

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 20. VETERINARY MEDICAL BOARD

INITIAL STATEMENT OF REASONS

Licensing and Registration Examinations

Hearing Date: No hearing has been scheduled for the proposed action.

Subject Matter of Proposed Regulations: Licensing and Registration Examinations

Section(s) Affected: Repeal sections 2014, 2015, and 2015.2 of article 2 of division 20 of title 16 of the California Code of Regulations (CCR).

Background and Statement of the Problem:

The California Veterinary Medical Board (Board) licenses, regulates, and investigates complaints against five different license categories in California, totaling approximately 48,000 licensees. These licensing categories include veterinary premises, veterinarians, university veterinarians, registered veterinary technicians (RVTs), and veterinary assistant controlled substance permit (VACSP) holders. It is the Board's duty to enforce and administer the California Veterinary Medicine Practice Act (Chapter 11 (commencing with section 4800) of Division 2 of the Business and Professions Code (BPC) (Practice Act). The Board is authorized to establish reasonably necessary regulations for the enforcement of the Practice Act (BPC section 4808).

In 2024-2025, the Board proposed to repeal CCR sections 2014 and 2015.2 (in their entirety) as part of a Section 100 rulemaking package. During the Office of Administrative Law's (OAL) final approval process, it was ultimately determined that the repeal of what was previously subsection (b) of CCR section 2014, (which deals with the grading method for the national veterinarian licensing examination), and subsection (a) of CCR section 2015.2, (which deals with the administration of the Veterinary Law Examination (VLE)), fell outside of definition of a Section 100 rulemaking.

While the repeal of other provisions from both CCR section 2014 and 2015.2 were approved in the Section 100 rulemaking (February, 12, 2025; OAL Matter Number: 2024-1230-02), it was recommended that the repeal of the two remaining provisions (noted above) be pursued via the regular rulemaking process.

CCR Section 2014

Existing CCR section 2014 defines how applicants can pass the national veterinarian licensing examination in California. It states that a passing score is determined using the Angoff criterion-referenced method, which evaluates the difficulty of test questions to set the minimum passing point. Because the method is tied to the content of each version of the examination, the exact passing score may vary slightly from one test administration to another.

The Board is proposing to repeal the remaining provision in CCR section 2014 because the Board does not administer national examinations and has no authority to set or influence passing scores. National examination vendors determine passing standards according to accepted psychometric and legal requirements across all jurisdictions they serve. Because passing scores fall outside of the Board's authority, CCR section 2014 (previously subsection (b) of CCR section 2014) is not valid or enforced by the Board.

The national veterinarian licensing examination is periodically reviewed by the Board for compliance with BPC section 139 to ensure the validity of the examination to test minimum skills and education necessary for California veterinary medicine practice. However, as noted above, the Board does not administer the examination and has no authority to dictate what the passing score is or how the score is determined.

CCR Section 2015.2

Existing CCR section 2015.2 mandates that the VLE be administered by "mail" to applicants who then have 40 days from the mailing date to return the completed examination to the Board. Failure to submit the examination within that timeframe results in a failed attempt, and the applicant must reapply and retake the examination.

The Board is proposing to repeal the remaining provision in CCR section 2015.2 because, effective January 1, 2019, the Board was given statutory authority to administer the examination via "regular mail, email, or by other electronic means" (BPC section 4846, subdivision (a)(5)(B)). With the support of the Legislature, the Board has been administering the VLE via electronic means. Repealing CCR section 2015.2 would eliminate the unintended discrepancy between the statute and the regulation, which can potentially mislead the regulated community that the examination *must* be offered by regular mail when that is not the current practice of the Board.

CCR Section 2015

Existing CCR section 2015 outlines the time limits for examination credit toward licensure or registration in California. Veterinarian candidates must pass both the national veterinary examination and the VLE within 60 months of taking the first examination; otherwise, they must retake both. Similarly, RVT applicants must pass the national veterinary technician examination within 60 months or risk retaking it. Applicants who fail any examination or exceed the 60-month window may retake the relevant examinations at a subsequent administration.

