

**Veterinary Medical Board  
Department of Consumer Affairs**

**Initial Statement of Reasons**

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

**Subject Matter of Proposed Regulations:** RVT Job Tasks

**Sections Affected:** California Code of Regulations (CCR)<sup>1</sup> Title 16, Division 20, Article 4, Section 2036.

**Background and Statement of the Problem:**

Business and Professions Code (BPC) section 4800.1 mandates that the protection of the public shall be the highest priority of the Veterinary Medical Board (Board) in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. The Board enforces the Veterinary Medicine Practice Act (Act) and oversees veterinarian licensees, veterinary technician registrants (RVTs), veterinary assistant controlled substance permit holders (permit holders), and veterinary assistants (VAs).

BPC section 4826 defines the practice of veterinary medicine and, among other things, authorizes an RVT to administer a medicine (including a drug or controlled substance), appliance, application, or treatment at the direction of and under the direct supervision of a licensed veterinarian. BPC section 4826.5 authorizes an RVT under the supervision of a licensed veterinarian to compound drugs for animal use, and requires the Board to promulgate regulations to address, among other things, the level and type of supervision required for compounding drugs by an RVT. BPC section 4836 requires the Board to adopt regulations establishing animal health care tasks and an appropriate degree of supervision required for those tasks that may be performed only by an RVT or licensed veterinarian. BPC section 4840 authorizes RVTs and VAs to perform animal health care services under the supervision of a California licensed or authorized veterinarian. BCP section 4840.2 prohibits an RVT or VA from: (a) performing surgery; (b) diagnosis and prognosis of animal disease; and (c) prescribing drugs, medicine, and appliances.

CCR section 2036 authorizes an RVT, under the direct supervision of a veterinarian, to induce anesthesia, apply casts and splints, perform dental extractions, suture cutaneous tissues, gingiva, and oral mucous membranes, and create a relief hole in the skin to facilitate placement of an intravascular catheter. CCR section 2036 also authorizes an RVT, under indirect supervision of a veterinarian, to administered controlled substances. Subject to these provisions, an RVT may perform animal health care tasks under the direct or indirect supervision of a licensed veterinarian, and the degree of veterinarian supervision must be consistent with standards of good veterinary medical practices.

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<sup>1</sup> All CCR references are to title 16 unless otherwise noted.

CCR section 2034, subsection (e), defines “direct supervision” to mean: (1) the supervisor is physically present at the location where animal health care job tasks are to be performed and is quickly and easily available; and (2) the animal has been examined by a veterinarian at such time as good veterinary medical practice requires consistent with the particular delegated animal health care job task. CCR section 2034, subsection (f), defines “indirect supervision” to mean: (1) that the supervisor is not physically present at the location where animal health care job tasks are to be performed, but has given either written or oral instructions (“direct orders”) for treatment of the animal patient; and (2) the animal has been examined by a veterinarian at such times as good veterinary medical practice requires, consistent with the particular delegated animal health care task and the animal is not anesthetized.

The Board’s 2012-2014 Strategic Plan included an action item directing the Board to research “extended duties” for RVTs. This proposal resolves that action item and would authorize an RVT to apply casts and splints and perform drug compounding under the indirect supervision of a licensed veterinarian.

**SPECIFIC PURPOSE, ANTICIPATED BENEFIT, AND RATIONALE:**

**Amend Subsection (a) of Section 2036 of Article 4 of Division 20 of Title 16 of the CCR**

Purpose: This regulatory amendment makes a minor, grammatical change to the regulation for clarity purposes.

Anticipated Benefit: The Board anticipates that veterinarians and RVTs would benefit from the proposal.

Rationale: The amendment to this subsection is necessary to provide clarity and consistency to the regulation. The regulation currently refers to “a R.V.T.” and this proposal would change that phrase to “an R.V.T.”

**Amend Paragraph (2) of Subsection (b) of Section 2036 of Article 4 of Division 20 of Title 16 of the CCR:**

Purpose: The purpose of this proposal is to authorize RVTs to perform additional animal health care tasks under indirect veterinarian supervision.

Anticipated Benefit: The Board anticipates that consumers and their animals would benefit from the proposal by identifying additional animal health care tasks that an RVT can provide under indirect supervision of a veterinarian, which will provide additional access to veterinary medical care for California’s consumers and their animals.

