



MEMORANDUM

DATE	July 17, 2019
TO	Veterinary Medical Board
FROM	Amanda Drummond, Administrative Programs Coordinator
SUBJECT	Agenda Item 11B. Sections 2027 and 2027.5, Article 3, Division 20, Title 16 of the California Code of Regulations (CCR) Regarding DVM Students and Graduates

Background

For over three years, the Veterinary Medical Board’s (Board) Multidisciplinary Advisory Committee (MDC) discussed the issue of licensure exemptions for veterinary college students and graduates who seek to obtain a doctorate of veterinary medicine (DVM). The initial focus of the discussion was the license exemption language in Business and Professions Code (BPC) [section 4830](#) and CCR [section 2027](#) and what is permissible for a DVM student under direct supervision of a veterinarian and what curricular or non-curricular settings are covered under the student licensure exemptions.

The issues evolved over time to include the regulatory authority of DVM graduates to perform health care tasks of a registered veterinary technician (RVT) and whether DVM graduates should be practicing as an RVT without ever becoming licensed or registered by the Board. The issue was resolved through a legislative recommendation of the Board to clarify that a DVM graduate could not perform animal health care tasks of an RVT unless the DVM graduate obtained veterinarian licensure or veterinary technician registration. The recommendation also included a delayed implementation of the statute to provide appropriate notice and due process to DVM graduates who were working as RVTs without Board licensure or registration. The Board’s recommendation was enacted by Senate Bill (SB) 1480 (Hill, Chapter 571, Statutes of 2018) and provided, in new BPC section 4841.2, that DVM graduates must be Board licensed or registered on or after January 1, 2020, in order to perform RVT health care tasks.

The Board is asked now to consider amending CCR section 2027 to conform it to the new statutory license or registration requirements of DVM graduates performing RVT health care tasks. In addition, BPC section 4841.2 removed the ability of a DVM graduate to perform animal health care tasks; however, CCR section 2027 cites to the authority and reference of BPC section 4846.2, which authorizes the Board to require a DVM graduate to fulfill such other remedial or other requirements as the Board, by regulation, may prescribe. As CCR section 2027 would be revised to remove DVM graduates, the citations to BPC section 4846.2 would no longer apply to section 2027. As such, the Board should consider whether the authority and reference citations should be corrected to cite to BPC sections 4836 and 4840, which establish

animal health care tasks that may be performed by a veterinary assistant and RVT. The Board is also asked to consider whether CCR section 2027 should be revised to remove the citation to subsection (a) of section 2022, which currently pertains only to a DVM student of an AVMA accredited, Board approved college, so that DVM students of all Board recognized veterinary colleges are authorized to perform RVT health care tasks.

In addition, the Board is asked to consider the issue of whether a DVM graduate, from an accredited college or other Board-recognized college, may be eligible to take the RVT examination and review proposed CCR section 2027.5, as revised by legal counsel following a brief discussion at the [April 2019](#) Board meeting changing the amount of schooling required to be RVT examination eligible.

Attachments

- BPC sections [4830](#), [4836](#), [4840](#), [4841.2](#), [4841.5](#), [4846.1](#), and [4846.2](#)
- CCR, title 16, section [2022](#)
- Proposed language to amend CCR section [2027](#) and adopt CCR section 2027.5

Business and Professions Codes

Section 4830

(a) This chapter does not apply to:

(1) Veterinarians while serving in any armed branch of the military service of the United States or the United States Department of Agriculture while actually engaged and employed in their official capacity.

(2) Veterinarians holding a current, valid license in good standing in another state or country who provide assistance to a California-licensed veterinarian and attend on a specific case. The California-licensed veterinarian shall maintain a valid veterinarian-client-patient relationship. The veterinarian providing the assistance shall not establish a veterinarian-client-patient relationship with the client by attending the case or at a future time and shall not practice veterinary medicine, open an office, appoint a place to meet patients, communicate with clients who reside within the limits of this state, give orders, or have ultimate authority over the care or primary diagnosis of a patient that is located within this state.

