STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

Veterinary Medical Board
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MEMORANDUM

DATE	March 13, 2014
TO	Veterinary Medical Board
FROM	Annemarie Del Mugnaio, Executive Officer
SUBJECT	Proposed RVT School Approval Regulations

Background:

On December 7, 2012 the Board noticed proposed regulatory changes to the California Code of Regulations (CCR), sections 2064-2066.1, that make specific that RVT educational programs accredited by the American Veterinary Medical Association (AVMA) are deemed California Board approved and are exempt from initial site inspections. The proposed amendments require that non-AVMA accredited schools must meet specified curriculum standards.

The regulatory language was modified by the Board and 15-day changes were sent to interested parties on August 19, 2013. The modified text included the following changes:

- The Minimum Requirements for Approved Schools or Degree Programs language was updated for clarity and accuracy so the meaning of the language is easily understood by Registered Veterinary Technician (RVT) students, schools, and degree programs.

- The School and Degree Program Approval Process language was updated to clarify that American Veterinary Medical Association (AVMA) accreditation (e.g. provisional or full accreditation) for California RVT schools and degree programs are equivalent to California approval.

- The Out of State Schools language was updated to clarify RVT schools and degree programs are “accredited” by the AVMA, not “approved.”

No public comments were received, and the modified language and rulemaking file was adopted and submitted to the Office of Administrative Law on December 5, 2013.

Issue:

On January 21, 2014 the OAL notified the Board of its decision to disapprove the proposed and amended regulations for failing to comply with necessity and clarity standards as outlined in the Government Code. Other procedural deficiencies regarding documentation of the rulemaking process were noted.

With respect to the proposed text, OAL noted that proposed section 2065 (i) was unclear in that it includes language regarding an exemption from Education Code Section 94800. OAL contends that an exemption from Ed Code section 94800 would not necessarily exempt a school or degree program from approval by the Bureau of Private Postsecondary Education.

Also, proposed section 2065 (k) referenced facilities associated with an RVT school or degree program that is "exempt" from possessing a premise permit. However, BPC section 4853 which provides for premise registration does not include exemptions for specified facilities.

Action Requested:

The enclosed modified text serves to rectify the two clarity problems noted by OAL. In addition, minor non-substantive changes have been made for the purposes of consistency.

* A key to track the changes to the text is included at the top of each page of the attached document.

The Board must review the noted changes to the text and, if acceptable, adopt the changes and delegate to staff to move forward noticing the public of the second 15-day changes. Further, the Board should consider adopting the following motion:

Adopt the proposed amendments to the approved registered veterinary technician school regulations and grant authority to the Executive Officer to notice the proposed changes for a 15-day public comment period and to adopt the proposed regulatory changes as modified if there are no adverse comments received during the public comment period. The Executive Officer is further delegated the authority to make any technical and non-substantive changes that might be required in completing the rulemaking file.

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Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board

Order of Adoption

2064. Approval of Schools Accredited by the American Veterinary Medical Association

All schools or degree programs accreditated by the American Veterinary Medical Association (AVMA) shall be deemed by the board to have met the minimum requirements of section 2065(a), (b), (d), and (e). Such schools and degree programs shall also be exempt from the initial inspection requirements of section 2065.7(a). Re-approval inspections shall be at the discretion of the board. All other requirements of section 2065, and all other sections applicable to schools or degree programs seeking board approval, continue to apply and must be demonstrated in the school's or degree program's application for board approval. Nothing in this section shall be construed to prohibit the board from disapproving or withdrawing approval from any school or degree program not complying with the requirements of this division or of any provision of the Veterinary Medical Practices Act. Approval under this section shall automatically terminate upon loss of accreditation by the AVMA.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

2065. ~~Criteria for Evaluation of Equivalent Programs~~ Minimum Requirements for Approved Schools or Degree Programs

Schools or degree programs seeking approval from the board shall meet all of the following minimum requirements: ~~In lieu of a two (2) year curriculum in animal health technology, completion of a program or curriculum in compliance with the following criteria is deemed to be "the equivalent thereof as determined by the board," pursuant to Section 4841.5 of the code:~~

(a) The ~~academic instruction~~ curriculum shall consist of:

(1) a minimum of 600 hours of classroom instruction, ~~and~~

(2) a minimum of 200 hours of clinical instruction, and~~.~~

(3) an externship consisting of at least 200 hours.

