



**MEETING AGENDA**  
Multidisciplinary Advisory Committee  
The Waterfront Hotel  
10 Washington Street  
Oakland, CA

**10:00 a.m. Monday July 20, 2015**

1. Call to Order- Establishment of a Quorum
2. Introductions
3. Swearing in of New Multidisciplinary Advisory Committee Members
4. Election of Officers
5. Review and Approval of February 19, 2015 Meeting Minutes
6. Discuss and Possible Action on Proposed RVT Student Exemption Regulation (California Code of Regulations Title 16, Division 20, section 2064)
7. Discuss and Possible Action on University Licensure
8. Discuss Shelter Medicine Protocols
9. Review Board Strategic Action Plan 2015-2019
  - A. Review Proposed Multidisciplinary Advisory Committee Action Items
10. Comments from Public/Outside Agencies/Associations on Items Not on the Agenda  
Note: The board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code Sections 11125 and 11125.7(a)).
11. Agenda Items and Next Meeting Dates
  - A. Agenda Items for Next Meeting
  - B. Multidisciplinary Advisory Committee Meetings – 2015 Schedule
12. Adjourn

This agenda can be found on the Veterinary Medical Board website at [www.vmb.ca.gov](http://www.vmb.ca.gov). Times stated are approximate and subject to change. This meeting will conform to the Open Meeting Act. Agenda discussions and report items are subject to action being taken on them during the meeting by the Board at its discretion. The Board provides the public the opportunity at meetings to address each agenda item during the Board's discussion or consideration of the item. Total time allocated for public comment may be limited.

The Board plans to webcast items 1-12 at this meeting on its website at [www.vmb.ca.gov](http://www.vmb.ca.gov). Webcast availability cannot, however, be guaranteed due to limitations on resources or technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location.”

The meeting locations are accessible to the physically disabled. Other disability-related accommodations or modifications can be provided upon request. Please make your request for disability-related accommodations by contacting the Board at (916) 515-5220 or sending a written request to 1747 N. Market St., Suite 230, Sacramento, CA 95834. Provide at least five (5) business days' notice prior to the meeting to help ensure availability of requested accommodations.

**MISSION**

The mission of the Veterinary Medical Board is to protect consumers and animals by regulating licensees, promoting professional standards and diligent enforcement of the practice of veterinary medicine.



**MEETING MINUTES**  
Multidisciplinary Advisory Committee  
1747 N. Market Blvd. - Hearing Room  
Sacramento, California

**Thursday, February 19, 2015 – 10:00 a.m. to 4:00 p.m.**

I. Call to Order- Establishment of a Quorum

Multidisciplinary Advisory Committee (MDC) Chair, Dr. William Grant II, called the meeting to order at 10:10 a.m. Veterinary Medical Board (Board) Executive Officer, Annemarie Del Mugnaio, called roll; eight members of the MDC were present and thus a quorum was established.

II. Introductions

Members Present

William A. Grant II, DVM, Chair  
Jennifer E. Boyle, RVT, Vice-Chair  
Allan Drusys, B Vet Med  
Diana Woodward Hagle, Public Member  
David F. Johnson, RVT  
Jennifer Loreda, RVT, Board Liaison  
Jeff Pollard, DVM  
Richard Sullivan, DVM, Board Liaison

Staff Present

Rebecca Bon, Legal Counsel  
Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board  
Nina Galang, Administrative Program Coordinator  
Sabina Knight, Legal Counsel  
Ethan Mathes, Administrative Program Manager  
Bryce Penney, DCA Web Cast  
Candace Raney, Enforcement Program Manager

Guests Present

Al Aldrete, DVM, Veterinary Allied Staff Education  
Ryan Arnold, DCA, Division of Legislative & Regulatory Review  
Nancy Ehrlich, California Registered Veterinary Technician Association  
Valarie Fenstermaker, California Veterinary Medical Association  
Rebecca May, Department of Consumer Affairs  
Mark Nunez, DVM, Veterinary Medical Board  
Dan Segna, DVM, California Veterinary Medical Association

III. Review and Approval of October 20, 2014 Meeting Minutes

Dr. Richard Sullivan motioned and Dr. Allan Drusys seconded the motion to approve the October 20, 2014 meeting minutes. The motion carried 8-0.

#### IV. RVT Alternate Route Regulations

##### a. Review Alternate Route Programs

Administrative Program Manager, Ethan Mathes, provided an overview of the alternate route regulations and presented the final proposed regulatory language, including a comparison chart of the alternate route programs offered throughout California. The programs listed did not have American Veterinary Medical Association (AVMA) accreditation.

Executive Officer, Annemarie Del Mugnaio, noted that the intent is to show accessibility of current programs throughout California, costs of the program, and the availability of distance learning alternatives. MDC Chair, Dr. William Grant, added that there are a number of distance learning programs for Registered Veterinary Technicians (RVT) listed on the AVMA website. Public member, Dr. Al Aldrete, shared details on his program, Veterinary Allied Staff Education, and its effort to get AVMA accreditation.

MDC Vice-Chair, Jennifer Boyle, asked if the note explaining that students who do not choose to be licensed RVTs are still able to work in field as animal health technicians was removed from the board website. Ethan Mathes confirmed that it was misinformation and has been removed.

##### b. Discussion and Possible Action on Proposed Alternate Route Program Regulations (California Code of Regulations Title 16, Division 20, sections 2065.1 and 2065.6)

The MDC reviewed and discussed amendments to the proposed Alternate Route Program Regulations. Nancy Ehrlich expressed concerns regarding the high number of categories required for completing on-the-job training experience. The MDC agreed to separate the language explaining the requirements for practical experience from the program experience. The MDC discussed clarifying the language that explains that the practical experience must be completed within five years prior to the date an applicant takes the RVT examination or any subsequent re-examination.

The MDC wanted to ensure that library facilities, online resources, and equipment used for instruction are adequate for conducting the education program.

The MDC also discussed various clarifications to the regulatory language to clear up ambiguities including “interactive” versus “non-interactive” components of the clinical practice experience.

Dr. Al Aldrete shared that subsections (e) and (f) regarding library facilities of the program and the physical plant and equipment used for instruction are not conducive to distance learning. The MDC determined that the language should reflect that adequate resources are available to students whether the resources are provided online or at a physical location.

Alternate route programs may need Bureau of Private and Postsecondary Education (BPPE) approval for ‘degree granting’ programs. The MDC directed staff to research BPPE requirements and whether alternate route programs would be subject to BPPE oversight.

- Dr. Richard Sullivan motioned and David Johnson seconded the motion to approve the amendments to the proposed Alternate Route Program Regulations and forward to the Veterinary Medical Board. The motion carried 8-0.

V. Discussion and Possible Action on Proposed RVT Student Exemption Regulation (California Code of Regulations Title 16, Division 20, section 2064)

Ethan Mathes provided a background on the RVT Student Exemption regulatory language. Two areas that need further clarification are the definition for the “final year” of the clinical portion of study and the level of supervision provided to the RVT student.

Dr. Aldrete shared some details regarding his program, VASE, and how the “final year” is determined within his program. Ms. Del Mugnaio suggested that students to have completed not less than 75% of both the required classroom instruction and the clinical instruction, not to exceed six months, to be considered in their “final year”.

Dr. Dan Segna noted that the regulations do not mention anything regarding the validation of qualifications and enforcement. The MDC added that the responsibility should be that of the supervising California licensed veterinarian or RVT.

The MDC directed staff to solicit input from accredited programs and alternate route programs regarding the program’s course matriculation in which a student will have sufficient knowledge and exposure to RVT specific tasks in order to safely authorize students to operate under this exemption. Staff will bring the input back to report at the next meeting.

VI. Discussion and Possible Action on University Licensure

Dr. Grant provided a background on the concept of university licenses and recommended that we place “university license” in its own class of licenses. The MDC discussed requiring foreign-educated veterinarians teaching at a university to pass an examination prior to being issued a university license. However, the MDC argued that not everyone that works at universities works on the public’s animals. Valerie Fenstermaker shared her concern that there is no disclosure to the public that there are unlicensed veterinarians working at the university.

Diane Woodward Hagle suggested requiring a memorandum of understanding (MOU); however, Ms. Del Mugnaio clarified that an MOU that would not supersede the exemption in statute. Dr. Mark Nunez pointed out a need to define where activity under a university license may be legally practiced. Dr. Dan Segna argued that the university should not have preferential treatment and should be held to the same standard as California licensees.

Rebecca Bon recommended structuring the distinctions of working on public vs. private animals within the exemption. The MDC agreed to add this item to the next agenda and Dr. Grant agreed to invite the University Deans to be present at the discussion.

VII. Discussion and Possible Action on Proposed Amendments to Minimum Standards

The MDC reviewed and discussed the recent changes made to the Minimum Standards regulatory language since the last MDC meeting in October 2014, including clarification regarding the definition for a small animal vaccination clinic, veterinarian-client-patient relationships in the absence of client communication, and written prescriptions in the absence of the originally prescribing veterinarian.

- Dr. Richard Sullivan motioned and David F. Johnson seconded the motion to approve the proposed amendments to the Minimum Standards language and forward to the Board for consideration. The motion carried 8-0.

Ms. Del Mugnaio will conduct research on any existing public health codes applicable to animal vaccination.

