



# MEMORANDUM

<b>DATE</b>	December 31, 2020
<b>TO</b>	Veterinary Medical Board (Board)
<b>FROM</b>	Karen Halbo, Regulatory Counsel, Attorney III, Department of Consumer Affairs (DCA) Justin Sotelo, Lead Administrative & Policy Analyst
<b>SUBJECT</b>	<b>Agenda Item 11.A. Status Update on Pending Regulations</b>

The Board currently has 19 rulemaking packages that are pending in the regulatory process. Nine of those packages have been submitted to DCA and are in various stages of the initial or final phase of the rulemaking process, as identified in the attached document. The remaining ten packages are pending preparation by Board staff for submission.

Changes in the status of rulemaking packages since October 2020 are provided below:

**Criminal Conviction Substantial Relationship and Rehabilitation Criteria (AB 2138 (Chiu, Ch. 995, Stats. 2018)) – California Code of Regulations (CCR), Title 16, Sections: [2040](#), [2041](#)**

*Enacted and Effective on November 19, 2020*

On November 16, 2020, DOF approved the Std. 399 Form (Economic and Fiscal Impact Statement). On November 17, 2020, Board staff submitted the Std. 399 Form to OAL. On November 19, 2020, the final rulemaking package was [approved](#) by OAL and [filed](#) with the Secretary of State; the regulatory changes became effective on the same date.

**RVT Emergency Animal Care – CCR, Title 16, Section: [2069](#)**

*Final Rulemaking Package Approved by DCA Director and Business, Consumer Services, and Housing Agency (Agency); Submitted to OAL for Final Approval*

On November 24, 2020, the final rulemaking package was submitted to DCA for final review and approval. On December 5, 2020, the package was approved by the DCA Director, and on December 18, 2020, it was approved by Agency. On December 23, 2020, the package was submitted to OAL for final approval.

**RVT Job Tasks – CCR, Title 16, Section: [2036](#)**

*Final Rulemaking Package Approved by DCA Director and Agency; Submitted to OAL for Final Approval*

On November 25, 2020, the final rulemaking package was submitted to DCA for final review and approval. On December 9, 2020, the package was approved by the DCA Director, and on December 22, 2020, it was approved by Agency. On December 24, 2020, the package was submitted to OAL for final approval.

**Veterinarian-Client-Patient Relationships (VCPRs) – CCR, Title 16, Sections: [2032.15](#), [2032.25](#)**

*Final Rulemaking Package Approved by DCA Director and Agency; Submitted to OAL for Final Approval*

On November 24, 2020, the final rulemaking package was submitted to DCA for final review and approval. On December 12, 2020, the package was approved by the DCA Director, and on December 28, 2020, it was approved by Agency. On December 30, 2020, the package was submitted to OAL for final approval.

**Fee Schedule (Certificate of Compliance) – CCR, Title 16, Sections: [2070](#), [2071](#)**

*45-Day Public Comment Period Closed; Public Hearing Held; Board to Consider Responses to Public Comments*

The 45-day public comment period closed on November 9, 2020, and a public hearing was held on November 10, 2020. At the January 28, 2021 meeting, the Board will consider responses to the public comments received. If no action is required, Board staff will proceed with preparing the Final Statement of Reasons (FSR) and final rulemaking package. As a result of the related Re-Adoption of Emergency Filing (discussed below), the Certificate of Compliance is due to OAL no later than June 25, 2021.

