



MEMORANDUM

DATE	July 16, 2020
TO	Veterinary Medical Board
FROM	Justin Sotelo, Lead Administrative & Policy Analyst
SUBJECT	Agenda Item 9A. Status Update on Pending Regulations

The Veterinary Medical Board (Board) currently has 19 rulemaking packages that are pending the regulatory process. Ten of those packages have been submitted to DCA and are in various stages of the initial or final phase of the process, as identified in the attached document. The remaining nine packages are pending Board approval or further development from Board staff before submission.

Changes in the status of rulemaking packages since January 2020 are provided below:

Consumer Protection Enforcement Initiative (CPEI) – Regulatory Change Effective April 1, 2020

CCR Sections: [2003](#), [2017](#), [2042](#)

The rulemaking file was approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on December 30, 2019. The regulatory changes became effective April 1, 2020.

AB 2138 (Criminal Conviction Substantial Relationship and Rehabilitation Criteria) – Resubmitted to OAL, Expedited Review Requested

CCR Sections: [2040](#), [2041](#)

On January 30, 2020, the Board approved [modified text](#) to resolve concerns raised by OAL. On February 10, 2020, the modified text was noticed for a 15-day comment period, which closed on February 25, 2020; no comments were received. On March 3, 2020, the resubmission rulemaking package was submitted to the Department of Consumer Affairs (DCA). On March 10, 2020, the package was submitted to the Business, Consumer Services, and Housing Agency (Agency), and approved on May 27, 2020. On June 11, 2020, the resubmission rulemaking package was submitted to OAL, with a request for an expedited review and an effective date of July 1, 2020, or upon filing with the Secretary of State.

Fee Schedule – Modified Language Approved by Board; Certificate of Compliance Package Submitted to DCA

CCR Sections: [2070](#), [2071](#)

On January 27, 2020, the emergency fee rulemaking package was approved by OAL and filed with the Secretary of State. The emergency fee increase became effective on that date. Staff prepared the certificate of compliance package and submitted it to DCA for pre-review on March 12, 2020. In early April, during review of the Board's Registered Veterinary Technician (RVT) Education rulemaking package, it was noted by staff and the DCA Budget Office that the Board had not yet established an application fee for Board approval of RVT schools and programs. After consulting with OAL, staff proposed adding the new application fee to the fee schedule package for the Board's consideration. On [April 23, 2020](#), the Board approved the modified regulatory text, which added the proposed application fee to CCR section 2071. Staff worked with the DCA Regulations Unit and Budget Office to update the regulatory documents, incorporating the added application fee. A revised certificate of compliance package was resubmitted to DCA on June 16, 2020. The original deadline to submit the certificate of compliance package to OAL was July 27, 2020. However, Board staff is invoking Governor Gavin Newsom's COVID-19 related Executive Orders, [N-40-20](#) and [N-66-20](#), which extend Administrative Procedure Act deadlines by a total of 120 additional days.

Animal Physical Rehabilitation – 45-Day Public Comment Period Completed; Public Hearing Scheduled for August 13, 2020

CCR Section: [2038.5](#)

On January 21, 2020, the rulemaking package was approved by the DCA Director, and submitted to Agency on January 23, 2020. The package was approved by Agency on March 2, 2020. On March 3, 2020, the package was submitted to OAL, and noticed on [March 13, 2020](#); a public hearing was requested. The 45-day comment period closed on April 27, 2020, and public comments were received. On July 2, 2020, the Board selected August 13, 2020, for the hearing date.

Veterinarian-Client-Patient Relationships (VCPRs) – Published by OAL

CCR Sections: [2032.15](#), [2032.25](#)

On March 13, 2020, the rulemaking package was submitted to the DCA Director and approved on April 1, 2020. On April 2, 2020, the package was submitted to Agency and approved on May 18, 2020. The package was submitted to OAL on May 26, 2020, and published on [June 5, 2020](#). The 45-day comment period will close on July 20, 2020.

RVT Job Tasks – Published by OAL

CCR Section: [2036](#)

On February 12, 2020, the rulemaking package was submitted to Agency and approved on May 18, 2020. On May 26, 2020, the package was submitted to OAL and published on [June 5, 2020](#). The 45-day comment period will close on July 20, 2020. The Board will be considering modified text regarding drug compounding at its July 23, 2020 meeting under Agenda Item 9B.

RVT Emergency Animal Care – Published by OAL

CCR Section: [2069](#)

On February 14, 2020, the rulemaking package was approved by the DCA Director and submitted to Agency. The package was approved by Agency on May 18, 2020. The package was submitted to OAL on May 26, 2020, and published on [June 5, 2020](#). The 45-day comment period will close on July 20, 2020.

Duties of a Supervising Veterinarian – Published by OAL

CCR Section: [2035](#)

On February 20, 2020, the rulemaking package was submitted to Agency and approved on May 27, 2020, with the condition that the Board modify the language and complete an additional 15-day public comment period. The package was submitted to OAL on June 9, 2020, and published on [June 19, 2020](#). The 45-day comment period will close on August 3, 2020. At its October 22, 2020 meeting, the Board will consider modified text, addressing Agency's comments.

Drug Compounding – To be Published by OAL

CCR Sections: 2090-2095

On [January 30, 2020](#), the Board adopted revised language to incorporate recent FDA guidance on bulk drug compounding. On March 12, 2020, the rulemaking package was submitted to the DCA Director, and approved on March 22, 2020. On April 20, 2020, the package was submitted to Agency, and approved on June 23, 2020. The package was submitted to OAL on June 30, 2020, and will be published on July 17, 2020. The 45-day comment period will close on August 31, 2020.

