



## MEMORANDUM

<b>DATE</b>	October 17, 2022
<b>TO</b>	Veterinary Medical Board (Board)
<b>FROM</b>	Richard Sullivan, DVM, Chair, Multidisciplinary Advisory Committee (MDC) Karen Halbo, Regulatory Counsel, Attorney III, Legal Affairs Division, Department of Consumer Affairs (DCA)
<b>SUBJECT</b>	<b>Agenda Item 5.B. Recommendation to Remove Proposed Amendments to California Code of Regulations (CCR), Title 16, Sections 2064, 2065, 2065.1, 2065.2, 2065.6, 2065.7, 2065.8, and 2066 from Pending Regulatory Proposal and Only Move Forward With Proposed Amendments to CCR, Title 16, Sections 2036.1 and 2068.5 Regarding RVT Student Tasks &amp; Equivalent Experience and Education</b>

### **Background**

As discussed in more detail [here](#), the MDC was tasked with researching the Veterinary Medicine Practice Act statutes and supporting regulations related to approving registered veterinary technician (RVT) educational programs, as well as other RVT educational accreditation/approval bodies, to determine whether the Board’s role in the approval process should be reduced or eliminated.

During the April 2022 meeting ([here](#)), the MDC, RVT Education Subcommittee (Subcommittee) outlined the specific tasks that needed to be completed, the pending research that was being conducted, and the next steps for the Subcommittee to complete. One of the next steps included reviewing the pending RVT education rulemaking package to see if additional amendments should be made.

### **RVT Education Rulemaking Package Overview**

Over the course of the last several years, the Board discussed and approved proposed amendments to several regulations related to RVTs. These proposed amendments included California RVT American Veterinary Medical Association accreditation and school approval and RVT “alternate route” program review and approval. In addition, the proposed amendments included regulations defining the parameters of supervision required for RVT students, pursuant to Business and Professions Code (BPC) section [4841.1](#).

The proposed regulations were originally approved by the Board at various Board meetings between July 2015 and July 2016, separated by each RVT-related issue. Due

to the similarity of RVT-related subject matter in the proposed regulations, and to expedite the filing of regulations, the sections were combined into one regulatory package.

On August 29, 2018, the Board approved the Veterinary Technician Education rulemaking proposal to update CCR, title 16, sections 2036.1, 2064, 2065, 2065.1, 2065.2, 2065.6, 2065.7, 2065.8, 2066, and 2068.5. On July 10, 2020, the rulemaking was approved by the Business, Consumer Services, and Housing Agency (Agency) to proceed with publication of the rulemaking with the Office of Administrative Law (OAL) for a 45-day public comment period.

During the July 2020 meeting, the Board's Executive Officer requested, and the Board approved, additional amendments to strike language that expired the educational and clinical experience and prohibited the educational experience from being completed in no less than 24 months. As stated [here](#), it was noted those requirements are unnecessary for consumer protection, serve as a significant barrier to licensure, and are incredibly burdensome for applicants and Board staff.

### **Subcommittee Review and Recommendations**

During the July 2022 MDC meeting, the Subcommittee reported that it does not believe the rulemaking package should proceed through the rulemaking process as is, since much of it (CCR, title 16, sections 2064, 2065, 2065.6, 2065.7, 2065.8, and 2066) concerns proposed amendments to existing RVT educational program regulations and CCR, title 16, sections 2065.1 and 2065.2 propose new RVT education program regulations that may need to drastically change after the Subcommittee completes all the necessary research.

However, the Subcommittee believed the amendments to CCR, title 16, section 2036.1 defining the parameters of supervision required for RVT students should move forward in the rulemaking process, as the Board has been required to adopt those regulations since BPC section [4841.1](#) became effective on January 1, 2011. In addition, the Subcommittee believed the additional amendments approved at the Board's July 2020 meeting to CCR, title 16, section 2068.5 should continue, because the current requirements in that section serve as a significant barrier for RVT applicants and are no longer necessary for consumer protection.

Rather than hold the entire rulemaking package while the Subcommittee completes its review of the RVT educational program approval process, the Subcommittee recommended the Board remove all Article 6 proposed amendments (except for striking the language in CCR, title 16 section 2068.5 that expired the educational and clinical experience and prohibited the educational experience from being completed in no less than 24 months) from the RVT Education rulemaking package. This would allow the remaining amendments to continue through the process.

The Subcommittee would then continue to reassess the RVT educational program approval process and make any recommended changes to the Board's statutes and regulations.

