



MEMORANDUM

DATE January 22, 2013

TO Veterinary Medical Board

FROM Sue Geranen Executive Officer
DCA/Veterinary Medical Board

SUBJECT **Minimum Standards Update**

Background:

On December 12, 2012, the Office of Administrative Law rejected the Board's rulemaking file on the minimum standards of practice including Section 2037. There were a number of non-substantive changes required to the actual language, mostly grammatical. Also, there were documents that we relied on in our formulation of the regulations that were not formally included in the rulemaking file that are now listed as included, e.g. the Precedent Decision regarding Canine Care and the anesthesia-free dentistry, the Final Statement of Reasons from 1989, and two letters from 1990 regarding proposed legislation that was designed to exempt teeth scaling from the practice act. The other reason for rejection was that OAL felt that the narrative of the Final Statement of Reasons did not entirely justify the "necessity" of the rulemaking action.

Corrections were made to the language, to the Initial Statement of Reasons, documents were added to the file and a 15-day notice was mailed out on Friday, January 11, 2013. The comment period ends at 5 p.m. on Friday, January 25, 2013. If any substantive comments are received, we will bring them to the Board meeting the following week, otherwise, we will move forward with making corrections to the Final Statement of Reasons as per directions from OAL and will resubmit the file to OAL as soon as possible. The Board has 120 days (April 11, 2013) to update the file and resubmit it to OAL.

Action Requested:

Staff is working with the Administrative Committee to make the necessary corrections and resubmit the file to OAL as soon as possible. No Board action requested at this time.

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

AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board has proposed modifications to the text of sections 2030.05 and 2032.05. This regulatory proposal was the subject of a regulatory hearing on October 17, 2011. A copy of the modified text is enclosed.

A number of changes were made to the regulation text during the Office of Administrative Law review of this action that were nonsubstantial or solely grammatical in nature pursuant to Government Code section 11346.8(c). These changes do not require public notice and are not subject to public comment. Examples of the types of changes include the following:

1. Added Civil Code Section 1834.5 as citation reference to CCR section 2030.1 and 2030.2
2. Inserted missing existing language in CCR section 2030.2(b) and 2030.2(b)(5)(A).
3. Spelled out "veterinarian-client-patient relationship" in CCR section 2032.15.
4. Renumbered subdivisions in CCR section 2037(1), (2), and (3) to (a), (b), and (c)

Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before January 25, 2013 to the following:

Name:	Ethan Mathes
Address:	Veterinary Medical Board 2005 Evergreen Street, Suite 2250
Telephone No.:	916-263-2622
E-Mail Address:	ethan.mathes@dca.ca.gov

Please note any comments should be restricted to the most recent modifications made to the proposed regulations. The Board is not required to respond to comments received in response to this notice on other aspects of the proposed regulations. Any comments previously submitted remain in the rulemaking file.

DATED: January 11, 2013

ETHAN MATHES
Administrative Programs Coordinator
Veterinary Medical Board

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

*Changes to the previously modified language are shown in
bolded double strikeout for deleted text and bolded double underline for new text.*

2030.05. Minimum Standards - ~~Managing~~ Licensee Manager.

(a) A Licensee Manager is the California licensed veterinarian named as the ~~Managing~~ Licensee Manager on a facility's premises permit.

(b) The Licensee Manager is responsible for ensuring that the premises for which he/she is manager complies with the requirements in Sections 4853, 4854, 4855 and 4856 of the Business and Professions Code, Division 2, Chapter 11, Article 3. The Licensee Manager is responsible for ensuring that the physical and operational components of a premises meet the minimum standards of practice as set forth in sections 2030 ~~and through~~ 2032.5 of the California Code of Regulations, Title 16, Division 20, Article 4.

(c) The Licensee Manager is responsible for ensuring that no unlicensed activity is occurring within the premises or in any location where any function of veterinary medicine, veterinary surgery or veterinary dentistry is being conducted off the premises under the auspices of this premises license.

(d) The Licensee Manager shall maintain whatever physical presence is reasonable within the facility to ensure that the requirements in (a) - (c) are met.

(e) Each licensed veterinarian shall be responsible for their individual violations of the **Veterinary Medicine p**Practice ~~a~~Act or any regulation adopted thereunder.

NOTE: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4853 and 4883 Business and Professions Code.

2032.05. Humane Treatment.

When treating a patient, a veterinarian shall use appropriate and humane ~~methods care of~~ **anesthesia, analgesia and sedation** to minimize pain and distress **before, during, and after performing any procedure(s)** ~~during and after any procedures.~~

NOTE: Authority cited: Sections 4808, Business and Professions Code. Reference: Section 4826 and 4883, Business and Professions Code.

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

AVAILABILITY OF DOCUMENTS ADDED TO RULEMAKING FILE

NOTICE IS HEREBY GIVEN that the following document(s) are being added to the rulemaking record for the regulatory proceeding concerning Title 16, Division 20, California Code of Regulations (CCR) sections 2030.05 and 2032.05:

1. Statement of Reasons
2. Precedent Decision 2005-01
3. Final Statements of Reasons from 1989 Rulemaking File, Section 2037 – Dental Operations Defined
4. Letter from Assembly Member Bruce Bronzan, dated July 9, 1990, to Governor George Deukmejian
5. Letter from Governor George Deukmejian, dated July 20, 1990, to Assembly Member Bruce Bronzan

The above documents are now available for public inspection and/or comment until January 25, 2013 at the following location:

Contact:	Ethan Mathes
Address:	Veterinary Medical Board 2005 Evergreen Street, Suite 2250
Telephone No.:	916-263-2622
E-Mail Address:	ethan.mathes@dca.ca.gov

DATED: January 11, 2013

ETHAN MATHES
Administrative Programs Coordinator
Veterinary Medical Board