**Fee Schedule (Re-Adoption of Emergency Filing) – CCR, Title 16, Sections: [2070](#), [2071](#)**

*Notice of Intent to Re-Adopt Emergency Regulations Issued; Request for Re-Adoption of Emergency Regulations Filed and Approved by OAL; In Effect Until June 26, 2021*

Due to the November 24, 2020 Certificate of Compliance deadline, OAL recommended that the Board file a re-adoption of the emergency regulations, which would extend the effective date of the Board's emergency regulations. On November 4, 2020, the Board [issued](#) a Notice of Intent to Re-Adopt Emergency Regulations. On November 12, 2020, the Board filed the request for Re-Adoption of Emergency Regulations with OAL; the 5-calendar-day public comment period closed on November 17, 2020. The Re-Adoption of Emergency Regulations was [approved](#) by

OAL on November 18, 2020, and became effective on November 25, 2020, for 90 days, plus an additional 120 days per Governor Gavin Newsom's COVID-19 related Executive Orders, [N-40-20](#) and [N-66-20](#).

### **Animal Physical Rehabilitation (APR) – CCR, Title 16, Section: 2038.5**

*Responses to Written and Oral Comments and Proposed Modified Text Approved by Board; Proposed Modified Text Noticed for 15 Days; Board to Consider Letter Received During 15-Day Public Comment Period*

On October 22, 2020, the Board approved: 1) responses to written and oral comments received during the 45-day public comment period and during the public hearing for inclusion in the Board's FSR; and 2) proposed Modified Text to address wildlife rehabilitation and APR performed on large animals. On November 19, 2020, the Board [noticed](#) the proposed [Modified Text](#) for 15 days, and the public comment period closed on December 4, 2020. One letter with recommendations was received, and the Board will consider that letter on January 28, 2021.

### **Drug Compounding – CCR, Title 16, Sections: 2090-2095**

*Responses to Written Comment and Proposed Modified Text Approved by Board; Proposed Modified Text Noticed for 15 Days; Board to Consider Letter Received During 15-Day Public Comment Period*

On October 22, 2020, the Board approved: 1) responses to written comment received for inclusion in the Board's FSR; and 2) proposed Modified Text to address concerns raised in the written comment and to better clarify the proposal. On November 19, 2020, the Board [noticed](#) the proposed [Modified Text](#) for 15 days, and the public comment period closed on December 4, 2020. One letter with recommendations was received, and the Board will consider that letter on January 28, 2021.

### **Duties of a Supervising Veterinarian – CCR, Title 16, Section: [2035](#)**

*Multidisciplinary Advisory Committee (MDC) Recommended Withdrawal of Rulemaking; Board to Consider Recommendation*

Prior to the October 2020 MDC and Board meetings, Board staff, legal counsel, and the Board's Deputy Attorney General liaison reviewed the rulemaking and determined that it may not be necessary for consumer protection. On [October 21, 2020](#), the MDC recommended withdrawal of the rulemaking. The Board will consider the MDC's recommendation on January 28, 2021.

### **Disciplinary Guidelines – CCR, Title 16, Section: [2006](#)**

*Board to Consider Minor Modifications*

On January 28, 2021, the Board will consider minor modifications to the Disciplinary Guidelines.

**Eligibility Evaluation – National Veterinarian Examination – CCR, Title 16, Section: [2010.1](#)**

*Approved by Board*

The regulatory proposal was approved by the Board at the October 22, 2020 meeting. The rulemaking package for this proposal is pending preparation by Board staff.

