

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

FINAL STATEMENT OF REASONS

Hearing Date: The Veterinary Medical Board (Board) did not receive a request for a public hearing; therefore, a public hearing was not held.

Subject Matter of Proposed Regulations: Veterinary Assistant Controlled Substances Permit (VACSP) Program

Section(s) Affected: Title 16, Division 20, California Code of Regulations (CCR) §§2034, 2035, 2036.5, 2071.1, 2087, 2087.1, 2087.2, and 2087.3.

Updated Information

There have been no changes in, or additions to, the information provided in the original Initial Statement of Reasons.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact

These regulations will not have a significant adverse economic impact on businesses.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Objections or Recommendations/Responses

The following recommendations and/or objections were made regarding the proposed action:

Comments Received at During the September 4, 2015 through October 19, 2015 45-Day Comment Period:

Comment: The California Registered Veterinary Technicians Association (CaRVTA) “strongly disagrees with the underlying legislation that created the need for the proposed regulations for the Veterinary Assistant Controlled Substances Permit (VACSP). We believe that it is not in the best interests of our patients or our clients to allow veterinary assistants to administer injectable controlled drugs. Injectable controlled drugs have a very low margin of safety and should only be administered by individuals who have been trained and licensed to insure patient safety.”

Staff Response: The comment was rejected. The comment is not germane to the proposed rulemaking language. Further, the Board does not have authority to amend current legislation.

Comment: CaRVTA “agrees that the proposed regulations serve the important goal of insuring that those veterinary assistants who veterinarians allow to obtain or administer controlled drugs are free from convictions for drugs. Veterinarians and Registered Veterinary Technicians are fingerprinted as part of their licensing process – it is imperative that veterinary assistants receive the same screening.

We do suggest one change to the wording of section 2034 (k). The current proposed wording is a bit awkward. We suggest that the wording be changed to:

“Permit holder” means a person who is at least 18 years of age and is a holder of a VACSP issued pursuant to section 4836.2 of the code.”

Staff Response: The comment was rejected. The comment is not germane to the proposed rulemaking language. Further, the comment is regarding a grammatical error and therefore, considered to be non-substantive in nature. The Board staff recognizes that the proposed language in section 2034 (k) is sufficiently clear that a VACSP holder is required to be 18 years of age; therefore, the comment was not presented to the Board.

Finding of Necessity

The proposed regulation does not require licensees to submit a report.

Incorporation by Reference

The proposed regulation incorporates the following documents by reference:

1. Veterinary Assistant Controlled Substances Permit Application, Form No. 4606-1, rev. 6/2015
2. Veterinary Assistant Controlled Substances Permit Holder / Licensee Manager Agreement, Form No. 4606-2, rev 6/2015
3. Licensee Manager Acknowledgement, Form No. 4606-3, rev. 6/2015

These documents were available upon request directly from the agency. The incorporation by reference method was used because it would be impractical to publish the VACSP application forms in the CCR. The forms developed are consistent with the requirement mandated by Business and Professions Code section 4836.2 for the Board to furnish a form for veterinary assistants to apply for a VACSP. If the VACSP application forms were incorporated into the CCR, it would increase the size of Article 10 of Division 20 and would cause confusion to the user. The application forms will be made available on the Board’s website immediately, should the regulations be approved.