

**Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board**

Initial Statement of Reasons

Hearing Date: 10 a.m. on Tuesday, June 12, 2012

Subject Matter of Proposed Regulations: Disciplinary Guidelines

Sections Affected: Title 16, Division 20, California Code of Regulations (CCR) sections 2006

Specific Purpose of each adoption, amendment, or repeal:

1. Problem being addressed:

Business and Professions Code (BPC) sections 4830.5, 4830.7, 4836.5, 4837, 4839.5, 4855, 4856, 4857, and 4883 establish provisions of violations for which the Veterinary Medical Board (Board) may take action against licensees and registrants. The Disciplinary Guidelines are incorporated by reference in CCR section 2006 in order to clearly and concisely provide guidance to the Board, Administrative Law Judge, and the public in interpreting the various sections of the applicable Business and Professions Code when initiating discipline for violations to the Veterinary Medicine Practice Act.

Since the last update to the Disciplinary Guidelines in 2002, the Board has been through numerous administrative hearings and has seen many proposed decisions come before them. It is based on this experience with actual cases the Board has sought to further clarify to Administrative Law Judges the Board's recommended discipline for each type of violation to the Veterinary Medicine Practice Act.

Additionally, the Department of Consumer Affairs (DCA) continues to encourage licensing boards to strengthen their enforcement standards based on provisions in Senate Bills 1111 and 1441 allowing for uniform enforcement standards across DCA and ultimately increased protection for consumers.

2. Anticipated benefits from this regulatory action:

The Board anticipates the updated Disciplinary Guidelines will be a useful tool for the Board, Administrative Law Judge, and public to provide an overview of the Board's processes in disciplinary decisions and clarify the Board's specific recommendations for each type of violation to the Veterinary Medicine Practice Act.

The updated Guidelines would also serve as an educational and guidance tool for the Administrative Law Judge who administer hearings for numerous licensing boards and who cannot possibly develop expertise specific to the various nuances of each board's enforcement provisions. This improves the consistency of penalties and their direct correlation to violations of the Veterinary Medicine Practice Act.

Factual Basis/Rationale

The Disciplinary Guidelines were last updated in May 2002. The Disciplinary Guidelines are incorporated by reference in regulation. In order to update the Guidelines it is necessary for the Board to also amend the existing CCR section 2006 to reflect the most current version of the Guidelines.

Underlying Data

- Veterinary Medical Board Disciplinary Guidelines, May 2002 Edition
- Economic Impact Analysis

Business Impact

This regulation will not have a significant adverse economic impact on businesses. By amending CCR section 2006 the Board is able to update its Disciplinary Guidelines which provide guidance to the Board, Administrative Law Judge and public of the Boards specific recommendations for each type of violation to the Veterinary Medicine Practice Act.

Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because the proposal allows for the Board to update its Disciplinary Guidelines that provide guidance to the Board, Administrative Law Judge and public of the Boards specific recommendations for each type of violation to the Veterinary Medicine Practice Act.
- It will not create new business or eliminate existing businesses within the State of California because the proposal allows for the Board to update its Disciplinary Guidelines that provide guidance to the Board, Administrative Law Judge and public of the Boards specific recommendations for each type of violation to the Veterinary Medicine Practice Act.
- It will not affect the expansion of businesses currently doing business within the State of California because the proposal allows for the Board to update its Disciplinary Guidelines that provide guidance to the Board, Administrative Law Judge and public of the Boards specific recommendations for each type of violation to the Veterinary Medicine Practice Act.
- This regulatory proposal benefits the health and welfare of California residents because the proposal allows for the Board to update its Disciplinary Guidelines that provide guidance to the Board, Administrative Law Judge and public of the Boards specific recommendations for each type of violation to the Veterinary Medicine Practice Act. This, in turn, provides increases protection to the health and welfare to the public by ensuring the Board's recommendations for discipline are consistent.

- This regulatory proposal is specific to providing guidance to the Board members, Administrative Law Judges and public of the Boards specific recommendations for each type of violation to the Veterinary Medicine Practice Act and has no impact on worker safety.
- This regulatory proposal is specific to providing guidance to the Board members, Administrative Law Judges and public of the Boards specific recommendations for each type of violation to the Veterinary Medicine Practice Act and does not affect the state's environment

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

Pursuant to authority vested by BPC sections 4808 and 4883 and to implement, interpret or make specific sections 4830.5, 4830.7, 4836.5, 4837, 4839.5, 4855, 4856, 4857, and 4883 the Board considered changes to CCR section 2006.

No reasonable alternative to the regulatory proposal is available to the Board in administering its authority to implement, interpret or make specific the BPC. No reasonable alternative would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.