The MDC agreed with the Subcommittee and approved a motion to recommend the Board retain the addition of new CCR, title 16, section 2036.1 regarding Animal Health Care Tasks for R.V.T. Students, remove all of the Article 6 proposed amendments except for the amendments to CCR, title 16, section 2068.5 that strike the language that had expired the educational and clinical experience and prohibited the educational experience from being completed in no less than 24 months, and move forward with an RVT Education rulemaking package comprised of only those two regulatory sections.

### **DCA Regulation Unit Concerns**

While CCR, title 16, sections 2036.1 and 2068.5 were previously approved by DCA and Agency, an Agency-signed STD 399 is required by OAL for Notice. The STD 399 prepared for the previous package, which was larger and more complex, cannot be used for this package as the economic and fiscal impacts are significantly different (the previous package which had addressed California RVT American Veterinary Medical Association accreditation and school approval and “alternate route” program review and approval). Because Agency must sign a new STD 399, Agency must re-review the rulemaking, and because of that, it goes back to the DCA Director for review. Due to the past two years of heightened scrutiny by OAL reviewing attorneys, the Director now gives greater scrutiny to regulatory language.

With that said, the Regulation Unit reviewed the previously approved language, raised the following general concerns/questions, and has proposed amendments the Regulation Unit drafted for the Board’s consideration.

General concerns/questions: Business and Professions Code (BPC) section 4841.1 allows “students in the clinical portion of their final year of study in a board-approved” RVT program to perform RVT job tasks under the supervision of a licensed veterinarian.

- As proposed, 16 CCR section 2036.1(a)(1) would allow students to perform RVT job tasks under the immediate supervision of a veterinarian or an RVT. Is this acceptable because the RVT providing “immediate supervision” to the student is under the “direct supervision” of a veterinarian? Or is adding an RVT outside the Board’s authority under BPC section 4841.1?
- As proposed, section 2036.1(b) would allow RVT program instructors to make a discretionary decision as to whether or not a student is ready. OAL now requires providing the criteria to be applied in making the decision or recommends adopting a “bright line” standard to remove the decision from being discretionary.

Proposed Changes (indicated on previously-approved proposed language with double strikethrough, double underlining, and yellow-highlighting):

In 16 CCR section 2036.1:

- In subsection (a)(2) the phrase “notwithstanding any other provision of law” is fine in legislation, but not acceptable in regulation (while a statute can override a state agency’s regulation, a state agency can’t override the will of

the legislature). The proposed revision would make the regulation more specific by striking “provision of law or”.

- In subsection (b), the term “program instructors” does not indicate which instructor or instructors make this evaluation. To maximize flexibility, the proposed revision would clarify who would be making the evaluation by specifying “a program instructor or the program director,” as the latter makes the determination upon an appeal.
- In subsection (b), remove the phrase “or subsection (b) of section 2065.1” as that regulation would be part of the larger RVT package staff is working on.
- In subsection (b), because “sufficient” is vague, “to be able to safely perform RVT animal health care tasks” would be added to state the criteria the instructor or program director must determine the student meets.
- Add (b)(1) to clarify where the determination shall be documented and that the student must be notified of the determination within 10 days.
- Add (b)(2) to require the student to notify their supervising veterinarian in their clinical program that they have been deemed safe to perform RVT animal health care tasks and who made the determination.
- Add (b)(3) to provide a student deemed not able to safely perform RVT animal health care tasks a means to appeal the determination, and to provide a timeline for the review.
- Add (b)(4) to clarify that a student determined to be unprepared cannot participate in the clinical portion of their studies, thus keeping the BPC section 4841.1 exemption from applying to that student.

In 16 CCR section 2068.5, subsection (h) would be deleted as the adoption of new section 2065.1 will be handled in the larger RVT rulemaking staff is working on.

The Regulation Unit’s proposed amendments are included as attachment 2 for the Board’s consideration.

**Action Requested:**

If the Board agrees with the MDC and the Regulation Unit’s recommendations, please entertain a motion to remove the proposed amendments to California Code of Regulations (CCR), title 16, sections 2064, 2065, 2065.1, 2065.2, 2065.6, 2065.7, 2065.8, and 2066 from the pending regulatory proposal and only move forward with the proposed amendments to CCR, title 16, sections 2036.1 and 2068.5 Regarding RVT Student Tasks & Equivalent Experience and Education.