Rationale: This proposal is necessary to expand the animal health care tasks that can be delegated to an RVT and performed under indirect veterinarian supervision. The Board’s 2012-2014 Strategic Plan included an action item directing the Board to research “extended duties” for RVTs. The work of researching and recommending possible “extended duties” was delegated by the Board to the Multidisciplinary Advisory Committee (MDC), who took up the

action item task at its April 2016 Meeting. Through numerous MDC meeting discussions and the participation of various stakeholders, including California Registered Veterinary Technicians Association (CaRVTA) representatives, the MDC identified a list of five distinct RVT tasks for further discussion at the MDC's October 2017 meeting. One of the identified tasks discussed at that meeting was whether casting and splinting could be performed by an RVT under indirect supervision. The MDC's recommendation from its October 2017 meeting was forwarded to the Board and included moving the application of casts and splints from direct supervision in CCR section 2036, subsection (b)(2), to indirect supervision under CCR section 2036, subsection (c)(2) (still leaving the level of supervision up to the supervising veterinarian).

At its February 2018 meeting, the Board reviewed and discussed the proposed amendments to CCR section 2036 regarding supervision and the application of casts and splints by an RVT. Board and public comments centered around the effect of moving the RVT task from direct supervision, how particular RVT delegated tasks in CCR section 2036 evolved throughout regulatory history, and any effect the proposed amendment might have on allowable veterinary assistant tasks in CCR section 2036.5. The regulatory history of CCR sections 2036 (RVT tasks) and 2036.5 (permit holder and VA tasks) encompassed a very long and prescriptive list of allowable RVT tasks that over time were pared down to what is in regulation today. RVT tasks that may be performed by an RVT (under a specified level of supervision, but not by a permit holder or VA) are now listed under CCR section 2036, subsections (b) and (c), leaving it up to the supervising veterinarian to determine the necessary level of supervision required for all other RVT tasks pursuant to subsection (d). Permit holders and VAs, in accordance with CCR section 2036.5, subsection (a), are prohibited from performing RVT tasks identified in CCR section 2036, subsections (a)-(c), but otherwise are authorized to perform auxiliary animal health care tasks under the direct or indirect supervision of a veterinarian or the direct supervision of an RVT. By striking "apply casts and splints" from subsection (b) and moving it to subsection (c), an RVT will be able to apply casts and splints under indirect supervision.

**Amend Paragraphs (3) through (5) of Subsection (b) of Section 2036 of Article 4 of Division 20 of Title 16 of the CCR:**

Purpose: The purpose of this proposal is to renumber the paragraphs that follow a paragraph that is being stricken from the subsection, as well as make minor punctuation changes.

Anticipated Benefits: The Board anticipates that veterinarians and RVTs will benefit from the minor, nonsubstantive revisions of this proposal.

Rationale: This proposal is necessary to renumber paragraphs (3), (4), and (5) for clarity and consistency in the regulation. The proposal would strike paragraph (2) "apply casts and splints" and insert that paragraph under subsection (c). Accordingly, it is necessary to renumber paragraphs (3), (4), and (5) to become paragraphs (2), (3), and (4). The proposal would also make minor punctuation changes to the paragraphs.

**Amend Subsection (c) of Section 2036 of Article 4 of Division 20 of Title 16 of the CCR:**

Purpose: This regulatory amendment makes minor, grammatical changes to the regulation for clarity purposes.

Anticipated Benefit and Rationale: The Board anticipates that veterinarians and RVTs would benefit from the proposal.

Rationale: The amendment to this subsection is necessary to provide clarity and consistency to the regulation. The regulation currently refers to “RVT,” and this proposal would change that phrase to “R.V.T.” to be consistent with the abbreviation of registered veterinary technician as defined under CCR section 2034, subsection (b).

The proposal would also amend paragraph (1) of this subsection to strike the period and insert a semicolon as the proposal would add new paragraphs (2) and (3), which are described further below. This minor and technical amendment is necessary to maintain consistency with use of semicolons in the lists of allowable tasks provided under subsections (a) and (b).

**Adopt Paragraph (2) of Subsection (c) of Section 2036 of Article 4 of Division 20 of Title 16 of the CCR:**

Purpose: The purpose of this proposal is to authorize RVTs to perform additional animal health care tasks under indirect veterinarian supervision.

