



# MEMORANDUM

<b>DATE</b>	October 9, 2020
<b>TO</b>	Veterinary Medical Board
<b>FROM</b>	Jessica Sieferman, Executive Officer
<b>SUBJECT</b>	<b>Agenda Item 6.B. Proposed Legislation and Regulatory Amendments Regarding State Board Examination and Temporary Licensee Requirements</b>

Following the Department of Consumer Affairs’ (DCA) Office of Professional Examination Services’ (OPES) presentation under Agenda [Item 6.A.](#) and their conclusion that the California State Board Examination (CSBE) is redundant and a potential barrier to licensure, this memorandum further discusses these issues for possible Board action.

## Background

### Licensing for Consumer Protection

Protection of the public is the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions. (Business and Professions Code (BPC) § [4800.1.](#)) For this reason, individuals seeking to be licensed or registered with the Board to perform veterinary medicine on animals must satisfy requirements established by the California State Legislature, via statutes, and the Board, via regulation. Board regulations implement, interpret, and make specific the statutory requirements, but they cannot go beyond the scope of the statute.

License requirements are created to determine who is qualified to provide competent and safe services to the consumer. They should not serve as unnecessary, overly burdensome, or redundant barriers to the profession.

Veterinarian licensure requires three examinations as enumerated under BPC section [4848](#), which states, in part, the following:

(a) (1) The board shall, by means of examination, ascertain the professional qualifications of all applicants for licenses to practice veterinary medicine in this state and shall issue a license to every person whom it finds to be qualified. No license shall be issued to anyone who has not demonstrated his or her competency by examination.

(2) The examination shall consist of each of the following:

(A) A licensing examination that is administered on a national basis.

(B) A California state board examination.

(C) An examination concerning those statutes and regulations of the Veterinary Medicine Practice Act administered by the board. The examination shall be administered by regular mail, email, or by both regular mail and email, and provided to applicants within 10 to 20 days of eligibility determination. The board shall have 10 to 20 days from the date of receipt to process the examination and provide candidates with the results of the examination. The applicant shall certify that he or she personally completed the examination. Any false statement is a violation subject to Section 4831. University of California and Western University of Health Sciences veterinary medical students who have successfully completed a board-approved course on veterinary law and ethics covering the Veterinary Medicine Practice Act shall be exempt from this provision.

For veterinarian license candidates seeking reciprocal licensure in California, the Board will waive the above requirements if the applicant, among other things, holds a valid license in good standing in another state, Canadian province or United States territory, has passed the national licensing examination, as specified, passes the California Veterinary Law Examination (VLE), and completes an approved educational curriculum on regionally specific and important diseases and conditions. (BPC § [4848](#), subd. (b).) The required topics for that curriculum (California Curriculum) are listed under California Code of Regulations (CCR), title 16, section [2021.3](#).

Reciprocity candidates also can apply for temporary veterinarian status for one year while seeking permanent California licensure. (BPC § [4848](#), subd. (c).) To obtain permanent veterinarian licensure, temporary veterinarian licensees also are required to complete the California Curriculum, which must be presented face-to-face in California and requires 30 hours of instruction, usually offered as a three-day course. (BPC § [4848](#), subds. (b), (c); CCR, tit. 16, § [2021.3](#), subs. (a).) The California Curriculum also is used to formulate the CSBE.

#### OPES Review

As reported [here](#), OPES performed an Occupational Analysis (OA) and linkage study to review the California veterinarian licensure examinations. When comparing the national veterinarian license examination (North American Veterinary Licensing Examination (NAVLE)), to the California State Board Examination (CSBE), OPES identified, among other things, the following:

- All practice areas of California veterinary practice are measured by the NAVLE, except California law, rules, and regulations.
- The Board's subject matter experts (SMEs) could not identify any California-specific veterinary practices or diagnoses that were not covered on the NAVLE.

OPES concluded that "continuing to assess candidates on the full breadth of veterinary practice on the CSB[E] is redundant and could be perceived as an unnecessary barrier to licensure." (OPES, Dept. of Consumer Affairs, Review of the International Council for Veterinary Assessment North American Veterinary Licensing Examination (July 2020) p. 29.) It should be noted that neither the NAVLE nor the CSBE should cover California statutes or regulations, because applicants are already tested on those when taking the VLE.

#### Other Veterinary Regulatory Boards

The American Association of Veterinary Medical Boards (AAVSB), comprised of 60 veterinary regulatory jurisdictions, confirmed that California is the only state that administers a

supplemental clinical examination to the NAVLE. While many states require an additional exam, that exam is specific to the jurisdictions' statutes and regulations.