If the Board agrees with Regulation Unit’s proposed modifications to the language in sections 2036.1 and 2068.5, please entertain a motion to adopt the proposed modifications to the language in the proposed RVT Student Tasks & Equivalent Experience and Education rulemaking package, direct the Executive Officer to take all steps necessary to initiate the rulemaking process, authorize the Executive Officer to make any technical or nonsubstantive 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.

**Attachments**

1. RVT Education Rulemaking Package Proposed Language as Previously Adopted
2. Proposed RVT Education Rulemaking Package Proposed Language

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

VETERINARY TECHNICIAN EDUCATION  
PROPOSED LANGUAGE

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

**Article 4**

**§ 2036.1. Animal Health Care Tasks for R.V.T. Students.**

(a) Notwithstanding section 2036, students in their final year of a board-approved veterinary technology program shall be exempt from registration by the board while performing animal health care tasks pursuant to section 2036, as part of the clinical portion of their studies, as long as all of the following conditions are met:

(1) The students are under the immediate supervision of a California licensed veterinarian or R.V.T. As used herein, “immediate supervision” means that the veterinarian or R.V.T. establishes a one-to-one relationship with the student, is directly engaged with the student treating the patient, and maintains continuous physical presence during the student’s treatment of the patient.

(2) If students are supervised by an R.V.T., the R.V.T. shall be under the direct supervision of the veterinarian, notwithstanding any other provision of law or regulations.

(b) As used herein, “students in their final year of a board-approved veterinary technology program,” are those individuals who, in the opinion of program instructors, have knowledge and familiarity with R.V.T animal health care tasks, and have completed a sufficient portion of the classroom and clinical instruction set forth in subsections (a)(1) and (a)(2) of section 2065 or subsection (b) of section 2065.1.

Note: Authority: Sections 4808 and 4841.1, Business and Professions Code. Reference: Sections 4841.1, Business and Professions Code.

## Article 6

### **§ 2064. Approval of Schools Accredited by the American Veterinary Medical Association.**

For purposes of section 4843 of the code, All schools or degree programs fully accredited~~accredited~~ by the American Veterinary Medical Association (AVMA) shall be deemed approved by the board to have met the minimum requirements of section 2065~~(a), (b), (d), and (e)~~. Such schools and degree programs shall also be exempt from the initial inspection requirements of subsection (a) of section 2065.7~~(a)~~. Re-approval inspections shall be at the discretion of the board. All other requirements of section 2065, and all other sections applicable to schools or degree programs seeking board approval, continue to apply and must be demonstrated in the school's or degree program's application for board re-approval. Nothing in this section shall be construed to prohibit the board from disapproving or withdrawing approval from any school or degree program not complying with the requirements of this division or of any provision of the Veterinary Medicine Practice Act. Approval under this section shall automatically terminate upon loss of accreditation by the AVMA.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

### **§ 2065. Minimum Requirements for Approved Schools or Degree Programs.**

Schools or degree programs seeking approval from the board shall meet all of the following minimum requirements:

(a) The curriculum shall consist of:

- (1) a minimum of 600 hours of classroom instruction,
- (2) a minimum of 200 hours of clinical instruction, and
- (3) an externship consisting of at least 200 hours.

(b) The curriculum shall cover applicable safety training in all coursework. Coursework shall include the following:

- (1) Principles of anatomy and physiology,
- (2) Biology and chemistry,
- (3) Applied mathematics,
- (4) Orientation to the vocation of veterinary technology,
- (5) Ethics and jurisprudence in veterinary medicine including applicable regulatory requirements,

(6) Anesthetic nursing and monitoring including anesthetic evaluation, induction, and maintenance. It shall also include care and use of anesthetic and monitoring equipment,

(7) Animal husbandry, including restraint, species and breed identification, sex determination and sanitation,

(8) Animal nutrition and feeding,

(9) Client communication,

(10) Dental care of companion and laboratory animals including prophylaxis and extractions,

(11) Diseases and nursing management of companion, food, and laboratory animals including zoonoses,

(12) Emergency and critical care nursing,

(13) Laboratory procedures to include clinical biochemistry, cytology, hematology, immunology, basic microbiology, parasitology, and urine analysis testing,

(14) Imaging to include radiography, basic endoscopy, ultrasound principles, and radiation safety principles,

(15) Medical terminology,

(16) Medical office management including medical record keeping and drug control,

(17) Basic necropsy techniques including specimen collection and handling,

(18) Pharmacology, and

(19) Surgical nursing and assisting including instrumentation, suturing, bandaging and splinting.

