



MEMORANDUM

DATE	April 4, 2023
TO	Multidisciplinary Advisory Committee (MDC)
FROM	Richard Sullivan, DVM Marie Ussery, RVT Veterinary Premises Registration Subcommittee (Subcommittee)
SUBJECT	Agenda Item 4. Update, Discussion, and Potential Recommendation to Initiate a Rulemaking to Amend California Code of Regulations (CCR), Title 16, Sections 2030, 2030.05, 2030.1, 2030.2, and 2030.3, and Adopt Section 2030.15, Regarding Minimum Standards for Alternate Veterinary Premises

Background

The Minimum Standards for Alternate Veterinary Premises has been an ongoing project between the Subcommittee, the MDC, Veterinary Medical Board (Board) staff, the California Veterinary Medical Association (CVMA), and various stakeholders. The Board originally requested the CVMA to initiate a taskforce to discuss premise practice types. At the October 2017 MDC meeting, CVMA reported their findings and recommended regulation revisions. Subsequently, Dr. Sullivan and Ms. Annemarie Del Mugnaio, former Board Executive Officer, participated in meetings with CVMA and other stakeholders to capture multiple veterinary premises types. The MDC discussed, made additional recommendations, and approved the proposed language for Minimum Standards for Alternate Veterinary Premises at the February 20, 2018 MDC meeting.

The Board reviewed the proposed language at the August 29-30, 2018 meeting and made multiple amendments. The Board also discussed CCR, title 16, section 2030.3 regarding Minimum Standards for a Small Animal Vaccination Clinic, specifically focusing on the animal vaccination clinic definition and requirements. After significant discussion, the Board requested legal counsel research the topic of vaccine clinics and present recommended language for at the November 14-15, 2018 Board meeting.

At the November 2018 Board meeting, Legal counsel provided an overview of the proposed regulatory language that included changes from the August Board meeting and suggested amending the language throughout to “premises”, when referring to the location of veterinary medicine, instead of “practice” as “practice” can also refer to the act of rendering veterinary services. The Board discussed each of the sections and made amendments to the proposed language. The Board discussed changing the term “animal vaccination

practice” to “animal vaccination location”. Additionally, the board made amendments to CCR, title 16, section 2030, subsection (k), and decided to keep subsection (l), which had previously been stricken, and moved that subsection to new subsection (o). The Board also made minor changes throughout this section to correct the term “practice” to “location.”

Additionally, the Board expressed concern where non-profit veterinary entities obtain a premise permit as the costs for obtaining the premises permit may hinder their ability to provide these services at a low cost to their clients. The Board discussed developing legislation that would provide a fee-exemption for non-profits providing vaccination locations.

The Board approved the proposed regulatory text, as modified, and directed the Executive Officer to initiate the rulemaking process. The Board also adopted a motion to recommend legislation that provides a premises permit fee exemption to non-profit and not-for-profit entities for vaccination events that offer low-cost or no-cost vaccination immunization services.

Discussion

During the January 2022 Board meeting, concerns were raised with the pending rulemaking language specific to vaccinations and when and how a veterinarian-client-patient relationship (VCPR) must be established. In addition, the regulatory text was submitted to the Department of Consumer Affairs, Legal Affairs Division’s Regulations Unit for review.

Part of the process to amend and add regulations is review by the Office of Administrative Law (OAL) to ensure that an agency regulation meets standards set by law in the Administrative Procedure Act (“APA” – Gov. Code, §§ 11340 and following). These include whether the regulation is necessary, the agency has statutory authority to adopt, amend, or repeal a regulation, the text is clear and easily understood, the regulation is consistent with existing statutes, court decisions, or other provisions of law, the regulation provides reference to the statute, court decision, or other provision of law that the agency implements, interprets, or make specific by adopting, amending, or repealing the regulation, and the regulation is not duplicative of a state or federal statute or another regulation. (Gov. Code, §§ [11349](#), [11349.1](#), subd. (a).) Over the past 10 years, OAL has increased its scrutiny of regulatory proposals regarding the exact meaning of every word, particularly for clarity and necessity. In addition, the APA requires each regulatory amendment, addition, or repeal to be explained in the rulemaking package as part of an Initial Statement of Reasons document that is filed with the proposed regulatory text.

Following the Regulations Unit’s review of the rulemaking previously adopt by the Board, the Board’s Regulatory Counsel recommended significant changes to the text, primarily to remove duplicative text in the proposed regulations. Accordingly, the Board’s Executive Officer and the Subcommittee formed a working group to do the wordsmithing necessary to prepare a rough draft for the MDC. In addition to Board staff, legal counsel, and the Subcommittee, the working group also included CVMA representatives. Over the past several months, the working group held several meetings to review, discuss, and revise the proposed Minimum Standards for Alternate Veterinary Premises, attached.

Subcommittee Recommendations

Given the Regulations Unit's recommendation to make significant changes to remove duplicative language in the Minimum Standards for Alternate Veterinary Premises proposed regulatory text, the attached regulatory text is restructured to remove duplicative text. The proposed rulemaking would make all veterinary premises subject to the general minimum standards for veterinary premises under existing CCR, title 16, section 2030. However, for each alternate veterinary premises, the proposed language now includes exemptions from the minimum standards appropriate to the veterinary premises type. Existing regulatory language was maintained as much as possible; however, with any new language or rewording of existing language, the text was drafted to provide more specificity to ensure that the Board meets the APA clarity standard and to make sure it was relevant to the practice type.

Proposed Amendments to Section 2030 (Veterinary Premises Minimum Standards):

Generally, the proposed revisions for this section consolidate existing and proposed minimum veterinary premises requirements for all locations in one section of the Board's regulations at CCR, title 16, section 2030 for ease of reference and notice to the licensees, and to ensure the maintenance of consistent standards across all premises regulated by the Board for the health and safety of the public, the animal patients, and the clients served. The proposal would retain many of the Board's existing standards for veterinary premises, but with additions or deletions suggested where staff or the subcommittee identified that there may be historical problems with implementation, enforcement or licensee confusion over the existing standards.