Disciplinary Guidelines – To be Published by OAL

CCR Section: [2006](#)

On March 13, 2020, the rulemaking package was submitted to the DCA Director and approved on April 20, 2020. On April 27, 2020, the package was submitted to Agency and approved on June 30, 2020. The package was submitted to OAL on July 6, 2020, and will be published on July 17, 2020. The 45-day comment period will close on August 31, 2020.

RVT Education – Approved by Agency; Modified Text to be Considered by Board

CCR Sections: 2036.1, [2064](#), [2065](#), 2065.1, 2065.2, [2065.6](#), [2065.7](#), [2065.8](#), [2066](#), [2068.5](#)

In March and April 2020, staff worked with the Budget Office to re-assess RVT Program costs, and re-assess fiscal/economic impact, as a result of the new application fee being pursued through the fee schedule package. The rulemaking package was submitted to the DCA Director in May 2020, and approved on May 30, 2020. On June 5, 2020, the package was submitted to Agency, and approved on July 6, 2020. At the Board's [July 23, 2020](#) meeting, it will be considering modified text regarding five-year expiration of education and experience credits under Agenda Item 9C.

Application After Failing Examination – Pending Board review and approval

CCR Section: [2010](#)

The regulatory proposal is pending Board review and approval at the [July 23, 2020](#) meeting.

Limited Term RVT Examination Eligibility Window – Pending Board review and approval

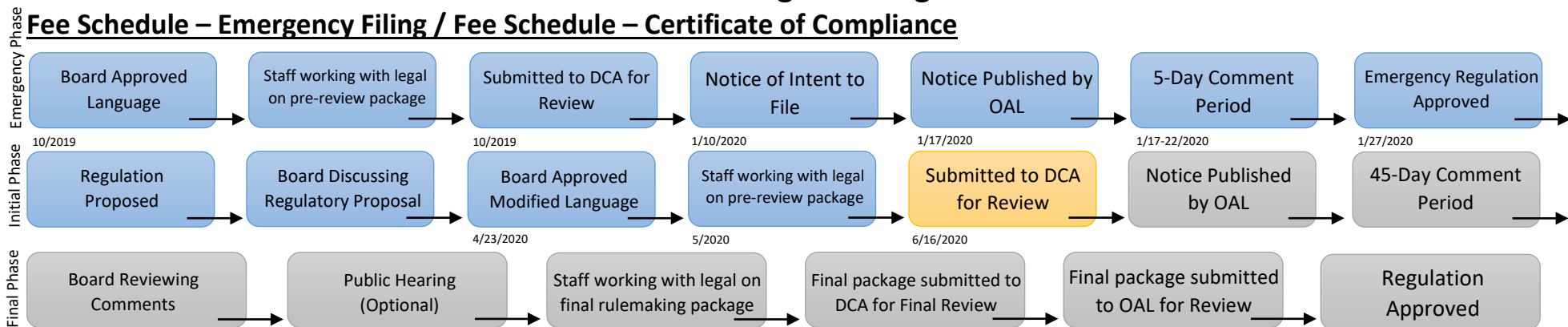
CCR Section: [2068.7](#)

The regulatory proposal is pending Board review and approval at the [July 23, 2020](#) meeting.

Attachment:

1. Status of Pending VMB Regulations – Updated July 16, 2020

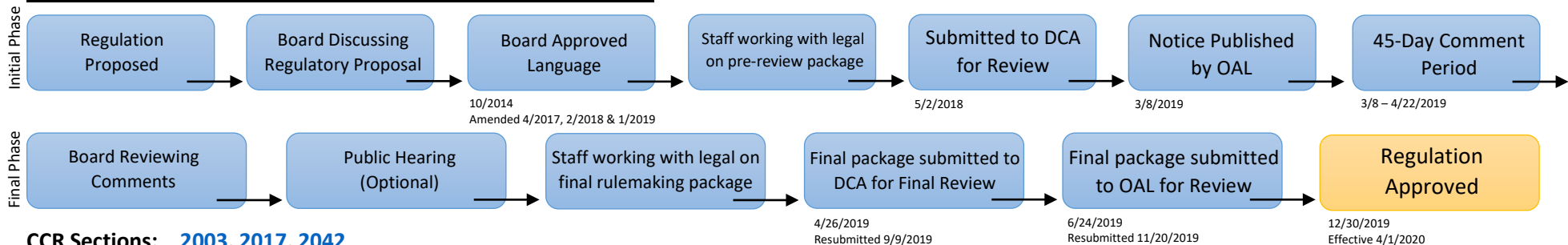
Status of Pending VMB Regulations



CCR Sections: [2070](#), [2071](#)

Notes: The Board approved emergency/general rulemaking on 10/9/19. The package was submitted for pre-review on 10/17/19. On 10/25/19, the package was submitted to DCA for concurrent Legal Affairs/Budget Office review; both units approved the package on 11/19/19. The DCA Director approved package on 12/30/19, and it was submitted to Agency on 12/31/19 and approved on 1/9/20. The Board published its Notice of Intent to File on 1/10/20, and OAL initiated the five-day public comment period on 1/17/20. OAL approved the rulemaking and filed it with the Secretary of State on 1/27/20, effective immediately. **The certificate of compliance package was prepared and submitted for pre-review on 3/12/20. On 4/23/20, the Board approved modified text, adding a new application fee for Board approval of RVT schools/programs. In 5/2020, staff worked with the Regulations Unit/Budget Office to update and revise the package. On 6/16/20, the final package was resubmitted to DCA. Due to the approaching 180-day Certificate of Compliance deadline, the Board is able to utilize extensions pursuant to the Governor’s COVID-19 related Executive Orders, [N-40-20](#) and [N-66-20](#), which extend Administrative Procedure Act deadlines by a total of 120 days.**

