



# MEMORANDUM

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| <b>DATE</b>    | January 5, 2024  |
| <b>TO</b>      | Veterinary Medical Board (Board)                             |
| <b>FROM</b>    | Jeffrey Olguin, Lead Administrative & Policy Analyst         |
| <b>SUBJECT</b> | <b>Agenda Item 8.A. Status Update on Pending Regulations</b> |

The Board currently has six rulemaking packages that were approved by the Board pending in the rulemaking process as described below. Two packages are in the final phase of the rulemaking process and four packages are in various stages of the initial phase of the rulemaking process.

Updates or changes in the status of rulemaking packages since October 2023 are provided below:

## **RVT Equivalent Experience and Education—CCR, Title 16, Section 2068.5**

**Update:** The Board’s 45-day public comment period resulted in two letters of support for the proposed language. This final rulemaking package was filed with the Office of Administrative Law (OAL) on November 27, 2023. OAL has completed their review and has received the Department of Finance (DOF) approval of the Board’s Fiscal and Economic Impact Statement (Form 399) on January 3, 2024. The Board anticipates approval from the Office of Administrative Law (OAL) with an effective date of April 1, 2024.

**Summary of Proposed Changes:** At the April 2023 Board meeting, the Board approved Board Counsel and Regulatory Counsel’s proposed revisions to the language. The approved language removed the deadline of July 1, 2024 for Registered Veterinary Technician (RVT) applicants to complete their combined practical experience and education and allowed RVT education programs to expand their coursework to be beyond the minimum units or instructional time required for the required RVT education component. The amendments to section 2068.5 will remove barriers to licensure by: (1) removing the requirement that an RVT applicant must complete all the education requirements within five years prior to the date of the examination for registration and (2) removing the 24-month 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:** The Board’s 45-day public comment period resulted in no comments. As of the date of this memo, this final rulemaking package was filed with OAL on December 28, 2023. OAL awaits final action by DOF on the Board’s Fiscal and Economic Impact Statement (Form 399). As of the date of this memo, the Form 399 is still pending review by DOF, which is expected to be complete by February 7, 2024. The Board has an expected response from OAL due no later than February 12, 2024.

**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 implement [Business and Professions Code Article 3.6 \(315–315.4\) Uniform Standards Regarding Substance-Abusing Healing Arts Licensees](#).

## **Drug Compounding—CCR, Title 16, Sections 2036.5, 2090, 2091, 2092, 2093, & 2094**

**Update:** At the October 2023 meeting, the Board directed the MDC Subcommittee to review the package to determine if any additional changes should be made or recommended. As a result, the proposed regulatory language is pending reconsideration and Board approval at this meeting.

**Summary of Proposed Changes:** The current proposal would allow RVTs to perform drug compounding, under the supervision of a veterinarian in a registered veterinary premises. In addition, it would create requirements for formula documentation, intravenous fluid preparation, and office stock.

## **VCPR, Definitions, and RVT Tasks Updates (RVT Vaccine Administration)—CCR, Title 16, Sections 2032.1, 2034, and 2036**

**Update:** At the October 2023 meeting, the Board was informed that the MDC would be reviewing the proposed text to determine if any part of the proposal could be retained after the enactment of Senate Bill (SB) 669, which covers the same subject matter as the Board’s proposal. As a result, this package was pulled from Agency review in October and is pending review by staff; an update will be provided at a future meeting.

**Summary of Proposed Changes:** This proposal would expand the scope of RVTs to act as an agent of the supervising veterinarian to perform animal health care tasks related to vaccine administration or medications for the control or eradication of parasites for animal patients. RVTs must examine the animal patient, obtain and evaluate the animal patient’s history, and administer the medication in accordance with the manufacturer’s recommendations, and document the animal patient’s information. The RVT would be required to be under the direct supervision of a

licensed veterinarian as further specified in this proposal. The supervising veterinarian would remain responsible for the acts of the RVT.

