



# MEMORANDUM

<b>DATE</b>	July 8, 2021
<b>TO</b>	Veterinary Medical Board (Board)
<b>FROM</b>	Justin Sotelo, Lead Administrative & Policy Analyst
<b>SUBJECT</b>	<b>Agenda Item 9.A. Status Update on Pending Regulations</b>

The Board currently has 15 rulemaking packages that are pending in the rulemaking process. Four of those packages are in various stages of the initial or final phase of the process, as described below and identified in the attached document. The remaining eleven packages, which include two section 100 rulemaking packages, are pending preparation by Board staff for submission to the Department of Consumer Affairs (DCA).

Updates or changes in the status of rulemaking packages since April 2021 are provided below:

### **Fee Schedule (Certificate of Compliance) – California Code of Regulations (CCR), Title 16, Sections: [2070](#), [2071](#)**

**Update:** On April 16, 2021, the final rulemaking package was approved by the Business, Consumer Services and Housing Agency (Agency). On April 23, 2021, the package was submitted to the Department of Finance and approved on May 25, 2021. On April 20, 2021, the package was submitted to the Office of Administrative Law (OAL) and approved on June 1, 2021. The regulatory changes became effective on June 1, 2021, upon filing with the Secretary of State.

**Summary of Proposed Changes:** This package was required in response to the Board’s Fee Schedule - Emergency Filing and Re-Adoption of Emergency Filing. The changes increased certain fees associated with veterinarian and university licensure and veterinary technician registration, and added a new fee associated with the approval of schools and institutions offering a curriculum for training registered veterinary technicians (RVTs).

### **Animal Physical Rehabilitation (APR) – CCR, Title 16, Section: 2038.5**

**Update:** On April 17, 2021, the final rulemaking package was approved by the DCA Director. On April 20, 2021, the package was submitted to Agency and approved on May 13, 2021. On June 9, 2021, the package was submitted to OAL for final approval.

**Summary of Proposed Changes:** This proposal would: 1) establish APR as the proper term for corrective physical treatment on an animal; 2) define APR to mean the treatment of injury or illness to address pain and improve function by means of corrective treatment; 3) provide that APR does not include relaxation, recreational or wellness modalities, including but not limited to, massage, athletic training, or exercise; 4) require a veterinarian to establish a valid VCPR, as defined, before performing or authorizing APR; 5) authorize RVTs to perform APR under the degree of supervision to be determined by the veterinarian who has established the VCPR; 6) authorize veterinary assistants to perform APR under the direct supervision of a veterinarian; 7) specify that it does not restrict or amend the existing regulation regarding the performance of musculoskeletal manipulation on an animal patient; and 8) clarify that the regulation does not apply to wildlife rehabilitation.

### **Drug Compounding – CCR, Title 16, Sections: 2090-2095**

**Update:** On April 28, 2021, the final rulemaking package was submitted to DCA for final review. On July 22, 2021, the Board will consider additional modifications to the regulatory text to address issues raised by the DCA Legal Affairs Division. If approved by the Board, the Second Modified Text will be noticed for 15 days.

**Summary of Proposed Changes:** This proposal would: 1) define drug compounding in veterinary premises, expiration date, and office stock, and establish parameters for veterinarian and RVT drug compounding; 2) require veterinary premises engaging in compounding drug preparations to develop specified policies and procedures and maintain formula documents; 3) require specified information to be recorded in the animal patient's medical record; 4) establish requirements for drug compounding training, veterinarian supervision, and drug storage, 5) specify expiration dates for sterile and non-sterile drugs; 6) establish specified compounded drug preparation labeling requirements; and 7) require quality assurance protocols for drug compounding.

### **Disciplinary Guidelines – CCR, Title 16, Section: [2006](#)**

**Update:** On May 27, 2021, modifications to the Disciplinary Guidelines were noticed for 15 days. The public comment period closed on June 11, 2021, and the Board received one written comment with recommendations. Upon addressing the comment with recommendations, staff will incorporate the Board's responses into the Final Statement of Reasons, which will be included in the final rulemaking package. Also, to address some of the recommendations provided during the 15-day public comment period, and to make other necessary and technical revisions, the Board will be asked to consider a Second Modification to the Disciplinary Guidelines on July 22, 2021. The Second Modification will then be noticed for another 15 days.

**Summary of Proposed Changes:** This proposal would update the Board's Disciplinary Guidelines, which are incorporated by reference under regulation, to conform the Disciplinary Guidelines to recent statutory changes and provide clarity to probation terms and conditions.

## **Sodium Pentobarbital/Euthanasia Training – CCR, Title 16, [2039](#)**

**Update:** On April 22, 2021, the Board approved the regulatory proposal. The regulatory proposal will be pursued through the section 100 rulemaking process and is pending preparation by Board staff.

**Summary of Proposed Changes:** This section 100 proposal would update the regulation to reflect an association name update, as a result of the California Animal Control Directors Association and the State Humane Association of California merging to form the California Animal Welfare Association.

