



MEMORANDUM

DATE	April 17, 2019
TO	Veterinary Medical Board
FROM	Amanda Drummond, Administrative Programs Coordinator
SUBJECT	Agenda Item 10B. Sections 2027 and 2027.5, Article 3, Division 20, Title 16 of the California Code of Regulations (CCR) Regarding DVM Graduates – Veterinary Technician Registration

Background

For over three years, the Veterinary Medical Board’s (Board) Multidisciplinary Advisory Committee (MDC) discussed the issue of licensure exemptions for students and graduates of doctors of veterinary medicine (DVM). The initial focus of the discussion was the license exemption language in Business and Professions Code (BPC) [section 4830](#), and CCR [section 2027](#) and what is permissible for a DVM student under direct supervision of a veterinarian and what curricular or non-curricular settings are covered under the student licensure exemptions.

The issues evolved over time to include the regulatory authority of DVM graduates to perform health care tasks of a registered veterinary technician (RVT) and whether DVM graduates were practicing as an RVT without ever becoming licensed or registered by the Board. The issue was resolved through a legislative recommendation of the Board to clarify that a DVM graduate could not perform animal health care tasks of an RVT unless the DVM graduate obtained Board licensure or registration. The recommendation also included a delayed implementation of the statute to provide appropriate notice and due process to DVM graduates who were working as RVTs without Board licensure or registration. The Board’s recommendation was enacted by Senate Bill (SB) 1480 (Hill, Chapter 571, Statutes of 2018) and provides, in new Business and Professions Code (BPC) section 4841.2, that DVM graduates must be licensed or registered on or after January 1, 2020 in order to perform RVT health care tasks.

The issue of DVM graduate registration is now before the Board for review of CCR section 2027 for a determination as to whether that section should be revised to conform to the new license or registration requirements of DVM graduates. In addition, the Board is asked to review the proposed regulation, CCR section 2027.5, previously put before the Board during its last discussion of section 2027 in April 2017, to determine whether the regulation should provide for veterinary technician registration of DVM graduates and whether the existing RVT examination and registration requirements need to be addressed to incorporate the education and training of DVM graduates seeking veterinary technician registration.

Attachments

- BPC sections [4830](#), [4841.2](#), and [4841.5](#)
- CCR sections [2027](#) and [2036](#)
- Previous proposed language for CCR sections [2027](#) and 2027.5

Business and Professions Codes

Section 4830

(a) This chapter does not apply to:

(1) Veterinarians while serving in any armed branch of the military service of the United States or the United States Department of Agriculture while actually engaged and employed in their official capacity.

(2) Veterinarians holding a current, valid license in good standing in another state or country who provide assistance to a California-licensed veterinarian and attend on a specific case. The California-licensed veterinarian shall maintain a valid veterinarian-client-patient relationship. The veterinarian providing the assistance shall not establish a veterinarian-client-patient relationship with the client by attending the case or at a future time and shall not practice veterinary medicine, open an office, appoint a place to meet patients, communicate with clients who reside within the limits of this state, give orders, or have ultimate authority over the care or primary diagnosis of a patient that is located within this state.

(3) Veterinarians called into the state by a law enforcement agency or animal control agency pursuant to subdivision (b).

(4) A student of a veterinary medical program accredited by the American Veterinary Medical Association Council on Education who participates as part of his or her formal curriculum in the diagnosis and treatment with direct supervision, or in surgery with immediate supervision, provided all of the following requirements are met:

(A) The clinical training site has been approved by the university where the student is enrolled.

(B) The student has prior training in diagnosis, treatment, and surgery as part of the formal curriculum.

(C) The student is being supervised by a California-licensed veterinarian in good standing, as that term is defined in paragraph (1) of subdivision (b) of Section 4848.

(5) A veterinarian who is employed by the Meat and Poultry Inspection Branch of the California Department of Food and Agriculture while actually engaged and employed in his or her official capacity. A person exempt under this paragraph shall not otherwise engage in the practice of veterinary medicine unless he or she is issued a license by the board.

(6) Unlicensed personnel employed by the Department of Food and Agriculture or the United States Department of Agriculture when in the course of their duties they are directed by a veterinarian supervisor to conduct an examination, obtain biological specimens, apply biological tests, or administer medications or biological products as part of government disease or condition monitoring, investigation, control, or eradication activities.

(b) (1) For purposes of paragraph (3) of subdivision (a), a regularly licensed veterinarian in good standing who is called from another state by a law enforcement agency or animal control agency, as defined in Section 31606 of the Food and Agricultural Code, to attend to cases that are a part of an investigation of an alleged violation of federal or state animal fighting or animal cruelty laws within a single geographic location shall be exempt from the licensing requirements of this chapter if the law enforcement agency or animal control agency determines that it is necessary to call the veterinarian in order for the agency

or officer to conduct the investigation in a timely, efficient, and effective manner. In determining whether it is necessary to call a veterinarian from another state, consideration shall be given to the availability of veterinarians in this state to attend to these cases. An agency, department, or officer that calls a veterinarian pursuant to this subdivision shall notify the board of the investigation.