#### VIII. Premise Permit Limitations Update

Ms. Del Mugnaio stated that the premise permit regulations were brought before the MDC in October 2014. CVMA offered to develop a task force, with the intent to provide minimum standards that are feasible for alternate practice settings and to provide education to the public.

Ms. Del Mugnaio agreed to work with CVMA when they initiate the Task Force.

The MDC agreed that there is a need to develop minimum standards specific to animal shelters, mobile equine, house calls, and ambulatory services.

#### IX. Comments from Public/Outside Agencies/Associations

Nancy Ehrlich updated the MDC that she has received numerous complaints regarding alternate route applicants. Dr. Grant reminded the group that the MDC has no authority to instruct the Board on this particular issue and advised Mrs. Ehrlich to address it directly with the Board.

#### X. Agenda Items and Next Meeting Dates

##### a. Review Multidisciplinary Advisory Committee Priorities

Dr. Grant noted that the animal shelter regulations, premise permit limitations, and pursuing statutory authority for drug compounding should be considered a higher priority and should be moved up on the existing priorities list. David Johnson requested to have “extended duty” for RVTs placed as a higher priority MDC issue.

Ms. Del Mugnaio clarified that the drug compounding issue was moved on to the VMB as of October 2014 to move forward with a statutory change to provide the authority for veterinarians to compound pursuant to the exemption in federal rule. Dr. Richard Sullivan proposed creating a task force with CVMA in conjunction with the statutory change to address the needs for pursuing statutory authority for drug compounding.

Ms. Del Mugnaio noted that the task list is only considered a recommendation until it is adopted by the Board.

Valerie Fenstermaker pointed out that temporary licenses during disaster situations for out-of-state practitioners is in print as a bill. Ms. Del Mugnaio added that this issue will come up at the next VMB meeting and the Board will need to take a position on it.

Ms. Del Mugnaio noted that the feasibility of implementing an approval process for RVT alternate route programs and Minimum Standards will be removed from the MDC list as they have since been moved to the VMB. The MDC will still retain the university license issue and the RVT student exemption issue on the existing priorities list. The MDC also agreed to remove electronic record keeping as it is no longer an issue.

Ms. Del Mugnaio touched on the difficulties of enforcing an English language proficiency exam as a requirement for licensure and the potential for discrimination. Ms. Del Mugnaio noted that there is already a national English proficiency exam that they must complete in order to obtain licensure in a MDC Meeting

regulated field. The MDC agreed to remove this item from the list, as well as the feasibility of requiring written estimates for fees, and implementation of Euthanasia forms.

b. Agenda Items for Next Meeting

Ms. Del Mugnaio reminded the MDC that four members' terms are expiring in June of this year. The vacancies will be posted on June 30, 2015 and any interested persons must submit an application.

c. Multidisciplinary Advisory Committee Meetings – 2015 Schedule

Ms. Del Mugnaio noted that the next MDC meeting will be on July 20, 2015 in Sacramento, California. The next MDC meeting following July will be on October 22, 2015, the day after the October VMB meeting.

XI. Adjourn

The MDC meeting adjourned at 3:42 p.m.





## MEMORANDUM

<b>DATE</b>	June 30, 2015
<b>TO</b>	Multidisciplinary Advisory Committee
<b>FROM</b>	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
<b>SUBJECT</b>	RVT Student Exemption

### **Background:**

AB 1980 (Hayashi), Chapter 538, effective January 1, 2011, created a provision in law (BPC Section 4841.1) for RVT students in the clinical portion of their final year of study in a board-approved California veterinary technology program to perform the job tasks for registered veterinary technicians as a part of their educational experience including students both on and off campus acting under the supervision of a licensed veterinarian in good standing.

The bill also required the Board to adopt regulations defining the parameters of supervision required for the students who were to perform such tasks. Discussion before the MDC has encompassed the definition of "final year," and level of supervision and who provides such supervision.

The RVT Task Force discussed and proposed changes to student exemption regulations at their March, June and November 2013 meetings. Amendments to the proposed language were made based on the Task Force discussion at these meetings.

The student exemption issue was tabled at the April 2014 MDC meeting due to the belief at the time that student exemption language would be drafted in concert with the RVT Alternate Route Program Approval language (as alternate route programs and program approval were still being discussed and defined).

The MDC recommended at its October 20, 2014 meeting and the Veterinary Medical Board agreed at its October 21, 2014 meeting, that the MDC should pursue student exemption language and define supervision. The alternate route eligibility pathway would not be included in the exemption as the MDC is working on regulations that would propose Board approval of alternate route programs.

At the last MDC meeting in February 2015, the MDC requested staff to seek input from all California veterinary technology programs: AVMA accredited, Board-approved, and alternate route programs, regarding curriculum sequencing, length of instruction, instruction specific to RVT job tasks, and level of supervision of the student performing hands-on training. Attached is the letter to the schools and the responses received to date.

### **Statutory Reference:**

#### **4841.1.**

(a) This article shall not apply to students in the clinical portion of their final year of study in a board-approved California veterinary technology program who perform the job tasks for



registered veterinary technicians as part of their educational experience, including students both on and off campus acting under the supervision of a licensed veterinarian in good standing, as defined in paragraph (1) of subdivision (b) of Section 4848.

(b) The board shall adopt regulations defining the parameters of supervision required for the students described in subdivision (a).

**Issues:**

*Final Year of Clinical Portion of Study:* Not all California approved or AVMA accredited veterinary technology programs are strictly two or four year programs. Some veterinary technology programs can be completed in less than two years (Carrington and Pima), some programs are strictly two-year programs (Consumnes and Foothill) and one program is a four-year program (Pomona). However, in accordance with CCR section 2065, all California approved veterinary technology programs require a minimum of 600 hours of classroom instruction, 200 hours of clinical instruction, and 200 hours of externship.

*Level of Supervision:* Existing CCR section 2036 defines RVT tasks and levels of supervision required to perform those tasks. Additionally, CCR sections 2034 and 2035 define “indirect supervision”, “direct supervision” and the duties of a supervising veterinarian.

Pursuant to CCR section 2036(b) RVTs may perform certain specified tasks only under the direct supervision of a licensed veterinarian:

*(b) An R.V.T. may perform the following procedures only under the direct supervision of a licensed veterinarian:*

- (1) Induce anesthesia;*
- (2) Apply casts and splints;*
- (3) Perform dental extractions;*
- (4) Suture cutaneous and subcutaneous tissues, gingiva and oral mucous membranes,*
- (5) Create a relief hole in the skin to facilitate placement of an intravascular catheter*

Pursuant to CCR section 2036(c) RVTs may perform other animal health care tasks under the direct or indirect supervision of a licensed veterinarian:

*(c) An R.V.T. may perform the following procedures under indirect supervision of a licensed veterinarian:*

- (1) Administer controlled substances.*

*(d) Subject to the provisions of subsection(s) (a), (b) and (c) of this section, an R.V.T. may perform animal health care tasks under the direct or indirect supervision of a licensed veterinarian. The degree of supervision by a licensed veterinarian over a R.V.T. shall be consistent with standards of good veterinary medical practices.*

**Action(s) Requested**

Review and discuss what constitutes a “final year” of study in the clinical portion of a veterinary technology program and recommend proposed language implementing the RVT Student Exemption parameters to the VMB.

**Attachment(s):**

- Proposed RVT Student Exemption Language
- Title 16, Division 20, Article 4. Practice
- Student Exemption Letter – June 15, 2015
- Responses from Veterinary Technology Programs

**Title 16. Professional and Vocational Regulations  
Division 20. Veterinary Medical Board**

***RVT Student Exemption – Proposed Language  
7/2015***

**2036.6. RVT Student Exemption.**

(a) Students in a board-approved California veterinary technology program as defined under section 2065 of these regulations may perform animal health care tasks for R.V.T. job tasks subject to provisions under section 2036 of these regulation and as a part of the clinical portion of their final year of study as defined by section 2065(a)(2) and (3) of these regulations provided they are under immediate supervision of a California licensed veterinarian or registered veterinary technician in good standing.

(b) For purposes of this section, the following definitions apply:

(1) “Final Year” means: the student has completed not less than seventy-five (75%) percent of both the required classroom instruction and the clinical instruction as defined by section 2065(a)(1) and (2), and has sufficient knowledge and exposure to the R.V.T. job tasks defined in Section 2036.

(2) For the purposes of this section, the “Final Year” of study shall not exceed six (6) months of training on the R.V.T. job tasks.

(2) “Immediate supervision” means: the supervising veterinarian or registered veterinary technician maintains a one to one relationship where the RVT animal health care job tasks are performed by the student, is directly engaged with the student treating the patient, and is in the physical presence of the animal patient and the student treating the patient.

The supervising registered veterinary technician shall remain under the direct supervision of the veterinarian as defined by section 2034(e) of these regulations.