(c) Each student shall be supervised during the externship or clinical rotation by a veterinarian or registered veterinary technician who is located at the site of the externship or clinical rotation. The school or degree program shall have a written agreement with the site that specifies the expectations and responsibility of the parties. A staff member of the school or degree program shall visit the site prior to beginning the externship or clinical rotation relationship and at least once annually following the initial inspection.

(d) The library facilities of the school or degree program must be adequate for the conducting of the educational program.

(e) The physical plant and equipment used for instruction in the academic teaching shall be adequate for the purposes intended.

(f)(1) The faculty shall include a California licensed veterinarian employed by the school or degree program as an advisor, administrator, or instructor. Instructors shall include, but need not be limited to a California registered veterinary technician. If there is any change in the faculty, the board must be immediately notified.



(2) Instructors shall be knowledgeable, current, skillful, and possess at least two years of experience in performing or teaching in the specialized area in which they are teaching. Each instructor shall have or currently be receiving training in current teaching methods. The school or degree program shall effectively evaluate the teaching ability of each instructor.

(3) The school or degree program shall have a director who meets the requirements of subdivision subsection (f)(2) and who shall hold a current active California license as a veterinarian or registration as an RVT. The director shall have a minimum of three years' experience as a veterinarian or RVT. This shall include one year of experience in teaching, administration, or clinical supervision or a combination thereof within the last five years. The director shall have completed or be receiving course work in administration.

(4) In the absence of a director, the school or degree program may appoint an interim director. The interim director shall meet the requirements of subsection (f)(3), except that the interim director may have applied for, but not yet have received licensure or registration. The school or degree program shall not have an interim director for a period exceeding eighteen months.

(g) The number of students enrolled shall be at a ratio to the number of faculty and size of the facilities which is not detrimental to the quality of education. When animal patients are used as part of the curriculum the ratio shall be adequate to protect the health and safety of the animal patients and the students, taking into consideration the species of animal being treated.

(h) All students admitted shall possess a high school diploma or its equivalent.

(i) The school or degree program shall be part of an institution that is approved by the Department of Consumer Affairs, Bureau for Private Postsecondary Education, or its successor agency, or accredited by a regional or national accrediting agency recognized by the United States Department of Education.

(j) Every school or degree program shall be in compliance with the laws regulating the practice of veterinary medicine and the regulations adopted pursuant thereto.

(k) Any instruction covered under subsection (a)(3) shall be in a facility that is in compliance with registration requirements of ~~Business and Professions Code~~ section 4853 of the code.

(l) The schools or degree programs shall provide each prospective student, prior to enrollment, with literature which discloses the school's or degree program's pass rate for first time candidates and the state average pass rate for first time candidates on the national veterinary technician examination and the board's registered California veterinary technician examination during the two-year period immediately preceding the student's proposed enrollment and a description of the requirements for registration as a registered veterinary technician.

(m) The schools or degree programs shall provide each prospective veterinary technology student prior to enrollment written information regarding transferability of the

units they receive in the courses that they take and shall post the information at all times in a conspicuous location at its facility so that there is ample opportunity for the veterinary technology students to read the information.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4830, 4841.5, 4843 and 4853, Business and Professions Code.

**§ 2065.1. Minimum Requirements for Practical Experience and Education Equivalent Programs.**

Practical Experience and Education Equivalent Programs seeking approval from the board shall meet all of the following minimum requirements:

(a) The education shall consist of a minimum of 20 semester units, 30 quarter units, or 300 hours of instruction. The education shall be provided by a postsecondary academic institution and shall be accumulated in the fundamentals and principles of all of the following subjects:

- (1) Principles of anatomy and physiology,
- (2) Biology and chemistry,
- (3) Applied mathematics,
- (4) Orientation to the vocation of veterinary technology,
- (5) Ethics and jurisprudence in veterinary medicine, including applicable regulatory requirements,
- (6) Anesthetic nursing and monitoring, including anesthetic evaluation, induction, and maintenance. It shall also include care and use of anesthetic and monitoring equipment,
- (7) Animal husbandry, including restraint, species and breed identification, sex determination and sanitation,
- (8) Animal nutrition and feeding,
- (9) Client communication,
- (10) Dental care of companion and laboratory animals, including prophylaxis and extractions,
- (11) Diseases and nursing management of companion, food, and laboratory animals, including zoonoses,
- (12) Emergency and critical care nursing,
- (13) Laboratory procedures, including clinical biochemistry, cytology, hematology, immunology, basic microbiology, parasitology, and urine analysis testing,

(14) Imaging, including radiography, basic endoscopy, ultrasound principles, and radiation safety principles,

(15) Medical terminology,

(16) Medical office management, including medical record keeping and drug inventory control,

(17) Basic necropsy techniques, including specimen collection and handling,

(18) Pharmacology, and

(19) Surgical nursing and assisting, including instrumentation, suturing, bandaging, and splinting.

