

Veterinary Medical Board

1747 N. Market Blvd., Suite 230, Sacramento, CA 95834

Telephone: 916-515-5220 Fax: 916-928-6849 | www.vmb.ca.gov



MEETING AGENDA

Veterinary Medical Board

The Veterinary Medical Board will meet via telephone conference on
Wednesday, June 17, 2015 at the following locations:

Veterinary Medical Board
1747 N. Market Blvd., Peridot Room
Sacramento, California

20447 Hawthorne Blvd.
Torrance, California

K Bowler Group
1111 H St #203
Sacramento, California

Brookside Bookstore
1010 Foothill Blvd.
La Canada, California

Western Riverside Animal Shelter.
6851 Van Buren Blvd.
Jurupa Valley, California

Zinc Café
350 Ocean Avenue
Laguna Beach, California

1115 East Champlain,
Fresno, California

Wednesday, June 17, 2015 – 1:00 p.m.

1. Call to Order - Establishment of a Quorum
2. Introductions
3. Review and Consider Approval of Proposed Veterinary Assistant Controlled Substances Permit Language
4. Comments from Public/Outside Agencies/Associations on Items Not on the Agenda
Note: The board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code Sections 11125, 11125.7(a)).
5. Adjourn

This agenda can be found on the Veterinary Medical Board website at www.vmb.ca.gov. Times stated are approximate and subject to change. This meeting will conform to the Open Meeting Act. Agenda discussions and report items are subject to action being taken on them during the meeting by the Board at its discretion. The Board provides the public the opportunity at meetings to address each agenda item during the Board's discussion or consideration of the item. Total time allocated for public comment may be limited.

The meeting locations are accessible to the physically disabled. Other disability-related accommodations or modifications can be provided upon request. Please make your request for disability-related accommodations by contacting the Board at (916) 515-5220 or sending a written request to 1747 N. Market St., Suite 230, Sacramento, CA 95834. Provide at least five (5) business days' notice prior to the meeting to help ensure availability of requested accommodations.

MISSION

The mission of the Veterinary Medical Board is to protect consumers and animals by regulating licensees, promoting professional standards and diligent enforcement of the practice of veterinary medicine.



MEMORANDUM

DATE	June 12, 2015
TO	Veterinary Medical Board
FROM	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
SUBJECT	Veterinary Assistant Controlled Substances Permit (VACSP) Regulations

Background:

Senate Bill 304 was signed by Governor Brown and filed with the Secretary of State on October 3, 2013.

This bill requires that, upon the later of January 1, 2015, or the effective date of a specified legislative determination, a veterinary assistant be designated by a licensed veterinarian and hold a valid veterinary assistant controlled substances permit from the board, contingent upon adequate staffing levels, in order to obtain or administer controlled substances.

This bill, as part of the application for a permit, requires an applicant to furnish a set of fingerprints to the Department of Justice for the purposes of conducting both a state and federal criminal history background check.

This bill requires an applicant for a veterinary assistant controlled substances permit to apply for a renewal of his or her permit on or before the last day of the applicant's birthday month and to update his or her mailing or employer address with the board.

The bill authorizes the board to collect a filing fee, not to exceed \$100, from applicants for a veterinary assistant controlled substances permit.

At the January 2015 Veterinary Medical Board ("Board") meeting, the Board directed staff to develop proposed regulations and submit to the Board for review at the April 2015 meeting.

On February 27, 2015, Board staff held an interested parties workshop to obtain feedback on the draft regulatory language.

At the Board's April 2015 meeting, the Board directed staff to amend the proposed regulations based on feedback from the Board and public members and re-submit to the Board for consideration. The changes included clarification regarding the role of a licensee manager as it pertains to the supervisory relationship of a permit holder and the required forms to be submitted to the Board.

Action Requested:

- Review and consider approval of proposed language.
- Direct staff to initiate rulemaking action and schedule public hearing

Attachments(s):

- VACSP proposed language
- VACSP related forms:
 - VACSP Application
 - Licensee Manager Acknowledgement Form
 - Permit Holder / Licensee Manager Agreement

Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board
Article 4. Practice

Section 2034. Animal Health Care Tasks Definitions.

