of animals, veterinarians must secure a license through the VMB. A licensed California veterinarian is authorized to engage in the practice of veterinary medicine, surgery, veterinary dentistry, and related health procedures for the benefit of an animal’s general health and wellbeing. Veterinarians are trained and licensed to diagnose, prescribe medication and provide treatment for the animal’s health and improvement to the animal’s quality of life. Veterinarians are extensively trained, satisfied academic requirements, and provide health care for various animals. Veterinarians receive specific healthcare training as it applies to animals and understanding the nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals.

RVTs serve a crucial role in the veterinary workforce by providing vital supportive health-related tasks. These health tasks involve drawing blood and conducting laboratory tests, operating radiographic equipment, administering medication, as well as countless other health related procedures. In the surgical process, the RVT is typically responsible for pre- and post-operation tasks under the direct supervision of a veterinarian, such as the induction of anesthesia, creation a relief hole in the skin to facilitate placement of an intravascular catheter, application casts and splints, performance of dental extractions, suturing of cutaneous and subcutaneous tissues, and more. The VMB’s regulations have also stipulated that an RVT may perform a variety of procedures under indirect supervision of a licensed veterinarian. These procedures include the act of administering controlled substances and performing certain routine animal health care tasks.

In order to practice veterinary medicine in California, an applicant must graduate from a degree program offered by an accredited postsecondary institution or institutions approved by the VMB, pass a national veterinarian examination, and pass an examination provided by the VMB to test the knowledge of the laws and regulations related to the practice of veterinary medicine in California. Comparatively, RVTs registered under the VMB are required to pass a board-approved examination, and provide proof of either completion of a two-year curriculum specializing in veterinary technology, or equivalent experience as approved by the American Association of Veterinary State Boards.

*RVT Scope and Direct Orders.* In recent years, there have been efforts to expand the role that RVTs play in the veterinary field, not only to address disparities in veterinary care but to offer further career advancement for experienced RVTs that may not have the desire or ability to pursue a full DVM career. The State of Florida is currently considering legislation to recognize a midlevel “veterinary professional associate”, and an initiative will be in front of Colorado voters

this fall seeking to establish a similar role. Additionally, the EU's European School for Advanced Veterinary Studies recognizes a midlevel "Certificate of Advanced Studies" in veterinary medicine, which among other tasks, offer certification in soft tissue surgery.

California law allows RVTs who work in state or municipal shelters to perform certain animal healthcare related tasks under the indirect supervision of a veterinarian, so long as the veterinarian has issued written or oral instructions, otherwise known as a "direct order", to the respective RVT specific to the authorized healthcare task. Law expressly prohibits RVTs from performing surgery, diagnosis or prognosis of diseases, or prescribing of drugs, medicine, and appliances. Last year, the Legislature permitted veterinarians to authorize RVTs to act as their agent for purposes of establishing a client relationship or administering certain vaccines with the passage of Senator Cortese's SB 669. Following these efforts, and in light of a recent increase in public demand for transparency regarding public animal services, this bill aims to bring greater clarity to veterinarians and RVTs as to what specifically should be included in an order authorizing care in a municipal shelter setting.

### **Current Related Legislation.**

SB 1233 (Wilk) would, upon appropriation by the Legislature, request the Regents of the University of California and the governing body of Western University of Health Sciences to develop high-quality, high-volume spay and neuter certification programs to be offered as elective coursework to students enrolled in the respective veterinary schools, among other things. *This bill is pending consideration in this committee.*

SB 1459 (Nguyen) requires public animal control agencies and shelters or private animal shelters, as specified, to update any data that they make available on their internet website at least once per month, and requires those agencies and shelters to publish specified information on their internet website, including the number of animals taken in during the prior month and the outcomes for animals over the prior month. *This bill is pending consideration in this committee.*

AB 2012 (Lee) would have required the California Department of Public Health (CDPH) to collect specified data from public animal shelters as part of their annual rabies control activities reporting, and authorized the CDPH to contract out this requirement to a California accredited veterinary school. *This bill was held in the Assembly Committee on Appropriations.*

### **Prior Related Legislation.**

SB 669 (Cortese) Chapter 882, Statutes of 2023 authorized a veterinarian to allow an RVT to act as an agent of the veterinarian for the purpose of establishing the veterinarian-client-patient relationship to administer preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites by satisfying specified criteria.

AB 1535 (Committee on Business and Professions) Chapter 631, Statutes of 2021, enacted various changes to the regulation of veterinarians, RVTs, Veterinary Assistant Controlled Substances Permit (VACSP) holders, veterinary schools, and veterinary premises, stemming from the joint sunset review oversight of the Veterinary Medical Board (Board) by the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions, and Economic Development.

SB 1347 (Galgiani) from 2020 would have expanded exemptions to the practice of veterinary medicine to include specified functions performed at a shelter, as defined, by an employee or volunteer who has obtained specified training. *At the request of the author, this bill's hearing in Assembly Appropriations Committee was canceled and the bill did not move.*

SB 1785 (Hayden) Chapter 752, Statutes of 1998 established, among other things, that the State of California's policy is that no adoptable animal should be euthanized if it can be adopted into a suitable home, and policies promoting the spay and neuter of dogs and cats in the state.

**ARGUMENTS IN SUPPORT:**

The **Veterinary Medical Board of California (VMB)**, which regulates the state's veterinarians, RVTs and veterinary assistants, writes in support of this bill. According to the VMB: "The Board appreciates the clarity SB 1478 would provide to veterinarians and RVTs and believes this bill will encourage consistency and guidance to the veterinary profession."

**REGISTERED SUPPORT:**

Veterinary Medical Board of California

**REGISTERED OPPOSITION:**

None on file.

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