(b) The practical experience shall consist of at least 4,416 hours, completed in no less than 24 months, of directed clinical practice under the direct supervision of a California licensed veterinarian who shall attest to the completion of that experience at the time the application is made to the board for the registered veterinary technician examination. This experience shall have been completed by the applicant within five (5) years prior to the date of the examination and any subsequent re-examination for registration as a registered veterinary technician.

(c) The directed clinical practice required in subsection (b) shall have provided the applicant with knowledge, skills, and abilities in the areas of communication with clients, patient examinations, emergency procedures, laboratory procedures, diagnostic imaging, surgical assisting, anesthesia, animal nursing, nutrition, dentistry, animal behavior, and pharmacology. The supervising veterinarian(s) shall complete a check list attesting to proficiency in specific skill areas within the preceding categories.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

### **§ 2065.2. Practical Experience and Education Equivalent Program Criteria.**

(a) Programs shall verify that students entering a program have completed 2,208 of the required 4,416 hours of directed clinical practice as defined in subsection (b) of section 2065.1 within the five (5) years immediately preceding entrance into the program.

(b) The library facilities or on-line resources of the program must be adequate for the conducting of the educational program.

(c) Any equipment used for instruction shall be adequate for the purposes intended.

(d)(1) The faculty shall include a California licensed veterinarian employed by the program as an advisor, administrator, or instructor. Instructors shall include, but need not be limited, to a California registered veterinary technician. If there is any change in the faculty, the board must be immediately notified.

(2) Instructors shall be knowledgeable, skillful, and possess at least two years of experience in teaching in the specific area of instruction, or shall have two years of clinical experience in the specific area in which they are teaching. Each instructor shall currently be receiving training in teaching methods. The program shall effectively evaluate the teaching ability of each instructor.

(3) The program shall have a director who holds a current active California license as a veterinarian or registration as a registered veterinary technician. The director shall have a minimum of three years of experience as a veterinarian or registered veterinary technician. This shall include one year of experience in teaching, administration, or clinical supervision or a combination thereof within the last five years. The director shall have completed or be receiving course work in administration.

(4) In the absence of a director, the program may appoint an interim director. The interim director shall meet the requirements of subsection (d)(3), except that the interim director may have applied for, but not yet have received licensure or registration. The program shall not have an interim director for a period exceeding eighteen months.

(e) The number of students enrolled shall be at a ratio to the number of faculty and size of the facilities that is not detrimental to the quality of education at the institution.

(f) All students admitted shall possess a high school diploma or its equivalent.

(g) Every program shall be in compliance with the laws regulating the practice of veterinary medicine and the regulations adopted pursuant thereto.

(h) If the veterinary technology program is offered by an institution that meets the definition of section 94858 of the Education Code, and is not otherwise exempt pursuant to section 94874 of the Education Code, the institution shall be approved by the Department of Consumer Affairs, Bureau for Private Postsecondary Education, or its successor agency, to offer the program. Programs located out of state must be part of an institution that is accredited by a regional or national accrediting agency recognized by the United States Department of Education and have the authority to offer the program in the state of origin.

(i) The program shall have adequate resources for conducting education and training and may include Internet resources.

(j) The program shall provide each prospective student, prior to enrollment, with literature which discloses the program's pass rate for first time candidates and the state average pass rate for first time candidates on the national veterinary technician examination and the California veterinary technician examination during the two-year period immediately preceding the student's proposed enrollment and a description of the requirements for registration as a registered veterinary technician.

(k) Prior to enrollment, the program shall provide each prospective veterinary technology student written information regarding transferability of the units they receive in the courses that they take and shall post the information at all times in a conspicuous location at its facility so that there is ample opportunity for the veterinary technology students to read the information.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

**§ 2065.6. School and Degree Program Approval Process.**

The following procedures shall be applicable to a school or degree program applying to the board for initial approval of its registered veterinary technician curriculum in accordance with sections 2065 or 2065.1 of these rules:

(a) The board shall conduct a qualitative review and assessment of the school's or degree program's registered veterinary technician curriculum through a comprehensive onsite review process, performed by an inspection team impaneled by the board for that purpose.