The proposal would also include exemptions from those minimum standards paragraphs in Section 2030 that do not apply to the specified veterinary premises type and are not, in the subcommittee's experience, relevant or necessary to ensure minimum standards of care are met in these locations. The subcommittee also made global changes to reference all facilities as "veterinary premises" and change all references to "his or hers" to "their."

Specifically, the subcommittee also recommends the following:

(1) Title change: Proposed changes to the title to remove the word "Fixed" so that Section 2030 has a new title, "Minimum Standards – Veterinary Premises" to reflect the consolidation of minimum standards for all veterinary premises in this section.

(2) New introductory sentence: This section would add a new subsection (a) that specifies that unless otherwise specified in this article, all veterinary premises shall maintain the minimum standards set forth in this section. This introduction is necessary to specify when and under what circumstances these minimum standards apply (in all cases unless "otherwise specified") and that the requirements must be "maintained" (kept in an existing state) to meet the Board's compliance standards. The words "conform to or possess" would be replaced by the word "maintain."

The subcommittee took the existing introductory paragraph and made that paragraph (1) and renumbered existing subsections within this section accordingly.

(3) Retain existing standards in subsections (a)(1)-(5) with minor changes: The subcommittee proposes to retain existing standards in subsections (a)(1)-(5) for clean and sanitary instruments, apparatus and apparel, indoor lighting, reception room and office, separate examination room, and standards for animals who are housed or retained for treatment with the following changes:

Subsection (a)(2) change: Indoor lighting for ~~halls, wards, reception areas, examining and surgical rooms~~ shall be adequate for their its intended purpose.

Rationale: The subcommittee revised the indoor lighting requirement to delete references to “halls, wards, reception areas, examining and surgical rooms” and to refer generally to the requirement that indoor lighting “be adequate.” To practice with safety to the public, lighting should be adequate for all areas and not only the listed areas. Further, not all premises have such areas but may have others not covered by the existing list.

Subsection (a)(5)(C): Under existing regulation, if there are to be no personnel on the veterinary premises during any time an animal is left at the veterinary premises, prior notice of this fact shall be given to the client. Compliance may be obtained by posting a sign as specified. This proposal would add that sign shall be posted “at the entrance” of the veterinary premises to avoid confusion over where a conspicuous sign must be posted to satisfy this requirement.

(4) Relocate existing standards for retaining animals for more than 24 hours with clarifying changes: The subcommittee proposes to move subsection (a) of CCR section 2030.1 relating to the requirement for proper exercise for animals kept at a veterinary premises for 24 hours or more from the current Small Animal Fixed section to a new subsection (a)(6) of section 2030 with the addition of the words “when medically appropriate.” This change would recognize the existing standard of care in the community that exercise is not always medically appropriate under the circumstances. This section would also add criteria for a veterinarian to consider when it is “medically appropriate” for exercise to be provided depending upon the different species, the animal’s physical limitations, varied medical conditions or care needs.

Rationale: Existing requirements do not reflect existing practice considerations at veterinary premises by specifying that exercise must be done only when “medically appropriate” and what conditions the veterinarian considers when making that determination. In the subcommittee’s opinion, these include the following considerations:

- (A) What exercise, if any, is appropriate for the particular species.
- (B) The animal’s physical limitations or ability to be physically active without aggravating the animal’s current medical injury, illness, surgical site, or condition.

- (C) The amount or duration of exercise considering the animal's current medical condition or post-operative care needs.

These requirements are therefore necessary to make specific and establish those minimum criteria that a veterinarian must consider when determining whether exercise is "medically appropriate."

(5) Add new requirements to maintain telephone number, and general and after-hours emergency care information. Subsections (a)(7) and (a)(8) address two different scenarios for how a client must receive general information when calling the veterinary premises. The first scenario in subsection (a)(7) specifies that premises shall maintain a telephone number where clients are able to contact the veterinary premises for specified information. If a live person is not available to answer calls, the telephone line shall include a recorded message with information about normal business hours and name, phone number, and address of an after-hour emergency veterinary premises.

Rationale: These requirements ensure that clients have a consistent source for information from any premise regarding any care they may need for their animals after receiving veterinary medical services from the premise.

For subsection (a)(8), the second proposal in this subsection would strike existing requirements for providing public information regarding the premises when a premises is closed and requirements for maintaining an answering machine or message service that specifies when the premises would re-open. These requirements would be superseded by the new requirements to maintain, on an on-going basis, a telephone number where specified information is provided either live or through recorded message in subsection (a)(7).

Rationale: It is important that vital contact and referral information be provided to the public on an on-going basis and not just for periods when the premises are closed. The repeal of these requirements would also account for changes in technology as recorded messages may be provided in numerous ways through a dedicated phone line, and answering machines are largely obsolete. To address historical enforcement-related issues with having a readable, visible, conspicuous sign with important contact information a consumer needs for the on-going care of their animals, the existing sign requirement would be updated to include new requirements (in underline below) that the sign be:

- (A) clearly readable and visible to the public in at least 20-point type,
- (B) posted outside on or immediately adjacent to the primary entrance,
- (C) with hours of operation of the veterinary premises, and
- (D) a name of the veterinary premises where after-hours care is available.

(6) Retain existing standards at subsections (a)(9-18) with some minor updates. This proposal would retain existing standards for fire precautions, temperature and ventilation, disposal of waste material, diagnostic radiological and laboratory services, drugs and biologicals, disposal of deceased animals, equipment for aseptic procedures, current

veterinary reference materials, and anesthetic equipment.

