

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 20. VETERINARY MEDICAL BOARD**

**NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Veterinarian-Client-Patient Relationship in Absence of Client Communications, § 2032.15
Written Prescriptions in Absence of Originally Prescribing Veterinarian, § 2032.25**

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this notice.

WRITTEN COMMENT PERIOD

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 no later than July 20, 2020**, or must be received by the Board at the hearing, should one be scheduled.

AVAILABILITY OF MODIFICATIONS

The Board, upon its own motion or at the request 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 the 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 section 4808 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section 4883, the Board is considering amending sections 2032.15 and 2032.25 of article 4 of division 20 of title 16 of the California Code of Regulations (CCR)¹.

INFORMATIVE DIGEST

BPC 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 Veterinary Medicine Practice Act (Act).

¹ All CCR references are to title 16 unless otherwise noted.

This regulatory proposal will amend CCR sections 2032.15 and 2032.25 regarding veterinarian-client-patient relationships (VCPRs) in the absence of client communication and in the absence of the original prescribing veterinarian. Specifically, the Board is proposing the following:

- Amend CCR section 2032.15, subsection (a), to establish that when the original veterinarian is absent, the VCPR may continue to exist in the absence of client communication when the designated veterinarian serves at the same location where the medical records are kept. Additionally, this proposal seeks to conform the language in the regulation to the language and terminology used by the Board.
- Amend CCR section 2032.25, subsection (a), to clarify that, absent establishing a VCPR, prescribing, dispensing, or furnishing dangerous drugs constitutes unprofessional conduct and make clarifying and conforming revisions to the subsection.
- Amend CCR section 2032.25, subsection (b)(1), to clarify that a veterinarian may serve in the absence of the treating veterinarian and prescribe, dispense, or furnish drugs on an emergency basis for a traveling patient only as necessary to maintain the health of the animal until they can return to the originally treating veterinarian, if the veterinarian, prior to providing a prescription refill, makes a reasonable effort to contact the original prescribing veterinarian and documents in the medical record the communication or his or her attempt to contact the original prescribing veterinarian.
- Amend CCR section 2032.25, subsection (b)(1), to strike the 72-hour limitation on prescribing, dispensing, or furnishing the drug on an emergency basis for a traveling patient.
- Amend CCR section 2032.25, subsection (b), paragraphs (2) and (3), to remove existing paragraph (2) and add language to authorize the veterinarian to prescribe, dispense, or furnish a drug to an animal patient when the original prescribing veterinarian is unavailable to authorize the refill and the veterinarian authorizing the refill is working in the same practice as the original prescribing veterinarian, if the veterinarian authorizing the refill is in possession of and has reviewed the animal patient's records, orders the renewal of a medically indicated prescription for an amount not exceeding the original prescription in strength or amount or for more than one refill, enters the prescription refill in the medical record and, in the veterinarian's professional judgment, believes that failure to refill the prescription may interrupt the animal patient's ongoing care and have an adverse effect on the animal patient's wellbeing.

POLICY STATEMENT OVERVIEW/ANTICIPATED BENEFITS OF PROPOSAL

The primary mission of the Board is to protect consumers and animals through the development and maintenance of professional standards. This regulatory proposal promotes the safety of animals and the public by clarifying the circumstances under which a designated veterinarian may continue treatment of an animal patient in the absence of the originating veterinarian. This regulatory proposal will provide additional services to animals who are injured/ill and protect California consumers and their animals. By amending and adopting the proposed regulations, the Board seeks to ensure that California consumers and their animals are protected by being provided with veterinary services when in need, while ensuring proper prescribing, treating, and documentation protocols.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted and search of any similar regulations of these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

The Board will be required to ensure compliance with the proposed regulations through the Board's inspection programs. Any increased workload and costs are anticipated to be minor and absorbable within existing resources.

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Business Impact:

The Board has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations would authorize designated veterinarians to provide services to clients who have animals in need in the absence of the original veterinarian.

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 will not affect small businesses. The proposed regulations would authorize designated veterinarians to provide services to animals who are in need in the absence of the original veterinarian.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/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.

Benefits of Regulation:

This regulatory proposal focuses on providing additional services to California consumers and their animals and to help animals who may be ill/injured and need necessary prescriptions in order to maintain a healthy quality of life. By adopting this regulatory proposal, the Board will be authorizing veterinarians other than the original diagnosing veterinarian to continue treatment under the established VCPR and refill prescriptions as needed in order to maintain the health of the animal patient. This regulatory proposal does not affect the health and welfare of California residents, worker safety, or the state's environment.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose or as effective and less burdensome to affected private persons than the proposal described in this Notice or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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.

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 any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1747 North Market Blvd., Suite 230, Sacramento, California 95834.

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:	Justin Sotelo
Address:	Veterinary Medical Board 1747 North Market Blvd., Suite 230 Sacramento, CA 95834
Telephone No.:	916-515-5238

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E-Mail Address: Justin.Sotelo@dca.ca.gov

The backup contact person is:

Name: Timothy Rodda
Address: Veterinary Medical Board
1747 North Market Blvd., Suite 230
Sacramento, CA 95834
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Website Access: Materials regarding this proposal can be found at www.vmb.ca.gov.