**Attachment:**

1. Status of Pending VMB Regulations – Updated December 30, 2020

**Status of Pending VMB Regulations**  
Updated 12/30/20

Rulemaking Title	Current Status	INITIAL PHASE										FINAL PHASE					
		Concept Date(s)	Board Approval	Submitted to DCA for PRE-Review	Submitted to DCA for INITIAL Review	DCA Director Approval	Submitted to Agency/ Agency Approval	Notice Submitted to OAL/ Notice Published by OAL	45-Day Comment Period	Public Hearing (Optional)	15-Day Comment Period (Modified Text), if applicable	Submitted to DCA for FINAL Review	FINAL DCA Director Approval	Submitted to Agency/ FINAL Agency Approval	Submitted to DOF/ DOF Approval	Submitted to OAL/ OAL Approval	Effective Date
Criminal Conviction Substantial Relationship and Rehabilitation Criteria (AB 2138)	Effective, as of 11/19/20 (Approved by OAL and filed with the Secretary of State)	1/8/2019	1/23/19 1/30/20 (Modified Text)	-	2/13/2019	5/1/2019	5/3/19 6/13/19	6/17/19 6/28/19	6/28/19 - 8/12/19	N/A	2/10/20 - 2/25/20 (Resubmittal)	8/14/19 3/3/20 (Resubmittal)	8/26/19 3/23/20 (Resubmittal)	8/28/19 10/1/19 3/10/20 5/27/20 (9/14/20) (Resubmittal)	10/3/19 6/16/20 11/16/20 (Resubmittal)	10/9/19 11/20/19 (Withdrawn) 6/11/20 11/17/20 (Resubmittal)	11/19/2020
RVT Emergency Animal Care	On 12/23/20, submitted to OAL for final approval	4/19/2016	5/23/2018	-	3/28/2019	2/14/2020	2/14/20 5/18/20	5/26/20 6/5/20	6/5/20 - 7/20/20	N/A	N/A	11/24/2020	12/5/2020	12/14/20 (Submitted) 12/18/21 (Approved)	Early January 2021 (Submitted)	12/23/20 (Submitted)	
RVT Job Tasks	On 12/24/20, submitted to OAL for final approval	2/21/2018	5/23/2018 7/23/20 (Modified Text)	-	4/4/2019	2/10/2020	2/12/20 5/18/20	5/26/20 6/5/20	6/5/20 - 7/20/20	N/A	8/12/20 - 8/27/20	11/25/2020	12/9/2020	12/14/20 (Submitted) 12/22/20 (Approved)	Early January 2021 (Submitted)	12/24/20 (Submitted)	
VCPRs	On 12/16/20, submitted to Agency for final approval	4/28/2015	8/29/2018	-	4/5/2019	4/1/2020	4/2/20 5/18/20	5/26/20 6/5/20	6/5/20 - 7/20/20	N/A	N/A	11/24/2020	12/12/2020	12/16/2020 (Submitted) 12/28/20 (Approved)	Early January 2021 (Submitted)	12/30/20 (Submitted)	
Fee Schedule (Certificate of Compliance)*	On 1/28/21, Board will consider proposed responses to public comments		4/23/20 (Revised Text)	3/12/2020	6/16/20 7/9/20	8/1/2020	8/5/20 9/14/20	9/15/20 9/25/20	9/25/20 - 11/9/20	11/10/2020	N/A	Pending	On 1/28/21, Board will consider proposed responses to public comments				
Fee Schedule (Re-Adoption of Emergency Filing)	*Concurrently, on 11/4/20, the Board issued a Notice of Intent to Re-Adopt Emergency Regulations per OAL's recommendation. On 11/12/20, the Board filed the request for Re-Adoption of Emergency Regulations with OAL; the 5-calendar-day public comment period closed on 11/17/20. The Re-Adoption of Emergency Regulations was approved by OAL on 11/18/20 and became effective on 11/25/20 for 90 days (plus an additional 120 days per the Governor's COVID-19 related executive orders).																
Animal Physical Rehabilitation	On 1/28/21, Board will consider letter received during 15-Day Comment Period	Beginning in 2011	10/18/2017 10/22/20 (Modified Text)	-	3/27/2019	1/21/2020	1/23/20 3/2/20	3/3/20 3/13/20	3/13/20 - 4/27/20	8/13/2020	11/19/20 - 12/4/20	Pending	On 1/28/21, Board will consider letter received during 15-Day Comment Period				
Drug Compounding	On 1/28/21, Board will consider letter received during 15-Day Comment Period	10/20/2014	10/18/17 10/10/19 1/30/20 10/22/20 (Modified Text)	-	3/27/2019	3/22/2020	4/20/20 6/23/20	6/30/20 7/17/20	7/17/20 - 8/31/20	N/A	11/19/20 - 12/4/20	Pending	On 1/28/21, Board will consider letter received during 15-Day Comment Period				

