



## MEMORANDUM

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**DATE** October 3, 2012

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**TO** Veterinary Medical Board

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**FROM** Sue Geranen Executive Officer  
DCA/Veterinary Medical Board  
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**SUBJECT Administration of Drugs/Certification of Veterinary Assistants**

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**Background:**

SB 1839 Chapter, 239, "Administration of Drugs," was chaptered on 9/7/2012. The bill amends Business and Professions Code 4836.1 to authorize veterinarians to delegate administration of drugs to RVTs or laypersons under direct or indirect supervision, and it changes the term "unregistered assistant" to "veterinary assistant" throughout the practice act. "Veterinary assistants" are laypersons working in a veterinary hospital – meaning anyone other than the licensees.

A sunset date of January 1, 2015, was inserted into Section 4836.1 at the request of the DCA for the purposes of determining the feasibility of a state certification program to fingerprint all "veterinary assistants" having access to controlled substances. This issue will be raised as a part of the Board's sunset review legislation.

In 2006, the Board proposed limited access to controlled substances and chemo therapy drugs to RVTs and veterinarians only. There were many comments regarding the shortages of RVTs and that such a limitation would be injurious and costly to licensees and consumers alike.

As a result of the comments about the shortages of RVTs, the Board proposed the Limited Term Eligibility Window (LTEW) to allow those persons who had been working in practices for five years or more and who had 24 hours of education, to sit for the RVT state licensing exam. The program was implemented for a period of one year. In that year the Board has over 750 applicants and almost 500 persons became RVTs under the LTEW program.

The other action taken was by the California Veterinary Medical Association that put forward the bill that created the language currently in B & P Code, Section 4836.1 relative to the delegation of the administration of drugs. The Board opposed the original legislation and there was a three year sunset clause put in the bill so that there would be an opportunity for additional dialogue and to evaluate the impact. In 2011, the sunset date was extended by one year to allow for enough time to have that dialogue.

The requirement for fingerprinting was inserted based on a Drug Enforcement Agency (DEA) law that requires restriction of access to controlled substances to persons who have felony drug convictions. Issues arose because information obtained via fingerprinting is highly confidential and regular businesses are not authorized to require it.

The DCA asked that the sunset clause be left in the bill but extended out to 2015 so that all interested parties could look at the issue of fingerprinting and possibly a certification program for lay persons working in a veterinary hospital who have access to the supply of controlled substances in a veterinary hospital.

The ratio of lay persons to licensed staff has been identified at somewhere between two and four to one. There are approximately 8,600 licensed veterinarians in California, so even if the more conservative number is used that would mean that there would be no less than 17,200 and possibly 34,400 lay person working in veterinary hospitals in California. So, if half of those had access to controlled substances, that would be 8,600 to 17,200 lay persons who would need to be certified. Conservatively speaking that would require almost double the Board's existing staff and space to create such a program.

**Action Requested:**

- 1) Discussion of issues involved in creating such a certification program
- 2) Make a motion to indicate in the sunset report that the Board is willing to explore the feasibility of such a program, but that it recognizes that there are many issues that need to be explored more fully before the Board can make a recommendation.