**Concerns Raised**

When the OPES OA and linkage study were finalized, they were distributed to Board members, California Veterinary Medical Association (CVMA) representatives, the deans of the University of California, Davis, and Western University, the International Council for Veterinary Assessment (ICVA) Executive Director and posted on the Board's website.

As of October 1, 2020, Board staff has received the following concerns regarding the potential elimination of the CSBE:

Concern 1: California-Specific Diseases

*There are many diseases that are specific to California. The CSBE and the three day-curriculum ensures the applicant is competent in these diseases prior to practicing in California. How can the Board be confident the applicants are competent in treating these diseases if the CSBE is removed?*

Staff Research and Comments

In order to conduct a more thorough analysis on California-specific practice areas, OPES asked the SMEs to examine the California Curriculum and link the diseases and diagnoses identified in that curriculum to the Species and Diagnoses list provided on ICVA's website under NAVLE Preparation Tools. Most diseases listed in the California Curriculum also appear on the Species and Diagnoses NAVLE document and are tested on the NAVLE.

Some diseases listed in the California Curriculum and tested on the CSBE were not specifically listed on the Species and Diagnoses NAVLE document; the differences between the diseases listed in the California Curriculum and the NAVLE document are show below.

CCR, tit. 16, section 2021.3	NAVLE
"rattle snake bites"	"snake bites" under canine multisystemic section
"tape worm and round worm"	"parasites, internal, gastrointestinal" under canine Gastrointestinal/Digestive section
"foxtails"	canine multisystemic "plant awns"
"black walnut and mushrooms"	canine list and "toxic plant ingestion" under the multisystemic section

Although the California Curriculum requires these diseases to be presented in the three-day curriculum given to reciprocal license candidates, these diseases are not required specifically to be tested on the CSBE. Further, the SMEs opined that these diseases are not California-specific, as they can occur in many other parts of the United States. According to the SMEs, California-specific diseases do not exist anymore due to travel and contamination, as well as the natural spread of diseases, plants, and other environmental factors.

In addition, the Executive Director of ICVA believes that although the NAVLE species and diagnoses list is worded differently than the California Curriculum for these six diseases (see chart above), this does not mean the California Curriculum diseases are not tested on the NAVLE. As the NAVLE document differs only from the California Curriculum for six

diseases, and these diseases are not limited to California animals and, thus, are not California-specific, it appears veterinarian license candidates do not need to be tested on these diseases through a separate state board examination or required to be covered in the California Curriculum presented to reciprocal license candidates.

#### Concern 2: Lack of Question Uniformity

*While presented in different orders, the CSBE questions are uniform, which ensures candidates are tested on the same material. NAVLE candidates, on the other hand, may be taking the test at the same time but may be answering completely different questions. This may lead to some candidates not being tested on the California-specific diseases.*

#### Staff Research and Comments

The ICVA Executive Director confirmed that each NAVLE form (i.e., exam) is built to the same blueprint and is equated across forms. So, although the candidates may answer completely different questions, they are being assessed equally in each component. Further, there do not appear to be any California-specific diseases. As noted in the OPES review of the NAVLE, the SMEs could not identify any California-specific veterinary practices or diagnoses that were not covered on the NAVLE.

#### Concern 3: Out of State Licensees

*Out of state licensees who have been practicing for decades may not have ever been tested on California specific diseases, because they took the NAVLE when it did NOT overlap with the CSBE or the three-day course.*

#### Staff Research and Comments

It is difficult to determine when the overlap of NAVLE and California Curriculum disease examination questions occurred. The last OA performed by OPES was in 2013, but a linkage study was not conducted at the time to determine if any gaps existed, which would have validated the need for the CSBE. The last OA prior to 2013 was conducted 2001, but again, no linkage study or review of the NAVLE was performed. To assist Board staff in determining when the overlap occurred, ICVA reviewed NAVLE blueprint information as far back as 2004. ICVA determined that, although there have been some additions to the test over the years and some slight retooling of the number of questions in specific categories, what veterinarians are seeing in practice (and reporting to ICVA in their practice analysis surveys) has remained fairly consistent with the diseases tested on the NAVLE over the course of its administration.

With that said, if the Board is concerned with reciprocal license candidates being knowledgeable of specific diseases that are more prevalent in California, there may be other, less burdensome, ways to educate them. For example, the Board could create educational materials to provide to all newly licensed veterinarians as part of an initial licensing packet. The Board will need to determine if this concern warrants passing an examination prior to practicing in California.