However, the subcommittee believes that some standards do not precisely reflect current laws and standards in the community for veterinary practice and that the following changes are necessary to update those standards:

Subsection (a)(12) is revised to provide: The veterinary premises shall have the capacity to render diagnostic radiological services, either on the premises or through another veterinary premises or outside service ~~other commercial facilities~~. This change would reflect the currently accepted practice of contracting with either another veterinary premises or an outside service to provide radiological services. Removing the reference to “other commercial facilities” avoids confusion regarding which type of commercial facility would be accepted by the Board as meeting this standard.

For consistency with the change proposed at subsection (a)(12) above, subsection (a)(13) is revised to add the words “another veterinary premises or.”

For consistency with existing regulation at title 16, CCR section 2030.3(d), the word “stored” would be added to subsection (a)(14) to consolidate all drugs and biologicals requirements in one location and ensuring that minimum standards are followed for all premises for the storage of these items in compliance with state and federal laws.

Subsection (a)(17) would provide: ~~(917)~~ Current veterinary reference materials shall be readily accessible to veterinary personnel ~~available on the premises~~. Repealing “available on the premises” and adding “accessible to veterinary personnel” is necessary to establish that the reference materials need to be accessible to all veterinary personnel, but not necessarily physically on site. This change recognizes that compliance may be achieved by simply demonstrating the materials are “accessible” to veterinary personnel (e.g., via computer or other device) in recognition that these materials are typically electronically accessed and not maintained in hard copy on the premises.

(7) Repeal existing standard at subsection (f)(11) for equipment to deliver oxygen. The subcommittee recommends removing the existing requirement (currently located at subsection (f)(11)) that a veterinary premises had to be able to deliver oxygen in case of an emergency because it is covered in the new paragraph (a)(19), which requires all veterinary premises to have appropriate drugs and equipment needed for emergencies (which a veterinarian would necessarily understand to include equipment to deliver oxygen if appropriate under the circumstances).

Rationale: This existing subsection is being removed as redundant and unnecessary since the Board’s existing regulation for “appropriate” drugs and equipment necessarily covers oxygen. Further, the requirement is not practical for all practice locations (i.e., mobile units from which veterinary services are provided aka “house calls”).

(8) Adds requirement that all floors, doors, table tops, counter tops, and window coverings shall be non-porous. The subcommittee recommends this change, which would essentially move subsection (b)(7)’s requirements from the section on aseptic surgery to (a)(20)

because all areas of the veterinary premises that might be touched should be “nonporous” to help maintain a sanitary environment (which may be obtained by either using materials or coatings that make the items nonporous). Further, since subsection (a)(1) already requires all veterinary premises to be clean and sanitary at all times, the current references to cleaning and disinfection were not carried over and would be repealed as unnecessary.

(9) Repeals outdated text in subsection (b)(1)(A) relating to compliance with these standards as of January 1, 2014. This reference refers to implementation dates for the Board’s prior standards, which no longer apply, so the subcommittee recommends repealing this subsection because it is no longer relevant.

(10) Adds the word “fixed” to subsections (b)(1)(A) and (b)(5) to specify that those standards only apply to fixed veterinary premises. These changes are necessary to make clear those circumstances when the minimum standards in those sections would not practically apply to mobile veterinary premises.

The rest of this section remains substantively unchanged.

Proposed Amendments to Section 2030.05 (Minimum Standards - Licensee Manager)

Section 2030.05 had a few technical changes, including global changes to reference “veterinary premises” in lieu of “facility” or where needed to resolve any ambiguities.

Proposed Amendments to Section 2030.1 (Small Animal Fixed Veterinary Premises)

Section 2030.1 has a change in definition that makes it clearer that the fixed premise is a “building,” and adds “or exotic” to the household animals description for this type of premise. Proposed changes to text at subsection (a) would add all of section 2030’s minimum standards requirements, and subsection (b) proposes to leave text largely unchanged except for changing the term “carcass” to “body.”

Rationale: To ensure there is a clear understanding and notice to affected registrants that a small animal premises is a fixed location and covers all types of household pets, the subcommittee proposes to add the words “building” and “exotic” to the definition for this type of premises. In addition, the subcommittee recommends, in the members’ professional opinion, that all existing and proposed minimum standards should apply consistent with current professional practice and the Board’s public health and safety goals. Other proposed changes for this section are technical, clean-up.

Proposed Addition of Section 2030.15 (Minimum Standards – Large Animal Fixed Veterinary Premises)

Section 2030.15 is a new section with the same definition of a previously approved draft for large animal veterinary premises. This section would adopt a standard that would require such premises to meet all minimum standards specified in section 2030, except for paragraph (a)(10) of section 2030 (relating to temperature and ventilation).

Rationale: To avoid licensee confusion and possible challenges to the application of this section, the definition would specify that a “large animal veterinary premises” means a building where veterinary services are being provided to equines, or food animals and

livestock as defined in section 4825.1 of the Business and Professions Code. This definition is also consistent with what the profession would normally consider a “large animal” and how those animals are defined in the California Veterinary Medicine Practice Act (“Act”).

Cross-referencing and restating the minimum standards by location provides registrants with a convenient list of all requirements that is specific to their premises type. This would help avoid confusion and implementation questions from registrants and staff.

Proposed Amendments to Section 2030.2 (Minimum Standards – Mobile Veterinary Premises)

In Section 2030.2, for ease of reference and notice to veterinarians who practice from or within a mobile unit, the subcommittee has proposed combining minimum standards for all types of mobile veterinary premises in this section. As a result, the proposed definition for this section is more encompassing than previous versions and includes any mobile unit or vehicle within or from which (aka “house calls” or “farm calls”) veterinary services are provided. Covering all minimum standards for any type of mobile unit or vehicle in one section provides registrants and staff with a convenient list of all requirements that is specific to their particular mobile unit premises type and is intended to cover all practice settings and scenarios where mobile veterinary services are provided. Existing regulations in this section do not address these various types of premises that currently exist in practice. This proposal would set those standards, by type of mobile unit practice.