For purposes of the rules and regulations applicable to animal health care tasks for registered veterinary technicians, permit holders and veterinaryunregistered assistants, contained in the divisionarticle, the term:

- (a) “Veterinarian” means a California licensed veterinarian.
- (b) “R.V.T.” means a registered veterinary technician ~~certified by the Board~~.
- (c) “VeterinaryUnregistered assistant” means any individual who is not a permit holder, R.V.T. or a licensed veterinarian.
- (d) “Supervisor” means a California licensed veterinarian or if a job task so provides an R.V.T.
- (e) “Direct Supervision” means: (1) the supervisor is physically present at the location where animal health care job tasks are to be performed and is quickly and easily available; and (2) the animal has been examined by a veterinarian at such time as good veterinary medical practices requires consistent with the particular delegated animal health care job task.
- (f) “Indirect Supervision” means: (1) that the supervisor is not physically present at the location where animal health care job tasks are to be performed, but has given either written or oral instructions (“direct orders”) for treatment of the animal patient; and (2) the animal has been examined by a veterinarian at such times as good veterinary medical practice requires, consistent with the particular delegated animal health care task and the animal is not anesthetized as defined in Section 2032.4.
- (g) “Animal Hospital Setting” means all veterinary premises which are required by Section 4853 of the Code to be registered with the ~~h~~Board.
- (h) “Administer” means the direct application of a drug or device to the body of an animal by injection, inhalation, ingestion, or other means.
- (i) “Induce” means the initial administration of a drug with the intended purpose~~d~~ of rendering the animal unconscious.
- (j) “Veterinary Assistant Controlled Substances Permit” or the abbreviation “VACSP” means a Veterinary Assistant Controlled Substances Permit issued by the board.
- (k) “Permit holder” means a holder of a VACSP issued pursuant to section 4836.2 of the code.

Section 2035. Duties of Supervising Veterinarian.

(a) The supervising veterinarian shall be responsible for determining the competency of the R.V.T., permit holder or veterinaryunregistered assistant to perform allowable animal health care tasks.

(b) The supervising veterinarian of a R.V.T., permit holder or veterinaryunregistered assistant shall make all decisions relating to the diagnosis, treatment, management and future disposition of the animal patient.

(c) The supervising veterinarian shall have examined the animal patient prior to the delegation of any animal health care task to ~~either~~ an R.V.T., permit holder or veterinaryunregistered assistant. The examination of the animal patient shall be conducted at such time as good veterinary medical practice requires consistent with the particular delegated animal health care task.

Section 2036.5. Animal Hospital Health Care Tasks for Permit Holders and Veterinary Unregistered Assistants.

(a) ~~Permit holders and veterinary unregistered~~ assistants shall be prohibited from performing any of the functions or activities specified in subsections (a) (b) and (c) of Section 2036 of these regulations, except that a ~~permit holder n unregistered assistant~~ under the direct or indirect supervision of a licensed veterinarian ~~or registered technician~~ may administer a controlled substance.

(b) Subject to the provisions of subsection (a) of this section, permit holders and veterinary unregistered assistants in an animal hospital setting may perform auxiliary animal health care tasks under the direct or indirect supervision of a licensed veterinarian or the direct supervision of an R.V.T. The degree of supervision by a licensed veterinarian over ~~an~~ permit holder or veterinary unregistered assistant shall be higher than or equal to the degree of supervision required when an R.V.T. performs the same task and shall be consistent with standards of good veterinary medical practices.

Title 16. Professional and Vocational Regulations

Division 20. Veterinary Medical Board

Article 7. Fees

§ 2071.1. Application, Permit, and Renewal Fees for Veterinary Assistant Controlled Substance Permits

Pursuant to the provisions of Section 4836.2 of the code, the following fees are fixed by the board for permitting periods beginning on or after July 1, 2015:

- (a) The application fee for the veterinary assistant controlled substance permit shall be \$50.00.
- (b) The initial VACSP fee for VACSPs issued for one year or more from the date the initial VACSP is granted shall be \$50.00.
- (c) The biennial renewal fee shall be \$50.00.

Title 16. Professional and Vocational Regulations

Division 20. Veterinary Medical Board

Article 11. Veterinary Assistant Controlled Substances Permits

Section 2087. Application.

(a) Effective July 1, 2016, an application for a VACSP shall be submitted on an application form provided by the board (Veterinary Assistant Controlled Substances Permit Application, Form No. XXX-X, rev. 6/2015), accompanied by such evidence, statements, or documents as therein required. The board shall review the application and notify the applicant of the final approval status.

Once a VACSP has been issued, the permit holder will be authorized to obtain or administer controlled substances only under the direct or indirect supervision of a licensed veterinarian.

Section 2087.1 Notification of Licensee Manager.