**Title 16. Professional and Vocational Regulations**  
**Division 20. Veterinary Medical Board**  
**Article 4. Practice**

**§ 2034. Animal Health Care Tasks Definitions.**

For purposes of the rules and regulations applicable to animal health care tasks for registered veterinary technicians and unregistered assistants, contained in the article, the term:

- (a) “Veterinarian” means a California licensed veterinarian.
- (b) “R.V.T.” means a registered veterinary technician certified by the Board.
- (c) “Unregistered assistant” means any individual who is not an R.V.T. or a licensed veterinarian.
- (d) “Supervisor” means a California licensed veterinarian or if a job task so provides an R.V.T.
- (e) “Direct Supervision” means: (1) the supervisor is physically present at the location where animal health care job tasks are to be performed and is quickly and easily available; and (2) the animal has been examined by a veterinarian at such time as good veterinary medical practice requires consistent with the particular delegated animal health care job task.
- (f) “Indirect Supervision” means: (1) that the supervisor is not physically present at the location where animal health care job tasks are to be performed, but has given either written or oral instructions (“direct orders”) for treatment of the animal patient; and (2) the animal has been examined by a veterinarian at such times as good veterinary medical practice requires, consistent with the particular delegated animal health care task and the animal is not anesthetized as defined in Section 2032.4.
- (g) “Animal Hospital Setting” means all veterinary premises which are required by Section 4853 of the Code to be registered with the Board.
- (h) “Administer” means the direct application of a drug or device to the body of an animal by injection, inhalation, ingestion, or other means.
- (i) “Induce” means the initial administration of a drug with the intended purpose of rendering the animal unconscious.

**§ 2035. Duties of Supervising Veterinarian.**

- (a) The supervising veterinarian shall be responsible for determining the competency of the R.V.T. or unregistered assistant to perform allowable animal health care tasks.
- (b) The supervising veterinarian of a R.V.T. or unregistered assistant shall make all decisions relating to the diagnosis, treatment, management and future disposition of the animal patient.

(c) The supervising veterinarian shall have examined the animal patient prior to the delegation of any animal health care task to either an R.V.T. or unregistered assistant. The examination of the animal patient shall be conducted at such time as good veterinary medical practice requires consistent with the particular delegated animal health care task.

**§ 2036. Animal Health Care Tasks for R.V.T.**

(a) Unless specifically so provided by regulation, a R.V.T. shall not perform the following functions or any other activity which represents the practice of veterinary medicine or requires the knowledge, skill and training of a licensed veterinarian:

- (1) Surgery;
- (2) Diagnosis and prognosis of animal diseases;
- (3) Prescription of drugs, medicines or appliances.

(b) An R.V.T. may perform the following procedures only under the direct supervision of a licensed veterinarian:

- (1) Induce anesthesia;
- (2) Apply casts and splints;
- (3) Perform dental extractions;
- (4) Suture cutaneous and subcutaneous tissues, gingiva and oral mucous membranes,
- (5) Create a relief hole in the skin to facilitate placement of an intravascular catheter

(c) An R.V.T. may perform the following procedures under indirect supervision of a licensed veterinarian:

- (1) Administer controlled substances.

(d) Subject to the provisions of subsection(s) (a), (b) and (c) of this section, an R.V.T. may perform animal health care tasks under the direct or indirect supervision of a licensed veterinarian. The degree of supervision by a licensed veterinarian over a R.V.T. shall be consistent with standards of good veterinary medical practices.

**§ 2036.5. Animal Hospital Health Care Tasks for Unregistered Assistants.**

(a) Unregistered assistants shall be prohibited from performing any of the functions or activities specified in subsections (a) (b) and (c) of Section 2036 of these regulations, except that an unregistered assistant under the direct supervision of a licensed veterinarian or registered technician may administer a controlled substance.

(b) Subject to the provisions of subsection (a) of this section, unregistered assistants in an animal hospital setting may perform auxiliary animal health care tasks under the direct or indirect supervision of a licensed veterinarian or the direct supervision of an R.V.T. The degree of supervision by a licensed veterinarian over an unregistered assistant shall be higher than or equal

to the degree of supervision required when an R.V.T. performs the same task and shall be consistent with standards of good veterinary medical practices.



**Veterinary Medical Board**

1747 N. Market Boulevard, Suite 230, Sacramento, CA 95834  
Telephone: 916-515-5220 Fax: 916-928-6849 | [www.vmb.ca.gov](http://www.vmb.ca.gov)



June 15, 2015

[Address Block]

Re: Exemption for RVT Students to Complete RVT Specific Tasks as Defined in CCR Section 2036

Dear Program Director,

The California Veterinary Medical Board (Board) is developing regulations defining the terms of an exemption for Registered Veterinary Technician (RVT) students who are in the process of completing their education within a Board-approved veterinary technology program. Generally, the exemption would authorize RVT students within a Board-approved veterinary technology program to perform RVT job tasks, as defined in California Code of Regulations (CCR) Section 2036 (attached), while under supervision.

Current law, Business and Professions Code Section 4841.1 (attached), provides the Board the authority to define the parameters of the RVT student exemption, including defining "...in the clinical portion of their final year of study..." and also the appropriate level of supervision of the RVT student when performing RVT job tasks. The Board's Multidisciplinary Committee (MDC) is charged with making recommendations regarding the terms of this student exemption; however, before the MDC can make its recommendation, more information from RVT programs is necessary.

Specifically, the MDC is requesting the following information from your veterinary technology program:

- At what point in the veterinary technology program have students completed instruction covering the coursework and clinical components of the specific RVT job tasks as defined in CCR Section 2036?
- How long (please specify by months out of the total months of your program's duration) does it typically take for students to complete 75% of both the classroom and clinical instruction of your program? Or, alternatively, what measure would you consider for a veterinary technology student to be "...in the clinical portion of their final year of study..."?
- What is the appropriate length of hands-on training students should be afforded in order to be sufficiently trained to perform the RVT job tasks?
- Do your students currently perform the RVT job tasks, and if so, what level of supervision is provided?



The information requested above is vitally important in shaping the Board's decisions regarding the future of RVT training. To that end, please reply with the requested information no later than July 10, 2015.

Thank you in advance for your time and valuable input. Should you have any questions, please contact Ethan Mathes, at [ethan.mathes@dca.ca.gov](mailto:ethan.mathes@dca.ca.gov).

Sincerely,

Ethan Mathes, Manager  
Administration, Licensing and Examinations,  
Veterinary Medical Board

Attachment

Ethan Mathes, Manager  
Administration, Licensing and Examinations  
Veterinary Medical Board

June 23, 2015

Re: Request for information on veterinary technology program.

[WWW.PLATTCOLLEGE.EDU](http://WWW.PLATTCOLLEGE.EDU)

In preface to answering your specific questions:

1. Platt College Ontario's program is 18 months long.
2. Our students enter externship in the last 4 months of the program, otherwise are always under the supervision of Platt College veterinarians or RVT's.

Now to address your questions:

1. For the tasks listed in CCR 2036, subsection (b), all tasks are performed on models with accompanying course work. At 12 months into the program, they are performed under the direct supervision of a licensed veterinarian and a licensed RVT during 10 weeks of anesthesia and surgical nursing classes (also with appropriate coursework).
2. Based on our 18 month program, 75% would be at 13.5 months. However, as mentioned above, we begin in depth procedures at the 12 month point, including dental prophylaxis, inducing anesthesia, suturing, and extractions.
3. Our students receive hands on training from the second month on, with growing complexity of the tasks. Our students are well received at extern sites, and our employer surveys show good satisfaction with the entry level skills of our graduates.
4. This question is covered in (1) above.

Please let me know if you need further information.

William Raines, AS, RVT  
Program Director  
Platt College, Ontario  
[wraines@plattcollege.edu](mailto:wraines@plattcollege.edu)



# PLATT COLLEGE

LOS ANGELES . ONTARIO

*It's all about your future.*

## Los Angeles Campus

1000 S. Fremont Ave., A9 West  
Alhambra, CA 91803  
626.300.5444

## Ontario Campus

(A Branch of Platt College Los Angeles)  
3700 Inland Empire Blvd., Suite 400  
Ontario, CA 91764  
909.941.9410

## Riverside Campus

6465 Sycamore Canyon Blvd.  
Suite 100  
Riverside, CA 92507  
951.572.4300

June 25, 2015

Ethan Mathes, Manager  
Administration, Licensing, and Examinations  
Veterinary Medical Board

Re: Exemptions for RVT Students to Complete RVT Specific Tasks

Mr. Mathes:

[WWW.PLATTCOLLEGE.EDU](http://WWW.PLATTCOLLEGE.EDU)

A bit of background information:

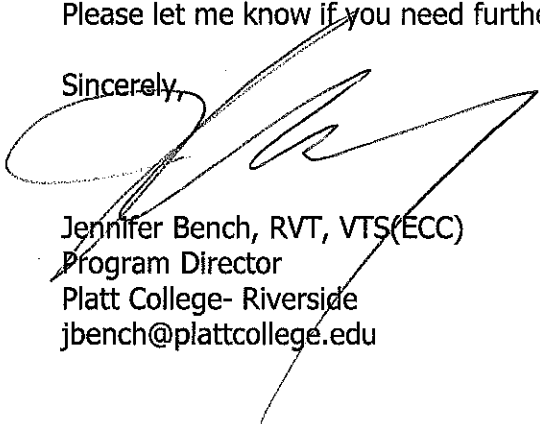
1. Platt College Riverside program is 18 months long
2. Our students enter their externship portion in the last 4 months of our program, prior to that the students are always under the supervision of Platt College Veterinarians or RVTs.

In reference regarding our Veterinary program, here is the information you requested.