Consumer Protection Enforcement Initiative (CPEI)

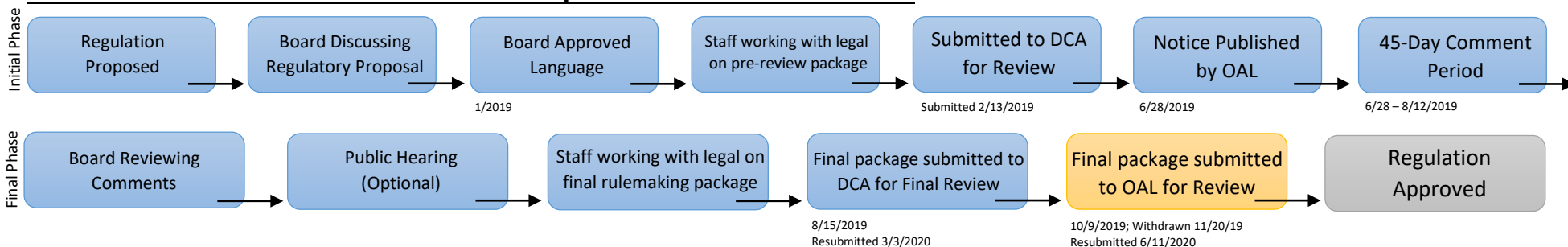


CCR Sections: [2003](#), [2017](#), [2042](#)

Notes: The CPEI rulemaking package was originally submitted through DCA for review in 7/2017, but due to recommendations received from Legal Affairs, the package was returned to the Board and amendments were made to the proposed language, effective 2/2018. The rulemaking package was resubmitted to DCA for review, effective 5/2/18. Comments and recommendations were received from Agency and the Board amended the proposed language at the 1/2019 meeting. The package was published by OAL on [3/8/19](#) and the 45-day comment period closed on 4/22/19. The final rulemaking package was submitted to OAL for review on 6/24/2019. Due to comments received from OAL, this package was withdrawn on 8/2/19. An addendum to the Initial Statement of Reasons was submitted and a 15-day notice was published on 8/21/19. The 15-day comment period closed on 9/5/19. The addendum to the package was resubmitted to DCA on 9/9/19. The package was submitted to Agency on 9/24/19 and approved on 11/7/19. The package was resubmitted to OAL on 11/20/19 and approved/filed with Secretary of State on 12/30/19. **The amended regulation became effective on 4/1/20.**

Status of Pending VMB Regulations

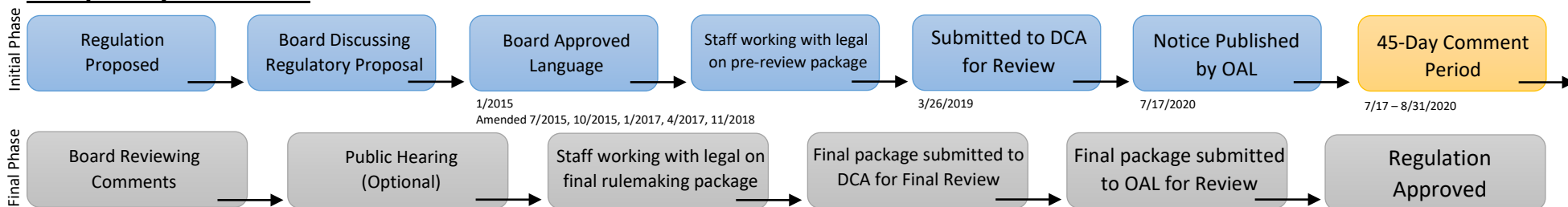
Criminal Conviction Substantial Relationship and Rehabilitation Criteria



CCR Sections: [2040](#), [2041](#)

Notes: This regulation was approved by the Board at the 1/2019 meeting. This regulatory proposal was mandated by [AB 2138](#) (Chiu, Chapter 995, Statutes of 2018) with a 7/1/20 implementation date. The package was submitted to OAL on 6/17/19 and published on [6/28/19](#). The 45-day comment period closed on 8/12/19. The final rulemaking package was submitted to DCA on 8/15/2019. The package was submitted to Agency on 8/28/2019 and approved on 10/2/19. The final rulemaking package was submitted to OAL on 10/9/19; on 11/18/2019, OAL raised concerns, which ultimately led to EO withdrawing rulemaking package on 11/20/19. DCA worked with OAL to resolve the concerns with the proposal and text. **On [1/30/20](#), the Board approved modified text. On [2/10/20](#), the modified text was noticed for 15 days. The 15-day comment period closed on [2/25/20](#), and no comments were received. On [3/3/20](#), the resubmission package was submitted to DCA. On [3/10/20](#), the package was submitted to Agency, and approved on [5/27/20](#). On [6/11/20](#), the resubmission rulemaking package was submitted to OAL, with a request for an expedited review and an effective date of [7/1/20](#), or upon filing with the Secretary of State.**