Anticipated Benefit: The Board anticipates that consumers and their animals would benefit from the proposal by identifying additional animal health care tasks that an RVT can provide under indirect supervision of a veterinarian, which will provide additional access to veterinary medical care for California’s consumers and their animals.

Rationale: This proposal is necessary to expand the animal health care tasks that can be delegated to an RVT and performed under indirect veterinarian supervision. See discussion of amending CCR section 2036, subsection (b)(2), above, but instead of supporting why to remove “Apply casts and splints” from RVT tasks requiring direct supervision, the rationale supports why the Board is adding “Apply cases and splints” to RVT tasks allowed under indirect supervision.

**Adopt Paragraph (3) of Subsection (c) of Section 2036 of Article 4 of Division 20 of Title 16 of the CCR:**

Purpose: The purpose of this proposal is to authorize RVTs to perform additional animal health care tasks under indirect veterinarian supervision.

Anticipated Benefit: The Board anticipates that consumers and their animals would benefit from the proposal by identifying additional animal health care tasks that an RVT can provide under indirect supervision of a veterinarian, which will provide additional access to care for illness and injuries of California’s consumers and their animals.

**Rationale:** This proposal is necessary to establish the appropriate level of veterinarian supervision over an RVT performing drug compounding. Senate Bill (SB) 1193 (Hill, Chapter 484, Statutes of 2016) enacted a new statute, BPC section 4826.5, which authorized drug compounding by veterinarians and supervised RVTs. SB 1193 required the Board to promulgate regulations to, among other things, establish the level and type of supervision required for compounding drugs by an RVT. This proposal would implement that directive and establish indirect veterinarian supervision of an RVT when compounding drugs. The Board, in its extensive deliberation on drug compounding regulations that are the subject of a separate rulemaking file, determined that RVTs only require indirect supervision to compound drugs safely and effectively. At the request of CaRVTA representatives, the RVT animal health care tasks regulation is being revised to include the RVT's ability to compound drugs under indirect supervision, which is also provided under the Board's new drug compounding regulations that are the subject of a separate rulemaking file. Accordingly, this proposal would supplement the Board's drug compounding rulemaking by listing in the RVT animal health care tasks regulation that an RVT may perform drug compounding under indirect veterinarian supervision. This duplication is necessary to clarify for supervising veterinarians that RVTs may be indirectly supervised when doing drug compounding. This rulemaking also supports the Board's goals in its 2012-2014 Strategic Plan directing the Board to research "extended duties" for RVTs.

**Amend Subsection (d) of Section 2036 of Article 4 of Division 20 of Title 16 of the CCR:**

**Purpose:** This regulatory amendment makes a minor, grammatical change to the regulation for clarity purposes.

**Anticipated Benefit:** The Board anticipates that veterinarians and RVTs will benefit from this proposal.

**Rationale:** The amendment to this subsection is necessary to provide clarity and consistency to the regulation. The regulation currently refers to "a R.V.T." and this proposal would change that phrase to "an R.V.T."

**Underlying Data**

- April 19, 2016 Veterinary Medical Board (Board), Multidisciplinary Advisory Committee (MDC) Meeting Agenda and Meeting Minutes
- April 20-21, 2016 Board Meeting Agenda and Meeting Minutes
- July 19, 2016 MDC Meeting Agenda and Meeting Minutes
- October 18, 2016 MDC Meeting Agenda and Meeting Minutes
- January 17, 2017 MDC Meeting Agenda; Relevant Meeting Materials; and Meeting Minutes
- April 18, 2017 MDC Meeting Agenda; Relevant Meeting Materials; and Meeting Minutes
- July 25, 2017 MDC Meeting Agenda; Relevant Meeting Materials; and Meeting Minutes
- October 17, 2017 MDC Meeting Agenda; Relevant Meeting Materials; and Meeting Minutes
- October 18-19, 2017 Board Meeting Agenda; Relevant Meeting Materials; and Meeting Minutes

- February 21-22, 2018 Board Meeting Agenda; Relevant Meeting Materials; and Meeting Minutes
- May 23-24, 2018 Board Meeting Agenda; Relevant Meeting Materials; and Meeting Minutes
- November 14-16, 2018 Board Meeting Agenda; Relevant Meeting Materials; and Meeting Minutes

### **Business Impact**

The Board has made an initial determination that the proposed regulations will not have a significant adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The regulations will only impact RVTs and authorize them to provide additional services under the indirect supervision of a licensed veterinarian.

