

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

Initial Statement of Reasons

Hearing Date: 10 a.m. on Wednesday, October 19, 2011

Subject Matter of Proposed Regulations: Minimum Standards of Veterinary Practice

Sections Affected: Title 16, Division 20, California Code of Regulations (CCR) sections 2030, 2030.05, 2030.1, 2030.2, 2030.3, 2032.1, 2032.15, 2032.2, 2032.25, 2032.3, 2032.35, 2032.4, and 2037.

Specific Purpose of each adoption, amendment, or repeal:

The specific purpose of the proposed language is to update the minimum standards of veterinary practice to current practice standards as well as provide additional protection to consumers in areas that were not previously covered in the minimum standards of practice. Specifically, this proposal would:

Amend CCR section 2030

The proposed regulation outlines specific public notification requirements for when a veterinary hospital premise is closed. It also clarifies and provides detailed information on the separate surgical room layout, equipment that can be in the room, and procedural requirements.

Adopt CCR section 2030.05

The proposed regulation establishes the minimum standards for a California licensed veterinarian who is the managing licensee of a veterinary hospital premise. It establishes that the managing licensee is wholly responsible for insuring the minimum standards are followed regardless of the number of hospital premises managed by the managing licensee and it requires the manager to maintain whatever physical presence is necessary to ensure such requirements are met.

Amend CCR section 2030.1

Non substantive amendment to regulation language section heading.

Amend CCR section 2030.2

The proposed regulation specifies requirements for type of surgical surfaces in a small animal mobile clinic. It also specifies that a veterinarian shall retain the carcass of a deceased animal for 14 days prior to disposal when the client has not given authorization to dispose of their deceased animal.

Adopt CCR section 2030.3

The proposed regulation defines the minimum standards for a small animal vaccine clinic, the practice standards that such a clinic must maintain including staffing, disposal of waste, storage of drugs and biologicals, type and material of equipment, public notification of other emergency services, and record keeping requirements. It also specifies the veterinarian-client relationship and requirement for identification of the veterinarian managing the small animal vaccine clinic.

Adopt CCR section 2032.05

The proposed regulation language was amended out of section 2032.4 and a new section created under a separate section heading.

Amend CCR section 2032.1

The proposed regulation clarifies existing language and also defines the definition of the term “drug” for purposes of prescription by the veterinarian.

Adopt CCR section 2032.15

The proposed regulation provides for the continuance of the veterinary-client relationship with subsequent treating veterinarians where the original veterinary-client relationship initiating the relationship and treatment plan for the animal client is still valid.

Amend CCR section 2032.2

The proposed regulation provides that veterinarians must notify clients that they have a right to choose to receive written prescriptions at no cost.

Adopt CCR section 2032.25

The proposed regulation provides for the continuance of the prescription, dispensation, or furnishing of drugs where the original veterinarian is temporarily unavailable. It also limits the renewal of the prescription to one renewal.

Amend CCR section 2032.3

The proposed regulation clarifies and specifies existing language update the language for new digital technologies in radiography and specifies a time frame for responding to client requests for copies of medical records..

Adopt CCR section 2032.35

The proposed regulation specifies unprofessional conduct by a veterinarian includes the altering of medical records with fraudulent intent.

Amend CCR section 2032.4

The proposed regulation relocated language to section 2032.05 under a separate section heading. It also updates existing language to include medical equipment used in current medical practice and specifies record keeping criteria for procedures involving general anesthesia.

Amend CCR section 2037

The proposed regulation clarifies existing law regarding the use of a scaler and the list of items that are allowed under law.

Factual Basis/Rationale

Amend CCR section 2030

The proposed regulation provides grammatical and clerical cleanup and implements changes to provide the public with clear information on the provision of after hours veterinary care. It clarifies specific requirements for the surgical room for licensees and the public and gives the Veterinary Medical Board (Board) clear direction for enforcing separate surgical room requirements. It also updates the language to encompass new digital technologies in radiography.

Adopt CCR section 2030.05

The proposed regulation provides new minimum standards requirements for managing licensees. Due to recent increases in corporate owned veterinary hospitals and multiple doctor practices, managing licensees are being asked to manage multiple practice locations. The new language defines the requirements of a managing licensee so individual licensees can make a determination as to the number of practices that they can manage and still maintain the minimum standards required by law.

Amend CCR section 2030.1

The proposed non-substantive amendment to the section heading will clarify the purpose of the regulatory language.

Amend CCR section 2030.2

The proposed regulation provides grammatical clean up and clarifies the requirements for sanitary conditions in a mobile clinic. It also provides clarity on specific disposal requirements for unclaimed deceased animals.

Adopt CCR section 2030.3

The proposed regulation creates standards for mobile small animal vaccination clinics based on the current standard of practice and provides the Board clear direction for enforcing such standards.

Adopt CCR section 2032.05

The proposed regulation was moved from section 2032.4 in order to more appropriately define and emphasize the need for humane treatment of animals.

Amend CCR section 2032.1

The proposed regulation provides for the assurance of a hands-on examination and clarifies responsibility in the veterinary-client relationship to assure maximum consumer protection and make clear the decision making responsibilities of licensees. It also clarifies any confusion that may have resulted in what constitutes the definition of a “drug” for the purposes of veterinary practice.

Adopt CCR section 2032.15

The proposed regulation provides for continuity of treatment for the animal patient and the continuance of the veterinary-client relationship in larger corporate owned veterinary hospitals where veterinary clients are increasingly served by multiple veterinarians during the course of their animal’s treatment. It also assures clients will be appropriately notified of any changes to treatment plans.

Amend CCR section 2032.2

The proposed regulation clarifies existing law that veterinarians must notify clients of their right to a written prescription and that clients may not be charged for those written prescriptions.

Adopt CCR section 2032.25

The proposed regulation provides for continuity of treatment of the animal patient in cases where the client is traveling and needs additional medication for on-going conditions. It provides for a one time refill of on-going medications to allow for continuing treatment of the animal patient while providing time for the client to return to the original prescribing licensee or obtain a new authorization for the medication.

Amend CCR section 2032.3

The proposed regulation provides grammar and clerical cleanup. It also updates the language for new digital technologies in radiography. It limits the response time for medical records to be made available to clients due to some issues with veterinarians relinquishing medical records in a timely manner.

Adopt CCR section 2032.35

The proposed regulation provides clarification and authority for the Board to enforce any alteration of medical records with fraudulent intent based on increasing public complaints regarding medical records.

Amend CCR section 2032.4

The proposed regulation provides an update to existing language that includes specific medical equipment used for anesthesia in current medical practice. It also specifies record keeping criteria for procedures involving general anesthesia that the Board determined was critical knowledge when administering any drug that has potentially lethal consequences.

Amend CCR section 2037

The proposed regulation clarifies existing law regarding the use of a scaler and the list of items that are allowed under law.

Underlying Data

1. Multidisciplinary Committee Meeting Minutes dated November 19, 2009, March 17, 2010, September 1, 2010, November 17, 2010, March 16, 2010, and June 15, 2011.
2. Board Meeting Minutes dated July 19-20, 2011.

Business Impact

The Board has determined that the proposed regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states. Continuing education providers in California would presumably realize an increase in revenue due to the requirement.

Specific Technologies or Equipment

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

Consideration of Alternatives

No reasonable alternative to the regulation would be either 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 proposed regulation.