(b) After reviewing the inspection team's evaluation report and recommendations, the board shall take one of the following actions:

(1) Grant provisional approval for a period not to exceed two years. An additional two-year provisional approval may be granted by the board for good cause.

(2) Disapprove the application.

(c) For a school or degree program that does not have American Veterinary Medical Association (AVMA) accreditation, but offers a registered veterinary technician curriculum in accordance with sections 2065 or 2065.1, the board shall not grant full approval until the curriculum has been in operation under provisional approval for at least two years and the board has determined that the curriculum is in full compliance with the provisions of sections 2065 or 2065.1.

(d) For a school or degree program that has full AVMA accreditation, ~~if the board grants approval, it shall be~~ the board may grant full approval.

(e) For a school or degree program that has provisional or probationary AVMA accreditation, the board shall grant provisional approval on the same terms as all other schools or degree programs until such time as the AVMA grants full accreditation, at which time the board may grant the school or degree program full approval subject to compliance with section 2064.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

**§ 2065.7. Inspections.**

(a) Where either provisional or full approval has been granted, the board shall conduct subsequent inspections every 4 years, notwithstanding other provisions of this section.

(b) At the board's discretion, tThe board may conduct an audit, records review, and on-site inspection of a school or degree program which offers a registered veterinary

technician curriculum in accordance with sections 2065 or 2065.1 at any time, including, but not limited to, where:

- (1) It believes the school or degree program has substantially deviated from the standards for approval,
  - (2) For a period of two years, the approved school's or degree program's yearly average pass rate on either the national veterinary technician examination or the California veterinary technician examination ~~registration examination~~ falls below 10 percentage points of the state average pass rate for first time candidates ~~for the registered veterinary technician examination.~~
  - (3) There has been change of director in charge of the curriculum for training registered veterinary technicians.
- (c) Schools and degree programs ~~accredited~~ accredited by the American Veterinary Medical Association in accordance with section 2064 shall be exempt from the initial inspection. ~~Inspections conducted for re-approval of such schools or degree programs shall be at the discretion of the board. Following initial approval, such schools and degree programs shall be subject to periodic audits, records review, and on-site inspection at the discretion of the board.~~

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

### **§ 2065.8. Probation.**

- (a) The board may place a school or degree program on probation for a prescribed period of time not to exceed 2 years, in the following circumstances:
  - (1) The board determines that an approved school or degree program is not maintaining the standards for approval required by the board.
  - (2) For a period of two years, the approved school's or degree program's yearly average pass rate for the first time candidates who have either taken the national veterinary technician examination or the California veterinary technician examination ~~registration examination~~ falls below 10 percentage points of the state average pass rate for first time candidates who have taken either the registered veterinary technician examination during the same time period.
  - (3) The use of false or misleading advertising.
  - (4) Aiding or abetting in any acts that are in violation of any of the provisions of this division or any provision of the Veterinary Medicine Practice Act.
- (b) During the period of probation, the school or degree program shall be subject to special monitoring. The conditions for probation may include the submission of periodic reports as prescribed by the board and special visits by authorized representatives of the board to determine progress toward total compliance.

(c) The board may extend the probationary period for good cause.

(d) The school or degree program shall notify in writing all current and prospective students and employees of the probationary status.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

### **§ 2066. Out of State Schools.**

(a) Candidates who have completed a course of study at a school or a degree program located outside of California and accredited by the American Veterinary Medical Association shall be deemed to have completed the equivalent of a two-year curriculum in veterinary technology.

(b) Candidates seeking to apply to the board to take the exam in accordance with section 2010 and who have obtained their minimum educational requirements from a school or degree program located outside of California and not approved by the board shall demonstrate to the board, (1) that the education they have received is equivalent to educational requirements of subsections (a) and (b) of section 2065(a) and (b) or subsection (a) of section 2065.1(a), and, (2) that the school or degree program has been approved by a licensing body in the U.S. state, Canadian province, or U.S. or Canadian territory. The burden to demonstrate educational equivalency is upon the candidate.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

### **§ 2068.5. Practical Experience and Education As Equivalent Curriculum.**

Until July 1, 2024, in lieu of a two year curriculum in animal health technology, completion of a combination of practical experience and education in compliance with the following criteria is deemed to be “the equivalent thereof as determined by the board” pursuant to ~~§~~section 4841.5 of the code:

(a) The education shall consist of a total of 20 semester units, 30 quarter units, or 300 hours of instruction. The education shall be provided by a postsecondary academic institution or a qualified instructor, who satisfies the qualification requirements of subsection (f)(1) as defined by Section 2068.5(e). The education shall be accumulated in the fundamentals and principles of all of the following subjects:

(1) Dental prophylaxis and extraction.

