

This is a draft of a prospective bill to protect the rights of animal owners in California. It is a rewrite of SB577 which was written by Congressman Burton in 2002 to protect the right of people to use the services of whatever human complementary and alternative healthcare practitioners they choose.

Animal Health: Complementary and alternative animal healthcare practitioners, animal care providers and consultants.

Existing law regulates the practice of veterinary medicine in the State of California, and in that regard prohibits persons who are not licensed as veterinarians from engaging in certain activities constituting the practice of veterinary medicine. As it applies to veterinary medicine, only a veterinarian can diagnose or prescribe a drug, medicine, appliance, act as a consultant, or treat in whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals.

In recent years, non-traditional modalities (AKA Complementary/Alternative modalities or CAM) such as, energy healing, massage, swim therapy, laser and magnetic therapy, have gained popularity among animal owners who have come to depend on the assistance these modalities offer to animals. These modalities along with the services of animal care providers such as groomers, farriers, feed store staff and animal caretakers could potentially be defined as the practice of veterinary medicine.

This bill, notwithstanding any other provision of law, would provide that an owner of an animal, or an agent of the owner acting with the owner's approval, shall not be in violation of provisions of the Veterinary Medicine Practice Act, or Article 4 of Division 20 of Title 16 of the California Code of Regulations in caring for, training, or treating an animal belonging to the owner, so long as that individual or agent does not represent himself or herself as a veterinarian or use any title associated with the practice of veterinary medicine or surgery or diagnose, prescribe drugs, inject substances intravenously, or perform surgery. The agent shall provide the owner with a written statement summarizing the nature of the services provided and obtain a signed acknowledgment from the owner that they accept the services provided.

The bill would require a person who advertises himself or herself as performing the services referenced above, to state in the advertisement that he or she is not licensed by the state as a veterinarian. It would require a disclosure/waiver be signed by both care provider and client, acknowledging these limitations, and maintained for a period of three years following the date of signature.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) According to [a 1990 study done by the University of Florida](#) 34% of animal owners utilized some form of CAM (Complementary Alternative Medicine). By 1997, survey results showed an increase to 42%, but 60% of these people did not provide this information to their regular veterinarian. Similarly, [according to a survey conducted by Colorado State University](#) more than half of pet owners surveyed by Colorado State University veterinarians used complementary and alternative medical approaches to help their cats and dogs. Based on these findings and given the current population of 38 million people in California, it can be determined that approximately 21 million animal owners are presently receiving a substantial volume of health care services for their animals from complementary and alternative health care practitioners. These individuals utilizing complementary and alternative health care services for their animals cut across a wide variety of age, ethnic, socioeconomic, and other demographic categories.

(b) Notwithstanding the widespread utilization of complementary and alternative animal medical services and lay practitioners by Californians, the provision of many of these services may be in technical violation not only of the Veterinary Medicine Practice Act, but also the current VMB proposal to adopt Section 2038.5 of Article 4 of Division 20 of Title 16 of the California Code of Regulations. where the VMB is attempting to define the term "Animal Rehabilitation" as (a) The term "animal rehabilitation" (AR) is the use of the physical, chemical, and other properties of thermal, magnetic, biofeedback technology, hydrotherapy (such as underwater treadmills), electricity, sound, therapeutic massage, manual therapy, and active, passive, and resistive exercise for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals. AR includes evaluation, treatment, instruction, and consultative services.

Complementary and alternative animal health care practitioners could therefore be subject to fines, penalties, and the restriction of their practice if this proposal is approved.

(c) If adopted, it would only be legal for CAM to be performed by a licensed veterinarian or a California licensed physical therapist (PT) or registered veterinary technician (RVT) working under the direct supervision of a veterinarian.

(d) The Legislature intends, by enactment of this act, to allow access by California residents to the services and expertise of animal health care practitioners and consultants who may not be licensed by the VMB.

(e) The Legislature further finds that services provided by non-veterinarians do not pose more risk to the health and safety of California residents' animals than licensed veterinarians and that restricting access to those services due to technical violations of Veterinary Medicine Practice Act, Chapter 11, Section 4826 is not warranted.

4826. (a) Notwithstanding any other provision of law, a person who represents himself as an animal health care practitioner may provide the services and expertise of consultants who may not be licensed by the VMB shall not be in violation of Section 4826 as long as that individual does not represent himself or herself as a veterinarian or use any title associated with the practice of veterinary medicine or perform surgery, diagnose, prescribe drugs, or perform intravenous injections.

SEC. 3 Section 4826.xx is added to the Business and Professions Code, to read:

4826.xx (a) A person who provides services pursuant to Section 4826 that are not unlawful under Section 4826 shall, prior to providing those services, do the following:

(1) Disclose to the client in a written statement using plain language the following information:

(A) That he or she is not a licensed veterinarian, animal health technician or licensed care provider.

(B) That the treatment is not overseen or licensed by the state Dept. of Consumer Affairs

(C) That the services to be provided are not licensed by the State.

(D) The nature of the services to be provided.

(E) The theory of treatment upon which the services are based.

(F) His or her educational, training, experience, and other qualifications regarding the services to be provided.

(2) Obtain a written acknowledgement from the client stating that he or she has been provided with the information described in paragraph xxx. The client shall be provided a copy of the written acknowledgement, which shall be maintained by the person providing the service for three years.

(b) The information required by subdivision (a) shall be provided in a language that the client understands.

(c) Nothing in this section or in Section 4826 shall be construed to do the following:

(1) Affect the scope of practice of licensed veterinarians or registered veterinary technicians.

(2) Limit the right of any person to seek relief for negligence or any other civil remedy against a person providing services subject to the requirements of this section.