This section would be further amended as follows:

(1) Repeal existing subsections (a)(1)-(6), (b)(1)-(5), (c) and (d). These same or similar standards would be covered in the consolidation proposal discussed above at CCR section 2030. The requirement for hot and cold running water would be relocated to new subsection (c), and the requirement for a 110-volt power source for diagnostic equipment would be struck as unnecessary because due to the existence of power inverters for 12 volt, battery operated equipment, and access to outside services as specified in CCR section 2030 (a)(12). References to a January 1, 2006 compliance deadline for aseptic surgical procedures would be struck as obsolete as that deadline has long passed.

(2) Add new subsection (a) to require that a mobile veterinary premises provide specified written disclosures. Since this proposal would exempt mobile premises from the requirement to post a sign in CCR section 2030(a)(8) that is applicable to fixed premises, the subcommittee recommends an alternate form of notice to consumers in the form of a written contact information disclosure. This proposal would require a mobile veterinary premises to provide a written disclosure in at least 18 point type to each client at the time veterinary services are first provided and then require another updated disclosure if the information changes at the next time services are provided. The new subsection is more inclusive as to what information must be provided to the client as to contact information, hours of operation, and information for after-hour emergency care. It is important that vital contact and referral information be provided to the public to help ensure the ongoing health and safety of the animal patients. In addition, providing the disclosure in 18-point font helps ensure that the information is provided in large enough detail for most consumers to be able

to read.

(3) Amend subsection (b) to specify that existing requirements for disposal of animal remains apply: when veterinary services are provided within or from a mobile veterinary premises. This proposal would also make other non-substantive changes including adding the word “body” and removing the word “carcass.”

(4) Add new subsection (c) requirements relating to a full-service small animal mobile vehicle that a client and patient can enter. This proposal would retain existing Board standards for hot and cold running water, requires compliance with all minimum standards in CCR section 2030, and provides exceptions for these premises from paragraphs (a)(3) (relating to reception area and office) and (a)(8) (requirements to post a sign on or next to primary entrance) of section 2030, which the subcommittee believes, in the members’ professional experience, are not practical or relevant to safe practice for these types of premises.

(5) Add new subsection (d) requirements relating to a mobile veterinary premises that provides “house calls” to clients who have common domestic or exotic household animals. This proposal would require compliance with all minimum standards in CCR section 2030. Exceptions would be made for paragraphs (3) (relating to reception area and office), (4) (relating to separate examination room of sufficient size), (8) (relating to requirements to post a sign outside on or immediately adjacent to the primary entrance), and (10) (relating to temperature and ventilation) of subsection (a) of CCR section 2030, which the subcommittee believes are not practical or relevant to safe practice for these types of premises.

(6) Add new subsection (e) requirements relating to a mobile veterinary premises that provides “house calls” or “farm calls” to clients with equines, and/or food animals and livestock, as defined. This proposal would require compliance with all minimum standards in CCR section 2030. Exceptions would be made for the following: paragraphs (3) (relating to reception area and office), (4) (relating to separate examination room of sufficient size), (8) (relating to requirements to post a sign outside on or immediately adjacent to the primary entrance), (10) (relating to temperature and ventilation), and (15) (relating to sanitary methods for the disposal of deceased animals) of subsection (a) of CCR section 2030. These exceptions are being made because the subcommittee believes these standards are not practical or relevant to safe practice for these types of premises.

Proposed Amendments to Section 2030.3 (Minimum Standards – Animal Vaccination Veterinary Premises)

Section 2030.3 would be retitled from “Small Animal Vaccination Clinic” to “Minimum Standards -- Animal Vaccination Veterinary Premises.” It is the subcommittee’s recommendation and considered professional opinion that subsection (a) should be revised to more accurately describe the services provided at this type of veterinary premise, the personnel who may administer the services and when such services are authorized to be provided.

(1) Amendments to subsection (a): The veterinary medical services provided at these

locations are currently limited in scope (vaccine and parasite control administration), and set up as scheduled “events” at a physical location, so the subcommittee would revise subsection (a) to delineate those services more clearly and specify where these services may be rendered as follows:

~~The term~~For purposes of this section, an “small-animal vaccination clinic veterinary premises” shall mean a location a privately or publicly supported vaccination clinic where a veterinarian performs or designated veterinary personnel administers only vaccinations and/or immunizations against disease on multiple animals, and where the veterinarian or designated veterinary personnel may also perform preventative procedures for parasite control at a scheduled vaccination event.

(2) Amendments to subsection (b): Since the words “designated veterinary personnel” are susceptible to more than one interpretation, the subcommittee recommends specifying that the definition includes those personnel authorized by law under the Act to provide these services, which include: a registered veterinary technician, veterinary assistant, or veterinary assistant controlled substance permit holder supervised by the veterinarian.

(3) Amendments to existing text at renumbered subsection (c)(1): Proposed subsection (c)(1) would require compliance with all minimum standards in CCR section 2030. Exceptions would be made for the following: paragraphs (3) (relating to reception area and office), (4) (relating to separate examination room of sufficient size), (8) (relating to requirements to post a sign outside on or immediately adjacent to the primary entrance), (12) (relating to the rendering of diagnostic radiological services), (13) (regarding available diagnostic laboratory services), (15) (relating to sanitary methods for the disposal of deceased animals), (16) (relating to medical equipment used to perform aseptic procedures), and (18) (relating to anesthetic equipment), of subsection (a) of CCR section 2030. These exceptions are being made because the subcommittee believes these standards are not practical or relevant to safe practice for these types of premises.