1. For the tasks listed in CCR 2036, subsection (b), all tasks performed on models with accompanying course work. At 12 months into the program, the tasks are performed under the direct supervision of a licensed veterinarian and a licensed RVT during 10 weeks of anesthesia and surgical nursing classes (also with appropriate course work).
2. As stated we are an 18 month program, 13.5 months would be the completion of 75% of the program. As stated in the previous question, we begin in depth procedures at the 12 month point, including dental prophylaxis, inducing anesthesia, suturing, and extractions.
3. The students begin hands on training within approximately the 2<sup>nd</sup> month of their program with growing complicity of the tasks. Our students are well received at extern sites, and our employer surveys show good satisfaction with the entry level skills of our graduates.
4. Please refer to question 1 above for this information.

Please let me know if you need further information.

Sincerely,



Jennifer Bench, RVT, VTS(ECC)  
Program Director  
Platt College- Riverside  
[jbench@plattcollege.edu](mailto:jbench@plattcollege.edu)



## **Pierce College RVT Program Instruction in RVT Job Tasks**

1. Students have completed their instruction in the specific RVT job tasks by the end of the 3<sup>rd</sup> semester of their advanced training. Note: students must complete 20 semester units of pre-requisites before beginning the lecture and labs classes in which the specific RVT job tasks are taught. Then, it generally takes at least 3 semesters (10 months) to complete the rest of the clinical and classroom training. In addition, they must complete 21 units of general education for the AS degree.
2. It generally takes at least 3 semesters (10 months) to complete advanced the clinical and classroom training. 75% of 10 months is 7.5 months.
3. This cannot be determined by a set length of time. Rather it is by quality of instruction, student/teacher ratio, and the amount of repetition and clinical experience provided by the program.
4. Yes, our students perform RVT specific tasks under the immediate supervision of either an RVT, DVM or in the case of surgical assisting and anesthesia, both an RVT and DVM.

Submitted by,

Elizabeth G. White, RVT  
Pierce College RVT Program Director  
July 1, 2015





# CARRINGTON COLLEGE®

June 29, 2015

Ethan Mathes, Manager  
Administration, Licensing and Examination  
Veterinary Medical Board  
1747 N. Market Blvd. Suite 230  
Sacramento, CA 95834

*Re: Exemption for RVT students to Complete RVT Specific Tasks as Defined in CCR Section 2036*

Dear Mr. Mathes,

Thank you for the opportunity to provide input regarding RVT Specific Tasks and RVT student training exemptions for CCR Section 2036.

In response to the information requested by the MDC,

- Carrington College Veterinary Technology students have completed the didactic and clinical components covered in CCR Section 2036 at the completion of the fourth term of the Veterinary Technology Program.
- Students have completed more than 75% of the classroom and clinical instruction following completion of the term four courses and at the beginning of the term five externship; or at week 73 of the 88 week program.
- Students in the program have completed 356 hours of hands-on training at the completion of term four; with approximately 146 hours of the RVT specific tasks as defined in CCR Section 2036. Carrington College believes that this number of hands-on hours is sufficient for students to achieve competency at the entry level for the RVT exclusive job tasks.
- Carrington College Veterinary Technology students currently perform the RVT specific job tasks in terms four and five; under direct or immediate supervision of a licensed RVT or DVM.

Thank you once again for the opportunity to provide information regarding exemptions for RVT students completing their training in a Board-approved veterinary technology program.

Sincerely,

Robin Niemi, RVT  
Program Director, Veterinary Technology  
Carrington College  
Citrus Heights Campus







# CARRINGTON COLLEGE®

July 7th, 2015

Ethan Mathes, Manager  
Administration, Licensing and Examination  
Veterinary Medical Board  
1747 N. Market Blvd. Suite 230  
Sacramento, CA 95834

*Re: Exemption for RVT students to Complete RVT Specific Tasks as Defined in CCR Section 2036*

Dear Mr. Mathes,

Thank you for the opportunity to provide input regarding RVT Specific Tasks and RVT student training exemptions for CCR Section 2036.

In response to the information requested by the MDC,

- Carrington College Veterinary Technology students have completed the didactic and clinical components covered in CCR Section 2036 at the completion of the fourth term of the Veterinary Technology Program.
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Thank you once again for the opportunity to provide information regarding exemptions for RVT students completing their training in a Board-approved veterinary technology program.

Sincerely,

Brenda Crossley, RVT  
Program Director, Veterinary Technology  
Carrington College  
Stockton Campus





# CARRINGTON COLLEGE®

June 29, 2015

Ethan Mathes, Manager  
Administration, Licensing and Examination  
Veterinary Medical Board  
1747 N. Market Blvd. Suite 230  
Sacramento, CA 95834

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Thank you once again for the opportunity to provide information regarding exemptions for RVT students completing their training in a Board-approved veterinary technology program.

Sincerely,



Janelle Emmett, DVM

Program Director, Veterinary Technology  
Carrington College  
Sacramento Campus





# CARRINGTON COLLEGE®

June 29, 2015

Ethan Mathes, Manager  
Administration, Licensing and Examination  
Veterinary Medical Board  
1747 N. Market Blvd. Suite 230  
Sacramento, CA 95834

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Thank you once again for the opportunity to provide information regarding exemptions for RVT students completing their training in a Board-approved veterinary technology program.

Sincerely,

Candace Morton, RVT  
Program Director, Veterinary Technology  
Carrington College  
San Jose Campus





## MEMORANDUM

<b>DATE</b>	June 29, 2015
<b>TO</b>	Multidisciplinary Advisory Committee
<b>FROM</b>	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
<b>SUBJECT</b>	<b>Review and Consider University License</b>

### **Background:**

In April 2014, the MDC requested legal review of proposed language that would create a “Limited License” for veterinarians employed by, and working in, a veterinary academic institution.

Legal counsel reviewed the pertinent statutes, BPC section 4830 (a)(4), and concluded that the existing exemption for veterinarians employed by the University of California would need to be amended to either to strike the language in section 4830 (a)(4) and thus require a license for university personnel, or include language in 4830 (a)(4), which would qualify *when* a “Limited License” is required for veterinarians employed by the University

As discussed by the MDC over the course of the past year, there are a number of factors impacting the decision to create a new license category for the university setting including:

- 1) How does the VMB protect the public against practitioners working within the university setting, if the standards for licensure are not consistent?
- 2) Was the exemption as provided for in BPC Section 4830(a)(4) intended to apply to clinical settings where university personnel are providing veterinary care to the public’s animals?
- 3) Are there any restrictions to imposing licensure requirements on personnel working at a Land-grant university?
- 4) Not all work within the university should require licensure: teaching, consulting, research, etc. Should the exemption be amended to specify that “practice” is not exempt under this section?
- 5) Recruiting Faculty -Candidates from Non-accredited foreign schools must complete the ECFVG or PAVE process before taking the NAVLE which is 2-3yrs in length.
- 6) Both interns and residents are provided continuous supervision and mentoring. Should the license be that of a temporary license where supervision parameters are defined?
- 7) Should interns and residents obtain a different license than that of faculty?
- 8) Should a grandfathering clause (2-3 yrs) be afforded to all existing faculty prior to requiring licensure?
- 9) Would the maintenance of a “Limited License” be consistent with a veterinary license; requiring CE, renewal fees, disciplinary disclosure, etc.



Dr. Klingborg and Dr. Grant have continued their discussions with both UC Davis and Western University, and at the request of the MDC in February 2015, invited the Deans of both campuses to address the concerns of the MDC at its July 20, 2015 meeting. In advance of the meeting, Dr. Klingborg provided Dr. John Pascoe, Executive Associate Dean UC Davis, and Dr. Phillip Nelson, Dean of Western University, the remaining issues before the MDC with regard to granting veterinarians employed by the Universities a license distinct from that of a valid/unrestricted veterinary license issued to other practitioners in the state. The issues are as follows:

- 1) **Complaint Resolution** Process. There have been a number of recent complaints to the VMB regarding UCD employed veterinarians, and there is significant concern that there is either no formal resolution process, or an inadequate process for recourse of clients.
- 2) **Disclosure:** Should the University disclose that there are “unlicensed veterinarians” working on client owned animals?
- 3) **Impact on California:** How would requiring full licensure impact the recruitment of qualified individuals to UCD and ultimately how would this negatively impact the California consumer?
- 4) **Justification for working on client owned animals in a primary capacity without having a license:** What is the justification for the University having a different set of rules than the rest of the California veterinarians in regards to licensure requirements.
- 5) **Comparison to Ohio** -Ohio requires full licensure of University faculty. Any knowledge of how that impacts their recruitment efforts?

**Attachments:**

- Background information and questions compiled by Dr. Klingborg
- Flow Chart of Licensing Process
- Draft statutory language adopting new BPC section 4848.1

**Action Requested:**

It is important the MDC take action, in the form of a formal recommendation before the VMB, on the issue of University Licensure as the matter will likely be addressed during the VMB's upcoming 2015/2016 Sunset Review.

## **Faculty Licensure Jon Klingborg, DVM**

### **What is the need for this type of Licensure? (VMB Perspective)**

*“In states that have veterinary schools, there are either exemptions or some form of university licensure that accommodates the schools need for hiring of veterinarians from all over the world who sometimes come into a state for a limited period of time and do not remain and who do not practice outside the confines of the university.*

*The problem arises when the university veterinary hospital is providing services to the general public and the consumer does not have recourse through the licensing board when there is a problem. In its Strategic Plan, the Board discussed the possibility of changing the law to require a license for veterinarians providing services to the public at the veterinary clinic. The discussion revolved around a “university” license that would not require the standard exams or equivalency programs, but would be issued and could be disciplined if necessary.”*

Annemarie Del Mugnaio, EO  
April 8, 2014

### **What is the need for the type of Faculty Licensure? (University perspective)**

Some form of Faculty Licensure would allow a Resident/Intern to write prescriptions and sign health certificates— activities which they cannot currently perform. So, this would streamline health care delivery in these institutions.