(2) Anesthetic instrumentation, induction and monitoring.

(3) Surgical nursing and assisting, including instrumentation, suturing techniques, intravascular catheter placement and application of casts and splints.

(4) Radiography and radiation safety.

(5) Diseases and nursing of animals, including zoonotic diseases and emergency veterinary care.

(b) The education shall include instruction in chemistry, mathematics, biology, microbiology, anatomy and physiology, and medical terminology, or these subjects may be obtained as separate courses.

(c) All educational requirements in subsection (a) shall have been completed by the applicant within five (5) years prior to the date of the examination for registration as a registered veterinary technician.

(d) Interactive distance-learning shall be accepted if the course meets all the criteria listed in this section and the candidate achieves a documented passing score on the course final examination.

(e) The candidate shall provide the board with a syllabus or an outline for each course. The candidate shall provide documentation of attendance for each course in the form of one of the following:

(1) a certificate of attendance,

(2) an official transcript, or

(3) a letter on official stationery signed by the course instructor documenting that the candidate attended a particular course.

(f)(1) In order for ~~education~~ an instructor to be approved for qualification under ~~Section 2068.5~~, the instructor must meet at least two of the following minimum requirements:

(A) A license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;

(B) A master's or higher degree from an educational institution in an area related to the subject matter of the course;

(C) Training, certification, or experience in teaching the subject matter of the course; or

(D) At least two years' experience in an area related to the subject matter of the course.

(2) The instructor shall provide each participant with a course syllabus or detailed outline which includes a description of the material covered.

(g) The directed clinical practice shall consist of at least 4,416 hours, completed in no less than 24 months, of directed clinical practice under the direct supervision of a California-licensed veterinarian who shall attest to the completion of that experience at the time the application is made to the board for the registered veterinary technician



examination. This experience shall have been completed by the applicant within five (5) years prior to the date of the examination for registration as a registered veterinary technician.

(h) The directed clinical practice required in subsection (g) shall have provided the applicant with knowledge, skills, and abilities in the areas of communication with clients, patient examinations, emergency procedures, laboratory procedures, diagnostic imaging, surgical assisting, anesthesia, animal nursing, nutrition, dentistry, animal behavior, and pharmacology. The supervising veterinarian(s) shall complete a check list attesting to proficiency in specific skill areas within the preceding categories.

(i) On or after July 1, 2024, completion of a combination of practical experience and education as equivalent curriculum shall be obtained through a Practical Experience and Education Equivalent Program that is in compliance with section 2065.1.

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

DEPARTMENT OF CONSUMER AFFAIRS  
**TITLE 16. VETERINARY MEDICAL BOARD**

**PROPOSED REGULATORY LANGUAGE**

**RVT Student Tasks & Equivalent Experience and Education**

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

Modifications to the regulatory language previously adopted by the Board are italicized and yellow-highlighted.

Adopt Section 2036.1 of Article 4 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

**ARTICLE 4**

**§ 2036.1. Animal Health Care Tasks for Registered Veterinary Technician (RVT) Students.**

- (a) Notwithstanding section 2036, students in their final year of a board-approved veterinary technology program shall be exempt from registration by the board while performing animal health care tasks pursuant to section 2036, as part of the clinical portion of their studies, as long as all of the following conditions are met:
  - (1) The students are under the immediate supervision of a California licensed veterinarian or RVT. As used herein, "immediate supervision" means that the veterinarian or RVT establishes a one-to-one relationship with the student, is directly engaged with the student treating the patient, and maintains continuous physical presence during the student's treatment of the patient.
  - (2) If students are supervised by an RVT, the RVT shall be under the direct supervision of the veterinarian, notwithstanding any other ~~provision of law or regulation.~~
- (b) As used herein, "students in their final year of a board-approved veterinary technology program," are those individuals who, in the opinion of ~~a program~~ ~~instructors~~ ~~or the program director,~~ have knowledge and familiarity with RVT animal health care tasks, and have completed a sufficient portion of the classroom and clinical instruction set forth in subsections (a)(1) and (a)(2) of section 2065 ~~or subsection (b) of section 2065.1 to be able to safely perform RVT animal health care tasks.~~
  - (1) Upon making the determination in subsection (b), the program instructor or program director shall note their opinion in the student's academic file and shall inform the student of their opinion within 10 days.