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

**Update:** The Board’s Regulations Counsel has recommended amendments to this proposal along with a proposal to initiate a rulemaking to amend CCR, Title 24 section 1251 (Veterinary Facilities) in order to comply with the California Building Standards Law (Health and Safety Code sections 18901 and following), which requires all regulations that are a “building standard” (as defined in Health and Safety Code section 18909) to be incorporated into Title 24 of the California Code of Regulations (CCR) and not in other divisions of the CCR (see Health and Safety Code section 18940). The Board’s Executive Officer has received confirmation from attorneys at OAL and the staff of the California Building Standards Commission (CBSC) that amendments to both Title 16 and Title 24 are required to implement the proposed regulatory changes discussed by the Board over many meetings. The MDC Subcommittee is working on potential revisions to this existing proposal as well as proposed revisions to Title 24, CCR section 1251 (the Board’s regulations involving Veterinary Facilities in the Building Standards Code). The MDC Subcommittee, Executive Officer, and Regulations Counsel met with stakeholders on December 8, 2023 to discuss the proposed changes. Proposed revisions will be presented at a future meeting.

**Summary of Proposed Changes:** The amendments will standardize language utilized in modern veterinary practice and update the requirements for: fixed veterinary premises, mobile veterinary premises, vaccination veterinary premises, and shelter premises. The proposed language: (1) takes into consideration the needs of large animal practitioners and limitations they have for equipment or movement of large animals, (2) the various mobile veterinary premises types, including house calls and services for equines or food animals/livestock, (3) helps clarify personnel authorized to provide vaccinations at a veterinary premises and the veterinarian’s responsibilities, and (4) sets specified requirements for animal shelters.

**Attachment**

1. Attachment No. 1: Status of Pending VMB Regulations – Updated January 5, 2024

### Status of Pending VMB Regulations

| Rulemaking Title  | Current Status                                    | INITIAL PHASE            |   |                                 |                                     |                       |   |   |                               |                           |  | FINAL PHASE                       |                             |  |   |                                | Effective Date |
|---|---|--------------------------|---|---------------------------------|-------------------------------------|-----------------------|---|---|-------------------------------|---------------------------|--|-----------------------------------|-----------------------------|--|---|--------------------------------|----------------|
|   |   | 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 |                |
| RVT Equivalent Experience and Education                               | Pending OAL                                       | 07/26/2017               | 01/25/2023  | 02/09/2023                      | 07/17/2023                          | 07/31/2023            | 07/31/2023 Submitted<br>08/29/2023 Approved     | 08/29/2023  | 09/08/2023 through 10/23/2023 | N/A                       | N/A  | 10/26/2023                        | 11/18/2023                  | N/A  | 11/27/2023 Submitted<br>01/03/2024 Approved | 11/27/2023 Submitted           |                |
| Uniform Standards for Substance-Abusing Licensees                     | Pending OAL                                       | 04/23/2014               | 01/19/2022  | 04/01/2022                      | 07/20/2023                          | 08/03/2023            | 08/08/2023 Submitted<br>10/16/2023 Approved     | 10/17/2023  | 10/27/2023 through 12/12/2023 | N/A                       | N/A  | 12/13/2023                        | 12/20/2023                  | N/A  | 12/28/2023 Submitted<br>Pending Approval    | 12/28/2023 Submitted           |                |
| Drug Compounding  | Pending MDC/Board Re-Approval                     | 04/19/2022               | 01/25/2023 Needs Re-Approval<br>Pending January 2024 Meetings                               |                                 |                                     |                       |   |   |                               |                           |  |                                   |                             |  |   |                                |                |
| VCPR, Definitions, and RVT Tasks Updates (RVT Vaccine Administration) | Pulled at Board's Request due to SB 669 Enactment | 10/18/2022               | 01/25/2023  | 04/13/2023                      | 10/05/2023                          | 10/11/2023            | 10/13/2023 Submitted<br>10/24/2023 Board Pulled |   |                               |                           |  |                                   |                             |  |   |                                |                |
| Minimum Standards for Alternate Veterinary Premises                   | Pending MDC Subcommittee and Building Commission  | 04/18/2022<br>10/17/2023 | 04/18/2022<br>10/18/2023<br>(Combined with the Min. Standards for Shelter Premises Package) |                                 |                                     |                       |   |   |                               |                           |  |                                   |                             |  |   |                                |                |
| Veterinary Graduate Student Exemption / RVT Examination Eligibility   | Pending Staff Research                            | 04/23/2014               | 07/17/2019  | 04/06/2023                      |                                     |                       |   |   |                               |                           |  |                                   |                             |  |   |                                |                |
| Medical Records (16 CCR § 2032.3)                                     | Pending MDC/Board Approval                        | 06/26/2023<br>08/29/2023 | Pending January 2024 Meetings   |                                 |                                     |                       |   |   |                               |                           |  |                                   |                             |  |   |                                |                |

**Red Text** = Updates since last meeting

= Completed

= Current Status/ Pending