

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 2. HEALING ARTS [500 - 4999.129]

(Division 2 enacted by Stats. 1937, Ch. 399.)

CHAPTER 1.5. Exemption From Licensure [900 - 901]

(Chapter 1.5 added by Stats. 1989, Ch. 97, Sec. 2.)

(a) Nothing in this division applies to 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, if the health care is provided only during a state of emergency as defined in subdivision (b) of Section 8558 of the Government Code, which emergency overwhelms the response capabilities of California health care practitioners and only upon the request of the Director of the Emergency Medical Services Authority.

(b) The director shall be the medical control and shall designate the licensure and specialty health care practitioners required for the specific emergency and shall designate the areas to which they may be deployed.

(c) Health care practitioners shall provide, upon request, a valid copy of a professional license and a photograph identification issued by the state in which the practitioner holds licensure before being deployed by the director.

(d) Health care practitioners deployed pursuant to this chapter shall provide the appropriate California licensing authority with verification of licensure upon request.

(e) Health care practitioners providing health care pursuant to this chapter shall have immunity from liability for services rendered as specified in Section 8659 of the Government Code.

(f) For the purposes of this section, "health care practitioner" means any person who engages in acts which are the subject of licensure or regulation under this division or under any initiative act referred to in this division.

(g) For purposes of this section, "director" means the Director of the Emergency Medical Services Authority who shall have the powers specified in Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(Amended by Stats. 2010, Ch. 270, Sec. 1. Effective January 1, 2011.)

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

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

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

(c) The temporary shelter complies with Section 4854.

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

901. (a) For purposes of this section, the following provisions apply:

(1) "Board" means the applicable healing arts board, under this division or an initiative act referred to in this division, responsible for the licensure or regulation in this state of the respective health care practitioners.

(2) "Health care practitioner" means any person who engages in acts that are subject to licensure or regulation under this division or under any initiative act referred to in this division.

(3) "Sponsored event" means an event, not to exceed 10 calendar days, administered by either a sponsoring entity or a local government, or both, through which health care is provided to the public without compensation to the health care practitioner.

(4) "Sponsoring entity" means a nonprofit organization organized pursuant to Section 501(c)(3) of the Internal Revenue Code or a community-based organization.

(5) "Uninsured or underinsured person" means a person who does not have health care coverage, including private coverage or coverage through a program funded in whole or in part by a governmental entity, or a person who has health care coverage, but the coverage is not adequate to obtain those health care services offered by the health care practitioner under this section.

(b) A health care practitioner licensed or certified in good standing in another state, district, or territory of the United States who offers or provides health care services for which he or she is licensed or certified is exempt from the requirement for licensure if all of the following requirements are met:

(1) Prior to providing those services, he or she does all of the following:

(A) Obtains authorization from the board to participate in the sponsored event after submitting to the board a copy of his or her valid license or certificate from each state in which he or she holds licensure or certification and a photographic identification issued by one of the states in which he or she holds licensure or certification. The board shall notify the sponsoring entity, within 20 calendar days of receiving a request for authorization, whether that request is approved or denied, provided that, if the board receives a request for authorization less than 20 days prior to the date of the sponsored event, the board shall make reasonable efforts to notify the sponsoring entity whether that request is approved or denied prior to the date of that sponsored event.

(B) Satisfies the following requirements:

- (i) The health care practitioner has not committed any act or been convicted of a crime constituting grounds for denial of licensure or registration under Section 480 and is in good standing in each state in which he or she holds licensure or certification.
- (ii) The health care practitioner has the appropriate education and experience to participate in a sponsored event, as determined by the board.
- (iii) The health care practitioner shall agree to comply with all applicable practice requirements set forth in this division and the regulations adopted pursuant to this division.
- (C) Submits to the board, on a form prescribed by the board, a request for authorization to practice without a license, and pays a fee, in an amount determined by the board by regulation, which shall be available, upon appropriation, to cover the cost of developing the authorization process and processing the request.
- (2) The services are provided under all of the following circumstances:
 - (A) To uninsured or underinsured persons.
 - (B) On a short-term voluntary basis, not to exceed a 10-calendar-day period per sponsored event.
 - (C) In association with a sponsoring entity that complies with subdivision (d).
 - (D) Without charge to the recipient or to a third party on behalf of the recipient.
- (c) The board may deny a health care practitioner authorization to practice without a license if the health care practitioner fails to comply with this section or for any act that would be grounds for denial of an application for licensure.
- (d) A sponsoring entity seeking to provide, or arrange for the provision of, health care services under this section shall do both of the following:
 - (1) Register with each applicable board under this division for which an out-of-state health care practitioner is participating in the sponsored event by completing a registration form that shall include all of the following:
 - (A) The name of the sponsoring entity.
 - (B) The name of the principal individual or individuals who are the officers or organizational officials responsible for the operation of the sponsoring entity.
 - (C) The address, including street, city, ZIP Code, and county, of the sponsoring entity's principal office and each individual listed pursuant to subparagraph (B).
 - (D) The telephone number for the principal office of the sponsoring entity and each individual listed pursuant to subparagraph (B).
 - (E) Any additional information required by the board.
 - (2) Provide the information listed in paragraph (1) to the county health department of the county in which the health care services will be provided, along with any additional information that may be required by that department.
- (e) The sponsoring entity shall notify the board and the county health department described in paragraph (2) of subdivision (d) in writing of any change to the information required under subdivision (d) within 30 calendar days of the change.
- (f) Within 15 calendar days of the provision of health care services pursuant to this section, the sponsoring entity shall file a report with the board and the county health department of the county in which the health care services were provided. This report shall contain the date, place, type, and general description of the care provided, along with a listing of the health care practitioners who participated in providing that care.