- (2) Before performing any animal RVT health care tasks, the student must inform the supervising veterinarian in their clinical program that the student has been deemed safe to perform RVT animal health care tasks, and who made that determination.
- (3) A student found not prepared to safely perform RVT animal health care tasks can appeal by submitting a written request for review of the determination to the program director, who shall decide the appeal within 60 days of receiving the request.
- (4) A student shall not participate in the clinical portion of their final year of study until determined, by a program instructor or the program director, to be safe to perform animal RVT health care tasks.

Note: Authority: Sections 4808 and 4841.1, Business and Professions Code. Reference: Sections 4841.1, Business and Professions Code.

Amend Section 2068.5 of Article 6 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

## **ARTICLE 6**

### **§ 2068.5. Practical Experience and Education as Equivalent Curriculum.**

Until July 1, 2024, in lieu of a two year curriculum in animal health technology, completion of a combination of practical experience and education in compliance with the following criteria is deemed to be “the equivalent thereof as determined by the board” pursuant to Section 4841.5 of the code:

- (a) The education shall consist of a total of 20 semester units, 30 quarter units, or 300 hours of instruction. The education shall be provided by a postsecondary academic institution or a qualified instructor, who satisfies the qualification requirements of subsection (e)(1) as defined by Section 2068.5(e). The education shall be accumulated in the fundamentals and principles of all of the following subjects:
  - (1) Dental prophylaxis and extraction.
  - (2) Anesthetic instrumentation, induction, and monitoring.
  - (3) Surgical nursing and assisting, including instrumentation, suturing techniques, intravascular catheter placement and application of casts and splints.
  - (4) Radiography and radiation safety.
  - (5) Diseases and nursing of animals, including zoonotic diseases and emergency veterinary care.

(b) The education shall include instruction in chemistry, mathematics, biology, microbiology, anatomy and physiology, and medical terminology, or these subjects may be obtained as separate courses.

~~(c) All educational requirements in subsection (a) shall have been completed by the applicant within five (5) years prior to the date of the examination for registration as a registered veterinary technician.~~

~~(d)~~ Interactive distance-learning shall be accepted if the course meets all the criteria listed in this section and the candidate achieves a documented passing score on the course final examination.

~~(e)~~ The candidate shall provide the board with a syllabus or an outline for each course. The candidate shall provide documentation of attendance for each course in the form of one of the following:

- (1) a certificate of attendance,
- (2) an official transcript, or
- (3) a letter on official stationery signed by the course instructor documenting that the candidate attended a particular course.

~~(f)~~ (1) In order for education an instructor to be approved for qualification ~~under Section 2068.5~~, the instructor must meet at least two of the following minimum requirements:

(A) A license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;

(B) A master's or higher degree from an educational institution in an area related to the subject matter of the course;

(C) Training, certification, or experience in teaching the subject matter of the course; or

(D) At least two years' experience in an area related to the subject matter of the course.

(2) The instructor shall provide each participant with a course syllabus or detailed outline which includes a description of the material covered.

~~(g)~~ The directed clinical practice shall consist of at least 4,416 hours, ~~completed in no less than 24 months~~, of directed clinical practice under the direct supervision of a California-licensed veterinarian who shall attest to the completion of that experience at the time the application is made to the board for the registered veterinary

technician examination. ~~This experience shall have been completed by the applicant within five (5) years prior to the date of the examination for registration as a registered veterinary technician.~~

(hg) The directed clinical practice required in subsection (gf) shall have provided the applicant with knowledge, skills, and abilities in the areas of communication with clients, patient examinations, emergency procedures, laboratory procedures, diagnostic imaging, surgical assisting, anesthesia, animal nursing, nutrition, dentistry, animal behavior, and pharmacology. The supervising veterinarian(s) shall complete a check list attesting to proficiency in specific skill areas within the preceding categories.

~~(h) On or after July 1, 2024, completion of a combination of practical experience and education as equivalent curriculum shall be obtained through a Practical Experience and Education Equivalent Program that is in compliance with section 2065.1.~~

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