

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 20. VETERINARY MEDICAL BOARD**

NOTICE OF PROPOSED CHANGES

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board (“Board”) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than 5:00 p.m. on October 10, 2016**, or must be received by the Board at the hearing.

AVAILABILITY OF MODIFICATIONS

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person, and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested section 4808 of the Business and Professions Code (BPC), and to implement, interpret, or make specific section 597.1 of the Penal Code, the Board is considering changes to section 2039.5 of Article 4 of Division 20 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

BPC §4808 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Administrative Procedure Act.

This regulatory proposal will adopt CCR §2039.5.

Specifically, the Board is proposing the following:

- Adopt Section 2039.5 (a) of Article 4 of Division 20 of Title 16 of the CCR
This subsection outlines the high level training requirements needed for licensed veterinarians to provide controlled substances tranquilizer administration training to animal control officers and humane officers.
- Adopt Section 2039.5 (b) of Article 4 of Division 20 of Title 16 of the CCR
This subsection clarifies the terms “licensee” and “agency,” which are used throughout the section. “Licensees” refers to California veterinarians who hold a current and valid license to practice veterinary medicine, issued by the Board, who are authorized to provide tranquilizer administration training to animal control officers and humane officers. “Agency” refers to the organization or public entity employing the animal control or humane officer.
- Adopt Section 2039.5 (c) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires a minimum of four hours of training provided by a licensee, including didactic and hands-on training.
- Adopt Section 2039.5 (d) of Article 4 of Division 20 of Title 16 of the CCR
This subsection outlines the required components of controlled substances tranquilizer administration training as approved by the Board.
- Adopt Section 2039.5 (d)(1) of Article 4 of Division 20 of Title 16 of the CCR
The animal control officer or humane officer will be trained on the definition, weights, measures, and use of each and every controlled substance they are authorized to use by the agency.
- Adopt Section 2039.5 (d)(2) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires controlled substances tranquilizer administration training to cover the various schedules and classifications of controlled substances and any hazards associated with exposure to the substances.
- Adopt Section 2039.5 (d)(3) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires that training on each controlled substances must be accompanied with a Safety and Data Sheet (SDS) and must be reviewed with the animal control officer or humane officer with procedures for handling or working with that substance in a safe manner.
- Adopt Section 2039.5 (d)(4) of Article 4 of Division 20 of Title 16 of the CCR
This subsection provides a basic level of understanding requirements for each drug and administration route available to the animal control or humane officer and for each species that is likely to be tranquilized in the field.
- Adopt Section 2039.5 (d)(4)(A) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires the animal control or humane officer to understand the advantages and disadvantages of drug combinations.

- Adopt Section 2039.5 (d)(4)(B) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires an understanding of how various factors may affect the choice of drug(s) and dosage used when administering a tranquilizer.
- Adopt Section 2039.5 (d)(4)(C) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires the tranquilizer administration training to cover the equipment available to administer drugs and the advantages and disadvantages of each method.
- Adopt Section 2039.5 (d)(4)(D) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires the tranquilizer administration training to include the advantages and disadvantages of each route of administration covered within the training.
- Adopt Section 2039.5 (d)(5) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires the tranquilizer administration training to cover how to calculate a drug dosage with the following considerations: the animals' weight, age, condition and temperament.
- Adopt Section 2039.5 (d)(6) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires training to cover signs of drug overdose or adverse drug reactions.
- Adopt Section 2039.5 (d)(7) of Article 4 of Division 20 of Title 16 of the CCR
The proposed language covers normal and abnormal signs of behavior of an animal following the administration of a tranquilizer.
- Adopt Section 2039.6 (d)(8) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires training in the safe and proper transportation of animals that have been tranquilized.
- Adopt Section 2039.5 (d)(9) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires training in the identification of signs when an animal's health has declined and requires veterinary care as a result of complications due to tranquilization.
- Adopt Section 2039.5 (d)(10) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires training in the review of applicable state and federal laws and regulations regarding the possession, storage, administration, tracking, and disposal of controlled substances.
- Adopt Section 2039.5 (d)(11) of Article 4 of Division 20 of Title 16 of the CCR
This subsection includes the requirements regarding the level(s) of supervision by a California-licensed veterinarian permitted by the agency under Penal Code section 597.1 (a)(2) and CCR section 2032.1 (a) and 2034 (e) and (f).
- Adopt Section 2039.5 (e) of Article 4 of Division 20 of Title 16 of the CCR
This subsection adds the requirement for the animal control or humane officer to complete an oral or written examination provided by the licensed veterinarian, which covers the required curriculum and includes a practical component.

