



MEMORANDUM

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| DATE | January 10, 2023 |
| TO | Veterinary Medical Board (Board) |
| FROM | Jeffrey Olguin, Lead Administrative & Policy Analyst |
| SUBJECT | Agenda Item 9. Status Update on Pending Regulations |

The Board currently has six rulemaking packages pending in the rulemaking process. Three packages are in various stages of the pre-review or initial phase of the rulemaking process and one package has entered into the final phase, as described below and identified in the attached chart ([see attachment 1](#)).

Updates or changes in the status of rulemaking packages since October 2022 are provided below:

Civil Penalties for Citations—CCR, Title 16, Section 2043

Update: The Board’s 15-day public comment period to modified language to include “substantially related” to Class "A" violations concluded on November 10, 2022. The Board did not receive any public comment. As of December 20, 2022, the package has moved its way through the final phase of the regulatory process and is currently with the Department of Finance (DoF) for its review, which is expected to be complete by February 1, 2023. If DoF has no questions regarding the package, the Board anticipates approval from the Office of Administrative Law (OAL).

Summary of Proposed Changes: This proposal would permit the Board to issue citations and assess fines for violations that do not occur “while engaged in the practice of veterinary medicine.” Such violations include failing to complete continuing education, criminal convictions, and failing to respond to the Board’s request for medical records. This proposal enhances the Board’s ability to encourage compliance with the Veterinary Medicine Practice Act, while also ensuring the Board assess violations that are “substantially related” to the practice of veterinary medicine.

RVT Education—CCR, Title 16, Section 2068.5

Update: At the October 2022 meeting, the Board voted to remove the proposed amendments to section 2036.1, 2064, 2065, 2065.1, 2065.2, 2065.6, 2065.7, 2065.8, and 2066 from the pending rulemaking package due to concerns it received from the public about schools having sufficient time to implement the changes and

those concerns and other issues are being reviewed and only proceed with adopted proposed modifications to section 2068.5 to RVT education package.

Summary of Proposed Changes: The amendments to section 2068.5 will remove barriers to licensure by: (1) removing the requirement that an applicant for an RVT registration have completed all the education requirements within five years prior to the date of the examination for registration and (2) removing the timeframe for when RVT students to complete the required 4,416 hours of direct clinical practice.

Uniform Standards for Substance-Abusing Licensees—CCR, Title 16, Sections 2006, 2006.5–2006.56

Update: This package is pending with DCA Budgets for their re-review. Once they approve the language and budget calculations and any requested changes to the production documents are made, the regulation package will go to DCA for submission to the Director and Agency for review and approval.

Summary of Proposed Changes: This proposal would establish standards adopted by DCA's Substance Abuse Coordination Committee (SACC). The SACC was established to develop consistent and uniform standards for dealing with substance-abusing licensees. The Board has adopted standards to be in alignment with other DCA healing arts entities and to implement [Business and Professions Code Article 3.6 \(315–315.4\) Uniform Standards Regarding Substance-Abusing Healing Arts Licensees](#).

Veterinary Student Exemption / RVT Examination Eligibility—CCR, Title 16, Sections 2006, 2006.5–2006.56

Update: This package is currently in the initial phase of review. The Board has identified obsolete language referencing the California veterinary technician examination. In addition, the Board is currently working on the documentation for review by DCA's Regulations Unit and DCA Budgets.

Summary of Proposed Changes: This proposal would permit veterinarian students in their junior and senior years or individuals who earned a veterinary medical degree to earn an RVT registration.

Minimum Standards for Alternate Premises—CCR, Title 16, Sections 2030, 2030.05, 2030.1, 2030.15, 2030.2, 2030.3, 2030.4, and 2030.5

Update: This package is pending further revisions of the regulatory language from staff and the Multi-Disciplinary Advisory Committee of the Board as DCA's Legal Affairs Division and the Board's Executive Officer have raised concerns over challenges that may arise from the review process and OAL approval.