In the Section 100 rulemaking referenced above, references to California examinations were struck because, effective January 1, 2022, BPC section 4848 was repealed and BPC section 4841.4, subdivision (b)(2), was amended eliminating the Board's authority to require and administer California examinations (Assembly Bill 1535, Committee on Business and Professions, Chapter 631, Statutes of 2021).

Additionally, prior to the Board's April 2025 meeting, it was also determined that CCR section 2015 could be repealed for the following reason: BPC section 4846 sufficiently ensures veterinarian license applicants have demonstrated they are competent to

practice regardless of the period between the national examination and the VLE. It was also determined that subsections (c), (d), and (e) are obsolete (due to the elimination of the California examinations) and should have previously been repealed in the referenced Section 100 rulemaking package, as there are no longer two examinations (national/California) to mark the beginning and end of the sixty-month period before applicants are required to retake and pass all examinations. For these reasons, the Board is proposing to repeal CCR section 2015 in its entirety.

All of these proposals were brought before the Board at the April 16, 2025, meeting. The text included in this regulatory package is reflective of what was approved by the full Board.

Anticipated benefits from this regulatory action:

As explained above, this regulatory proposal will eliminate regulatory provisions that: are not valid or enforceable by the Board; are sufficiently addressed in statute; do not align with statute; or, are obsolete.

Specific purpose of, and rationale for, each adoption, amendment, or repeal:

1. Repeal CCR section 2014

Purpose: The purpose of the proposed change is to repeal a regulation regarding the national veterinarian examination that is not valid or enforceable by the Board.

Rationale: The Board does not administer national examinations and has no authority to set or influence passing scores. National examination vendors determine passing standards according to accepted psychometric and legal requirements across all jurisdictions they serve. Because passing scores fall outside of the Board's authority, CCR section 2014 (previously subsection (b)) is not valid or enforced by the Board.

2. Repeal CCR section 2015

Purpose: The purpose of the proposed change is to repeal regulatory provisions that are sufficiently addressed in statute and are obsolete.

Rationale: BPC section 4846 sufficiently ensures veterinarian license applicants have demonstrated they are competent to practice regardless of the period between the national examination and the VLE. Additionally, subsections (c), (d), and (e) are obsolete due to the elimination of the California examinations.

3. Repeal CCR section 2015.2

Purpose: The purpose of the proposed change is to repeal a regulation that does not align with statute regarding the administration of the VLE (BPC section 4846, subdivision (a)(5)(B)).

Rationale: Effective January 1, 2019, the Board was given statutory authority to administer the VLE via "regular mail, email, or by other electronic means" (BPC section

4846, subdivision (a)(5)(B)). With the support of the Legislature, the Board has been administering the VLE via electronic means. Repealing CCR section 2015.2 would eliminate the unintended discrepancy between the statute and the regulation, which can potentially mislead the regulated community that the examination must be offered by regular mail when that is not the current practice of the Board.

Underlying Data:

- April 16-17, 2025 Board Meeting Agenda, Relevant Materials, and Minutes

Business Impact:

The Board has made the initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the inability of California businesses to compete with businesses in other states.

This initial determination is based on the following facts:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California. The regulatory proposal is intended to better align the Board's regulations with current law and existing practice. The regulations do not result in additional workload or costs to businesses in the state.

Economic Impact Assessment:

The Board has determined that this regulatory proposal:

- Will not create or eliminate jobs within the State of California because it does not create any new requirements or changes within the regulations.
- Will not create new businesses or eliminate existing businesses within the State of California because it does not create any new requirements or changes within the regulations.
- Will not affect the expansion of businesses currently doing business within the State of California because it does not create any new requirements or changes within the regulations.
- Does not relate to health and welfare or describe benefits consistent with anticipated benefits section.
- Does not involve worker safety or describe benefits consistent with anticipated benefits section.
- Does not involve the environment or describe benefits consistent with anticipated benefits section.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

No such alternatives have been proposed, however, the Board welcomes comments from the public.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.