(3) Veterinarians called into the state by a law enforcement agency or animal control agency pursuant to subdivision (b).

(4) A student of a veterinary medical program accredited by the American Veterinary Medical Association Council on Education who participates as part of his or her formal curriculum in the diagnosis and treatment with direct supervision, or in surgery with immediate supervision, provided all of the following requirements are met:

(A) The clinical training site has been approved by the university where the student is enrolled.

(B) The student has prior training in diagnosis, treatment, and surgery as part of the formal curriculum.

(C) The student is being supervised by a California-licensed veterinarian in good standing, as that term is defined in paragraph (1) of subdivision (b) of Section 4848.

(5) A veterinarian who is employed by the Meat and Poultry Inspection Branch of the California Department of Food and Agriculture while actually engaged and employed in his or her official capacity. A person exempt under this paragraph shall not otherwise engage in the practice of veterinary medicine unless he or she is issued a license by the board.

(6) Unlicensed personnel employed by the Department of Food and Agriculture or the United States Department of Agriculture when in the course of their duties they are directed by a veterinarian supervisor to conduct an examination, obtain biological specimens, apply biological tests, or administer medications or biological products as part of government disease or condition monitoring, investigation, control, or eradication activities.

(b) (1) For purposes of paragraph (3) of subdivision (a), a regularly licensed veterinarian in good standing who is called from another state by a law enforcement agency or animal control agency, as defined in Section 31606 of the Food and Agricultural Code, to attend to cases that are a part of an investigation of an alleged violation of federal or state animal fighting or animal cruelty laws within a single geographic location shall be exempt from the licensing requirements of this chapter if the law enforcement agency or animal control agency determines that it is necessary to call the veterinarian in order for the agency

or officer to conduct the investigation in a timely, efficient, and effective manner. In determining whether it is necessary to call a veterinarian from another state, consideration shall be given to the availability of veterinarians in this state to attend to these cases. An agency, department, or officer that calls a veterinarian pursuant to this subdivision shall notify the board of the investigation.

(2) Notwithstanding any other provision of this chapter, a regularly licensed veterinarian in good standing who is called from another state to attend to cases that are a part of an investigation described in paragraph (1) may provide veterinary medical care for animals that are affected by the investigation with a temporary shelter facility, and the temporary shelter facility shall be exempt from the registration requirement of Section 4853 if all of the following conditions are met:

(A) The temporary shelter facility is established only for the purpose of the investigation.

(B) The temporary shelter facility provides veterinary medical care, shelter, food, and water only to animals that are affected by the investigation.

(C) The temporary shelter facility complies with Section 4854.

(D) The temporary shelter facility exists for not more than 60 days, unless the law enforcement agency or animal control agency determines that a longer period of time is necessary to complete the investigation.

(E) Within 30 calendar days upon completion of the provision of veterinary health care services at a temporary shelter facility established pursuant to this section, the veterinarian called from another state by a law enforcement agency or animal control agency to attend to a case shall file a report with the board. The report shall contain the date, place, type, and general description of the care provided, along with a listing of the veterinary health care practitioners who participated in providing that care.

(c) For purposes of paragraph (3) of subdivision (a), the board may inspect temporary facilities established pursuant to this section.

Section 4836

(a) The board shall adopt regulations establishing animal health care tasks and an appropriate degree of supervision required for those tasks that may be performed only by a registered veterinary technician or a licensed veterinarian.

(b) The board also may adopt regulations establishing animal health care tasks that may be performed by a veterinary assistant as well as by a registered veterinary technician or a licensed veterinarian. The board shall establish an appropriate degree of supervision by a registered veterinary technician or a licensed veterinarian over a veterinary assistant for any tasks established under this subdivision and the degree of supervision for any of those tasks shall be higher than, or equal to, the degree of supervision required when a registered veterinary technician performs the task.

(c) The board may adopt regulations, as needed, to define subdivision (c) of Section 4840, including, but not limited to, procedures for citations and fines, in accordance with Section 125.9.