(a) Once a permit holder is authorized to obtain or administer controlled substances in an animal hospital setting, the licensee manager shall submit on an application provided by the board (Form No.

XXX-X, rev. (M/YYYY) Permit Holder / Licensee Manager Agreement), accompanied by such evidence, statements, or documents as therein required.

(b) The licensee manager shall submit a signed acknowledgment that he or she read and agrees to comply with the provisions of the laws and regulations relating to the supervision of the permit holder, as defined in section 2035, on a form provided by the board (Form No. XXX-X, rev. (M/YYYY) Licensee Manager Acknowledgement, Permit Holders).

(c) A licensee manager who fails to comply with the laws and regulations relating to the supervision of permit holders shall be subject to disciplinary action by the board.

Section 2087.2. Change of Licensee Manager

(a) The licensee manager shall notify the board, in writing, within ten (10) days of the termination of a supervisory relationship with a permit holder.

(b) Once the supervisory relationship between the licensee manager and the permit holder has been terminated, the permit holder shall not be authorized to obtain or administer a drug, including but not limited to, controlled substances for which a VACSP is required until a new licensee manager has submitted to the board, in writing, forms required by the board, as defined in section 2087.2.

Section 2087.3. Display of VACSP

(a) Every California permit holder shall wear a name tag in at least 18 point type. The name tag shall include the name that the permit holder has filed with the board and the term "VACSP Number," followed by the VACSP number issued to the permit holder by the board.

(b) Permit holders need not wear a name tag if their VACSP is prominently displayed in an area of the animal hospital setting that is easily accessible to any and every member of the public at all times the premise is open. VACSPs shall not be altered in any manner nor shall any information contained on the VACSP be obscured or obliterated unless the permit holder whose VACSP is so altered also wears a name tag.

(c) No person may utilize the term "veterinary assistant controlled substances permit," or any other words, letters, or symbols, including, but not limited to, the abbreviation "VACSP," with the intent to represent that the person is authorized to act as a permit holder, unless that person is a permit holder and meets the requirements of this article.



VETERINARY ASSISTANT CONTROLLED SUBSTANCES PERMIT APPLICATION

1. APPLICATION/PERMIT FEES

<input type="checkbox"/> \$50.00 - Application Fee	<i>Office Use Only</i>	
<input type="checkbox"/> \$50.00 – Initial Permit Fee	Receipt Number:	_____
Please make check or money order payable to the “VMB”	Date Cashiered:	_____
Mail application, supporting documents, and fee to: Veterinary Medical Board 1747 N. Market Blvd., Suite 230 Sacramento, CA 95834	ATS ID:	_____
	Amount Paid:	_____
	Refund:	_____

2. APPLICANT INFORMATION

LAST	FIRST	MIDDLE	BIRTHDATE
CURRENT MAILING ADDRESS	CITY	STATE	ZIP
U.S. SOCIAL SECURITY NUMBER/ITIN*:		TELEPHONE NUMBER:	
EMAIL ADDRESS:			
<small>* Disclosure of a U.S. Social Security number (SSN) or Individual Taxpayer Identification Number (ITIN) is mandatory and must be provided prior to licensure. Section 30 of the Business and Profession Code and Public Law 94-455 [42 USC 405(c)(2)(C)] authorize collection of the U.S. Social Security number or ITIN. Your U.S. Social Security number or ITIN will be used exclusively for tax enforcement purposes and for purposes of compliance with any judgment or support order in accordance with Section 17520 of the Family Code.</small>			

2. EMPLOYER INFORMATION*

NAME OF SUPERVISING LICENSEE MANAGER	CA LICENSE NUMBER	TELEPHONE NUMBER
NAME OF VETERINARY PREMISE		PREMISE NUMBER
PHYSICAL ADDRESS		FAX NUMBER
CITY	STATE	ZIP

*If employed at multiple locations, please provide additional employer information on a separate sheet.