Summary of Proposed Changes: This proposal would update the Board's standards for various fixed premises and mobile clinics. The updates are intended to address concerns currently not addressed in the Practice Act, including:

- Updates to temporary animal boarding requirements while the animal is receiving treatment
- Animal records requirements for animal vaccination locations
- Communication & contact information updates
- Diagnostic services requirements
- Equipment storage & maintenance requirements
- Separate area requirements
- Surgery room & supplies requirements
- Waste material requirements

In addition, the updates clarify concerns not currently addressed in the Practice Act, including small animal house call location services and large animal ambulatory location requirements.

Shelter Minimum Standards—CCR, Title 16, Sections 2030.6 and 2035.5

Update: Similar to the minimum standards for alternate premises package, this package is pending further revisions of the regulatory language from staff and the Multi-Disciplinary Advisory Committee of the Board as DCA’s Legal Affairs Division and the Board’s Executive Officer have raised concerns over challenges that may arise from the review process and OAL approval.

Summary of Proposed Changes: This proposal would establish minimum standards for shelters the Board’s standards for various fixed premises and mobile clinics. The updates are intended to address concerns currently not addressed in the Practice Act, including:

- Updates to temporary animal boarding requirements while the animal is receiving treatment
- Communication & contact information updates
- Diagnostic services requirements
- Equipment, lighting, and drug storage & maintenance requirements
- Separate area requirements
- Surgery room & supplies requirements
- Waste material requirements

In addition, the updates establish duties for the supervising veterinarian and animal health care tasks for the RVTs and veterinary assistants.

Attachments

1. Status of Pending VMB Regulations – Updated January 10, 2023

Status of Pending VMB Regulations

| 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 | DCA Director FINAL Approval | Submitted to Agency/ FINAL Agency Approval | Submitted to DOF/ DOF Approval | Submitted to OAL/ OAL Approval | Effective Date |
| Civil Penalties for Citations | Pending Board Approval of Responses to Public Comment | 01/08/2020 | 01/30/2020 | 02/23/2022 | 03/25/2022 06/28/2022 | 07/03/2022 | 08/04/2022 | Submitted 08/09/2022 Posted 08/19/2022 | 08/19/2022 - 10/04/2022 | N/A | 10/26/2022 - 11/10/2022 (No Public Comments Received) | 12/15/2022 | 12/19/2022 | 12/28/2022 | 12/23/2022 | 12/22/2022 (Anticipated Response of 02/07/2023) | |
| RVT Education | 12/20/2022 Package with DCA Budgets Equivalent Experience and Education (§ 2068.5) | 07/26/2017 | 07/26/2017 8/20/2018 07/13/2020 (Revised Text) | - | 03/26/2019 | 05/30/2020 | 06/05/2020 07/06/2020 06/29/2022 12/20/2022 | | | | | | | | | | |
| Uniform Standards for Substance-Abusing Licensees | Pending 01/05/2023 DCA Budget Input Legal Re-Review, Before Submission to DCA & Agency | 04/23/2014 | 10/09/2019 01/19/2022 | 04/01/2022 06/03/2022 Budget Review and Clarification 06/13/2022 06/23/2022 12/23/2022 | Pending | | | | | | | | | | | | |
| Veterinary Graduate Student Exemption / RVT Examination Eligibility | Staff Update: Removed Reference to California Veterinary Technician Examination & Preparing Documents for DCA Legal/Budget Review Pending Budget Input, Legal Re-Review, Before Submission to DCA & Agency | 04/23/2014 | 04/2017 07/17/2019 | 01/09/2022 | | | | | | | | | | | | | |
| Minimum Standards for Alternate Veterinary Premises | Pending Re-Structuring with MDC | 04/23/2014 | 11/14/2018 | Pending | | | | | | | | | | | | | |

Red Text = Updates since last meeting

= Completed

= Current Status/ Pending