

DEPARTMENT OF CONSUMER AFFAIRS • VETERINARY MEDICAL BOARD 1747 North Market Blvd., Suite 230, Sacramento, CA 95834-2978 P (916) 515-5220 | Toll-Free (866) 229-0170 | www.vmb.ca.gov



MEMORANDUM

SUBJECT	Agenda Item 10.A. Status Update on Pending Regulations
FROM	Jeffrey Olguin, Lead Administrative & Policy Analyst
то	Veterinary Medical Board (Board)
DATE	January 13, 2022

December 1, 2021 was former Lead Administrative and Policy Analyst Justin Sotelo's last day with the Veterinary Medicine Board. Justin had been with the Board since January of 2020, and he will be missed. Last year, under the direction of Executive Officer Jessica Sieferman and with the assistance of Board Counsel Tara Welch and Regulations Counsel Karen Halbo, Justin completed the following rulemakings:

Title	Approved	Effective								
RVT Job Tasks	February 9, 2021	February 9, 2021								
VCPR	February 9, 2021	April 1, 2021								
RVT Emergency Animal Care	March 2, 2021	July 1, 2021								
Fee Schedule Certificate of	June 1, 2021	June 1, 2021								
Compliance										
Animal Physical Rehabilitation	November 15, 2021	April 1, 2021								
Disciplinary Guidelines	December 22, 2021	April 1, 2022								
Drug Compounding	January 3, 2022	April 1, 2022								
Limited Term RVT Exam Eligibility ¹	November 2, 2021	November 2, 2021								
CAWA Name Change ¹	October 28, 2021	October 28, 2021								
Duties of a Supervising Veterinarian—Decision Not to Proceed										
(Published March 16 ,2021)										
¹ Section 100 Regulation Changes										

On January 1, 2022, Jeffrey Olguin was hired as the Veterinary Medicine Board's new Lead Administrative and Policy Analyst.

Since the last Board meeting, five rulemaking packages have completed the rulemaking process and been approved by the Office of Administrative Law. The remaining 11 packages, which includes one Section 100 package that was dependent on the Board's Sunset Bill passing and two that are being held until other legislative or regulatory changes take effect, 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 October 2021 are provided below:

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

Approved and became effective January 1, 2022.

Drug Compounding – CCR, Title 16, Sections 2090–2095

Approved and becomes effective April 1, 2022.

Disciplinary Guidelines – CCR, Title 16, Section 2006

Approved and becomes effective April 1, 2022.

Uniform Standards for Substance-Abusing Licensees – CCR, Title 16, Sections 2006–2006.56

Update: Although this rulemaking package is pending further development from staff following the Board's approval on October 9, 2019, the Board's Executive Officer and Board Counsel identified additional changes to be made to the regulatory proposal and planned on bringing those changes to the October 21, 2021 Board meeting. However, shortly before the meeting, DCA's Regulation Unit raised additional concerns, so the item was postponed until the January 2022 meeting. The Board will be asked to review and approve revisions to the regulatory proposal (discussed further under Agenda Item 10.B.).

Summary of Proposed Changes: This proposal would establish in Board regulations the Uniform Standards Regarding Substance-Abusing Licensees required pursuant to Business and Professions Code section 315.

Limited Term RVT Examination Eligibility Window – CCR, Title 16, Section 2068.7

This section 100 rulemaking was approved on November 2, 2021.

Sodium Pentobarbital/Euthanasia Training – CCR, Title 16, Section 2039

This section 100 rulemaking was approved on October 28, 2021.

Attachment:

1. Status of Pending VMB Regulations – Updated January 7, 2022

Status of Pending VMB Regulations Updated 10/8/21

		INITIAL PHASE										FINAL PHASE						
Rulemaking Title Current Status	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		
Animal Physical Rehabilitation	Approved. Becomes effective January 1, 2022	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) 10/12/21 Board adopted final language. With Agency's contingent approval, submitted to OAL 11/12/21		
Drug Compounding	Approved. Becomes effective April 1, 2022	10/20/2014	10/18/17 10/10/19 1/30/20 10/22/20 (1st Modified Text) 7/22/21 (2nd 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 - 7/28/21 - 8/12/21 On 10/21/21, Board to approve responses to 2nd 15- day comments	4/28/2021	9/11/2021	9/13/21 (Submitted) 9/29/21 (Approved)	N/A	10/12/21 Board approved responses to comments. With Agency's contingent approval, submitted to OAL 11/12/21		
Disciplinary Guidelines	Approved. Becomes effective April 1, 2022	1/20/2015	7/2015 10/2015 1/2017 4/2017 11/2018 1/28/21 (1st Modified Text) 7/22/21 (2nd Modified Text) 10/21/21 (3rd Modified Text)	-	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 Modified Text - 5/27/21 - 6/11/21 2nd Modified Text - 7/28/21 - 8/12/21 3rd Modified Text - 10/21/21 - 11/5/21	8/20/2021	10/7/2021	10/7/21 (Submitted)	N/A			
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								Red Text = Updates since last meeting = Completed			

Status of Pending VMB Regulations Updated 10/8/21

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VCPR/Informed Client Consent	Will be pursued after VCPR (Telemedicine) Section 100 changes take effect	11/14/2018	1/23/19 1/30/20	Pending												= Current S Pending	tatus/	
Civil Penalties for Citations	Pending further development from staff	1/8/2020	1/30/2020	Pending														
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 Licensees	development from	4/23/2014	10/9/19 On 1/19/22, Board to consider approving revisions to the proposal	Pending														
Application After Failing Examination	Pending further development from staff		7/23/2020	Pending														
Limited Term RVT Examination Eligibility Window (Section 100)	Approved 11/2/21	-	7/23/2020	N/A	9/16/2021	N/A	N/A	N/A	N/A	N/A	N/A	9/17/2021	N/A	N/A	N/A	9/21/21 (Submitted)	11/2/2021	
Eligibility Evaluation - National Veterinarian Examination	Pending further development from staff	-	10/22/2020	Pending														
Elimination of CSBE and Temporary Licensee Requirements (Section 100)	Will be pursued once legislative changes take effect	-	1/28/2021	Pending														
Sodium Pentobarbital/ Euthanasia Training (Section 100)	Approved 10/28/21	-	4/22/2021	N/A	9/16/2021	N/A	N/A	N/A	N/A	N/A	N/A	9/17/2021	N/A	N/A	N/A	9/21/21 (Submitted)	10/28/2021	
VCPR/ Telemedicine (Section 100)	Will be pursued once legislative changes take effect		7/22/2021	Pending														