(g) The sponsoring entity shall maintain a list of health care practitioners associated with the provision of health care services under this section. The sponsoring entity shall maintain a copy of each health care practitioner's current license or certification and shall require each health care practitioner to attest in writing that his or her license or certificate is not suspended or revoked pursuant to disciplinary proceedings in any jurisdiction. The sponsoring entity shall maintain these records for a period of at least five years following the provision of health care services under this section and shall, upon request, furnish those records to the board or any county health department.

(h) A contract of liability insurance issued, amended, or renewed in this state on or after January 1, 2011, shall not exclude coverage of a health care practitioner or a sponsoring entity that provides, or arranges for the provision of, health care services under this section, provided that the practitioner or entity complies with this section.

(i) Subdivision (b) shall not be construed to authorize a health care practitioner to render care outside the scope of practice authorized by his or her license or certificate or this division.

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

(2) The board shall provide both the sponsoring entity and the health care practitioner with a written notice of termination including the basis for that termination. The health care practitioner may, within 30 days after the date of the receipt of notice of termination, file a written appeal to the board. The appeal shall include any documentation the health care practitioner wishes to present to the board.

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

(k) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(l) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date. *(Amended by Stats. 2013, Ch. 111, Sec. 1. Effective January 1, 2014. Repealed as of January 1, 2018, by its own provisions.)*

901.1. (a) For purposes of this section and Section 900.1, the following provisions apply:

(1) "Animal control department" has the meaning set forth in Section 31606 of the Food and Agricultural Code.

(2) "Board" means the Veterinary Medical Board.

(3) "Cruelty incident" means an alleged violation of a federal

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or state animal fighting or animal cruelty law that involves numerous animals and overwhelms the response capabilities of California's veterinary health care practitioners.

(4) "Sponsoring entity" means a nonprofit organization organized pursuant to Section 501(c)(3) of the Internal Revenue Code that employs licensed veterinarians.

(5) "Veterinary health care practitioner" or "practitioner" means any person who engages in acts that are subject to licensure or regulation under Chapter 11 (commencing with Section 4800).

(b) In the event of a cruelty incident, and at the request of an animal control department or state or federal law enforcement agency, a sponsoring entity may operate a temporary shelter to provide care to animals seized as a result of a cruelty incident and deploy veterinary health care practitioners 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. A veterinary health care practitioner deployed by a sponsoring entity pursuant to this section is exempt from the requirement for licensure under this division if all of the following requirements are met:

(1) Prior to providing services, the practitioner does all of the following:

21 (A) Obtains authorization from the board to be deployed by a sponsoring entity after submitting to the board a copy of his or her valid license or certificate from each state in which he or she holds licensure or certification and a photographic identification issued by one of the states in which he or she holds licensure or certification. The board shall notify the veterinary health care practitioner, within 20 calendar days of receiving a request for authorization, whether that request is approved or denied, provided that, if the board receives a request for authorization less than 20 calendar days prior to the date of deployment in response to a cruelty incident, the board shall make reasonable efforts to notify the sponsoring entity whether that request is approved or denied prior to the date of that deployment. Authorization shall expire 12 months from the date of initial authorization unless the veterinary health care practitioner has resubmitted the required information for renewal at least 20 calendar days prior to expiration.

(B) Satisfies the following requirements:

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

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

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

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

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

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

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

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

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

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

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

(1) The name of the sponsoring entity

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

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

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

(5) Any additional information required by the board.

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

(f) The sponsoring entity shall maintain a list of veterinary

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health care practitioners associated with the provision of veterinary health care services pursuant to this section. The sponsoring entity shall maintain a copy of each veterinary health care practitioner's current license or certification and shall require each veterinary health care practitioner to attest in writing that his or her license or certificate is not suspended or revoked pursuant to disciplinary proceedings in any jurisdiction. The sponsoring entity shall maintain these records for a period of at least five years following the provision of veterinary health care services pursuant to this section and shall, upon request, furnish those records to the board.

(g) A contract of liability insurance issued, amended, or renewed in this state on or after January 1, 2016, shall not exclude coverage of a veterinary health care practitioner or a sponsoring entity that provides, or arranges for the provision of, veterinary health care services pursuant to this section, provided that the practitioner or sponsoring entity complies with this section.

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

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

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

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