



## MEMORANDUM

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**DATE** April 10, 2013

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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** **Animal Rehabilitation**

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**Background:**

At its January 2013 meeting, the Board discussed the issue of animal rehabilitation and several motions were made. The Board's final action on the issue was a unanimous vote on a motion to adopt the language proposed by the Multidisciplinary Committee (MDC) with two amendments 1) adding the proviso that "only" licensed physical therapists and registered veterinary technicians in good standing can perform animal rehabilitation under the direct supervision of a licensed veterinarian; and 2) a three year sunset clause from date of implementation.

The net effect of the Board action was to direct staff to make the proposed amendments to the language and schedule a public hearing as soon as possible. While there was general discussion about possibly referring the issue back to the MDC for review of other models of supervision, the final vote was unanimous to direct staff to move forward with the language as amended to public hearing.

A question was raised in January as to whether the Board could make changes to the language during the rulemaking process and the response was that it could. By moving forward with adopting the regulations as amended in January with a unanimous vote, the Board was clear about the direction in which it is headed. While the Board could make changes during the rulemaking process, once proposed language is adopted, usually the only changes that a board would make would be done in response to relevant comments made during the public comment period and at the public hearing before the Board.

Having a sunset clause in a regulation is a new concept for this Board, but the way such a clause works is that the sunset clause goes into effect at the same time as the new rule. Sunset clauses are usually inserted in law to allow time to evaluate how well the new law is working and give the Legislature or Board the opportunity to make any necessary changes. Additional review of the proposed regulations would usually take place sometime after the regulations became effective and before the end of the three year sunset clause so that there was time to evaluate how well the new law was working.

The Board's Enforcement Committee has requested that the issue of animal rehabilitation be placed on the April agenda for further discussion. If the Board wishes to take action other than the action taken in January and/or consider other options, then the Board as a whole would need to reconsider its motion from January which requires a two thirds affirmative vote of the whole Board.

The proposed language (as amended from the language provided by the MDC) from the January meeting and excerpts from the January 2013 minutes are in the binders for review.

**Action Requested:**

The item is up for discussion. Options:

1. Continue with the Board original direction and proceed with initiating a rulemaking file and public hearing process.
2. Stop the rulemaking process and overturn the previous motion (requires a two-thirds affirmative vote).
  - a. If the Board chooses to reconsider its motion and the proposed language and continue discussion, it should determine where it will be discussed (e.g., discussion by the Board, refer to Enforcement Committee, refer to RVT Task Force or refer back to MDC, etc.).