

Veterinary Medical Board Addendum to Final Statement of Reasons

On March 15, 2016, the Office of Administrative Law (OAL) disapproved the proposed regulation amending section 2043 of title 16 of the California Code of Regulations. In response, the Veterinary Medical Board (VMB) further amended the proposed regulation. The following substantive changes were made:

--In the introductory paragraph, the words "may include" have been added before "an assessment of a civil penalty". This change was made in response to the OAL's comment that the regulation was unclear because it sounded like all citations must include a civil penalty, which is not always the case.

--In subsection (e), the words "Notwithstanding the foregoing" have been added at the beginning of the paragraph. This change was made because of discussions with the OAL in which they commented that subsection (d) made it sound as if the VMB must consider all of the listed criteria when deciding whether a citation should be Class A, B, or C. In fact, the VMB does consider all of the factors listed in subsection (d) during its initial investigation into a case, but once unlicensed activity is found, the VMB has made the determination that all such cases should be Class C violations.

--In subsection (g)(1), the words "governing veterinary medicine" have been replaced by "related to the violation for which the citation was issued". This change was made in response to the OAL comment that it was unclear whether the VMB meant that the individual to whom the citation was issued must demonstrate how future compliance with *all* laws governing veterinary medicine will be accomplished, or just the laws related to the violation for which the citation was issued. The VMB intended the latter meaning.

--In subsection (g)(2), the words "offered by a Board-approved provider, individual courses of which must also be" have been added before "approved by the Board". This addition was made in response to the OAL comment that it was unclear whether the course provider or the course itself must be approved by the Board. The answer is that both levels of approval are necessary.

--The following Business and Professions Code sections were also added as Reference citations at OAL's request: 12.5, 4826, 4846.5, and 4875.2.

The following non-substantive grammatical changes were also made, to make the proposed regulations clearer:

--The words "from the violation" were added at the end of the first sentence of subsection (a).

--The word "paragraph" has been replaced by "subsection" in the following places: the second sentence of subsection (b), and the second sentence of subsection (c).

--The word "previous" has been deleted from before "actions" in the second sentence of subsection (b), and the words "to enforce the previous citations" have been added in this same sentence after "actions". This same change was made in the second sentence of subsection (c).

--The word "and" has been replaced with "or" before "safety" in the first sentence of subsection (c).

--The word "which" has been replaced with "that" in two places in the first sentence of subsection (c).

--The word "their" has been deleted from subsection (d)(5).

--The word "That" has been added at the beginning of the first sentence of subsection (g)(1), and in this same sentence "; to" has been deleted. This same change was made in the first sentence of subsection (g)(2).

--The words "of the" have been deleted from the "Authority Cited" and "Reference" lines at the end of the regulation, and a comma has been added to each of these lines after "4875.4".

A 15 Day Notice of Modified Text, 15 Day Notice of Proposed Language showing the proposed amended language of the regulation, and a Notice of Documents Added to Rulemaking File were all posted by the VMB on its website and emailed to all of the members of its ListServe on April 26, 2016. No written or oral comments on the proposed regulation were received by the VMB from April 26, 2016 through the close of business on May 17, 2016.