### **Will Statutory change be necessary for this new form of Faculty Licensure?**

Yes. There will need to be Statue written for:

- 1) a new type of License, and
- 2) to remove exceptions in 4830 that would undermine the need for this Faculty License.

### **Does this new License set a different scale in terms of penalties or standards of behavior?**

“No.” Once a license is earned, the Licensees are treated equally by the system, regardless of the route by which they achieved the license.

### **How does this Faculty Licensure help the VMB limit, control, or oversee the expansion of a University into the public sector?**

It doesn't. That was never the intention of this License— (see EO Annemarie Del Mugnaio's charge to the MDC above.)

If it is the wish of the committee to limit the University Faculty from providing services to the general public, we believe that is going to be a complicated uphill battle, with pushback from the providers and the California consumers who benefit from those services, and it is beyond the scope of this proposal.

### **How do we tell the difference between when a University-employed veterinarian is “teaching” vs simply “providing veterinary services to the public?”**

This gets tricky. One cannot say that the University License is only in effect when a student is present—In the case of food animal medicine, there are cohorts of students that will rotate through various on-farm programs throughout the year. However, there are not *always*

students present when Faculty (including Residents/Interns) are providing these services, yet the animals still need to be examined on a regular basis (e.g. Dairy Cows are often checked every two weeks, but there may not be a student in the rotation every two weeks.)

In other words, it is not reasonable to expect a legitimate University program to shut its doors to the public simply because there isn't a student inside the building.

**Do we have to disclose that they didn't have to take a test to get a license? Will we need a category called "Non-Test Veterinarian"?**

No. We do not delineate between Licensee's based on the route by which they achieved their license (e.g. Reciprocity.)

**Is a new subdivision in the Temporary License category the best answer?**

Maybe, however Temporary Licenses are issued for one year. So, the language will require some modification.

Will this language work for people in the ECFVG or PAVE programs? You tell me . . .

Also, the intent of this language is to allow oversight of Faculty, not just Residents or Interns. Renewing on an annual basis may place an unnecessary burden on individuals who maintain constant employment with a University or are in a 2-4 year education program.

**Becoming a Permanent California Licensee:**

The ability of the temporary license holder to convert to a permanent license is covered in Section (e) which is current language addressing the transition from a temporary one-year reciprocity license. The process would be the same. Once they complete the California Curriculum course at any time during the temporary license period, they can apply for a permanent license. If they fail to complete the requirement or fail to apply for a permanent license prior to expiration of the temporary license, including any extension, the temporary license would expire and they would no longer be licensed in California. Veterinarians who are in California only for their residency wouldn't need to convert to a permanent license if they didn't want to.

**NAVLE & Temporary License:**

There was discussion about requiring the temporary licensee to complete the NAVLE during the temporary license period. Reciprocity candidates with or without a temporary license are required to have passed the NAVLE (those applying for a temporary license must have passed the NAVLE before the temporary license is issued) If the NAVLE requirement is added, I think it would need to be completed during the two year temporary license period – rather than prior to issuance of the temporary license - to address the university's concern about being able to employ these people immediately. Additionally if it is added, we'd probably want to allow for current faculty to be grandfather in relative to this requirement.

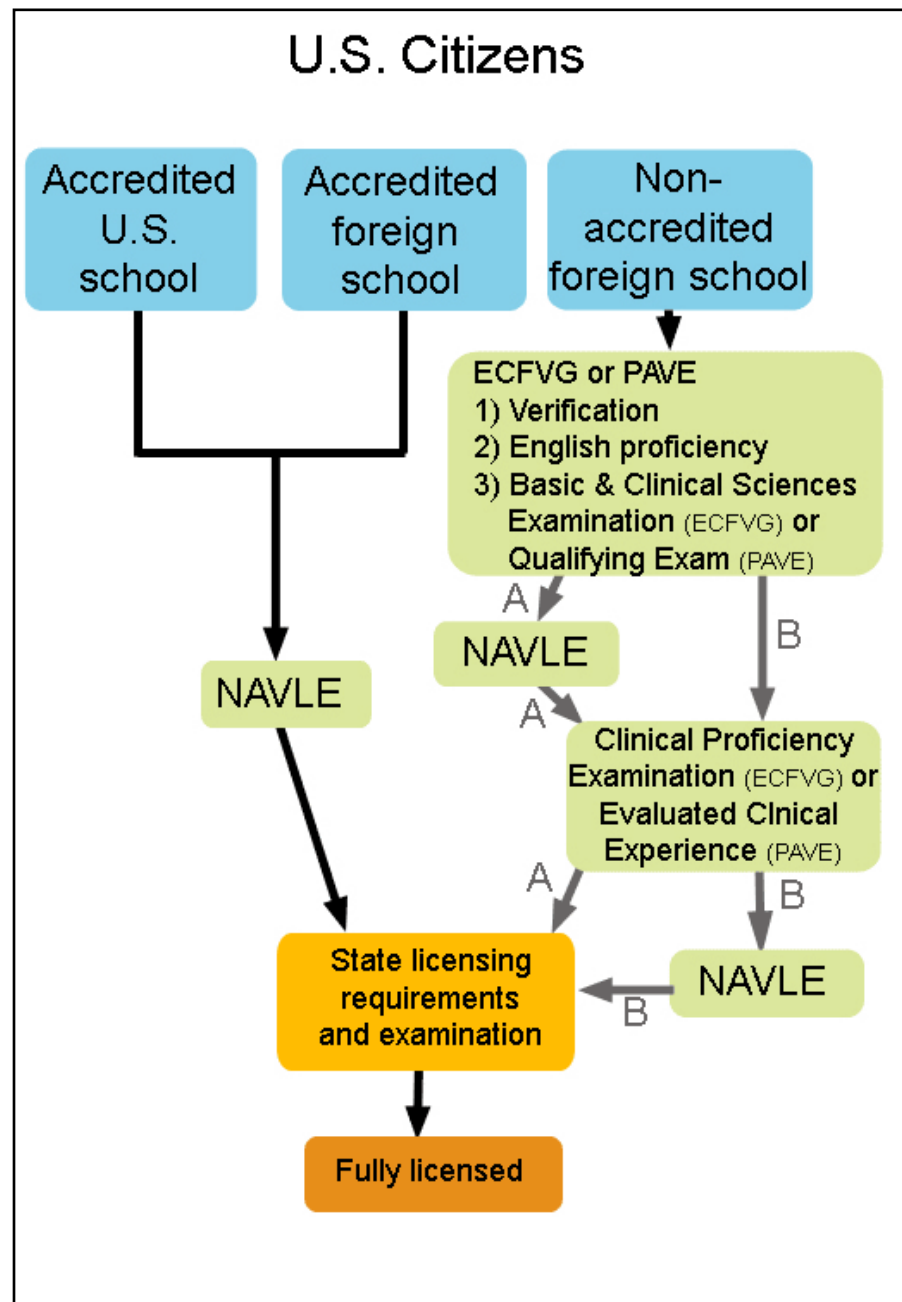
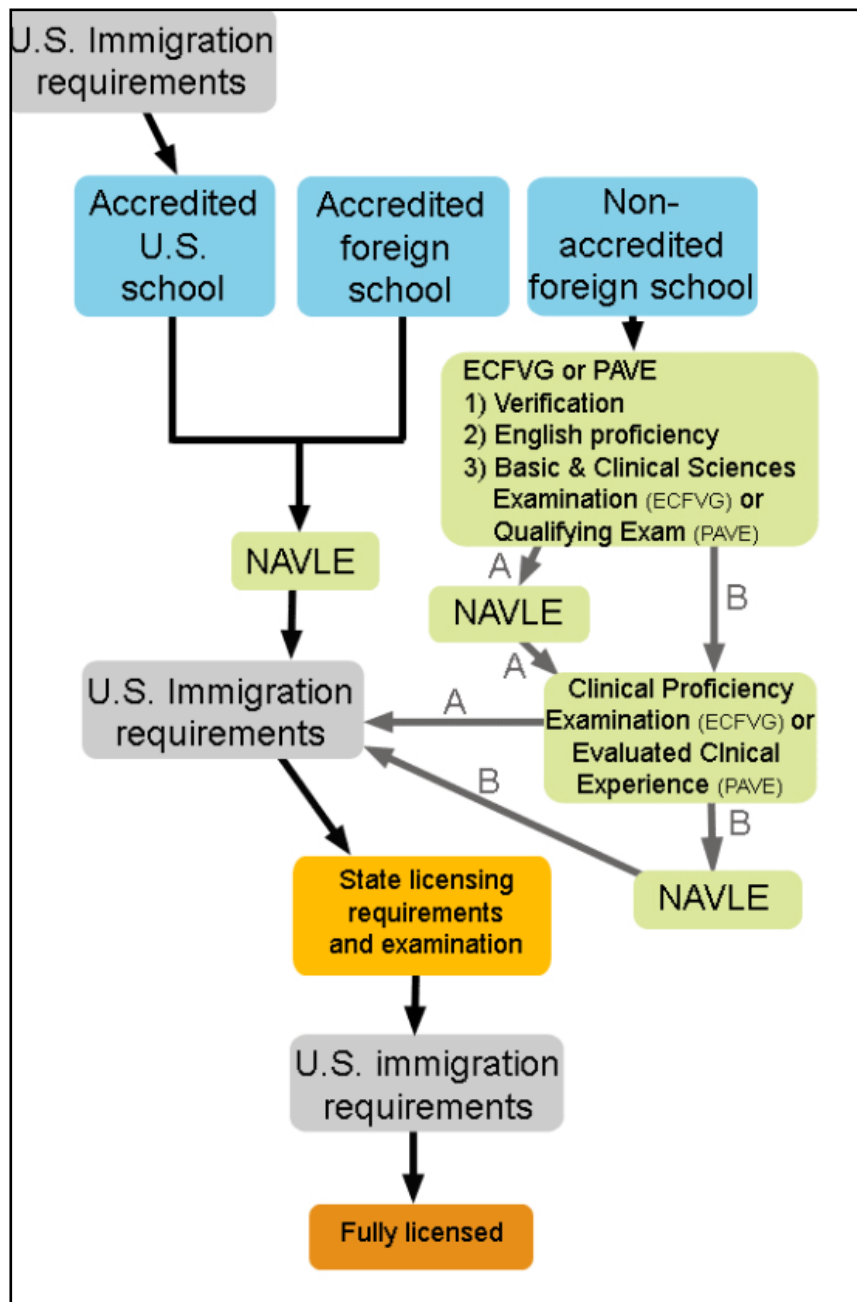
**Will a consumer be satisfied with a Limited License?**

