



MEMORANDUM

DATE	April 7, 2023
TO	Veterinary Medical Board (Board)
FROM	Jeffrey Olguin, Lead Administrative & Policy Analyst
SUBJECT	Agenda Item 9. Status Update on Pending Regulations

The Board currently has six rulemaking packages pending in the rulemaking process as described below. Three packages are in various stages of the pre-review or initial phase of the rulemaking process and one package has been approved.

Updates or changes in the status of rulemaking packages since January 2023 are provided below:

Civil Penalties for Citations—CCR, Title 16, Section 2043

Update: On December 15, 2022, the rulemaking package entered into the final phases of approval and it was approved by DCA’s Director on December 19, 2022. On December 23, 2022, it was submitted to the Department of Finance and subsequently approved on February 1, 2023. On December 22, the package was submitted to the Office of Administrative Law (OAL) and approved on February 7, 2023. The regulatory changes became effective on April 1, 2023.

Summary of Proposed Changes: This proposal would permit the Board to issue citations and assess fines for violations that do not occur “while engaged in the practice of veterinary medicine.” Such violations include failing to complete continuing education, criminal convictions, and failing to respond to the Board’s request for medical records. This proposal enhances the Board’s ability to encourage compliance with the Veterinary Medicine Practice Act, while also ensuring the Board assess violations that are “substantially related” to the practice of veterinary medicine.

RVT Equivalent Experience and Education—CCR, Title 16, Section 2068.5

Update: At the October 2022 meeting, the Board voted to move forward with the proposed amendments to section 2068.5. However, in February, the Board’s legal counsel noted issues with the regulatory language. This Board will be asked to consider further changes to this proposal suggested by Board Counsel and Regulatory Counsel under Agenda Item 9.B.2.

Summary of Proposed Changes: The amendments to section 2068.5 will remove barriers to licensure by: (1) removing the requirement that an RVT applicant must complete all the education requirements within five years prior to the date of the examination for registration and (2) removing the 24-month timeframe for when RVT students to complete the required 4,416 hours of direct clinical practice.

Veterinary Student Exemption / RVT Examination Eligibility—CCR, Title 16, Sections 2027 & 2027.5

Update: This package has been approved by DCA Budgets and is currently in the review stage with the Board's Regulatory Counsel.

Summary of Proposed Changes: This proposal would permit veterinarian graduates who have earned a veterinary medical degree to apply for the Veterinary Technician National Examination and earn an RVT registration. The proposal also clarifies that veterinarian students in their junior and senior years, and not graduates, may perform RVT animal health care tasks.

Uniform Standards for Substance-Abusing Licensees—CCR, Title 16, Sections 2006, 2006.5–2006.56

Update: This package is pending with DCA Budgets for their re-review. Once they approve the language and budget calculations and any requested changes to the production documents are made, the regulation package will go to DCA for submission to the Director and Agency for review and approval.

Summary of Proposed Changes: This proposal would establish standards adopted by DCA's Substance Abuse Coordination Committee (SACC). The SACC was established to develop consistent and uniform standards for dealing with substance-abusing licensees. The Board has adopted standards to be in alignment with other DCA healing arts entities and to implement [Business and Professions Code Article 3.6 \(315–315.4\) Uniform Standards Regarding Substance-Abusing Healing Arts Licensees](#).

VCPR, Definitions, and RVT Tasks Updates (RVT Vaccine Administration)—CCR, Title 16, Sections 2036.5, 2090–2092, & 2094

Update: This package is currently in the initial phase of review. The Board has approved the language and documentation is getting developed for review by DCA's Regulations Unit and DCA Budgets.

Summary of Proposed Changes: This proposal would expand the scope of RVTs to act as an agent of the supervising veterinarian to perform animal health care tasks related to vaccine administration or medications for the control or eradication of parasites for animal patients. RVTs must examine the animal patient, obtain and evaluate the animal patient's history, and administer the medication in accordance with the manufacturer's recommendations, and document the animal patient's information. The RVT would be required to be under the direct supervision of a

licensed veterinarian. The supervising veterinarian will remain as the responsible control over the acts of the RVT.