Disciplinary Guidelines

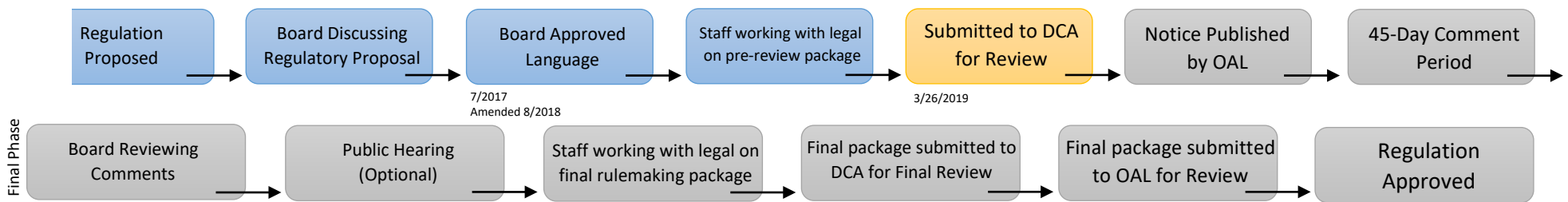


CCR Section: [2006](#)

Notes: The Disciplinary Guidelines proposed language was approved in 1/2015, and then amended 7/2015, 10/2015, 1/2017, 4/2017, and 11/2018. On 3/26/19, the rulemaking package was submitted to DCA for Legal Affairs and Budget Office concurrent review; the Budget Office approved the package on 8/16/19. **On [3/13/20](#), the package was submitted to the DCA Director and approved on [4/20/20](#). On [4/27/20](#), the package was submitted to Agency and approved on [6/30/20](#). The package was submitted to OAL on [7/6/20](#), and will be published on [7/17/20](#). The 45-day comment period will close on [8/31/20](#).**

Status of Pending VMB Regulations

Education

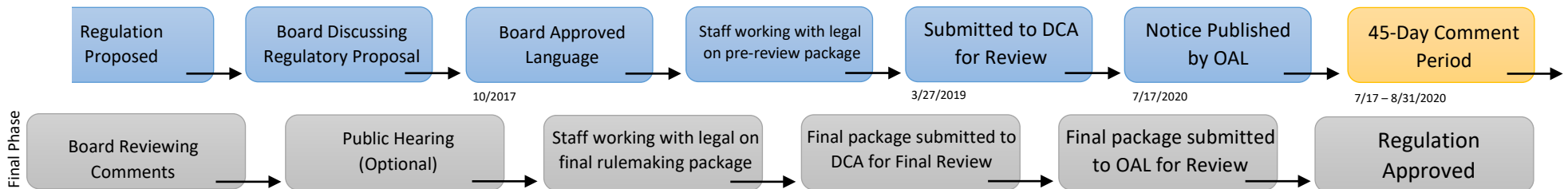


CCR Sections: 2036.1, [2064](#), [2065](#), [2065.1](#), [2065.2](#), [2065.6](#), [2065.7](#), [2065.8](#), [2066](#), [2068.5](#)

Notes:

RVT Alternate Route: In 2/2015, the MDC approved proposed language. In 7/2015, the Board approved proposed language.
RVT Student Exemption: In 7/2015, the MDC approved proposed language. In 10/2015, the Board approved proposed language.
RVT AVMA School Approval: In 7/2016, the Board approved proposed language.
 The RVT Alternate Route, RVT Student Exemption, and RVT AVMA School Approval proposals were combined and approved in [7/2017](#). The language was amended at the [8/2018](#) Board meeting. On 3/26/19, the rulemaking package was submitted to DCA for Legal Affairs and Budget Office concurrent review; Budget Office approved the package on 9/20/19. In 3/2020 and 4/2020, staff worked with the Budget Office to re-assess RVT Program costs and re-assess fiscal/economic impact, as a result of the new application fee being pursued through the fee schedule package. The package was submitted to the DCA Director in 5/2020, and approved on 5/30/20. On 6/5/20, the package was submitted to Agency and approved on 7/6/20. The Board will be considering modified text at its [7/23/20](#) meeting.

g Compounding



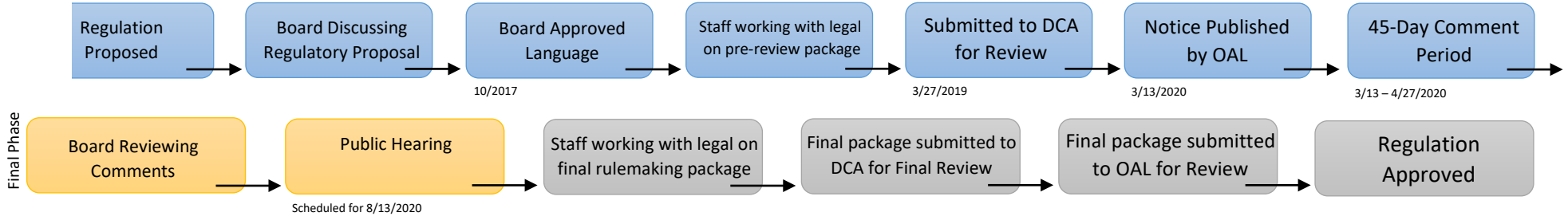
CCR Sections: 2090-2095

Notes:

The Drug Compounding proposed language was approved in 10/2017. The rulemaking package was submitted to DCA on 3/27/19, and pulled back by staff on 9/19/19. The Board adopted revised language on 10/10/19. On [1/30/20](#), the Board approved revised language to incorporate recent FDA guidance on bulk drug compounding. On 3/12/20, the package was submitted to the DCA Director and approved on 3/22/20. On 4/20/20, the package was submitted to Agency and approved on 6/23/20. The package was submitted to OAL on 6/30/20 and will be published on 7/17/20. The 45-day comment period will close on 8/31/20.