### **Attachment:**

1. Status of Pending VMB Regulations – Updated July 7, 2021

**Status of Pending VMB Regulations**  
Updated 7/7/21

Rulemaking Title	Current Status	INITIAL PHASE										FINAL PHASE					
		Concept Date(s)	Board Approval	Submitted to DCA for PRE-Review	Submitted to DCA for INITIAL Review	DCA Director Approval	Submitted to Agency/ Agency Approval	Notice Submitted to OAL/ Notice Published by OAL	45-Day Comment Period	Public Hearing (Optional )	15-Day Comment Period(Modified Text), if applicable	Submitted to DCA for FINAL Review	FINAL DCA Director Approval	Submitted to Agency/ FINAL Agency Approval	Submitted to DOF/ DOF Approval	Submitted to OAL/ OAL Approval	Effective Date
Fee Schedule (Certificate of Compliance)	Approved by OAL; effective 6/1/21	-	4/23/20 (Revised Text)	3/12/2020	6/16/20 7/9/20	8/1/2020	8/5/20 9/14/20	9/15/20 9/25/20	9/25/20 - 11/9/20	11/10/2020	N/A	On 1/28/21, Board approved responses to 45-day and hearing comments 2/18/21	3/6/2021	3/10/21 (Submitted )4/16/21 (Approved)	4/23/21 (Submitted )5/25/21 (Approved)	4/20/21 (Submitted )6/1/21 (Approved)	6/1/2021
Animal Physical Rehabilitation	On 6/9/21, final rulemaking file submitted to OAL for final approval	Beginning in 2011	10/18/2017 10/22/20 (Modified Text)	-	3/27/2019	1/21/2020	1/23/20 3/2/20	3/3/20 3/13/20	3/13/20 - 4/27/20	8/13/2020	11/19/20 - 12/4/20 On 1/28/21, Board approved responses to 15-day comments	3/5/2021	4/17/2021	4/20/21 (Submitted )5/13/21 (Approved)	N/A	6/9/21 (Submitted)	
Drug Compounding	On 7/22/21, Board to consider 2nd Modified Text	10/20/2014	10/18/17 10/10/19 1/30/20 10/22/20 (1st Modified Text)	-	3/27/2019	3/22/2020	4/20/20 6/23/20	6/30/20 7/17/20	7/17/20 - 8/31/20	N/A	1st Modified Text - 11/19/20 - 12/4/20 On 1/28/21, Board approved responses to 15-day comments 2nd Modified Text -to be noticed after 7/22/21 meeting	4/28/2021					
Disciplinary Guidelines	On 7/22/21, Board to consider proposed responses to 15-day comments and 2nd Modification	1/20/2015	7/2015 10/2015 1/2017 4/2017 11/2018 1/28/21 (1st Modification)	-	3/26/2019	4/20/2020	4/27/20 6/30/20	7/6/20 7/17/20	7/17/20 - 8/31/20	N/A	1st Modification - 5/27/21 - 6/11/21 2nd Modification - to be noticed after 7/22/21 meeting						
RVT Education	Board staff revising regulatory docs for Agency reapproval	10/20/2014	7/26/17 8/29/18 7/23/20 (Revised Text)	-	3/26/2019	5/30/2020	6/5/20 7/6/20 Pending staff revisions for resubmittal to Agency										
VCPR/Informed Client Consent	Hold rulemaking preparation pending enactment of Section 100 VCPR (Telemedicine) rulemaking	11/14/2018	1/23/19 1/30/20	Pending													
Civil Penalties for Citations	Pending further development from staff	1/8/2020	1/30/2020	Pending													

**Red Text** = Updates since last meeting

= Completed

= Current Status/ Pending

**Status of Pending VMB Regulations**  
Updated 7/7/21

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Minimum Standards for Alternate Veterinary Premises	Pending further development from staff	4/23/2014	11/14/2018	Pending													
Shelter Minimum Standards	Pending further development from staff	2/19/2015	4/17/19	Pending													
Veterinary Student Exemption/RVT Exam Eligibility	Pending further development from staff	4/23/2014	4/2017 7/17/19	Pending													
Uniform Standards for Substance-Abusing Veterinarians	Pending further development from staff	4/23/2014	10/9/2019	Pending													
Application After Failing Examination	Pending further development from staff	-	7/23/2020	Pending													
Limited Term RVT Examination Eligibility Window (Section 100)	Pending further development from staff	-	7/23/2020	Pending													
Eligibility Evaluation - National Veterinarian Examination	Pending further development from staff	-	10/22/2020	Pending													
Elimination of CSBE and Temporary Licensee Requirement (Section 100)	On 1/28/21, approved by Board; will be pursued once legislative change takes effect	-	1/28/2021	Pending													
Sodium Pentobarbital /Euthanasia Training (Section 100)	Pending further development from staff	-	4/22/2021	Pending													