(4) Amendments to existing text at Subsection (c)(2): The proposal would add the words “at the scheduled event” consistent with the changes to the introductory provisions of this section, and delete the requirement that the veterinarian must “maintain responsibility for all medical decisions made” and add clarifying changes to more accurately convey the veterinarian’s responsibilities for administration of these limited services and overseeing the recommendations of those they supervise (designated personnel) at the scheduled event. This means that a veterinarian must be always on the premises to oversee the evaluation of the health of the animals, answer any questions that the clients may have, and treat any emergency cases that may arise during the scheduled event. Further, administration of vaccines and preventative procedures for parasite control may be done by designated veterinary personnel in accordance with the Act, and not just the veterinarian as currently provided in existing regulation. Accordingly, the subcommittee proposes the following amendments to this subsection:

A veterinarian must remain on site throughout the duration of a the scheduled vaccination clinic and ~~must maintain responsibility for all medical decisions made event.~~ The veterinarian is responsible for proper immunization and

~~parasitic administration of vaccinations and preventative procedures for parasite control and the completeness of recommendations made to the public by the designated veterinary personnel~~
~~paraprofessional staff that the veterinarian supervises or employs.~~
The veterinarian is responsible for consultation and referral of clients when disease is detected or suspected.

The subcommittee recommends removing the reference to “paraprofessional staff” as the subcommittee believes this is an inaccurate description for these licensees and the professional work they perform as authorized by the Act. The subcommittee proposes replacing that language with the words “designated veterinary personnel.”

(5) Repeal existing subsections (c)-(g), (i)-(l) and renumber remaining provisions. This proposal retains existing standards regarding fresh, clean water being available for sanitizing and first aid, and requirements that disposable towels and soap shall be readily available. However, all other minimum standards at subsections (c)-(g), (i)-(j) in this section are proposed to be struck as duplicative and unnecessary; they would be consolidated into the minimum standards “list” applicable to all premises (as appropriate) at CCR section 2030, and as cross-referenced in subsection (c)(1). Since the requirements for maintaining medical records and establishing a veterinarian-client relationship are already adopted at current Board regulations sections 2032.1 and 2032.3, the subcommittee recommends striking these requirements as unnecessary and duplicative of those regulatory requirements; those requirements also apply irrespective of practice location.

(6) Add new subsection (c)(4) to require that an animal vaccination veterinary premises provide specified written disclosures. Since this proposal would exempt animal vaccination veterinary premises from the requirement to post a sign in CCR section 2030(a)(8) that is applicable to fixed premises, the subcommittee recommends an alternate form of notice to consumers in the form of a written contact information disclosure. This proposal would require the animal vaccination veterinary premises to provide a written disclosure in at least 18 point type to each client at the time veterinary services are first provided and then require another updated disclosure if the information changes at the next time services are provided. The new subsection would include contact information, hours of operation, and information for after-hour emergency care. It is important that pertinent contact and referral information be provided to the public to help ensure the ongoing health and safety of the animal patients. In addition, providing the disclosure in 18-point font helps ensure that the information is provided in large enough detail for most consumers to be able to read.

Action Requested

The Subcommittee requests the MDC review the attached rulemaking proposal and entertain a motion to do all of the following:

Recommend to the Board approval of the proposed regulatory text and recommend all of the following actions be taken:

- (1) Direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to

initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested.

- (2) If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations as noticed for California Code of Regulations, title 16, sections 2030, 2030.05, 2030.1, 2030.15, 2030.2, and 2030.3.

Attachment

1. Proposed Regulatory Text for Minimum Standards for Alternate Veterinary Premises to Amend California Code of Regulations, Title 16, Sections 2030, 2030.05, 2030.1, 2030.2, and 2030.3, and Adopt Section 2030.15

California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board
Minimum Standards for Alternate Veterinary Premises

PROPOSED LANGUAGE

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

Amend sections 2030, 2030.05, 2030.1, 2030.2, and 2030.3 and adopt 2030.15 in Article 4 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

§ 2030. Minimum Standards – ~~Fixed Veterinary Premises.~~

(a) Unless otherwise specified in this article, all veterinary premises shall maintain the following minimum standards:

(1) All ~~fixed~~ veterinary premises where veterinary medicine and its various branches are being practiced, and all instruments, apparatus, and apparel used in connection with those practices, shall be kept clean and sanitary at all times, ~~and shall conform to or possess the following minimum standards:~~

(a2) Indoor lighting for halls, wards, ~~reception areas, examining and surgical rooms~~ shall be adequate for ~~their~~ its intended purpose.

(b3) A reception room and office, or a combination of the two.

(e4) An examination room separate from other areas of the ~~facility~~ veterinary premises and of sufficient size to accommodate the doctor, assistant, patient and client.

(d5) If animals are housed or retained for treatment, the following shall be provided:

(4A) Compartments for animals which are maintained in a comfortable and sanitary manner.

(2B) Effective separation of known or suspected contagious animals.

(3C) If there are to be no personnel on the veterinary premises during any time an animal is left at the veterinary ~~facility~~ premises, prior notice of this fact shall be given to the client. For purposes of this paragraph, prior notice may be accomplished by posting a sign in a place and manner conspicuous to the clients at the entrance of the veterinary premises, stating that there may be times when there are no personnel on the veterinary premises.

(6) When animals are kept at the veterinary premises for 24 hours or more, the animals shall be provided with an opportunity for proper exercise when medically appropriate. If exercise is medically appropriate, compliance with this paragraph shall be achieved by the use of exercise runs, exercise areas, or by providing the animal with the opportunity for outdoor walks. When determining whether exercise is medically appropriate, the veterinarian shall consider the following:

- (A) What exercise, if any, is appropriate for the particular species.
- (B) The animal's physical limitations or ability to be physically active without aggravating the animal's current medical injury, illness, surgical site, or condition.
- (C) The amount or duration of exercise considering the animal's current medical condition or post-operative care needs.

