



# MEMORANDUM

<b>DATE</b>	July 13, 2020
<b>TO</b>	Veterinary Medical Board
<b>FROM</b>	Jessica Siefertman, Executive Officer
<b>SUBJECT</b>	<b>Agenda Item 9D. Section 2010, Article 2, Division 20, Title 16 of the CCR Regarding Application After Failing an Examination</b>

Business and Professions Code sections [4841.5](#) and [4848](#) provides eligibility examination requirements for Registered Veterinary Technicians (RVTs) and veterinarians, respectively. California Code of Regulations (CCR), title 16, section [2010](#) further requires applicants to apply on a Board-approved form and include applicable evidence of meeting the eligibility requirements. Once applicants have met the requirements, they are authorized to sit for the examination(s). Notably, except for the education and clinic experience discussed in Agenda Item 9C, once an applicant has met the eligibility requirements, their eligibility does not expire.

However, if applicants fail an examination, CCR section 2010 requires the applicants to reapply and pay the fees again, as follows:

*(a) An application for eligibility evaluation for the California State Board examination shall be submitted to the board at its principal place of business on an application form and pursuant to instructions prescribed and provided by the board, (Veterinary Application, Form No. 25A-1, Rev. 9/2010; Veterinary Application Instructions, Rev. 9/2010), accompanied by such evidence, statements, or documents as therein required. The Board shall complete the eligibility evaluation and notify the candidate of eligibility and/or status.*

*Once eligibility is established, the candidate will be authorized to take the computer-based California State Board examination. **If an applicant fails a scheduled examination, the applicant must reapply by submitting to the board required application forms and fees.***

*(b) An application for eligibility evaluation for the national veterinary technician examination and the California veterinary technician examination shall be submitted on an application form and pursuant to instructions prescribed and provided by the board, (Registered Veterinary Technician Application, Form No. 26A-1, Rev. 9/2010; Registered Veterinary Technician Application Instructions, Rev. 9/2010) accompanied by such evidence, statements, or documents as therein required. The board shall complete the eligibility evaluation and notify the candidate of eligibility and/or status.*

*Once eligibility is established, the candidate will be authorized to take the computer based national veterinary technician examination and the California veterinary technician examination. **If an applicant fails a scheduled examination, the applicant must reapply by submitting to the board required application forms and fees.***

Since, for most applicants, eligibility requirements do not expire, there is no additional evaluation for Board staff to perform. When these applicants reapply, Board staff simply approves the transaction to allow the applicant to sit for the examination(s) again. While it is a simple reapproval process, the transactions are queued into the pending workload, causing further delays to the applicants. Thus, it appears this requirement is unnecessary for consumer protection, incurs additional cost and delay to the applicants, and increases processing steps for staff.

With that said, if the Board decides during discussion of Agenda Item 9C that education and clinical experience should continue to expire after five years, Board staff would need to continue reevaluating eligibility for those applicants. In those instances, making those who fail the examination reapply and pay the fee for additional evaluation should continue. If the Board decides RVT applicants' education and clinical experience should continue to expire, please consider limiting the current requirement to reapply and pay the fees only to those applicants for which staff must re-establish eligibility.

**Action Requested**

Please discuss the information above and consider if making applicants who fail an examination reapply and pay the fees again is necessary for consumer protection.

If the members believe consumers and animal patients are adequately protected without reapplication and additional fees, please review the attached regulatory proposal and consider approving the proposed regulatory language. If approved, please entertain a motion to approve the proposed regulatory changes, direct the Executive Officer to take all steps necessary to initiate the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified.

**Attachment:**

1. Regulatory proposal to amend CCR section 2010

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

PROPOSED LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Amend Section 2010 of Article 2 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

**§ 2010. Application.**

(a) An application for eligibility evaluation for the California State Board examination shall be submitted to the board at its principal place of business on an application form and pursuant to instructions prescribed and provided by the board, (Veterinary Application, Form No. 25A-1, Rev. 9/2010; Veterinary Application Instructions, Rev. 9/2010), accompanied by such evidence, statements, or documents as therein required. The Board shall complete the eligibility evaluation and notify the candidate of eligibility and/or status.

Once eligibility is established, the candidate will be authorized to take the computer based California State Board examination. ~~If an applicant fails a scheduled examination, the applicant must reapply by submitting to the board required application forms and fees.~~

(b) An application for eligibility evaluation for the national veterinary technician examination and the California veterinary technician examination shall be submitted on an application form and pursuant to instructions prescribed and provided by the board, (Registered Veterinary Technician Application, Form No. 26A-1, Rev. 9/2010; Registered Veterinary Technician Application Instructions, Rev. 9/2010) accompanied by such evidence, statements, or documents as therein required. The board shall complete the eligibility evaluation and notify the candidate of eligibility and/or status.

Once eligibility is established, the candidate will be authorized to take the computer based national veterinary technician examination and the California veterinary technician examination. ~~If an applicant fails a scheduled examination, the applicant must reapply by submitting to the board required application forms and fees.~~

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4848, Business and Professions Code.