(b) The curriculum shall ~~include the following coursework~~ cover applicable safety training in all coursework. Coursework shall include the following:

(1) ~~Principals~~ Principles of anatomy and physiology,

(2) Biology and chemistry,

(3) Applied mathematics,

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(4) Orientation to the vocation of veterinary technology,

(5) Ethics and jurisprudence in veterinary medicine including applicable regulatory requirements,

(6) Anesthetic nursing and monitoring including anesthetic evaluation, induction, and maintenance. It shall also include care and use of anesthetic and monitoring equipment,

(7) Animal husbandry, including restraint, species and breed identification, sex determination and sanitation,

(8) Animal nutrition and feeding,

(9) Client communication,

(10) Dental care of companion and laboratory animals including prophylaxis and extractions,

(11) Diseases and nursing management of companion, food, and laboratory animals including zoonoses,

(12) Emergency and critical care nursing,

(13) Laboratory procedures to include clinical biochemistry, cytology, hematology, immunology, basic microbiology, parasitology, and urine analysis testing~~.~~,

(14) Imaging to include radiography, basic endoscopy, ~~and~~ ultrasound principles, and radiation safety principles,

(15) Medical terminology,

(16) Medical office management including medical record keeping and drug control,

(17) Basic necropsy techniques including specimen collection and handling,

(18) Pharmacology, and

(19) Surgical nursing and assisting including instrumentation, suturing, bandaging and splinting.

(c) Each student shall be supervised during the externship or clinical rotation by a veterinarian or registered veterinary technician who is located at the site of the externship or clinical rotation. The school or ~~institution~~ degree program shall have a written agreement with the site that specifies the expectations and responsibility of the parties. A staff member of the school or ~~institution~~ degree program shall visit the site prior to beginning the externship or clinical rotation relationship and at least once annually following the initial inspection.

(d) The library facilities of the ~~institution~~ school or degree program must be adequate for the conducting of the educational program.

(e) The physical plant and equipment used for instruction in the academic teaching shall be adequate for the purposes intended.

(f)(1) The faculty shall include a California licensed veterinarian employed by the ~~institution~~ school or degree program as an advisor, administrator, or instructor. Instructors shall include,

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but need not be limited to~~,~~ a California registered veterinary technician. If there is any change in the faculty, the board must be immediately notified.

(2) Instructors shall be knowledgeable, current, skillful, and possess at least two years of experience in performing or teaching in the specialized area in which they are teaching. Each instructor shall have or currently be receiving training in current teaching methods. ~~Each instructor shall have a daily lesson plan, which correlates the theory and practice of the subject~~ The ~~S~~school or degree program~~s~~ shall effectively evaluate the teaching ability of each instructor.

(3) ~~An approved program~~ The school or degree program shall have a director who meets the requirements of subdivision (f)(2) and who shall hold a current active California license as a veterinarian or registration as an RVT. The director shall have a minimum of three years experience as a veterinarian or RVT. This shall include one year of experience in teaching, administration, or clinical supervision or a combination thereof within the last five years. The director shall have completed or be receiving course work in administration.

(4) In the absence of a director, the ~~an approved program~~ school or degree program may appoint an interim director. The interim director shall meet the requirements of (f)(3), except that the interim director may have applied for, but not yet have received licensure or registration. ~~An approved program~~ The school or degree program shall not have an interim director for a period exceeding eighteen months.

(g) The number of students enrolled shall be at a ratio to the number of faculty and size of the facilities, which is not detrimental to the quality of education. ~~at the institution, but in any event, a maximum ratio of 15 students per teacher shall be allowed in lab classes in which procedures are performed on live animals~~ When animal patients are used as part of the curriculum the ratio shall be adequate to protect the health and safety of the animal patients and the students, taking into consideration the species of animal being treated.

