



# MEMORANDUM

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| <b>DATE</b>    | March 29, 2024                                                      |
| <b>TO</b>      | Veterinary Medical Board (Board)                                    |
| <b>FROM</b>    | Justin Sotelo, Policy Specialist                                    |
| <b>SUBJECT</b> | <b>Agenda Item 10. Update and Discussion on Pending Regulations</b> |

The Board recently had two rulemaking packages, listed below, approved by the Office of Administrative Law (OAL), and both became effective April 1, 2024. The Board also currently has five rulemaking packages that were previously approved by the Board, and pending in the rulemaking process, as described below. These five packages are in various stages of the initial phase of the rulemaking process.

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

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

**Update:** The Board’s 45-day public comment period resulted in two letters of support for the proposed language. The final rulemaking package was filed with OAL on November 27, 2023. OAL received Department of Finance (DOF) approval of the Board’s Fiscal and Economic Impact Statement (Form 399) on January 3, 2024. On January 9, 2024, the package was approved by OAL and filed with the Office of the Secretary of State. The regulatory changes became effective on April 1, 2024.

**Summary of Proposed Changes:** At the April 2023 Board meeting, the Board approved Board Counsel and Regulatory Counsel’s proposed revisions to the language. The approved language removed the deadline of July 1, 2024, for Registered Veterinary Technician (RVT) applicants to complete their combined practical experience and education and allowed RVT education programs to expand their coursework beyond the minimum units or instructional time required for the required RVT education component. The amendments to section 2068.5 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 must complete the required 4,416 hours of direct clinical practice.

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

**Update:** The Board’s 45-day public comment period resulted in no comments. The final rulemaking package was filed with OAL on December 28, 2023. OAL received DOF approval of the Board’s Fiscal and Economic Impact Statement (Form 399) on February 7, 2024. On February 12, 2024, the package was approved by OAL and filed with the Office of the Secretary of State. The regulatory changes became effective on April 1, 2024.

**Summary of Proposed Changes:** The rulemaking implements 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. (See Bus. & Prof. Code, § [315](#) et seq.)

**Drug Compounding—CCR, Title 16, Sections 2036.5, 2090, 2091, 2092, 2093, & 2094: IN PROCESS**

**Update:** At the October 2023 meeting, the Board directed the Multidisciplinary Advisory Committee (MDC) to review the package to determine if any additional changes should be made or recommended. After review, the MDC, Drug Compounding Subcommittee recommended additional changes, which were presented to, and subsequently approved by, the MDC at its January 2024 meeting. The Board will be asked to consider and approve the revised regulatory text at this meeting.

**Summary of Proposed Changes:** The proposal would: (1) clarify RVT drug compounding under the supervision of a veterinarian in a registered veterinary premises; (2) add a definition for “immediate use;” (3) clarify the locations where office stock may be used; (4) clarify the requirements to maintain a master formula document for each compounded drug preparation and documentation requirements for animal patient specific compounded drug preparations; (5) establish documentation requirements for immediate use compounded drug preparations; establish expiration of immediate use compounded drug preparations; (6) clarify drug compounding labeling requirements for office stock, establish labeling requirements for immediate use drug preparations, and establishing labeling requirements for compounded drugs requiring refrigeration; and (7) change instances of “animal hospital” to the standardized term “registered veterinary premises”.

**VCPR, Definitions, and RVT Tasks Updates (RVT Vaccine Administration)—CCR, Title 16, Sections 2032.1, 2034, and 2036: IN PROCESS**

**Update:** At the October 2023 meeting, the Board was informed that the MDC would be reviewing the proposed text to determine if any part of the proposal could be retained after the enactment of Senate Bill (SB) 669, which covers the same subject matter as the Board’s proposal. As a result, this package was pulled from Agency review in October 2023 and is pending review by staff; an update will be provided at a future meeting.

**Summary of Proposed Changes:** This proposal would authorize RVTs to act as an agent of the supervising veterinarian to establish the veterinarian-client-patient relationship (VCPR) for purposes of administering to animal patients preventative or prophylactic vaccinations or medications for the control or eradication of apparent or anticipated internal or external parasites. To establish the VCPR, the proposal would require RVTs, under direct veterinarian supervision, to examine the animal patient and administer the vaccines/medications according to written protocols and procedures, as specified. The proposal would require the supervisor and RVT to sign and date a statement whereby the supervising veterinarian would remain responsible for the acts of the RVT, and authorizing the RVT to act as the veterinarian's agent only for administering the vaccines/medications. The proposal would require RVT disclosure to the client and require the supervisor to review the required documentation prior to prescribing or dispensing vaccines/medications.