#### **Action Requested:**

Please discuss the materials provided by OPES, the concerns raised in this memorandum, and any additional concerns raised by members and the public. After discussion, please vote on whether the CSBE should be eliminated as a requirement for licensure in California. If the Board approves eliminating the requirement, the Board will need to seek legislation to amend BPC section [4848](#).

## **Legislative and Regulatory Impacts to Removing the CSBE**

If the Board determines consumers and animal patients are adequately protected if the CSBE requirement is repealed, it will have numerous ripple effects throughout the Veterinary Medicine Practice Act (Act). Below is an assessment of the known effects. However, given the complexity of these effects, Board staff requests a Board subcommittee be formed to thoroughly research the Act and make recommendations regarding additional legislative and regulatory changes that need to be made.

### **Impact: “Reciprocity” for Out of State Licensees**

BPC section [4848](#), subdivision (b) requires the Board to waive examination requirements of subdivision (a) if the applicant meets additional specified requirements and would not be denied issuance of a license by any other provisions. However, out of state licensees are still required to pass the national exam (BPC § [4848](#), subd. (b)(2)) and the VLE (BPC § [4848](#), subd. (b)(4)).

Since the statute appears to allow waiving only the CSBE, if the CSBE requirement is eliminated, there would be no benefit for an out-of-state licensee to pursue a license through the “reciprocity” route. Instead, an out-of-state licensee would simply apply through the normal pathway. However, BPC section [4848](#), subdivision (b) includes requirements that may still be necessary for consumer protection. Those requirements should be evaluated to determine if they need to be shifted to general license requirements, rather than tied to CSBE waiver requirements. This includes, but is not limited to the following:

#### **Clinical Practice Hours** (BPC § [4848](#), subd. (b)(1))

Applicants with an out-of-state license must provide proof of holding a current valid license in good standing<sup>1</sup> in another state, Canadian province, or United States territory and, within three years immediately preceding filing an application for licensure in this state, have practiced clinical veterinary medicine for a minimum of two years and completed a minimum of 2,944 hours of clinical practice.

#### **California Curriculum** (BPC § [4848](#), subd. (b)(5))

In order to get the CSBE waived, out-of-state licensees can take an approved educational curriculum on regionally specific and important diseases and conditions. CCR, title 16, section [2021.3](#) specifies the curriculum requirements. As previously stated, OPES concluded the NAVLE adequately covers all requirements specified in CCR, title 16, section [2021.3](#). If the CSBE is eliminated and out-of-state licensees pass the NAVLE and VLE, there does not appear to be a need for out-of-state licensees to complete the face-to-face, three-day California Curriculum course.

#### **Temporary License** (BPC § [4848](#), subd. (c))

The above-referenced course is only offered twice a year; Western University offers it in Southern California in the Spring and CVMA offers it in Northern California in the Fall.<sup>2</sup> Out-of-state licensees have the option to obtain a temporary veterinarian license while they wait to complete the course. The temporary license allows them to practice under

---

<sup>1</sup> The term “in good standing,” defined in BPC section [4848](#), subdivision (b)(1)(A-B), appears to be overly restrictive, in conflict with license denial limitations established under Assembly Bill 2138 (Chiu, Chapter 995, Statutes of 2018), and unnecessary. When reviewing current statutes and regulations, staff encourages this be re-evaluated as well.

<sup>2</sup> It should be noted that these courses are currently being offered virtually due to the [waiver](#) issued by the DCA Director during the COVID-19 pandemic.

direct supervision of a California licensee for up to one year. If the CSBE is eliminated, the need to issue temporary licenses should be re-evaluated.

**Impact: Regulations**

Many of the regulations listed under [Article 2. Examination and Licensing](#) and [Article 2.5 Temporary Licenses](#) would either be impacted by the elimination of the CSBE or should be re-evaluated for necessity.

**Action Requested:**

Given the complexity of the effects of repeal of the CSBE requirement, Board staff requests a subcommittee be formed to thoroughly research the Act and make recommendations regarding additional legislative and regulatory changes that need to be made. While projects of this magnitude typically are sent to the Board's Multidisciplinary Advisory Committee (MDC), Board staff requests a Board subcommittee be formed to work with staff over the next few months and bring legislative/regulatory amendment recommendations to the Board in January 2021 for inclusion in the next legislative session.