~~(1) A maximum ratio of 30 students per teacher shall be allowed for all lab classes other than those classes involving live animals.~~

(h) All students admitted shall possess a high school diploma or its equivalent.

(i) The ~~program or curriculum~~ school or degree program shall be part of an institution ~~which is approved by the Department of Consumer Affairs, Bureau of Private Postsecondary and Vocational Education, unless otherwise exempted from Education Code section 94800 et seq. or the State of California Department of Education, or in the case of an institution located outside of this state, accredited by a regional or national accrediting agency approved by the United States Department of Education.~~ that is in compliance with Education Code Section 94800 et. seq.

(j) ~~It~~ Every school or degree program shall be in compliance with the laws regulating the practice of veterinary medicine and the regulations adopted pursuant thereto.

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(k) Any instruction covered under subsection (a)(3) shall be in a facility that is in compliance with registration requirements of Business and Professions Code section 4853. ~~registered possessing a current and unrestricted premise permit issued by the board or in any facility that is otherwise exempt.~~

(l) The ~~program~~ schools or degree program~~s~~ shall provide ~~all~~ each prospective student~~s~~, prior to enrollment, with literature which discloses the school's or degree program's pass rate for first time candidates and the state average pass rate for first time candidates on the board's registered veterinary technician examination during the two-year period immediately preceding the student's proposed enrollment and a description of the requirements for registration as a registered veterinary technician.

(m) ~~All programs~~ The schools or degree program~~s~~ shall provide each prospective veterinary technology student prior to enrollment written information regarding transferability of the units they receive in the courses that they take~~. Said information~~ and shall ~~be~~ post~~ed~~ the information at all times in a conspicuous location at ~~the school or degree program~~ its facility so that there is ample opportunity for ~~it to be read by~~ the veterinary technology students to read the information.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4830 4841.5 ~~and~~ 4843 and 4853, Business and Professions Code.

2065.5. ~~Institution~~ School or Degree Program Approval

(a) A school or degree program ~~An institution~~ seeking board approval of its registered veterinary technician curriculum and facilities shall submit an application to the board on a form provided by the board.

(b) When the application for approval or re-approval of a registered veterinary technician curriculum includes an onsite inspection by the board or its designee, the ~~program~~ school or degree program shall pay for the board's actual costs associated with conducting the onsite inspection, including, but not limited to, the inspection team's travel, food and lodging expenses.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5, 4842.5 and 4843, Business and Professions Code.

2065.6. School and Degree Program Approval Process

The following procedures shall be applicable to ~~an institution~~ a school or degree program applying to the board for initial approval of its registered veterinary technician curriculum in accordance with section 2065 of these rules:

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(a) The board shall conduct a qualitative review and assessment of the ~~institution's~~ school's or degree program's registered veterinary technician curriculum through a comprehensive onsite review process, performed by an inspection team impaneled by the board for that purpose.
(b) After reviewing the inspection team's evaluation report and recommendations, the board shall take one of the following actions:

(1) Grant provisional approval for a period not to exceed two years. An additional two-year provisional approval may be granted by the board for good cause

(2) Disapprove the application.

(c) For a school or degree program that does not have AVMA accreditation, but offers a registered veterinary technician curriculum in accordance with section 2065, the board shall not grant full approval until the curriculum has been in operation under provisional approval for at least two years and the board has determined that the curriculum is in full compliance with the provisions of section 2065.
(d) For a school or degree program that has AVMA accreditation, if the board grants approval, it shall be full approval.
(e) For a school or degree program that has provisional or probationary AVMA accreditation, the board shall grant provisional approval on the same terms as all other schools or degree programs until such time as the AVMA grants full accreditation, at which time the board may grant the school or degree program full approval subject to compliance with section 2064.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

2065.7. Inspections

(a) Where either provisional or full approval has been granted, the board shall conduct subsequent inspections every 4 years, notwithstanding other provisions of this section.
(b) The board may conduct an on-site inspection of a~~n~~ ~~institution~~ school or degree program which offers a registered veterinary technician curriculum in accordance with section 2065 where:

(1) It believes the ~~institution~~ school or degree program has substantially deviated from the standards for approval,

(2) For a period of two years the approved ~~program's~~ school's or degree program's yearly average pass rate on the registration examination falls below 10 percentage points of the state average pass rate for first time candidates for the registered veterinary technician examination.