### **Economic Impact Analysis**

This regulatory proposal would have the following effects:

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. This regulatory proposal provides additional services to California consumers and their animals by allowing RVTs to provide already authorized animal health care tasks under the indirect supervision of a licensed veterinarian and aligning the regulations with current practice.

This regulatory proposal benefits the health and welfare of California residents because the proposed regulation would authorize RVTs to provide additional animal health care tasks to California consumers and their animals, while still ensuring the RVT is properly supervised. This regulatory proposal focuses on identifying the health care tasks an RVT can provide under indirect supervision and does not affect worker safety or the state's environment.

### **Overview**

The Board currently licenses approximately 7,200 RVTs, and 3,500 registered veterinary premises in California. The proposal authorizes an RVT to apply casts and splints and compound drugs under indirect supervision of a veterinarian, which will increase access for California consumers to veterinary medical care for their animals. The only businesses impacted by the proposed regulation would be businesses that provide veterinary medical services and employ RVTs. The types of businesses that own veterinary premises range from small private businesses to corporations. The Board estimates approximately 80 to 90 percent (or 2,800 to 3,150) of these premises are small businesses. The Board does not believe there will be any jobs created or eliminated by this proposal. The Board does not anticipate the creation or elimination of businesses as a result of the proposal.

### **Economic Impact Assessment of Benefits**

The Board has determined the proposal would benefit the health, safety, and welfare of California consumers and their animals because it increases the animal health care tasks that an RVT can provide under the indirect supervision of a veterinarian, increasing access for California consumers to veterinary medical care for their animals.

The Board has the general authority under BPC section 4808 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 Veterinary Medicine Practice Act. BPC section 4826 defines the practice of veterinary medicine and, among other things, authorizes an RVT to administer a medicine (including a drug or controlled substance), appliance, application, or treatment at the direction of and under the direct supervision of a licensed veterinarian. BPC section 4826.5 authorizes an RVT to compound drugs for animal use under the supervision of a licensed veterinarian, and requires the Board to promulgate regulations to address, among other things, the level and type of supervision required for compounding drugs by an RVT. BPC section 4836 requires the Board to adopt regulations establishing animal health care tasks and an appropriate degree of supervision required for tasks that may be performed only by an RVT or licensed veterinarian. BPC section 4840 authorizes RVTs and VAs to perform animal health care services under the supervision of a licensed or authorized veterinarian. BCP section 4840.2 prohibits an RVT or VA from: (a) performing surgery; (b) diagnosis and prognosis of animal disease; and (c) prescribing drugs, medicine, and appliances. The proposed regulation would not have a significant impact on worker safety or the state's environment.

### **Requirements for Specific Technologies or Equipment**

This regulatory proposal 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 regulation has been proposed or be as effective and 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.

Set forth below are the alternatives that were considered and the reason the alternative was rejected:

1. The initial question brought to the Board's Multidisciplinary Advisory Committee (MDC) was whether the Board's regulations needed to provide for extended animal health care duties that could be performed by RVTs or to restrict some animal health care duties to only be delegated to RVTs, and not to permit holders or VAs. The MDC discussed whether regulation should provide a list of duties (e.g., only an RVT could perform a procedure involving placement of a needle or appliance in a blood vessel, body cavity, or epidural space, induce anesthesia, or perform casting and splinting) that a supervising veterinarian could only delegate to an RVT based on the degree of risk involved. The idea to create a list the specific duties that could only be delegated to an RVT was rejected because generating a list of all restricted duties would be difficult and impractical and imply that any task omitted from the list may be interpreted as a task delegable to an RVT. Instead, the MDC determined that assessment of risk is necessarily based on the specific set of circumstances of the individual animal patient, and it was more prudent to identify tasks that an RVT could safely perform under indirect supervision, which this proposal accomplishes. Importantly, the list of indirect supervised

duties of an RVT in CCR section 2036, subdivisions (b) and (c), which this proposal amends, is referenced in CCR section 2036.5 as the animal health care tasks that a VA is prohibited from performing. Accordingly, although the proposal does not create a list of tasks that an RVT may perform under indirect supervision, the proposal does ensure that a VA will not be able to apply casts and splints or perform drug compounding.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1747 North Market Blvd., Suite 230, Sacramento, California 95834.