

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

REGULAR

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2023-1017-04	REGULATORY ACTION NUMBER 2023-1228-035	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California**FEB 12 2024**
1:52 PMAGENCY WITH RULEMAKING AUTHORITY
Veterinary Medical Board, Department of Consumer Affairs

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2023, 43-2	PUBLICATION DATE 10-27-23	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Uniform Standards for Substance-Abusing Licensees		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, 2006.56	
		AMEND 2006	
TITLE(S) 16		REPEAL	
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)		<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> File & Print	
<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)		<input type="checkbox"/> Other (Specify) _____	
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)		<input type="checkbox"/> Print Only	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))		<input type="checkbox"/> Effective on filing with Secretary of State	
<input type="checkbox"/> §100 Changes Without Regulatory Effect		<input type="checkbox"/> Effective other (Specify) _____	
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)		<input type="checkbox"/> Fair Political Practices Commission	
<input checked="" type="checkbox"/> Other (Specify) Kimberly Kirchmeyer, Director, Department of Consumer Affairs		<input type="checkbox"/> State Fire Marshal	
7. CONTACT PERSON Jeffrey Olguin		TELEPHONE NUMBER (916) 282-6893	FAX NUMBER (Optional) (916) 928-6849
		E-MAIL ADDRESS (Optional) jeffrey.olguin@dca.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

12/20/23

TYPED NAME AND TITLE OF SIGNATORY

Jessica Siefertman, Executive Officer, Veterinary Medical Board

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ENDORSED APPROVED**FEB 12 2024****Office of Administrative Law**

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

FINAL STATEMENT OF REASONS

SUBJECT MATTER OF PROPOSED REGULATIONS: Uniform Standards for Substance-Abusing Licensees

SECTION(S) AFFECTED: Sections 2006, 2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, and 2006.56 of article 1 of division 20, title 16 of the California Code of Regulations (CCR).

UPDATED INFORMATION

The Initial Statement of Reasons (ISOR) is included in the rulemaking file and incorporated as though set forth herein. The ISOR is updated as follows:

The 45-day public comment period ran from October 27, 2023 to December 12, 2023. The Veterinary Medical Board's (Board) Notice indicated the Board did not intend to hold a hearing on the matter, unless requested. The Board did not receive a request to hold a hearing on this rulemaking. The Board did not receive any public comments.

The Executive Officer, under her authority to make non-substantive changes to this proposal pursuant to the delegation by the Board, has changed the title of the text in the Disciplinary Guidelines document to correspond with the revision date in the proposed text as follows: "Veterinary Medical Board Disciplinary Guidelines, ~~October 2021~~January 2022 Edition". The Board considers this to be a non-substantive change to simply update the title consistent with what has been previously proposed in the proposed text at Title 16, CCR section 2006. The Board considers this change to be non-substantive in accordance with California Code of Regulations, Title 1, section 100 as it would only align the terminology to coincide with the originally noticed proposed text and would not alter the originally proposed regulations' requirements, rights or responsibilities for any person affected by the proposed regulations.

Throughout the proposed text, the source reference that appears in brackets is necessary for the public to understand that each condition originated from the Uniform Standards, pursuant to BPC 315.

On page 14 of the text, in the first paragraph after section (K), is necessary to ensure the respondent understands that they are responsible for ensuring that their physician, nurse practitioner, or physician assistant submits complete and timely reports, since the Board has no authority over those medical professionals. If the medical professional does not send in the reports in a timely manner, the respondent is responsible for obtaining a new physician, nurse practitioner, or physician assistant. Failure to ensure each submission of complete and timely reports shall constitute a violation of probation.

LOCAL MANDATE

A local mandate is not imposed on local agencies or school districts.

FISCAL IMPACT

Based on current licensee probation data, the Board estimates twenty (20) veterinarian licensees and six (6) RVTs will be in the wellness program per year for the duration of their five-year probation period. As a result, wellness program participation is anticipated to remain unchanged. The Board currently does not anticipate an increase in citations or fines being assessed, but it does anticipate minor additional workload costs associated with probation monitoring.

Board staff spend approximately a third of its probation monitoring time on cases involving prohibited substances, which includes roughly 1,175 hours of staff time per year.

The Board has identified processes and costs as follows:

- **Initial Documentation Received:** The Board receives a complaint or conviction information about its licensees and initiates the investigation phase, which results in a total cost of \$19,996 per year and up to \$229,236 over a ten-year period.
- **Review Subsequent Documentation:** The Board will review the documentation to determine if an enforcement action is required, which results in a total cost of \$5,318 per year and up to \$60,965 over a ten-year period.
- **Case Review by the Attorney General's (AG's) Office:** After the Board's review of the documentation, the item is reviewed by the AG's Office, which results in a total cost of \$8,387 per year and up to \$96,142 over a ten-year period.
- **Probation Monitoring:** Licensees subject to probation monitoring, which includes reviewing reports, informing the licensees of the terms of probation, overseeing the monitoring process, and investigating technical probation violations, results in a total cost of \$62,141 per year and up to \$712,380 over a ten-year period.
- **Review Disciplinary Action Items while on Probation:** Licensees who violate the terms of probation and have an incident while on probation result in a total cost of \$4,606 per year and up to \$52,803 over a ten-year period.
- **Close Probation Case:** Licensees who have completed the terms of their probation result in a total cost of \$972 per year and up to \$11,143 over a ten-year period.