**Minimum Standards for Alternate Veterinary Premises—CCR, Title 16, Sections 2030, 2030.05, 2030.1, 2030.2, and 2030.3: IN PROCESS**

**Update:** The Board's prior Regulations Counsel recommended amendments to this proposal, along with a proposal to initiate a rulemaking to amend CCR, title 24, section 1251 (Veterinary Facilities) in order to comply with the California Building Standards Law (Health & Saf. Code, § 18901 and following), which requires all regulations that are a "building standard" (as defined in Health & Saf. Code, § 18909) to be incorporated into title 24 of the CCR and not in other divisions of the CCR (see Health & Saf. Code, § 18940). The Board's Executive Officer has received confirmation from attorneys at OAL and the staff of the California Building Standards Commission (CBSC) that amendments to both title 16 and title 24 are required to implement the proposed regulatory changes discussed by the Board over many meetings. The MDC, Alternate Veterinary Premises Subcommittee (Subcommittee) worked on potential revisions to this existing proposal, as well as proposed revisions to CCR, title 24, section 1251 (the Board's regulations involving Veterinary Facilities in the Building Standards Code). The Subcommittee, Executive Officer, and Regulations Counsel met with stakeholders on December 8, 2023, to discuss the proposed changes. Proposed revisions are being reviewed by the MDC at its April 16, 2024 meeting. The Board also will be asked to consider and approve the revised regulatory text at this meeting.

**Summary of Proposed Changes:** The amendments will standardize language utilized in modern veterinary practice and update the requirements for: fixed veterinary premises, mobile veterinary premises, vaccination veterinary premises, and shelter premises. The proposed language: (1) takes into consideration the needs of large animal practitioners and limitations they have for equipment or movement of large animals; (2) the various mobile veterinary premises types, including house calls and services for equines or food animals/livestock; (3) helps clarify personnel authorized to provide vaccinations at a veterinary premises and the veterinarian's responsibilities; and (4) sets specified requirements for animal shelters.

## **Veterinary Facilities—CCR, Title 24, Section 1251**

**Update:** As part of the Board’s efforts to pursue regulatory amendments to improve the minimum standards for alternate veterinary premises, concerns were raised related to building standards regulations within CCR, title 24 that were identical to those in the Board’s current regulations under title 16. It was noted that OAL likely would not approve exempting fixed premises from any standards mirroring the building code. Multiple meetings with CBSC and OAL were held to discuss an appropriate solution. As a result, the MDC, Alternate Veterinary Premises Subcommittee (Subcommittee) recommended revising the previously approved Alternate Veterinary Premises rulemaking to remove all apparent building standards, including any exemptions to those standards, and renumber all remaining requirements accordingly. In addition, the Subcommittee recommended a separate proposal moving the building standards and related exemptions from the previous Alternate Veterinary Premises proposal to CCR, title 24, section 1251 and move any veterinary practice management standards to title 16. The MDC and Board will be asked to review and approve this proposal at their April 2024 meetings.

**Summary of Proposed Changes:** As noted, the building standards proposal would move existing building standards and related exemptions from the Alternate Veterinary Premises proposal to CCR, title 24, section 1251 and move from that section any practice management standards to title 16.

## **Records—CCR, Title 16, Section 2032.3: IN PROCESS**

**Update:** During the October 2023 MDC and Board meetings, it was determined that legislation would be necessary prior to amending the regulation, per the recommendations of the MDC, Medical Records Subcommittee (Subcommittee). Of those proposed amendments, the Subcommittee addressed concerns regarding when a copy or a summary of medical records must be provided to a client. Additionally, “authorized agent” was added throughout the proposal to allow for the client or their authorized agent to receive a copy or summary of the animal patient records when requested. At its January 2024 meeting, the MDC approved proposed regulatory text provided in the meeting materials, along with additional clarifying changes made at that meeting. The Board will be asked to review and approve the proposed regulatory text at this meeting, so that the rulemaking process can be initiated once the legislative proposal is successful.