Drug Compounding—CCR, Title 16, Sections 2036.5, 2090, 2091, 2092, & 2094

Update: This package is currently in the initial phase of review. The Board has approved the language and documentation is getting developed for review by DCA's Regulations Unit and DCA Budgets.

Summary of Proposed Changes: This proposal would allow Registered Veterinary Technicians (RVTs) and Veterinary Assistant Controlled Substances Permit (VACSP) holders, under the supervision of a veterinarian in a registered veterinary premises setting, to perform drug compounding. In addition, it would create requirements for formula documentation, intravenous fluid preparation, and office stock.

Attachment

1. Status of Pending VMB Regulations – Updated April 7, 2023

Status of Pending VMB Regulations

Attachment 1

Rulemaking Title	Current Status	INITIAL PHASE										FINAL PHASE					
		Concept Date(s)	Board Approval	Submitted to DCA for PRE-Review	Submitted to DCA for INITIAL Review	DCA Director Approval	Submitted to Agency/Agency Approval	Notice Submitted to OAL & Notice Published by OAL	45-Day Comment Period	Public Hearing (Optional)	15-Day Comment Period (Modified Text), if applicable	Submitted to DCA for FINAL Review	DCA Director FINAL Approval	Submitted to Agency/ FINAL Agency Approval	Submitted to DOF/ DOF Approval	Submitted to OAL/ OAL Approval	Effective Date
Civil Penalties for Citations	Effective on 04/01/2023 Approved by OAL on 02/07/2023	01/08/2020	01/30/2020	02/23/2022	03/25/2022 06/28/2022	07/03/2022	08/04/2022	Submitted 08/09/2022 Posted 08/19/2022	08/19/2022 - 10/04/2022	N/A	10/26/2022 - 11/10/2022 (No Public Comments Received)	12/15/2022	12/19/2022	12/28/2022	12/23/2022	12/22/2022	Approved by OAL 02/07/2023 Effective: 04/01/2023
RVT Equivalent Experience and Education	02/17/2023 Board Counsel Reviewed and Recommended Amendments Requiring Board Approval 02/09/2023 Package Approved by DCA Budgets Equivalent Experience and Education (§ 2068.5)	07/26/2017	07/26/2017 08/20/2018 07/13/2020 01/25/2023 (Revised Text)	-	03/26/2019	05/30/2020 07/06/2020 03/07/2023	06/05/2020 07/06/2020 06/29/2022 12/20/2022										
Uniform Standards for Substance-Abusing Licensees	03/22/2023 Pending Re-Review and Approval from Budgets Legal Re-Review, Before Submission to DCA & Agency	04/23/2014	10/09/2019 01/19/2022	04/01/2022 06/03/2022 Budget Review and Clarification 06/13/2022 06/23/2022 12/23/2022 03/22/2023	Pending												
Veterinary Graduate Student Exemption / RVT Examination Eligibility	04/07/2023 Pending Re-Review From Regs Unit Staff Update: 04/06/2023 Budget Review and Approval, Legal Re-Review, Before Submission to DCA & Agency Documents Sent to DCA Legal/Budget Review	04/23/2014	04/2017 07/17/2019	04/07/2023 DCA Regs Review Budget Review and Clarification 01/09/2023 04/06/2023	Pending												
VCPR, Definitions, and RVT Tasks Updates (RVT Vaccine Administration)	01/25/2023 Staff Update: Pending Staff Documentation Development, Budget Input, Legal Re-Review, Before Submission to DCA & Agency	10/18/2022	01/25/2023	Pending													

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Drug Compounding	<p style="color: red; margin: 0;">01/25/2023</p> <p style="margin: 0;">Staff Update: Pending Staff Documentation Development, Budget Input, Legal Re-Review, Before Submission to DCA & Agency</p>	04/19/2022	01/25/2023	Pending													

Red Text = Updates since last meeting

= Completed

= Current Status/ Pending