Good question. Rephrased: If a consumer lodges a complaint, and the VMB pursues the complaint through the typical process for any Licensee, will the consumer be satisfied with the result of that investigative process? The answer is undoubtedly going to vary from case to case.

However, the Temporary License has worked well for Medical Doctors and consumers, so there's no reason to think the Veterinary experience would be any different.

# Traditional Licensure Pathways

(information on this page from AVMA website)



# Reciprocity

Applicant has passed NAVLE as part of original licensure



4848. Fully Licensed in Another State, in good standing, practiced 2944 hours within past 3 years.



Passes Veterinary Law Exam & Regionally Specific Disease Curriculum.



Under Supervision of CA-Licensed DVM



One Year Temporary License



Convert to Full License with Application after 1 year

# Proposed University Licensure

Has been awarded a DVM equivalent degree by an Accredited or Unaccredited Foreign School



Has gone through a selection process by the University and been offered a position as a Clinician, Resident, Intern.



Passes Veterinary Law Exam & Regionally Specific Disease Curriculum.



License is valid only when engaged in duties related to the University



Two Year Temporary License, Renewable

## University Licensure

Jon Klingborg, DVM  
February 2015

The concept of University Licensure was put forward as a means of oversight of University employees because they are working on animals owned by California citizens.

I've given this issue serious consideration over the last year and have reviewed AVMA, AAVSB, CA VMB and Medical statutes and regulations, and had a number of discussions with the leadership in both universities.

My findings are:

- 1) Faculty and Residents/Interns represent individuals with different focus, training and certification of competence and would require different evaluation systems for the proposed licensure
  - a. Interns are typically new graduates in their first job and seeking a broad range of experiences
  - b. Residents have had a minimum of one year of clinical or equivalent experience before applying for a residency in their chosen field of specialization.
  - c. Faculty recruited for clinical positions have undergone intensive specialty testing that significantly exceeds the evaluation associated with licensure. In addition, faculty have focused their attention into narrow areas of practice thereby becoming specialists relative to the species and conditions they serve.
  
- 2) Faculty are not employed to clinical duties from a similar pool as practitioners, and function in a different system than that found in private practice.
  - a. Faculty positions in AVMA accredited institutions are very competitive; represent international searches and months of evaluation and interviews.
  - b. Faculty interviews, assessments and certifications go far beyond the licensing exam in evaluating their competence.
  - c. The collaborative nature of a teaching hospital, with continuous rounds, interaction with other specialists and review of cases is fundamentally different than a practice setting.
  
- 3) Residents/Interns work under a range of scrutiny depending on their program
  - a. Those in AVMA approved Schools and Colleges are under continuous and intense scrutiny including having a certified and trained technical staff, multiple specialists reviewing cases from daily teaching rounds of all

patients in addition to regular grand round cases with many specialists participating. Pharmacists, multiple specialists, residents, interns and senior students are all involved and inquiring about the cases being treated.

- b. In private practice interns function most similar to newly graduated associates with a wide range of oversight and no process of approval, standardization or evaluation in place.
- c. Residents in private practice settings have the specialty boards overseeing their experience that is directed by a specialist who is accountable to the board and candidates go through an evaluation significantly more rigorous than those required for licensure, and reflecting on the candidate and the program.

4) Model practice act language from AAVSB and AVMA both allow for licensure exemptions for faculty and government employment for veterinarians: AAVSB for grads of approved programs; and AVMA for grads of any programs.

- a. They are exempt only when doing their duties in that specific employment
- b. This recognizes a difference between general practice and university or government employment

5) AAVSB Model language exempts faculty or government veterinarians from the requirement be licensed when performing his or her official duties.

- a. It does require them to be from an “approved” college or school, but doesn’t define that “approved” means.
  - i. There are close to 30 “approved” programs in Mexico, and close to 100 in Brazil, however most would not be considered as equivalent to US approved programs

6) Human medicine recognizes the need to exempt from licensure physicians from international schools and those who are licensed in other states who would otherwise not be eligible to practice in California (Section 2113), and faculty who are academically eminent, hired at the associated or full professor levels and are outstanding in their field.

- a. In both these cases the licensing authority has recognized the unique difficulty in recruiting faculty to fill specific needs in California medical programs.
- b. Similar issues are documented at UCD (aquatic medicine + HPAI).

**Conclusion:** After studying this issue for over a year, I believe we need to develop a University License that allows the Universities the latitude to hire the right people and the VMB the ability to perform its job of protecting the public.

One question has been whether or not it is reasonable to expect University Licensees to pass the NAVLE as well as the Veterinary Law Exam and the “Regionally Specific Diseases” curriculum. Insisting on the NAVLE will present a major obstacle to University Licensees—most specifically, it will eliminate from likely contention those eminently qualified people who have graduated from unaccredited programs. The cost and study time for the NAVLE would seriously impact the academic experience of the Resident and the contributions of the Faculty. It would also represent a significant hurdle in the recruitment process for our Universities.

Below is language for University Licensure. It stipulates:

- Faculty and Residents to take the VLE and the Regionally Specific Diseases curriculum.
- Limits Licensees scope of practice to only that necessary for “the performance of duties in connection with the College of Veterinary Medicine.”
- Two year renewal, unless an extension is requested for a three year Resident.
- A grandfather clause for currently employed veterinarians by the Schools of Veterinary Medicine.

Respectfully Submitted,

Jon Klingborg, DVM



## Proposed Language for University Licensure

(e) The board shall issue a temporary license valid for two years to an applicant to practice veterinary medicine if the applicant satisfies all of the following requirements:

(1) The applicant is either:

- (A) A veterinarian employed by the University of California while engaged in the performance of duties in connection with ~~the College of Agriculture, the Agricultural Experiment Station,~~ the School of Veterinary Medicine, ~~or the agricultural extension work of the university~~ or employed by the Western University of Health Sciences while engaged in the performance of duties in connection with the College of Veterinary Medicine ~~or the agricultural extension work of the university~~ or
- (B) A veterinarian completing an internship or residency program at the School of Veterinary Medicine at the University of California, Davis or College of Veterinary Medicine at the Western University of Health Sciences.

(2) The applicant passes an examination concerning the statutes and regulations of the Veterinary Medicine Practice Act, administered by the board, pursuant to subparagraph (C) of paragraph (2) of subdivision (a).

(3) The applicant would not be denied issuance of a license under any other provision of this chapter.

(4) The applicant agrees to complete the approved educational curriculum described in paragraph (5) of subdivision (b) on regionally specific and important diseases and conditions during the period of temporary licensure.

(5) The board, in its discretion, may extend the expiration date of a temporary license issued pursuant to subdivision (c) or (d) for not more than one year for reasons of health, military service, ~~or~~ undue hardship~~, or as defined in (e)~~ to complete a three-year residency program, or renew every two years a temporary license for a member of the School of Veterinary Medicine faculty. An application for an extension or renewal shall be submitted on a form provided by the board.

(6) Veterinarians employed by the University of California while engaged in the performance of duties in connection with the School of Veterinary Medicine, or employed by the Western University of Health Sciences will be exempt from this temporary license requirement within \_\_\_\_ of section (e) taking effect.



## MEMORANDUM

<b>DATE</b>	July 7, 2015
<b>TO</b>	Multidisciplinary Advisory Committee
<b>FROM</b>	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
<b>SUBJECT</b>	<b>Shelter Medicine</b>

### **Background:**

The VMB has charged the MDC with the task of developing minimum standards for various premise types, including public and private shelters. Recently, the VMB was contacted by the Orange County Animal Shelter requesting guidance on the shelter's established protocols which are used for directing Registered Veterinary Technicians (RVTs) to care for animals on in-take, in the absence of the supervising veterinarian. The impetus for the contact with the VMB was the Orange County Animal Shelter had recently been audited by the County Auditor and the Auditor inquired whether the established protocols complied with the Veterinary Medicine Practice Act in terms of tasks delegated to RVTs without direct supervision.