- Adopt Section 2039.5 (f) of Article 4 of Division 20 of Title 16 of the CCR
After successful completion of the examination, licensees are required to aware the animal control officer or humane officer with a certificate as proof that they were able to sufficiently demonstrate their understanding and skills performing tranquilizer administration. The certificate will be non-transferable and will only be valid for four (4) years after it is issued. The agency will retain a copy of the certificate for six (6) years after it is issued.
- Adopt Section 2039.5 (g) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires that the licensee review and discuss any controlled substance that was not addressed in the original training.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Policy Statement Overview

The primary mission of the Board is to protect consumers and animals through the development and maintenance of professional standards.

This regulatory proposal promotes the safety of animals and the public in emergency situations by specifying content requirements for tranquilizer administration training in order for animal control officers and humane officers to be granted independent authority to possess and administer controlled substances. Animal control officers and humane officers are often asked to respond to emergency situations in which they must think and react quickly to maintain control of the situation. Without Board approved training, an animal control officer or humane officer may not administer a controlled substance on his or her own authority to subdue a wild animal or dangerous animals without consultation and direction from a licensed veterinarian. However, in an emergency situation in the field, there are times when a licensed veterinarian is not always available for consultation. This proposal provides the training necessary to properly administer controlled substances without the direct or indirect supervision of a licensed veterinarian. This reduces delays while waiting for consultation and direction, which could potentially result in harm or death to the animal or to the public when immediate action is needed.

Anticipated Benefits of Proposed Regulatory Action

The proposed regulations regarding Animal Control and Humane Officer Tranquilizer Administration Training were developed through a joint effort by representatives of the California Animal Control Directors Association, State Humane Association of California, and the California Veterinary Medical Association. Each section was carefully categorized to clarify key areas that are required to be covered during the training. The intention was for the training requirements to be comprehensive and balance the concerns for public safety with input from all constituencies.

The Board anticipates that the proposed regulations will provide licensed veterinarians with the specific training requirements to properly train and educate animal control and humane officers on the administration of tranquilizers containing a controlled substance. Completion of such training would grant independent authority to animal control and humane officers to administer controlled substances in emergency situations.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has determined that these are the only regulations that deal with the subject area of the Board's Animal Control and Humane Officer Tranquilizer Administration Training. The Board has evaluated this regulatory proposal and found that it is neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

None

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

By adopting CCR section 2039.5 the Board is establishing requirements to licensed veterinarians to provide Board approved controlled substances tranquilizer administration training to animal control officers and humane officers.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations only pertain to animal control officers, humane officers, and California licensed veterinarians providing Animal Control and Humane Officer Tranquilizer Administration Training. The proposed regulations adopt CCR §2039.5.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents, worker safety, and state's environment by improving the consistency and transparency of penalties as related to the degree of harm caused by violation of the Veterinary Medicine Practice Act.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1747 North Market Blvd., Suite 230, Sacramento, California 95834.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1747 North Market Blvd., Suite 230, Sacramento, California 95834.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Nina Galang, Administrative Program Coordinator
Address: Veterinary Medical Board
1747 North Market Blvd., Suite 230
Sacramento, CA 95834
Telephone No.: 916-515-5238
Fax No.: 916-928-6849
E-Mail Address: Nina.Galang@dca.ca.gov

The backup contact person is:

Name: Ethan Mathes, Administrative Program Manager
Address: Veterinary Medical Board
1747 North Market Blvd., Suite 230
Sacramento, CA 95834
Telephone No.: 916-515-5220
Fax No.: 916-928-6849
E-Mail Address: Ethan.Mathes@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.vmb.ca.gov.