3. CONVICTION OF MISDEMEANOR OR FELONY

HAVE YOU EVER BEEN CONVICTED OF ANY OFFENSE OTHER THAN MINOR TRAFFIC VIOLATIONS OR PLED NO CONTEST TO A VIOLATION OF ANY LAW OF ANY STATE, THE UNITED STATES, OR A FOREIGN COUNTRY?	YES <input type="checkbox"/> NO <input type="checkbox"/>
If Yes, please provide detailed written explanation on a separate sheet.**	
<small>*This includes every citation, infraction, misdemeanor and/or felony, including traffic violations. Convictions that were adjudicated in the juvenile court or convictions under California Health and Safety Code section 11357(b), (c), (d), (e), or section 11360(b) which are two years or older should NOT be reported. Convictions that were later dismissed pursuant to sections 1203.4, 1203.4a, or 1203.41 of the California Penal Code or equivalent non-California law MUST be disclosed.</small>	

4. CERTIFICATION SIGNATURE AND DATE

I understand that I am required to report immediately to the California Veterinary Medical Board if I am convicted of any offense that occurs between the date of this application and the date that a California permit is issued. I am also required to report to the California Veterinary Medical Board any disciplinary action and/or voluntary surrender against any permit that occurs between the date of this application and the date that a California permit is issued. I understand that failure to do so may result in denial of this application.

I certify, under penalty of perjury under the laws of the State of California, that all information provided in connection with this application for a permit is true, correct, and complete. Providing false information or omitting required information is grounds for denial of a permit or revocation of a permit in California.

Signature of applicant _____ Date _____

NOTE: All items in this application are mandatory; none are voluntary, unless indicated. Failure to provide any of the requested information will result in the application being deemed incomplete. The information provided will be used to determine qualification for permission, per Section 4841-4842 of the Business and Professions Code which authorizes the collection of this information. Information regarding the issuance or denial of a permit by the Board may be transmitted to any other veterinary medical licensing authority. Candidates have the right to review their application subject to the provisions of the Information Practice Act. The Executive Officer is custodian of records.

INFORMATION COLLECTION, ACCESS, & DISCLOSURE: Information you provide on this application is maintained by the Executive Officer of the Veterinary Medical Board, 1747 N. Market Blvd., Suite 230, Sacramento, CA 95834. The information is requested pursuant to Business and Professions Code sections 4836.1-4836.4 and/or Title 16, California Code of Regulations, Division 20, Article 11.



LICENSEE MANAGER ACKNOWLEDGEMENT

PERMIT HOLDERS

I, _____, agree to abide by the following regulations necessary to become a supervisor of a permit holder:

1. Possess and maintain a current, valid California license as a veterinarian.
2. Keep informed of developments in the practice of veterinary medicine and in California law governing the practice of veterinary medicine.
3. Maintain a current licensee in good standing and shall notify immediately the permit holder of any disciplinary action, including, but not limited to, revocation or suspension, even if stayed, probation terms, inactive license status or lapse in licensure, that affects my ability or right to supervise.
4. Be the licensee manager of the veterinary practice employing the permit holder.
5. Ensure that the extent, kind, and quality of the clinical work performed, including the authority to obtain and administer controlled substances, is consistent with the training and experience of the permit holder and shall be accountable for the assigned tasks performed by the permit holder.
6. Comply with the laws and regulations governing the supervision of a permit holder.
7. Supervision shall include the establishment of a protocol where I, as the licensee manager, am available or another designated California licensed veterinarian in good standing is available to supervise the permit holder.
8. Provide the Veterinary Medical Board ("Board") with this original signed form and provide a copy of this form to the permit holder.
9. Notify the Board in writing, within 10 days of the termination of supervisorial relationship with the permit holder.

Upon written request of the Board, I will provide to the Board any documentation which verifies my compliance with the requirements set forth in section 2035 and this acknowledgement.

A licensee manager and/or a California licensed veterinarian acting as a supervisor, who fails to comply with the laws and regulations relating to the supervision of a permit holder shall be subject to disciplinary action by the Board.

Signature

License Number

Date



Permit Holder/Licensee Manager Agreement

Date: _____

Permit Holder

Name: _____

Permit Number: _____ Expiration Date: _____

Address: _____

Telephone Number: _____

Licensee Manager

Name: _____

Address of record: _____

Telephone Number: _____

License Number: _____ Expiration Date: _____

The permit holder must cease practicing immediately upon termination of the supervisory relationship with the licensee manager and the licensee manager must notify the Board, in writing, within 10 days of termination of the supervisory relationship. A licensee manager or permit holder who fails to comply with the laws and regulations shall be subject to disciplinary action by the Board.

I/we agree to the terms specified in the California Code of Regulations, Title 16, Article 4, sections 2034, 2035, and 2036.5, relating to the supervision of a permit holder and sections 2087, 2087.1, 2087.2, and 2087.3 relating to Veterinary Assistant Controlled Substances Permit requirements.

Signatures:

Permit Holder

Date

Licensee Manager

Date