Status of Pending VMB Regulations

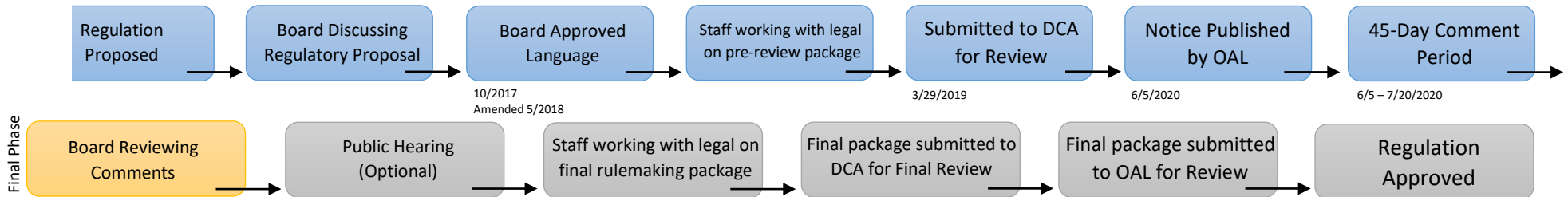
mal Physical Rehabilitation



CCR Section: 2038.5

Notes: The Animal Rehabilitation rulemaking package was previously filed with OAL and withdrawn in [11/2015](#). Three taskforce meetings were held to discuss this issue (6/16, 10/16, and 2/17). In [10/2017](#), the Board approved proposed language. On 3/27/19, the rulemaking package was submitted to DCA for Legal Affairs and Budget Office concurrent review; the Budget Office approved the package on 9/10/19, and Legal Affairs approved it on 1/10/20. On 1/21/20, the package was approved by the DCA Director and submitted to Agency on 1/23/20. **The package was approved by Agency on 3/2/20. The package was submitted to OAL on 3/3/20, and published on 3/13/20; a public hearing was requested. The 45-day comment period closed on 4/27/20, and public comments were received. Public hearing dates were considered by the Board on 7/2/20, and 8/13/20 was selected for the hearing date.**

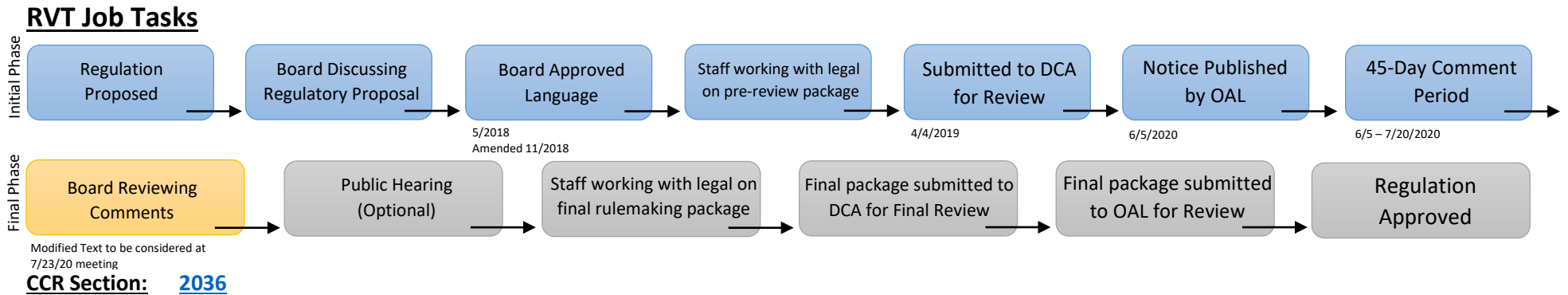
Emergency Animal Care



CCR Section: 2069

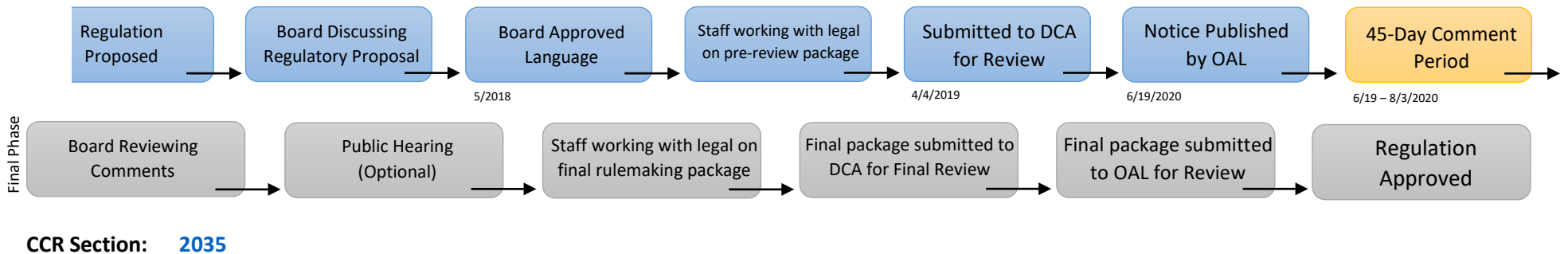
Notes: The RVT Emergency Animal Care proposed language was approved by the Board in 10/2017, but was brought back for further discussion at its 2/2018 meeting. The Board approved language at the [5/2018](#) meeting. On 3/28/19, the regulatory package was submitted to DCA for Legal Affairs and Budget Office concurrent review; the Budget Office approved the package on 8/16/19. **On 2/14/20, the package was approved by the DCA Director. On 2/14/20, the package was submitted to Agency and approved on 5/18/20. The package was submitted to OAL on 5/26/20, and published on 6/5/20. The 45-day comment period will close on 7/20/20.**