Information on the VMB website, [http://www.vmb.ca.gov/licensees/shelter\\_faqs.shtml](http://www.vmb.ca.gov/licensees/shelter_faqs.shtml) provides general information regarding governance of shelters, including the following:

#### **6. Can a RVT perform routine health care services (non-emergency) prior to the animal's examination by a licensed veterinarian? (e.g. the treatment of ear mites, giving vaccines, running FeLV or fecal tests)**

B&P 4840 provides a specific exemption stating that a RVT may perform health care services on those animals impounded 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 this state.

#### **7. Can a RVT perform emergency procedures on an animal?**

Yes. An RVT can perform emergency procedures on animals, but with limitations. As defined in B&P 4840.5, an emergency situation means that the animal has been placed in a life-threatening condition where immediate treatment is necessary to sustain life. CCR 2069 clearly specifies what limited treatments a RVT may perform after direct communication with a licensed veterinarian. If direct communication cannot be established the RVT may perform these limited treatments only in accordance with written instructions established by the facility's veterinarian.

In addition to the Business and Profession Code Sections listed above, public and private shelters have a number of other state and local laws and regulations that must be observed for the shelter to operate in accordance with its mandates

California Civil Code Section 1834, cites:

*A depositary of living animals shall provide the animals with necessary and prompt veterinary care, nutrition, and shelter, and treat them kindly. Any depositary that fails to perform these duties may be liable for civil damages as provided by law.*

**Issue:**

There are not specific regulations defining the term *direct order, written order, or telephonic order* for the purposes of an RVT providing care in a shelter setting. Often, such terms are used to refer to an “order” given by a supervising practitioner regarding a specific patient. In this case, the term “order” has been interpreted to refer to protocols for the purpose of providing guidelines to RVTs on appropriate triage, care, and management of a treatable condition.

A number of practical issues are noted with shelter medicine which are not adequately addressed in the current provisions governing the practice of veterinary medicine:

- One cannot establish a Veterinary-Client-Patient-Relationship (VCPR) with an owner where the animal has been seized for animal abuse, neglect, etc.
- A VCPR may not be established if the animal has been impounded and the owner is not locatable.
- The volume of animals requiring care in a shelter environment is not conducive for a veterinarian to examine every animal patient prior to treatment by an RVT.
- Some shelters are open 7 days a week and typically a veterinarian is not at the facility every day the shelter is open and triaging animals.
- RVTs in shelter settings are expertly trained to address common infections and routine treatable conditions, including wound care.
- Protocols in sheltering communities range from extensive guidelines with appropriate safeguards to very limited guidelines with ineffective safeguards.

**Attachments:**

- VMB FAQ's – Animal Shelter Issues
- Mandatory Animal Control Provisions
- BPC 4840 and 4840.5

**Action Requested:**

Formulate a recommendation to the VMB regarding minimum standards for public and private shelters.



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## Frequently Asked Questions

### Frequently Asked Questions of the Veterinary Medical Board on Animal Shelter Issues

The Veterinary Medical Board's stated mission is to provide protection to consumers and animals through proper licensing of veterinarians and registered veterinary technicians, and through vigorous, objective enforcement of the California Veterinary Medicine Practice Act.

Although the Board does not regulate shelters, per se, various changes in the landscape of animal shelters and shelter medicine have caused the Board to review the veterinary medicine requirements for shelters. Numerous questions have been generated regarding the Veterinary Medicine Practice Act and what types of procedures may and may not legally be performed in shelter facilities.

The Board hopes that the responses to the following Frequently Asked Questions are helpful.

#### FREQUENTLY ASKED QUESTIONS

##### 1. Are animal shelters practicing veterinary medicine?

If shelters are providing veterinary care, they are practicing veterinary medicine. The Veterinary Medicine Practice Act, Business and Professions Code, Section (hereafter B&P) 4826 defines the practice of veterinary medicine as diagnosing, prescribing, and treating of / for an animal for the prevention, cure, relief of a wound, fracture, bodily injury, or disease, and includes the performance of any surgical or dental operation, and these procedures therefore fall under the jurisdiction of the Veterinary Medical Board (hereafter Board).

Animal control shelters are regulated under the California Food and Agriculture Code and the California Civil and Penal codes and city, county and/or city/county animal control shelters and/or its agencies are mandated to provide "necessary and prompt veterinary medical care to animals housed in an animal control shelter" to care for adoptable animals and protect the public good.

The "necessary and prompt" veterinary medical care provided within city, county and/or city/county animal control shelters and/or its agencies to protect the public good without a California licensed veterinarian present is limited to basic care to prevent spread of disease and to protect the public and the animals, e.g., vaccinations, prophylactic treatment of parasites and basic testing within protocols developed in conjunction with a California licensed veterinarian. All other on-going and regular veterinary medical care must be provided by or under the supervision of a licensed California veterinarian.

##### 2. Is an animal shelter the owner of a stray animal?

No. Senate Bill 1785 of 1998, also known as the Hayden bill, declares that animal control shelters are involuntary depositories. It is the opinion of the Board that animal control shelters are not the bona fide owner of the animals and therefore, not exempt from the Practice Act. This opinion is derived from the amendments the Hayden bill made to certain sections of the Civil and Penal Codes. (Civil Code sections 1815, 1816, 1834, 1845, 1846, 1984, and Penal Code section 597.1).

##### 3. Must medical records be maintained on animals treated in a shelter?

Yes. Shelters are required to keep records as specified under Department of Food and Agricultural Code, Section 32003. This section requires that medical record keeping requirements established by the Veterinary Medical Board and additional record keeping requirements listed in section 32003 must be met.

##### 4. Can a RVT or an unregistered assistant (i.e. any unlicensed person) perform spay and / or neuter surgeries on pets that are to be adopted out?

No. Only California licensed veterinarians may perform surgeries.

##### 5. Can a RVT or an unregistered assistant microchip animals at a shelter without a veterinarian?

Yes. The Board does not consider micro-chipping to be the practice of veterinary medicine. Therefore, it can be performed by either an RVT or unregistered assistant.

##### 6. Can a RVT perform routine health care services (non-emergency) prior to the animal's examination by a licensed veterinarian? (e.g. the treatment of ear mites, giving vaccines, running FeLV or fecal tests)

B&P 4840 provides a specific exemption stating that a RVT may perform health care services on those animals impounded 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 this state.

##### 7. Can a RVT perform emergency procedures on an animal?

Yes. An RVT can perform emergency procedures on animals, but with limitations. As defined in B&P 4840.5, an emergency situation means that the animal has been placed in a life-threatening condition where immediate treatment is necessary to sustain life. CCR 2069 clearly specifies what limited treatments a RVT may perform after direct communication with a licensed veterinarian. If direct communication cannot be established the RVT may perform these limited treatments only in accordance with written instructions established by the facility's veterinarian.

##### 8. Can euthanasia be performed at an animal shelter without a veterinarian present?

Yes. Euthanasia can be performed at an animal control shelter. Absent the presence of a veterinarian, euthanasia may only be performed using sodium pentobarbital. The parameters for performing euthanasia in a shelter are outlined in Business and Profession Code, Section 4827(d), and in the California Code of Regulations, Section 2039.

##### 9. Are veterinarians and registered veterinary technicians required to report animal abuse?

Yes. Any veterinarian or RVT that has reasonable cause to believe that an animal has been the victim of abuse or cruelty or that the injuries or death of a dog was due to a staged fight is required by B&P 4830.5 and 4830.7 to promptly report it to enforcement authorities. A licensee does not incur civil liability (they are immune from law suits) as a result of the report. Failure to make such required reports may result in disciplinary action by the Board.

##### 10. Can wildlife be treated at an animal shelter? ("Wildlife" are California's native wild creatures such as a raccoon. These are different than "wild animals" - see the next question.)

Yes. Certain species of wildlife can be treated, but only for necessary veterinary care. Per Title 14 (Fish and Game) CCR 679 you must contact the California Department of Fish and Game within 48 hours of possession for additional information and guidance on disposition or placing the animal / bird in an approved wildlife rehabilitation facility per 14 CCR 679. Contact information is under "Fish & Game Dept" in the state pages of the phone book or at [www.dfg.ca.gov](http://www.dfg.ca.gov).

##### 11. Can animals restricted by the Fish and Game Code (e.g. ferrets) or wild animals (e.g. zebras, alligators or other non-native species) be treated at an

**animal shelter?**

Yes. Per B&P 4826.2 the possession of one of these animals is lawful but only for the period of time that veterinary treatment is necessary. However, they cannot be adopted out. Contact California Department of Fish and Game for disposition.

**12. Is there additional information available on the Veterinary Medicine Practice Act?**

Yes. The California Veterinary Medical Board's website is [www.vmb.ca.gov](http://www.vmb.ca.gov) and contains information on a wide variety of related topics including consumer issues, shelter issues, forms and publications, licensing, and links to websites for ordering the California Veterinary Medicine Practice Act, searching California laws and regulations, and more. If you can't find the answer to your question online you can call (916) 263-2610 or write to the VMB at 2005 Evergreen Street, Suite 2250, Sacramento, California, 95815.