Section 4840

(a) Registered veterinary technicians and veterinary assistants are approved to perform those animal health care services prescribed by law under the supervision of a veterinarian licensed or authorized to practice in this state.

(b) Registered veterinary technicians may perform animal health care services on those animals impounded by a state, county, city, or city and county agency pursuant to the direct order, written order, or telephonic order of a veterinarian licensed or authorized to practice in this state.

(c) Registered veterinary technicians may apply for registration from the federal Drug Enforcement Administration that authorizes the direct purchase of sodium pentobarbital for the performance of euthanasia as provided for in subdivision (d) of Section 4827 without the supervision or authorization of a licensed veterinarian.

Section 4841.2

(a) Except as provided in subdivision (b), a graduate of a recognized veterinary college shall not perform animal health care tasks otherwise performed by a registered veterinary technician unless the graduate has obtained licensure or registration as otherwise required under this chapter.

(b) If, on or before January 1, 2020, a graduate of a recognized veterinary college has performed animal health care tasks otherwise performed by a registered veterinary technician, the graduate shall discontinue performing such duties on or after January 1, 2020, unless the graduate is issued a license or registration as otherwise required under this chapter.

Section 4841.5

To be eligible to take the written and practical examination for registration as a registered veterinary technician, the applicant shall:

(a) Be at least 18 years of age.

(b) (1) Furnish satisfactory evidence of graduation from, at minimum, a two-year curriculum in veterinary technology, in a college or other postsecondary institution approved by the board, or the equivalent thereof as determined by the board. In the case of a private postsecondary institution, the institution shall also be approved by the Bureau for Private Postsecondary Education.

(2) For purposes of this subdivision, education or a combination of education and clinical practice experience may constitute the equivalent of the graduation requirement imposed under this subdivision, as determined by the board.

Section 4846.1

If the veterinary college from which an applicant is graduated is not recognized by the board, the board shall have the authority to determine the qualifications of such graduates and to review the quality of the educational experience attained by them in an unrecognized veterinary college. The board shall have the authority to adopt rules and regulations to implement this provision.

Section 4846.2

If the board finds in evaluating the graduate described in Section 4846.1 that such applicant is deficient in qualification or in the quality of his educational experience the board may require such applicant to fulfill such other remedial or other requirements as the board, by regulation, may prescribe.

California Code of Regulations (CCR)

CCR, title 16, section 2022

(a) In accordance with the provisions of Section 4846 of the Business and Professions Code, the Board recognizes veterinary colleges accredited by the American Veterinary Medical Association ("AVMA").

(b) All other veterinary colleges must have academic standards equivalent to schools accredited by the AVMA in order to be recognized by the Board. Evaluation of the academic standards, veterinary courses and practices of these schools will be made after an application for a license has been received.

**California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board**

PROPOSED LANGUAGE

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

Amend Section 2027 of Article 3 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

§ 2027. ~~Graduates and Students of Veterinary Colleges - Job Tasks.~~

A junior or senior student or a graduate of a recognized veterinary college specified~~listed~~ in Section 2022(a), who is performing any animal health care task in a veterinary premises that is registered by the Board, may perform only the identical job tasks with the identical degree of supervision by the supervisor as specified for a R.V.T. pursuant to Section 2036.

Note: Authority cited: Sections 4808 and ~~4836~~4846.2, Business and Professions Code. Reference: Section ~~4836~~ and ~~4840~~4846.2, Business and Professions Code.

Add Section 2027 of Article 3 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

§ 2027.5 – Graduates of Veterinary Colleges – Eligibility for R.V.T. Licensure.

(a) Any person who receives a veterinary medical degree from a recognized ~~an accredited~~ veterinary college specified in Section 2022, subsection (a), or a person who is within two years~~eight (8) months~~ of his or her anticipated graduation from a recognized~~an accredited~~ veterinary college, shall be eligible to apply for the national veterinary technician examination and the California veterinary technician examination as provided for in Section 2010.

Note: Authority cited: Sections 4808, Business and Professions Code. Reference: Section 4841.5, Business and Professions Code.