Status of Pending VMB Regulations



Notes: The RVT Job Tasks proposed language was approved by the MDC at their 10/2017 meeting and discussed at the Board’s 2/2018 meeting. The Board approved language at the [5/2018](#) meeting. At the [11/2018](#) meeting, the Board amended the approved language to include drug compounding. On 4/4/19, the regulatory package was submitted to DCA for Legal Affairs and Budget Office concurrent review. **On 2/12/20, the package was submitted to Agency and approved on 5/18/20. The package was submitted to OAL on 5/26/20, and published on 6/5/20. The 45-day comment period will close on 7/20/20. The Board will be considering modified text regarding drug compounding at its 7/23/20 meeting.**

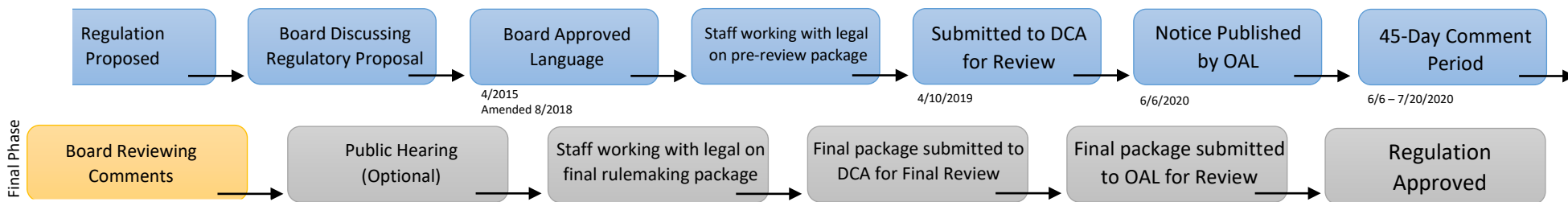
Duties of Supervising Veterinarian



Notes: The Duties of a Supervising Veterinarian proposed language was approved by the Board at its [5/2018](#) meeting. This regulation was previously called “Extended Duty” for Registered Veterinary Technicians. On 4/3/19, the regulatory package was submitted to DCA for Legal Affairs and Budget Office concurrent review. **On 2/20/20, the package was submitted to Agency and approved on 5/27/20, with the condition that the Board modify the language and complete an additional 15-day public comment period. The package was submitted to OAL on 6/9/20, and published on 6/19/20. The 45-day comment period will close on 8/3/20. At its 10/22/20 meeting, the Board will consider modified text, addressing Agency’s comments.**

Status of Pending VMB Regulations

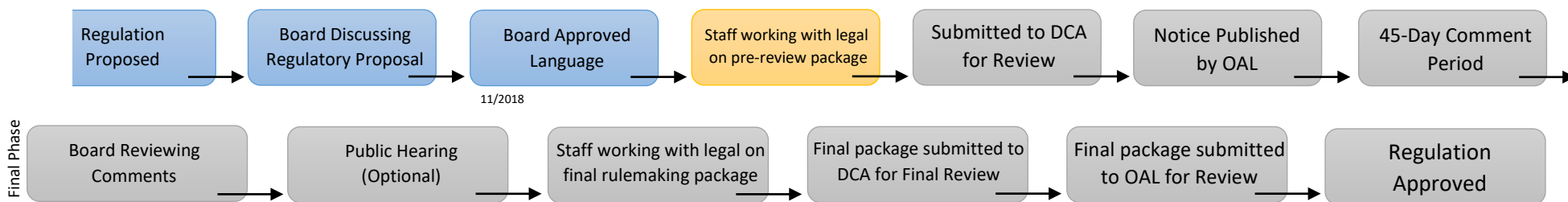
erinarian-Client-Patient Relationships (VCPRs)



CCR Sections: [2032.15](#), [2032.25](#)

Notes: The VCPRs proposal was originally included with Telemedicine and Minimum Standards and approved at the 4/2015 meeting, but a byproduct of separating the Telemedicine from Minimum Standards caused the VCPRs to be dropped off. The language was re-presented to the Board at the 8/2018 meeting where additional changes were approved. On 4/10/19, the regulatory package was submitted to DCA for Legal Affairs and Budget Office concurrent review. **On 3/13/20, the package was submitted to the DCA Director and approved on 4/1/20. On 4/2/20, the package was submitted to Agency and approved on 5/18/20. The package was submitted to OAL on 5/26/20, and published on 6/5/20. The 45-day comment period will close on 7/20/20.**

Minimum Standards for Alternate Veterinary Premises

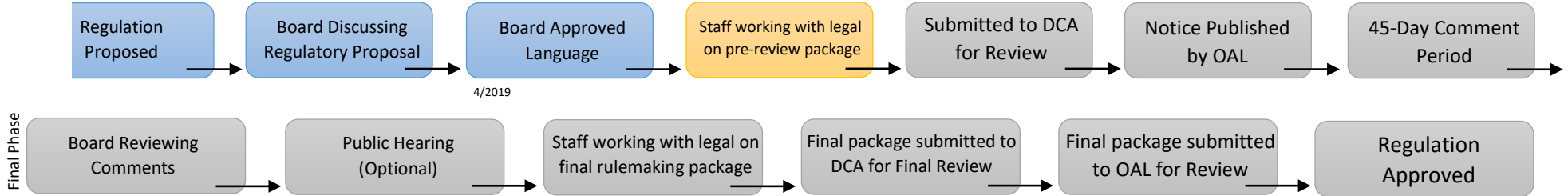


CCR Sections: [2030](#), [2030.05](#), [2030.1](#), [2030.15](#), [2030.2](#), [2030.3](#), [2030.4](#), [2030.5](#)

Notes: The Minimum Standards for Alternate Veterinary Premises proposed regulations were approved by the MDC at their 2/2018 meeting and forwarded to the Board for discussion. The Board approved language at the 11/2018 meeting. Board staff is working with legal to develop the initial rulemaking package prior to submitting to DCA for review.