(3) There has been change of ~~program~~ director in charge of the curriculum for training registered veterinary technicians.

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(c) Schools and degree programs accreditated by the American Veterinary Medical Association shall be exempt from the initial inspection. Inspections conducted for re-approval of such schools or degree programs shall be at the discretion of the board.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

2065.8. Probation

(a) The board may place ~~an institution~~ a school or degree program on probation for a prescribed period of time not to exceed 2 years, in the following circumstances:

(1) The board determines that an approved ~~program~~ school or degree program is not maintaining the standards for approval required by the board.

(2) For a period of two years the approved ~~program's~~ school's or degree program's yearly average pass rate for the first time candidates who have taken the registration examination falls below 10 percentage points of the state average pass rate for first time candidates who have taken the registered veterinary technician examination during the same time period.

(3) The use of false or misleading advertising.

(4) Aiding or abetting in any acts that are in violation of any of the provisions of this ~~chapter~~ division or any provision of the Veterinary Medicine Practice Act.

(b) During the period of probation, the ~~institution~~ school or degree program shall be subject to special monitoring. The conditions for probation may include the submission of periodic reports as prescribed by the board and special visits by authorized representatives of the board to determine progress toward total compliance.

(c) The board may extend the probationary period for good cause.

(d) The ~~institution~~ school or degree program shall notify in writing all current and prospective students and employees of the probationary status.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

2065.8.1. Withdrawal of Approval

The board may withdraw its approval of any school or ~~institution~~ degree program in the following circumstances:

(a) The employment of fraud, misrepresentation, or deception in obtaining approval.

(b) If, at the end of a probationary period, the ~~institution~~ school or degree program has not eliminated the cause or causes for its probation to the satisfaction of the board.

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(c) The board determines that the ~~institution~~ school or degree program has engaged in activities that are a danger to the health and safety of its students, staff, or animals.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

2065.8.2. Procedures for Probation or Withdrawal of Approval

Prior to taking any action to place a school or ~~institution~~ degree program on probation or withdrawing of the board's approval, the board shall provide the school or ~~institution~~ degree program due notice and an opportunity to be heard.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

2065.8.3. Director Notification

(a) Every approved ~~program~~ school or degree program shall be required to notify the board in writing of the departure of the director or interim director within 15 working days, and shall notify the board in writing of the appointment of any director or interim director within 15 working days.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

2065.9. Reporting

Every school or degree program shall be required to submit to the board within sixty (60) days after the close of the school's or degree program's fiscal year a current course catalog with a letter outlining the following:

(1) Any courses added/deleted or significantly changed from the previous year's curriculum;

(2) Any changes in faculty, administration, or governing body; and

(3) Any major change in the school's or degree program's facility.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

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2066. ~~Practical Experience-Equivalent Programs.~~ Out of State Schools

(a) Candidates who have completed a course of study at a school or a degree program located outside of California and ~~approved~~ accredited by the AVMA shall be deemed to have completed the equivalent of a two-year curriculum in veterinary technology.
(b) Candidates seeking to apply to the board to take the ~~Registered Veterinary Technician~~ exam in accordance with section 2010 and who have obtained their minimum educational requirements from a school or degree program located outside of California and not approved by the board shall demonstrate to the board, (1) that the education they have received is equivalent to educational requirements of section 2065(a) and (b), and, (2) that the school or degree program has been approved by a licensing body in the U.S. state, Canadian province or U.S. or Canadian territory. The burden to demonstrate educational equivalency is upon the candidate.

Note: Authority cited: Sections 4808, ~~4841.5~~ Business and Professions Code. Reference: Section 4841.5 and 4843, Business and Professions Code.

2066.1 Unapproved In-State Schools

No candidate who has completed his or her course of study at a school or degree program located within the state that has not sought and been granted board approval shall be permitted to take either the national or state ~~the Registered~~ Veterinary Technician exams unless that candidate also meets the requirements of section 2068.5

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.