**Summary of Proposed Changes:** This proposal addresses the following: (1) changes the logical order of the required information that makes up an animal patient record to follow a SOAP (Subjective, Objective, Assessment, and Plan) format for recording patient medical encounters and medical record documentation, which is taught in the majority of veterinary schools; (2) addresses animal patient record keeping requirements for single patient records and group records; (3) makes animal patient record keeping requirements less prescriptive; (4) addresses when a copy or a summary of records must be provided to the client, or the client’s authorized agent; and (5) requires that any invoice and client payment related to services and treatment provided be part of the record.

**Attachment**

1. Attachment No. 1: Status of Pending VMB Regulations – Updated March 28, 2024

## Status of Pending VMB Regulations

| 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 |
| RVT Equivalent Experience and Education                               | Approved by OAL; effective 04/01/2024                                                                                  | 07/26/2017                            | 01/25/2023                                                                                                                                   | 02/09/2023                      | 07/17/2023                          | 07/31/2023            | 07/31/2023 Submitted<br>08/29/2023 Approved           | 08/29/2023                                        | 09/08/2023 through 10/23/2023 | N/A                       | N/A                                                  | 10/26/2023                        | 11/19/2023                  | N/A                                        | 11/27/2023 Submitted<br>01/03/2024 Approved | 11/27/2023 Submitted<br>01/09/2024 Approved | 04/01/2024     |
| Uniform Standards for Substance-Abusing Licensees                     | Approved by OAL; effective 04/01/2024                                                                                  | 04/23/2014                            | 01/19/2022                                                                                                                                   | 04/01/2022                      | 07/20/2023                          | 08/03/2023            | 08/08/2023 Submitted<br>10/16/2023 Approved           | 10/17/2023                                        | 10/27/2023 through 12/12/2023 | N/A                       | N/A                                                  | 12/13/2023                        | 12/26/2023                  | N/A                                        | 12/28/2023 Submitted<br>02/07/2024 Approved | 12/28/2023 Submitted<br>02/12/2024 Approved | 04/01/2024     |
| Drug Compounding                                                      | Re-Approved by MDC on 01/16/2024<br>Pending Re-Approval by Board on 04/17/2024                                         | 4/19/2022<br>10/18/2023<br>01/16/2024 | 01/25/2023<br>Pending Re-Approval on 04/17/2024                                                                                              |                                 |                                     |                       |                                                       |                                                   |                               |                           |                                                      |                                   |                             |                                            |                                             |                                             |                |
| VCPR, Definitions, and RVT Tasks Updates (RVT Vaccine Administration) | Pulled from Agency Review at Board's Request due to enactment of SB 669                                                | 10/18/2022                            | 01/25/2023                                                                                                                                   | 04/13/2023                      | 10/05/2023                          | 10/11/2023            | 10/13/2023 Submitted<br>10/24/2023 Pulled from Review |                                                   |                               |                           |                                                      |                                   |                             |                                            |                                             |                                             |                |
| Minimum Standards for Alternate Veterinary Premises                   | Reviewed by California Building Standards Commission<br>Pending Re-Approval by MDC on 04/16/2024 & Board on 04/17/2024 | 2017-2024                             | 11/14/2018<br>04/19/2023<br>10/18/2023 Combined with the Minimum Standards for Shelter Premises Package<br>Pending Re-Approval on 04/17/2024 |                                 |                                     |                       |                                                       |                                                   |                               |                           |                                                      |                                   |                             |                                            |                                             |                                             |                |
| Veterinary Facilities                                                 | Pending Approval by MDC on 04/16/2024 & Board on 04/17/2024                                                            | 12/08/2023                            | Pending Approval on 04/17/2024                                                                                                               |                                 |                                     |                       |                                                       |                                                   |                               |                           |                                                      |                                   |                             |                                            |                                             |                                             |                |
| Veterinary Graduate Student Exemption / RVT Examination Eligibility   | Pending Staff Review/ Development                                                                                      | 04/23/2014                            | 07/17/2019                                                                                                                                   | 04/06/2023                      |                                     |                       |                                                       |                                                   |                               |                           |                                                      |                                   |                             |                                            |                                             |                                             |                |
| Medical Records (16 CCR § 2032.3)                                     | Approved by MDC on 01/16/2024<br>Pending Approval by Board on 04/17/2024                                               | 06/26/2023<br>08/29/2023              | Pending Approval on 04/17/2024                                                                                                               |                                 |                                     |                       |                                                       |                                                   |                               |                           |                                                      |                                   |                             |                                            |                                             |                                             |                |

**Red Text** = Updates since last meeting

= Completed

= Current Status/ Pending