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## **MANDATORY ANIMAL CONTROL PROVISIONS**

Local agencies (i.e., cities and counties) are mandated by the state to perform over five dozen animal control related activities. These include duties to provide for:

- The impoundment, shelter, board, and necessary veterinary care of specified animals
- The maintenance of various records relating to the impoundment, medical treatment, and disposition of animals, and animal lost and found lists
- The redemption, adoption, and euthanasia of impounded animals
- The provision of patrol and animal related law enforcement services, and the isolation (or laboratory examination) of biting animals subject to rabies
- Administrative hearings relating to the impoundment, regulation, and/or disposition of animals
- Low cost rabies vaccination clinics
- The issuance of dog licenses and tags
- Compliance with various notice and reporting requirements

### **STATE LAWS CONTAINING MANDATORY ANIMAL CONTROL PROVISIONS:**

#### ALTERING/DEPOSIT REQUIREMENTS

Dogs	F&A: 30503
Cats	F&A: 31751; 31751.3
Unneutered Impounded Animals; Fines	F&A: 30804.7; 31751.7

#### ANIMAL SERVICES

Duty to Maintain an Animal Shelter System and Rabies Control Program	H&S: 121690(e)
Impoundment of Dogs in Violation	H&S: 121690(d)
Animal Ownership Determination Duties	Penal Code: 597.1 (l)
Duty to Retain Custody of Impounded Animal	Penal Code: 597.1 (l)

## ANIMAL RESEARCH

Research Sign Required Civil Code: 1834.7

Research Facility: Compliance with Federal Law F&A: 32000

## ENFORCEMENT PROVISIONS

County Provision for Impoundment F&A: 31105(a)

Guard Dog Permit Program H&S: 121916(b)

## DISPOSAL REQUIREMENTS

Euthanasia Training CCR: 2039

Euthanasia Methods Penal Code: 597u, and v

County Provision for Euthanasia F&A: 31105(b)

## DISPOSITION OF FORFEITED ANIMALS

Permitting Animals to go Without Care;  
Forfeiture Penal Code: 597.1(k)

## FEES; DEPOSITS

Impoundment Fees F&A: 31251

Disposition of Fees and Fines F&A: 30652

## HOLDING PERIODS

Medical Exceptions to Holding Periods F&A: 17006

Dogs F&A: 31108

Cats F&A: 31752; 31752.5

Specified Animals F&A: 31753

Relinquished Animals F&A: 31754; 31108.5

Animals Without Care Penal Code: 597.1(h),(i)

## HUMANE TREATMENT /VETERINARY CARE

Premises to be Registered with Board	B& P: 4853
Duties of Depositary of Living Animals	Civil Code: 1834
Duties of a Gratuitous Depositary	Civil Code: 1846
Cessation of Gratuitous Depositary Duties	Civil Code: 1847
Additional Depositary Duties	Civil Code: 2080
Impounding Without Food and Water	Penal Code: 597e
Confinement of Animals	Penal Code: 597t
Permitting Animals to go Without Care; Veterinary Care for Injured Cats and Dogs	Penal Code: 597.1(a),(b),(c),(i),(j)

## NOTICE REQUIREMENTS

Notice to Secretary of Unclaimed Animal	F&A: 17003
Notice to Owner Before Disposal	F&A: 31107
Lost and Found Animals Information Requirements	F&A: 32001
Dogs: Seizure and Impoundment on Private Property	Govt. Code: 53074
Pre-seizure and Post-seizure Hearings	Penal Code: 597.1(f),(g)
Duty to Notify Owner or Caretaker	Penal Code: 597.1(l)

## RABIES CONTROL; VACCINATION AND LICENSING

Isolation of Rabid Animals or Clinically Suspected Rabid Animals	17 CCR 2606(b)(1)
Isolation of Biting Animals in Officially Declared Rabies Areas	17 CCR 2606(b)(3)
Laboratory Examination of Rabid Animals, Clinically Suspected Rabid Animals or Biting Animals Which Die or Have Been Killed	17 CCR 2606(b)(4)



Animal Contacts	17 CCR 2606(c)
Licensing and Vaccination Procedure	17 CCR 2606.4(a)(1)
Vaccination Certificates	17 CCR 2606.4(a)(2)
Half Fee for Spayed or Neutered Dogs	F&A: 30804.5
City Authority to License Dogs: Maximums: Half-Price for Spay/neuter	Govt. Code: 38792
License Fees, Periods; Vaccination Clinics	H&S: 121690(a),(f),(g)

### RECORDS

Lost and Found Animals Information Requirements	F&A: 32001
Specified Records	F&A: 32003
Records of Impounded Injured Cats and Dogs	Penal Code: 597.1(d)

### REPORTING REQUIREMENTS

Child Abuse and Neglect Reporting Act	Penal Code: 11166 et seq.
Rabies Control Activities Reporting	17 CCR 2606.4(a)(4)
Elder & Dependent Adult Abuse & Neglect	W&I 15600 et seq.

## **ARTICLE 2.5. Registered Veterinary Technicians**

### **4840 Authorized services by technicians and assistants**

(a) Registered veterinary technicians and veterinary assistants are approved to perform those animal health care services prescribed by law under the supervision of a veterinarian licensed or authorized to practice in this state.

(b) Registered veterinary technicians may perform animal health care services on those animals impounded 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 this state.

(c) Registered veterinary technicians may apply for registration from the federal Drug Enforcement Administration that authorizes the direct purchase of sodium pentobarbital for the performance of euthanasia as provided for in subdivision (d) of Section 4827 without the supervision or authorization of a licensed veterinarian.

*(Amended by Stats. 2012, Ch. 239, Sec. 7. Effective January 1, 2013.)*

### **4840.5 Emergency aid**

Under conditions of an emergency, a registered veterinary technician may render such lifesaving aid and treatment as may be prescribed under regulations adopted by the board pursuant to Section 4836. Such emergency aid and treatment if rendered to an animal patient not in the presence of a licensed veterinarian may only be continued under the direction of a licensed veterinarian. "Emergency" for the purpose of this section, means that the animal has been placed in a life-threatening condition where immediate treatment is necessary to sustain life.



## Multidisciplinary Committee Proposed Assignments

July 2015

### EXISTING PRIORITIES

- ~~Develop regulations for implementing an approval process for alternate route programs for obtaining Registered Veterinary Technician licensure.~~ *(MDC Approved Language 2/19/15 w/ Amendments - To VMB for consideration at July 21-22 meeting)*
- Examine the current system of licensure exemptions for UC Davis and Western University and determine if legislative options are available to affect change. *(In Progress)*
  - Develop proposed statutory language for a university license/temporary license.
- Pursue regulations to define Registered Veterinary Technician student exemptions (in accordance with BPC Section 4841.1). *(In Progress)*
- Develop minimum standards for alternate premises (large animal, equine mobile, public and private shelter medicine, ambulatory, etc.)
- Review Business and Professions Code Section 4830(5) regarding veterinary student exemption, duties and supervision at a California veterinary university *(Off-site surgery programs- should they be limited to 3<sup>rd</sup>/4<sup>th</sup> year students?)*
- Review standard of care for animal dentistry
- Pursue "extended duty" for Registered Veterinary Technicians.
- Review 1st year licensure as a temporary license, working under the supervision of a currently licensed Veterinarian.
- ~~Revisit the provisions for temporary licenses during disaster situations for out-of-state practitioners.~~ *(AB 316- AB 317 Before the VMB)*
- Self- Reporting forms for CE for License Renewal for DVMs & RVTs
- Evaluate Structure and Workflow of Complaint Handling
- Develop Language to Grant Statutory Language for Veterinarians to Compound Drugs within FDA Guidelines *(Before the VMB – Legal Counsel and ExO developed language for Board review at the July 21-22, 2015 meeting).*



**VETERINARY MEDICAL BOARD  
MULTIDISCIPLINARY ADVISORY COMMITTEE  
CALENDAR - FISCAL YEAR 2015/16**

Rev.7/2015

Month	Date	Description
July 2015	4 20 21-22	State Holiday – Office Closed – Independence Day MDC Meeting – Oakland, CA Board Meeting – Oakland, CA
September 2015	7 17-19 20-23	State Holiday – Office Closed – Labor Day AAVSB Annual Meeting – Milwaukee, Wisconsin TLC Course – Sacramento – Double Tree by Hilton
October 2015	5 9 20-21 22	Diversion Evaluation Committee Meeting, Maximus – Folsom CVMA Board of Governors Meeting- Squaw Creek Tahoe VMB Meeting – San Diego, CA MDC Meeting – San Diego, CA
November 2015	11 26-27	State Holiday – Office Closed –Veteran’s Day State Holiday – Office Closed –Thanksgiving
December 2015	25	State Holiday – Office Closed – Christmas
January 2016	1 18 22 TBD	State Holiday – Office Closed – New Years State Holiday – Office Closed – Martin Luther King Jr. Day CVMA – Joint Board and House Meeting- Newport Beach - Marriot VMB Meeting – Sacramento
February 2016	1 15	Diversion Evaluation Committee Meeting, Maximus – Folsom State Holiday – Office Closed – President’s Day
March 2016	16-18 31	CaTLC Course - Pomona State Holiday – Office Closed Cesar Chavez Day
April 2016	15-16 TBD	CVMA Board of Governors Meeting- Sacramento VMB Meeting – TBD
May 2016	30	State Holiday – Office Closed –Memorial Day
June 2016	6	Diversion Evaluation Committee Meeting, Maximus – Folsom