The following chart displays the breakdown of costs per classification, per task, for year one year for probation monitoring:

Veterinary Medical Board Probation Monitoring Workload Costs Per Year California Code of Regulations (CCR) Sections 2006, 2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, & 2006.56						
Workload Tasks	OT	AGPA	SSM I	EO	Total Year 1:	
Initial Documentation Received	\$1,323	\$17,922	\$751	\$0	\$19,996	
Review Subsequent Documentation	\$0	\$5,220	\$98	\$0	\$5,318	
Case Reviewed by the Attorney General's (AG's) Office	\$0	\$7,917	\$294	\$176	\$8,387	
Probation Monitoring	\$1,256	\$60,886	\$0	\$0	\$62,141	
Review Disciplinary Action Items while on Probation	\$0	\$4,176	\$196	\$234	\$4,606	
Close Probation Case	\$189	\$783	\$0	\$0	\$972	
Total Costs:	\$2,768	\$96,904	\$1,339	\$410	\$101,420	

Office Technician Typing (OT) - \$63 per hour
Associate Governmental Program Analyst (AGPA): - \$87 per hour
Staff Services Manager (SSM) I: \$98 per hour
Executive Officer (EO): \$117 per hour

The Board estimates total probation monitoring costs ranging from \$101,420 to \$132,330 and up to \$1.2 million over a ten-year period as follows:

Veterinary Medical Board Probation Monitoring Workload Costs Per Year California Code of Regulations (CCR) Sections 2006, 2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, & 2006.56											
Workload Tasks	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Initial Documentation Received	\$19,996	\$20,596	\$21,214	\$21,851	\$22,506	\$23,181	\$23,877	\$24,593	\$25,331	\$26,091	\$229,236
Review Subsequent Documentation	\$5,318	\$5,478	\$5,642	\$5,811	\$5,985	\$6,165	\$6,350	\$6,540	\$6,737	\$6,939	\$60,965
Case Reviewed by the Attorney General's (AG's) Office	\$8,387	\$8,638	\$8,897	\$9,164	\$9,439	\$9,722	\$10,014	\$10,314	\$10,624	\$10,942	\$96,142
Probation Monitoring	\$62,141	\$64,006	\$65,926	\$67,903	\$69,941	\$72,039	\$74,200	\$76,426	\$78,719	\$81,080	\$712,380
Review Disciplinary Action Items while on Probation	\$4,606	\$4,744	\$4,887	\$5,033	\$5,184	\$5,340	\$5,500	\$5,665	\$5,835	\$6,010	\$52,803
Close Probation Case	\$972	\$1,001	\$1,031	\$1,062	\$1,094	\$1,127	\$1,161	\$1,195	\$1,231	\$1,268	\$11,143
Total Costs:	\$101,420	\$104,463	\$107,597	\$110,825	\$114,149	\$117,574	\$121,101	\$124,734	\$128,476	\$132,330	\$1,162,668

Additionally, the Board will charge probation monitoring fees during an individual's five-year probation period, which results in revenues of \$3,200 in year-one and \$1,200 per year thereafter as follows:

Veterinary Medical Board Probation Monitoring Workload Revenue Per Person California Code of Regulations (CCR) Sections 2006, 2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, & 2006.56						
Workload Tasks	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Monthly Probation Monitoring Fee*	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$6,000
Wellness Program Fee	\$2,000	-	-	-	-	\$2,000
Total Revenue:	\$3,200	\$1,200	\$1,200	\$1,200	\$1,200	\$8,000

*Monthly Probation Monitoring Fee of \$100 per month per person

The Board estimates total monitoring revenues for 26 probationers and 6 in the wellness program of \$43,200 per year and up to \$432,000 over a ten-year period as follows:

Veterinary Medical Board Probation Monitoring Workload Revenue California Code of Regulations (CCR) Sections 2006, 2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, & 2006.56												
Workload Tasks	Participants/Yr.	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Monthly Probation Monitoring Fee*	26	\$31,200	\$31,200	\$31,200	\$31,200	\$31,200	\$31,200	\$31,200	\$31,200	\$31,200	\$31,200	\$312,000
Wellness Program Fee	6	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$120,000
Total Revenue:		\$43,200	\$43,200	\$43,200	\$43,200	\$43,200	\$43,200	\$43,200	\$43,200	\$43,200	\$43,200	\$432,000

*Monthly Probation Monitoring Fee of \$100 per month per person

The regulations do not result in costs or savings in federal funding to the state.

SMALL BUSINESS IMPACT

The Board has determined that the proposed regulations may affect existing and small businesses. The proposed regulations are expected to require a small number of veterinarians and RVTs to take off time from work in order to meet the requirements of testing and probation monitoring.

CONSIDERATION OF ALTERNATIVES

No reasonable alternatives were proposed that would be more effective in carrying out the purpose for which the regulation was proposed or would be as effective and less burdensome to affected private persons than the proposed regulation or would be more cost effective 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.

INCORPORATION OF DOCUMENTS BY REFERENCE

The form incorporated by reference in this rulemaking would be cumbersome, unduly expensive and otherwise impractical to publish in the CCR. The forms incorporated by reference that are being adopted, amended, or repealed in this rulemaking were available on the Board's website and hardcopies will be available from the Board upon request.