(2) Notwithstanding any other provision of this chapter, a regularly licensed veterinarian in good standing who is called from another state to attend to cases that are a part of an investigation described in paragraph (1) may provide veterinary medical care for animals that are affected by the investigation with a temporary shelter facility, and the temporary shelter facility shall be exempt from the registration requirement of Section 4853 if all of the following conditions are met:

(A) The temporary shelter facility is established only for the purpose of the investigation.

(B) The temporary shelter facility provides veterinary medical care, shelter, food, and water only to animals that are affected by the investigation.

(C) The temporary shelter facility complies with Section 4854.

(D) The temporary shelter facility exists for not more than 60 days, unless the law enforcement agency or animal control agency determines that a longer period of time is necessary to complete the investigation.

(E) Within 30 calendar days upon completion of the provision of veterinary health care services at a temporary shelter facility established pursuant to this section, the veterinarian called from another state by a law enforcement agency or animal control agency to attend to a case shall file a report with the board. The report shall contain the date, place, type, and general description of the care provided, along with a listing of the veterinary health care practitioners who participated in providing that care.

(c) For purposes of paragraph (3) of subdivision (a), the board may inspect temporary facilities established pursuant to this section.

Section 4841.2

(a) Except as provided in subdivision (b), a graduate of a recognized veterinary college shall not perform animal health care tasks otherwise performed by a registered veterinary technician unless the graduate has obtained licensure or registration as otherwise required under this chapter.

(b) If, on or before January 1, 2020, a graduate of a recognized veterinary college has performed animal health care tasks otherwise performed by a registered veterinary technician, the graduate shall discontinue performing such duties on or after January 1, 2020, unless the graduate is issued a license or registration as otherwise required under this chapter.

Section 4841.5

To be eligible to take the written and practical examination for registration as a registered veterinary technician, the applicant shall:

(a) Be at least 18 years of age.

(b) (1) Furnish satisfactory evidence of graduation from, at minimum, a two-year curriculum in veterinary technology, in a college or other postsecondary institution approved by the board, or the equivalent thereof as determined by the board. In the case of a private postsecondary institution, the institution shall also be approved by the Bureau for Private Postsecondary Education.

(2) For purposes of this subdivision, education or a combination of education and clinical practice experience may constitute the equivalent of the graduation requirement imposed under this subdivision, as determined by the board.

California Code of Regulations (CCR)

Section 2027 – Graduates and Students of Veterinary Colleges – Job Tasks

A junior or senior student or a graduate of a recognized veterinary college listed in Section 2022(a) who is performing any animal health care task in a veterinary premises registered by the Board may perform only the identical job tasks with the identical degree of supervision by the supervisor as specified for a R.V.T. pursuant to Section 2036.

Section 2036 – Animal Health Care Tasks for RVT

(a) Unless specifically so provided by regulation, a R.V.T. shall not perform the following functions or any other activity which represents the practice of veterinary medicine or requires the knowledge, skill and training of a licensed veterinarian:

- (1) Surgery;
- (2) Diagnosis and prognosis of animal diseases;
- (3) Prescription of drugs, medicines or appliances.

(b) An R.V.T. may perform the following procedures only under the direct supervision of a licensed veterinarian:

- (1) Induce anesthesia;
- (2) Apply casts and splints;
- (3) Perform dental extractions;
- (4) Suture cutaneous and subcutaneous tissues, gingiva and oral mucous membranes,
- (5) Create a relief hole in the skin to facilitate placement of an intravascular catheter

(c) An RVT may perform the following procedures under indirect supervision of a licensed veterinarian:

- (1) Administer controlled substances.

(d) Subject to the provisions of subsection(s) (a), (b) and (c) of this section, an R.V.T. may perform animal health care tasks under the direct or indirect supervision of a licensed veterinarian. The degree of supervision by a licensed veterinarian over a R.V.T. shall be consistent with standards of good veterinary medical practices.

Previously proposed language for CCR sections 2027 and 2027.5

CCR Section 2027 – Graduates and Students of Veterinary Colleges – Job Tasks

A junior or senior student ~~or a graduate~~ of a recognized veterinary college listed in Section 2022(a) who is performing any animal health care task in a veterinary premises that is registered by the Board may perform only the identical job tasks with the identical degree of supervision by the supervisor as specified for a R.V.T. pursuant to Section 2036.

CCR Section 2027.5 - Veterinary Medical School Graduates – Eligibility for RVT Licensure

(a) Any person who receives a veterinary medical degree from an accredited veterinary college listed in Section 2022(a), or a person who is within eight (8) months of his or her anticipated graduation from an accredited veterinary college, shall be eligible to apply for the national veterinary technician examination and the California veterinary technician examination as provided for in section 2010.

(b) A person who graduates from an accredited veterinary college listed in Section 2022(a) may perform the RVT tasks as enumerated in Section 2036 for a period of one year from the date of graduation from the accredited veterinary college without holding an RVT license.

(c) Any person who is currently performing the RVT job tasks as enumerated in Section 2036 without a license shall cease practice after one year, unless the person applies for and passes the national veterinary technician examination and the California veterinary technician examination as provided for in section 2010.