(7) The veterinary premises shall maintain a telephone number where clients are able to contact the veterinary premises with questions, concerns, or emergency needs. If a live person is not available to answer calls, the telephone line shall include a recorded message with information about hours of operation and a name, telephone number and location of a veterinary premises where after-hours emergency care is available.

~~(e8) When a veterinary premises is closed, a~~ A sign that is clearly readable and visible to the public in at least 20-point type shall be posted outside on or immediately adjacent to and visible outside the primary entrance with a ~~hours of operation of the veterinary premises, and a name, telephone number and location of a veterinary premises where after-hours emergency care is available. An answering machine or service shall be used to notify the public when the veterinary premises will be re-opened and where after hours emergency care is available. If no after hours emergency care is available, full disclosure shall be provided to the public prior to rendering services.~~

~~(f) The veterinary premises shall meet the following standards:~~

~~(49)~~ Fire precautions shall meet the requirements of local and state fire prevention codes.

~~(210)~~ The ~~facility~~ veterinary premises, its temperature, and ventilation shall be maintained so as to assure the comfort of all patients.

~~(311)~~ The disposal of waste material shall comply with all applicable state, federal, and local laws and regulations.

~~(412)~~ The veterinary premises shall have the capacity to render diagnostic radiological services, either on the premises or through another veterinary premises or outside service ~~other commercial facilities~~. Radiological procedures shall be conducted in accordance with Health and Safety Code standards.

~~(513)~~ Clinical pathology and histopathology diagnostic laboratory services shall be available within the veterinary premises or through another veterinary premises or outside services.

~~(614)~~ All drugs and biologicals shall be stored, maintained, administered, dispensed, and prescribed in compliance with state and federal laws.

~~(715)~~ Sanitary methods for the disposal of deceased animals shall be provided and maintained.

~~(816)~~ Veterinary medical equipment used to perform aseptic procedures shall be sterilized and maintained in a sterile condition.

~~(917)~~ Current veterinary reference materials shall be readily accessible to veterinary personnel ~~available on the premises~~.

~~(1018)~~ Anesthetic equipment in accordance with the procedures performed shall be maintained in proper working condition and available at all times.

~~(11)~~ ~~The veterinary premises shall have equipment to deliver oxygen in emergency situations.~~

~~(1219)~~ Appropriate drugs and equipment shall be readily available to treat an animal emergency.

~~(20)~~ All floors, doors, table tops, counter tops, and window coverings shall be non-porous.

~~(g)~~ A veterinary premises ~~which~~that provides aseptic surgical services shall comply with the following:

(1) A room, separate and distinct from all other rooms shall be reserved for aseptic surgical procedures ~~which~~that require aseptic preparation. A veterinarian may perform emergency aseptic surgical procedures in another room when the room designated for aseptic surgery is occupied or temporarily unavailable.

~~(A) A veterinary premises which is currently registered with the board, but does not have a separate room reserved for aseptic surgical procedures, shall obtain compliance with this subdivision on or before January 1, 2014.~~

~~(BA)~~ The board may exempt a fixed veterinary premises ~~which~~that is currently registered with the board, but does not have a separate aseptic surgery room, where it determines that it would be a hardship for the veterinary premises to comply with the provisions of this subdivision paragraph. In determining whether a hardship exists, the board shall give due consideration to the following factors:

4. ~~(l)~~ Zoning limitations.

~~2.~~ (II) Whether the premises constitutes a historical building.

~~3.~~ (III) Whether compliance with this requirement would compel the veterinary ~~practice~~ premises to relocate to a new location.

(2) Storage in the surgery room shall be limited to items and equipment normally related to aseptic surgery and surgical procedures. Equipment not normally related to surgery and surgical procedure includes, but is not limited to, equipment used for dental prophylaxis, autoclaves and non-surgical radiographic equipment.

(3) Open shelving is prohibited in the surgical room.

(4) The surgery room shall not contain a functional sink with an open drain.

(5) The doors into the surgery room must be able to be fully closed, fill the entire door space, be made of non-porous material and not provide access from outside the ~~hospital~~ veterinary premises. In cases where the size of the animal prevents entry to the ~~hospital~~ a fixed veterinary premises via a regularly-sized door, doors for outside access are permitted as long as such doors are able to be fully closed, fill the entire door space and be made of non-porous material.

(6) The surgery room shall be well lighted, shall have equipment for viewing radiographs and shall have effective emergency lighting with a viable power source.

~~(7) The floors, table tops, and counter tops of the surgery room shall be of a non-porous material suitable for regular disinfecting, and cleaning, and shall be cleaned and disinfected regularly.~~

~~(8)~~ (7) Surgical instruments and equipment shall be:

(A) Adequate for the type of surgical procedures performed.

(B) Sterilized as required by the surgical procedure performed and instruments used.

~~(9)~~ (8) In any sterile procedure, a separate sterile pack shall be used for each animal.

~~(10)~~ (9) All instruments, packs and equipment that have been sterilized shall have an indicator that reacts to and verifies sterilization.

~~(11)~~ (10) The following attire shall be required for aseptic surgery:

(A) Each member of the surgical team shall put on an appropriate sanitary cap and sanitary mask ~~which that~~ which covers ~~his or her~~ their hair and mouth, nose and any facial hair, except for eyebrows or eyelashes. All members of the surgical team

who will be handling the instruments or touching the surgical site shall wear sterilized surgical gowns with long sleeves and sterilized gloves.

(B) Ancillary personnel in the surgery room shall wear clean clothing, footwear, sanitary cap and mask.