Status of Pending VMB Regulations

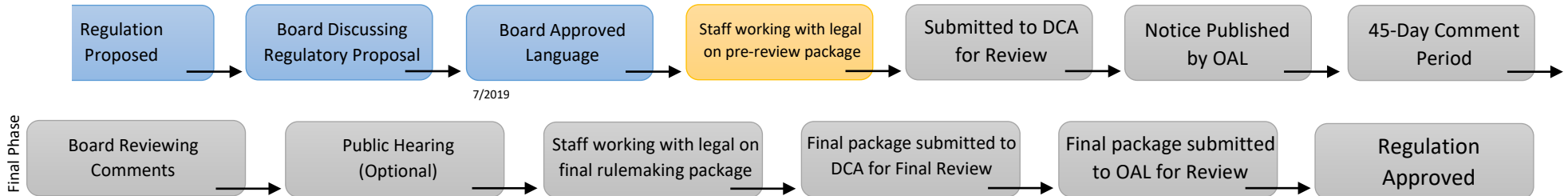
Shelter Minimum Standards



CCR Sections: 2035.5, 2030.6

Notes: The Shelter Minimum Standards concept was approved by the MDC at the 1/2019 meeting, and the Board made minor amendments and approved the language at the 4/2019 meeting. Board staff is working with legal to develop the initial rulemaking package prior to submitting to DCA for review.

Veterinary Student Exemption/RVT Exam Eligibility

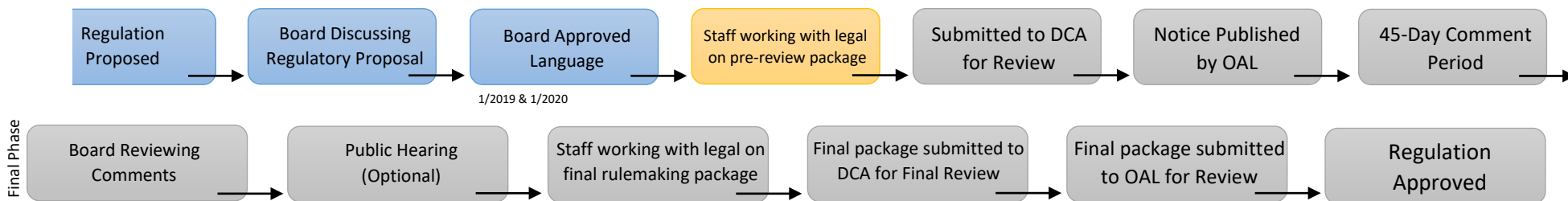


CCR Sections: 2027, 2027.5

Notes: The Veterinary Student Exemption proposal was discussed and conceptionally approved in 4/2017. This regulation is pending updates required by new Business and Professions Code (BPC) section 4841.2 per [SB 1480](#) (Hill, Chapter 571, Statutes of 2018). The Board briefly reviewed the proposed language at the [4/2019](#) meeting and approved the proposed language at the [7/2019](#) meeting.

Status of Pending VMB Regulations

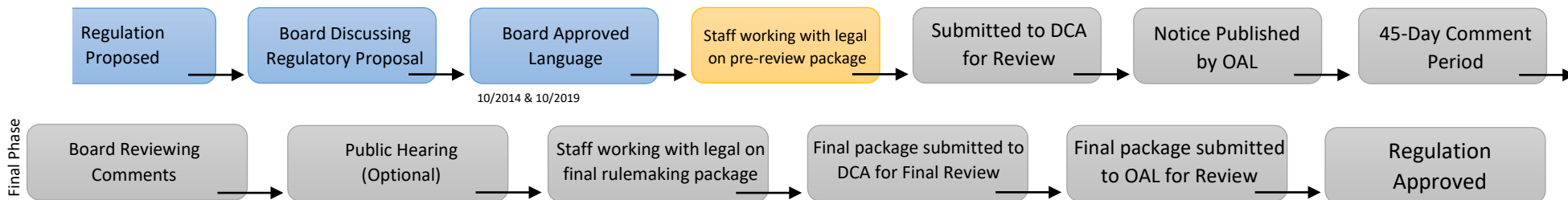
VCPR/Informed Client Consent



CCR Section: [2032.1](#)

Notes: The VCPR/Informed Client Consent proposed regulation was presented as a question from the MDC regarding the requirements of a veterinarian to advise clients about dental radiographs at the 11/2018 meeting. The Board reviewed this at the 1/2019 meeting and decided to proceed with regulatory amendments. This regulatory package was held pending the approval of the Telemedicine regulations. **The Board approved the proposal with the telemedicine language update during the 1/30/20 meeting. Board staff is working with legal to develop the initial rulemaking package prior to submitting to DCA for review.**

