

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

Notice of Proposed Changes

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Hearing Room at, 2005 Evergreen Street, Sacramento, California at 10 a.m. on Tuesday, June 12, 2012.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, June 11, 2012, or must be received by the Board at the hearing.

The Board upon its own motion or at the instance of any interested party may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference:

Pursuant to authority vested by Business and Professions Code section 4808 and to implement, interpret or make specific sections 4830.5, 4830.7, 4836.5, 4837, 4839.5, 4855, 4856, 4857, and 4883 the Board is considering changes to Division 20 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

BPC section 4808 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Veterinarian Medicine Practice Act.

This regulatory proposal will amend CCR section 2006, amend the existing Disciplinary Guidelines incorporated by reference, and reference a new revision date of April 2012.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The Board anticipates the updated Disciplinary Guidelines will be a useful tool for the Board, Administrative Law Judge, and public to provide an overview of the Board's processes in disciplinary decisions and clarify the Board's specific recommendations for each type of violation to the Veterinarian Medicine Practice Act.

The updated Guidelines will also serve as an educational and guidance tool for the Administrative Law Judges who administer hearings for numerous licensing boards and cannot possibly develop expertise on the various nuances of each board's enforcement

provisions. This would improve the consistency of penalties as related to the degree of harm caused by violation of the Veterinary Medicine Practice Act.

C. Consistency and Compatibility with Existing State Regulations

The Board has evaluated this regulatory proposal and it is not inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

Veterinary Medical Board Disciplinary Guidelines, April 2012 Edition

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

By amending CCR section 2006 the Board is able to update its Disciplinary Guidelines which provide guidance to the Board, Administrative Law Judge and public of the Boards specific recommendations for each type of violation to the Veterinary Medicine Practice Act.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations amend CCR section 2006 updating the reference to the new Disciplinary Guidelines.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents, worker safety, and state's environment by improving the consistency and transparency of penalties as related to the degree of harm caused by violation of the Veterinary Medicine Practice Act.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2005 Evergreen Street, Sacramento, California 95815

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Ethan Mathes
Address: Veterinary Medical Board
2005 Evergreen Street, Suite 2250
Telephone No.: 916-263-1598
Fax No.: 916-263-2621
E-Mail Address: ethan.mathes@dca.ca.gov

The backup contact person is:

Name: Susan Geranen, Executive Officer
Address: same as above
Telephone No.: 916-263-2610
Fax No.: 916-263-2621
E-Mail Address: vmb@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.vmb.ca.gov.