(h~~c~~) When performing clean surgery, the instruments used to perform such surgery shall have been sterilized and the surgeon(s) and ancillary personnel shall wear clean clothing and footwear when appropriate.

(d) For purposes of this section, “clean surgery” shall mean the performance of a surgical operation for the treatment of a condition and under circumstances which, consistent with the standards of good veterinary medicine, do not warrant the use of aseptic surgical procedures.

Note: Authority cited: Sections 4808 and 4854, Business and Professions Code. Reference: Sections 4853, 4854, and 4883, Business and Professions Code.

§ 2030.05. Minimum Standards - Licensee Manager.

(a) A Licensee Manager is the California licensed veterinarian named as the Licensee Manager on a facility's veterinary premises permit registration.

(b) The Licensee Manager is responsible for ensuring that the premises for which ~~he/she is~~ they are manager complies with the requirements in sections 4853, 4854, 4855, and 4856 of the ~~Business and Professions Code, Division 2, Chapter 11, Article 3~~ code. The Licensee Manager is responsible for ensuring that the physical and operational components of a premises meet the minimum standards of practice as set forth in sections 2030 through 2032.5 of the California Code of Regulations, Title 16, Division 20, Article 4.

(c) The Licensee Manager is responsible for ensuring that no unlicensed activity is occurring within the premises or in any location where any function of veterinary medicine, veterinary surgery or veterinary dentistry is being conducted off the veterinary premises under the auspices of this veterinary premises licenseregistration.

(d) The Licensee Manager shall maintain whatever physical presence is reasonable within the ~~facility~~ veterinary premises to ensure that the requirements in subsections (a) – through (c) are met.

(e) Each licensed veterinarian shall be responsible for their individual violations of the Veterinary Medicine Practice Act or any regulation adopted thereunder.

Note: Authority cited: Sections 4808 and 4854, Business and Professions Code. Reference: Sections 4853, 4854, 4855, 4856, and 4883, Business and Professions Code.

§ 2030.1. Minimum Standards - Small Animal Fixed Veterinary Premises.

For purposes of these rules and regulations, a “small animal fixed veterinary premises” shall mean a ~~fixed veterinary premises which concentrates in providing building where~~ veterinary services are being provided to common domestic or exotic household pets animals. ~~In addition to the requirements in section 2030,~~ A small animal fixed veterinary premises shall provide meet the following minimum standards:

~~(a) Where animals are kept on the veterinary premises for 24 hours or more, the animals shall be provided with an opportunity for proper exercise. Compliance with this section may be achieved by the use of exercise runs or by providing the animal with the opportunity for outdoor walks. Where a premises has exercise runs, they shall be clean and sanitary and provide for effective separation of animals and their waste products.~~

(a) All minimum standards specified in section 2030.

~~(b) When the client has not given the veterinarian authorization to dispose of his or her~~ their deceased animal, the veterinarian shall be required to retain the carcass body in a freezer for at least 14 days prior to disposal.

Note: Authority cited: Sections 4808 and 4854, Business and Professions Code. Reference: Sections 4854 and 4883, Business and Professions Code.

§ 2030.15 Minimum Standards – Large Animal Fixed Veterinary Premises.

For purposes of these regulations, a “large animal fixed veterinary premises” shall mean a building where veterinary services are being provided to equines, or food animals and livestock as defined in section 4825.1 of the code. A large animal fixed premises shall meet all minimum standards specified in section 2030, except for paragraph (10) of subsection (a) of that section.

Note: Authority cited: Sections 4808 and 4854, Business and Professions Code. Reference: Sections 4854 and 4883, Business and Professions Code.

§ 2030.2. Minimum Standards - Small Animal Mobile Clinic~~Veterinary Premises.~~

For purposes of these regulations, a “~~small animal mobile clinic~~veterinary premises” shall mean a ~~trailer or mobile facility established to function as a veterinary premises which concentrates in providing unit or vehicle within or from which veterinary services are being provided. to common domestic household pets and is required by section 4853 of the code to be registered with the board.~~ A mobile veterinary premises shall meet the minimum standards in this section as applicable.

(a) ~~A small animal mobile clinic shall have:~~ A mobile veterinary premises shall provide a written disclosure in at least 18 point type to each client at the time veterinary services are first provided. If any changes to the information required in the written disclosure occur after initial services are provided, the mobile veterinary premises shall provide a new written disclosure to the client that complies with the requirements of this subsection the next time veterinary services are provided. The written disclosure shall include the following:

(1) the telephone number where clients are able to contact the mobile veterinary premises with questions, concerns, or emergency needs.

(2) the hours of operation of the mobile veterinary premises.

(3) a name, telephone number, and location of a veterinary premises where after-hours emergency care is available.

~~(1) Hot and cold water.~~

~~(2) a 110-volt power source for diagnostic equipment.~~

~~(3) A collection tank for disposal of waste material.~~

~~(4) Lighting adequate for the procedures to be performed in the mobile clinic.~~

~~(5) Floors, table tops, and counter tops shall be of a non-porous material suitable for regular disinfecting, and cleaning, and shall be cleaned and disinfected regularly.~~

~~(6) Compartments to transport or hold animals, if applicable.~~

~~(b) A small animal mobile clinic shall also have:~~

~~(1) indoor lighting for halls, wards, reception areas, examining and surgical rooms, which shall be adequate for its intended purpose.~~

~~(2) an examination room separate from other areas of the facility, which shall be of sufficient size to accommodate the doctor, assistant, patient and client.~~

~~(3) fire precautions that meet the requirements of local and state fire prevention codes,~~

~~(4) temperature and ventilation controls adequate to assure the comfort of all patients.~~