Uniform Standards for Substance-Abusing Licensees

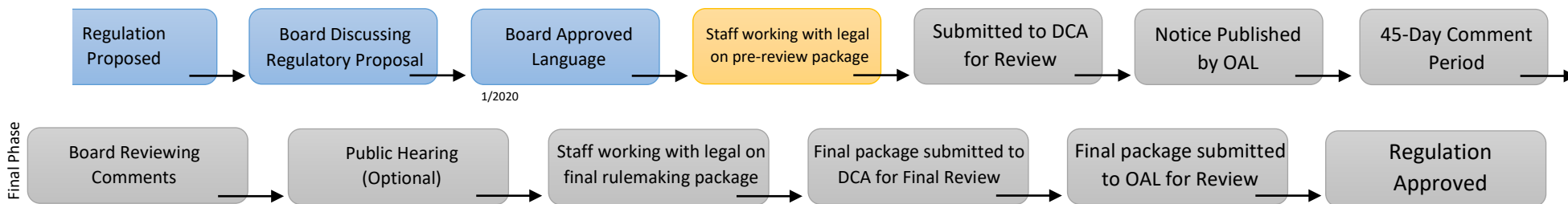


CCR Sections: [2006](#), [2006.5](#) – [2006.56](#)

Notes: The Uniform Standards for Substance-Abusing Licensees proposed language was approved in 10/2014 and was on hold per legal from 4/2015-3/2016 - pending amendments to be re-submitted to the Board for review and approval. As discussed at the 11/2018 meeting, DCA was reviewing the Uniform Standards of other healing arts Boards and recommended holding off on developing the regulatory package until DCA had completed their review and recommendations. At the 1/2019 meeting, the Board created a subcommittee to look at Uniform Standards further. At the 4/2019 meeting, the subcommittee provided a brief update on the Uniform Standards, and during the 9/12/19 teleconference, the Board voted to proceed with a new trigger. The Board approved revised language on 10/9/19. **Board staff is working with legal to develop the initial rulemaking package prior to submitting to DCA for review.**

Status of Pending VMB Regulations

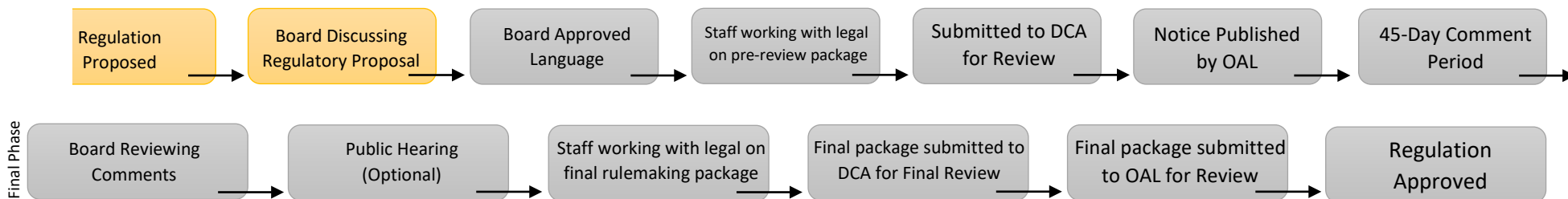
I Penalties for Citation



CCR Section: [2043](#)

Notes: The Board approved proposed language on [1/30/20](#). Board staff is working with legal to develop the initial rulemaking package prior to submitting to DCA for review.

Application After Failing Examination



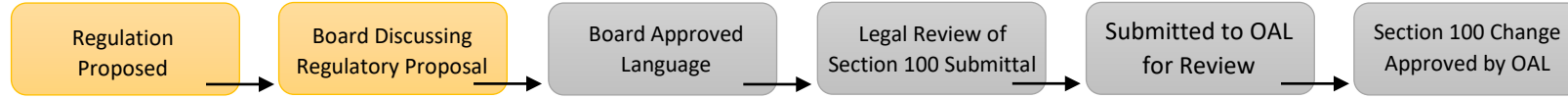
CCR Section: [2010](#)

Notes: Proposed regulatory amendments to be reviewed by the Board at the [7/23/20](#) meeting.

Status of Pending VMB Regulations

Limited Term RVT Examination Eligibility

Section 100 Process

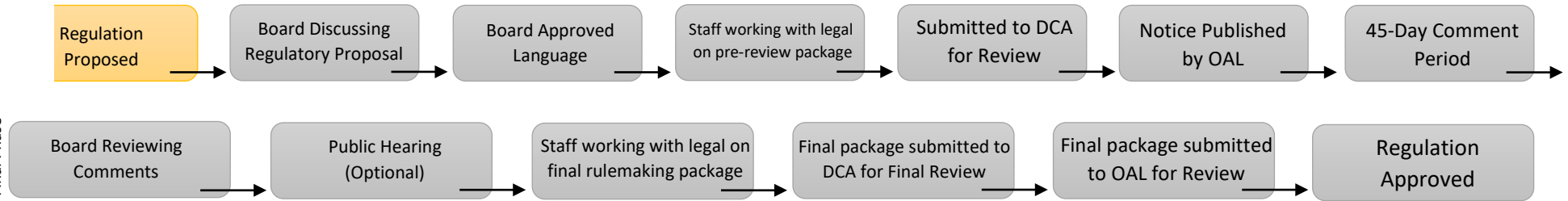


CCR Section: [2068.7](#)

Notes: Proposed regulatory amendments to be reviewed by the Board at the 7/23/20 meeting.

Rule Applications

Final Phase



CCR Sections: Applicable sections to be determined by staff

Notes: Language and proposed revisions to applications to be drafted by staff (to include AB 2138 revisions).