**Red Text = Updates since last meeting**

= Completed

= Current Status/ Pending



**Status of Pending VMB Regulations**  
Updated 12/30/20

Rulemaking Title	Current Status	INITIAL PHASE										FINAL PHASE					
		Concept Date(s)	Board Approval	Submitted to DCA for PRE-Review	Submitted to DCA for INITIAL Review	DCA Director Approval	Submitted to Agency/ Agency Approval	Notice Submitted to OAL/ Notice Published by OAL	45-Day Comment Period	Public Hearing (Optional)	15-Day Comment Period (Modified Text), if applicable	Submitted to DCA for FINAL Review	FINAL DCA Director Approval	Submitted to Agency/ FINAL Agency Approval	Submitted to DOF/ DOF Approval	Submitted to OAL/ OAL Approval	Effective Date
Duties of a Supervising Veterinarian	On 10/21/20, MDC recommended withdrawal of the rulemaking; on 1/28/21, Board will consider recommendation	2/20/2018	5/23/2018 10/21/20 (MDC recommended withdrawal)	-	4/3/2019	2/15/2020	2/20/20 5/27/20	6/9/20 6/19/20	6/19/20 - 8/3/20	N/A	N/A	On 10/21/20, MDC recommended withdrawal of the rulemaking; on 1/28/21, Board will consider recommendation					
Disciplinary Guidelines	On 1/28/21, Board will consider minor modifications	1/20/2015	7/2015 10/2015 1/2017 4/2017 11/2018 1/28/21 (minor modifications will be considered)	-	3/26/2019	4/20/2020	4/27/20 6/30/20	7/6/20 7/17/20	7/17/20 - 8/31/20	N/A	Pending On 1/28/21, Board will consider minor modifications						
RVT Education	Board staff revising regulatory docs for Agency reapproval	10/20/2014	7/26/17 8/29/18 7/23/20 (Revised Text)	-	3/26/2019	5/30/2020	6/5/20 7/6/20 Pending staff revisions for resubmittal to Agency										
VCPR/Informed Client Consent	Pending further development from staff	11/14/2018	1/23/19 1/30/20	Pending													
Civil Penalties for Citations	Pending further development from staff	1/8/2020	1/30/2020	Pending													
License Applications (AB 2138 Revisions)	Pending further development from staff	1/31/2020	Pending														
Minimum Standards for Alternate Veterinary Premises	Pending further development from staff	4/23/2014	11/14/2018	Pending													
Shelter Minimum Standards	Pending further development from staff	2/19/2015	4/17/19	Pending													
Veterinary Student Exemption/RVT Exam Eligibility	Pending further development from staff	4/23/2014	4/2017 7/17/19	Pending													

**Status of Pending VMB Regulations**  
Updated 12/30/20

Rulemaking Title	Current Status	INITIAL PHASE										FINAL PHASE					
		Concept Date(s)	Board Approval	Submitted to DCA for PRE-Review	Submitted to DCA for INITIAL Review	DCA Director Approval	Submitted to Agency/ Agency Approval	Notice Submitted to OAL/ Notice Published by OAL	45-Day Comment Period	Public Hearing (Optional)	15-Day Comment Period (Modified Text), if applicable	Submitted to DCA for FINAL Review	FINAL DCA Director Approval	Submitted to Agency/ FINAL Agency Approval	Submitted to DOF/ DOF Approval	Submitted to OAL/ OAL Approval	Effective Date
Uniform Standards for Substance-Abusing Licensees	Pending further development from staff	4/23/2014	10/9/2019	Pending													
Application After Failing Examination	Pending further development from staff	-	7/23/2020	Pending													
Limited Term RVT Examination Eligibility Window (Section 100)	Pending further development from staff	-	7/23/2020	Pending													
Eligibility Evaluation - National Veterinarian Examination	Pending further development from staff	-	10/22/2020	Pending													