~~(5) A small animal mobile clinic which provides aseptic surgical services shall also have a room separate and distinct from other rooms, which shall be reserved for aseptic surgical procedures. Storage in the surgery room shall be limited to items and equipment normally related to surgery and surgical procedures. A veterinarian may perform emergency aseptic surgical procedures in another room when the room designated for aseptic surgery is occupied or temporarily unavailable. A small animal mobile clinic which provides aseptic surgical services and that is currently registered with the board, but does not have a separate room reserved for aseptic surgical procedures, shall provide the board with the vehicle identification number of the and obtain compliance with this subdivision on or before January 1, 2006.~~

~~(A) A small animal mobile clinic that provides aseptic surgery shall also have an examination area separate from the surgery room that is large enough to conduct an examination.~~

~~(c) A small animal mobile clinic shall have the ability and equipment to provide immediate emergency care at a level commensurate with the specific veterinary medical services it is providing.~~

~~(d) A small animal mobile clinic shall provide either after hours emergency services to its patients or, if no after hours emergency care is available, full disclosure to the public prior to rendering services.~~

~~(e) When veterinary services are provided within or from a mobile veterinary premises and the client has not given the veterinarian authorization to dispose of his or her their deceased animal, the veterinarian shall be required to retain the carcass/body in a freezer for at least 14 days prior to disposal.~~

~~(c) A mobile veterinary premises within which veterinary services are provided to common domestic or exotic household animals shall have a continuous supply of hot and cold running water and meet all minimum standards in section 2030, except for paragraphs (3) and (8) of subsection (a) of that section.~~

~~(d) A mobile veterinary premises from which veterinary services are provided to common domestic or exotic household animals at the location where the animals are housed by the client (commonly referred to as "house calls") shall meet all minimum standards in section 2030, except for paragraphs (3), (4), (8), and (10) of subsection (a) of that section.~~

~~(e) A mobile veterinary premises from which veterinary services are provided to equines, and/or food animals and livestock as defined in subdivisions (c) and (d) of section 4825.1 of the code at the location where the animals are housed by the client (commonly referred to as "house calls" or "farm calls"), shall meet all minimum standards in section 2030, except for paragraphs (3), (4), (8), (10), and (15) of subsection (a) of that section.~~

Note: Authority cited: Sections 4808 and 4854, Business and Professions Code. Reference: Sections 4853 and 4854, Business and Professions Code.

§ 2030.3. Minimum Standards - Small Animal Vaccination Clinic Veterinary Premises.

~~(a) The term~~For purposes of this section, an “small-animal vaccination clinic veterinary premises” shall mean a location a privately or publicly supported vaccination clinic where a veterinarian performs or designated veterinary personnel administers only vaccinations and/or immunizations against disease on multiple animals, and where the veterinarian or designated veterinary personnel may also perform preventative procedures for parasite control at a scheduled vaccination event.

(b) For purposes of this section, “designated veterinary personnel” means a registered veterinary technician, veterinary assistant, or veterinary assistant controlled substance permit holder supervised by the veterinarian.

(c) An animal vaccination veterinary premises shall meet the following minimum standards:

(1) All minimum standards specified in section 2030, except for paragraphs (3), (4), (8), (12), (13), (15), (16), and (18) of subsection (a) of that section.

(b2) A veterinarian must remain on site throughout the duration of a the scheduled vaccination clinic and must maintain responsibility for all medical decisions made event. The veterinarian is responsible for proper immunization and parasitic administration of vaccinations and preventative procedures for parasite control and the completeness of recommendations made to the public by the designated veterinary personnel~~paraprofessional staff that the veterinarian supervises or employs.~~ The veterinarian is responsible for consultation and referral of clients when disease is detected or suspected.

~~(c) The disposal of waste material shall comply with all applicable state, federal and local laws and regulations.~~

~~(d) All drugs and biologicals shall be stored, maintained, administered, dispensed and prescribed according to the manufacturer's recommendations and in compliance with state and federal laws.~~

~~(e) Lighting shall be adequate for the procedures to be performed in the vaccination clinic.~~

~~(f) Floors, table tops, and counter tops shall be of a non-porous material suitable for regular disinfecting, and cleaning, and shall be cleaned and disinfected regularly.~~

~~(g) Equipment shall be of the type and quality to provide for the delivery of vaccines and parasiticides in the best interest of the patient and with safety to the public.~~

(3h) Fresh, clean water shall be available for sanitizing and first aid. Disposable towels and soap shall be readily available.

~~(i) A vaccination clinic shall have the ability and equipment to provide immediate emergency care at a level commensurate with the specific veterinary medical services it is providing.~~

~~(j4) The vaccination clinic shall provide a legible list of the name, address, and hours of operation of all facilities that provide or advertise emergency services and, when applicable, the location of other clinics provided by the same entity on that day, that are located within a 30-minute or 30-mile radius. A written disclosure shall be provided to each client prior to or at the time services are provided in at least 18-point type and include the following:~~

~~(A) the telephone number where clients are able to contact the animal vaccination veterinary premises with questions, concerns, or emergency needs.~~

~~(B) the hours of operation of the animal vaccination veterinary premises.~~

~~(C) a name, telephone number, and location of a veterinary premises where after-hours emergency care is available.~~

~~(k) The vaccination clinic shall maintain all vaccination records for a minimum of three (3) years from the date of the vaccination.~~

~~(l) If any diagnostic tests are performed or dangerous drugs are provided, administered, prescribed or dispensed, then a valid veterinary-client-patient relationship must be established, including a complete physical exam and Medical Records as set forth in section 2032.3.~~

~~(5m) The veterinarian shall be identifiable to the public, including, but not limited to the posting of a copy of the veterinarian's license, as set forth in section 4850 of the code Business and Professions Code.~~

Note: Authority cited: Sections 4808 and 4854, Business and Professions Code. Reference: Sections 4853, 4854, and 4883, Business and Professions Code.