

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

Notice of Proposed Changes

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Arlington Room 206 at 3737 Main Street, Riverside, California 92507 at 10 a.m. on Wednesday, April 21, 2010.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, April 19, 2010, or must be received by the Board at the hearing.

The Board upon its own motion or at the instance of any interested party may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4808 of the Business and Professions Code, and to implement, interpret or make specific Sections 144, 4800.1, 4808, 4837, 4883, 4885, 4901, 4901.1, 4901.2, and 4902, of said Code; and Section 11105 of the Penal Code, the Board is considering changes to Division 20 of Title 16 of the California Code of Regulations as follows:.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 4808 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Veterinarian Medicine Practice Act.

The purpose of the proposed language is to establish requirements for veterinarian and veterinary technician licensees to furnish a full set of fingerprints to the Department of Justice (DOJ) as a condition of renewal with the Board if the veterinarian was initially licensed prior to 1960 or veterinarian technician was licensed prior to 2004 or if an electronic record of the fingerprint submission no longer exists. Specifically, this proposal would:

Adopt Section 2007

The proposed regulation provides that veterinarian and veterinary technician licensees are required to respond to all Board requests for information within 30 days, that they are required to provide the Board with all records requested related to criminal history information, provide accurate responses and make available documents and other records requested.

Adopt Section 2010.05

The Board is proposing a requirement that, as a condition for license renewal, all licensed veterinarians and veterinary technicians must provide the Department of Justice (DOJ) a full set of fingerprints for the purpose of conducting a criminal history records check and must pay for

all costs and maintain records of the submission for three years. This proposal applies if the veterinarian was initially licensed prior to 1960, the veterinary technician was licensed prior to 2004 or if an electronic record of the fingerprint submission no longer exists.

Also as a condition of renewal, a licensee must disclose to the Board whether, in the prior renewal cycle, he or she has been convicted of any violation of the law omitting minor infractions not involving alcohol, dangerous drugs or controlled substances. The Board is also proposing penalties for failure to disclose such convictions.

Amend Section 2085.1

The proposed regulation mandates that all licensees applying for license renewal or reactivating an inactive license submit a full set of fingerprints as required by section 2010.05 prior to seeking a license reinstatement.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Processing approximately 4,000 fingerprint records and the applicable disciplinary actions will necessitate adding a .5 position to the Board's enforcement program and will increase the Board's related expenditures for services from the Office of the Attorney General and the Office of Administrative Hearings. The current estimated cost per fiscal year is:

\$26,500 for .5 personnel year

The Board estimated 600 new cases over the first two years resulting from 15% of licensee population completing fingerprints for the first time at an average cost of \$5,000 per case for a total of \$300,000(\$5,000x600)/2 years or \$150,000 per year.

FY 2011-12	\$176,500
FY 2012-13	\$176,500
FY 2013-14	\$76,500

FY 2013-14 costs have been identified for staff to monitor renewal applications and resulting enforcement issues (\$50,000 enforcement costs/\$26,500 for .5 personnel year).

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17500-17630 Requires Reimbursement: None

Business Impact: The regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete. There are approximately 750 fingerprinting service vendors statewide, including small businesses that provide fingerprinting services. There should not be any cost impact on fingerprinting service vendors because they are already equipped to provide the service. This regulation will generate revenue for fingerprinting service vendors.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because the requirements pertain to individual licensed veterinarians and registered veterinary technicians.

CONSIDERATION OF ALTERNATIVES

The Board has determined that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2005 Evergreen Street, Suite 2250, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Ethan Mathes
Address:	Veterinary Medical Board 2005 Evergreen Street, Suite 2250
Telephone No.:	916-263-1598
Fax No.:	916-263-2621
E-Mail Address:	ethan_mathes@dca.ca.gov

The backup contact person is:

Name:	Susan Geranen, Executive Officer
Address:	same as above
Telephone No.:	916-263-2610
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E-Mail Address:	vmb@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.vmb.ca.gov.