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 Arlington Room 206 at 3737 Main Street, Riverside, California 92507 at 10 a.m. on Wednesday, April 21, 2010.

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, April 19, 2010, 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 the authority vested by sections 4808 and 4838 of the Business and Professions Code, and to implement, interpret or make specific sections 4838, 4846.5, of said Code; the Board is considering changes to Division 20 of Title 16 of the California Code of Regulations as follows:.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW
Business and Professions Code 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. Business and Professions Code section 4838 authorizes the Board to adopt rules requiring all registrants to continue their education after receiving such registration.

The purpose of the proposed language is to establish requirements for registered veterinary technicians to continue their education beyond those required for initial registration. The proposed language would also require registered veterinary technicians to submit, as a condition of renewal, assurance to the Board they have completed their required continuing education. Specifically, this proposal would:

Adopt section 2086.
There are no existing regulations requiring continuing education as a condition for renewal for registered veterinary technicians. This regulatory proposal implements a requirement for 20 hours of continuing education in the preceding two years as a condition for renewal for registration as a registered veterinary technician; would establish requirements for approved providers; sets a four hour limit on “self-study; establishes the start dates for collecting the verification of continuing education; establishes an audit procedure; and sets parameters for civil penalties for non-compliance.

Adopt section 2086.1.
There are no existing regulations that define the terms relevant to continuing education requirements. This regulatory proposal would define the terms “registrant,” “continuing education,” “approved provider,” “qualifying continuing education,” “qualifying course,“ “self-study course” and “AAVSB.”.

Adopt section 2086.2.
Existing regulations do not require continuing education requirements for registered veterinary technicians renewing their registration. This regulatory proposal would establish specific requirements for licensees taking continuing education courses regarding the number of required hours, reporting and record requirements, and the Board’s authority to audit a licensee’s continuing education hours. It also establishes fingerprinting requirements as per section 2010.05.

Adopt section 2086.3.
There are no existing regulations that specify guidelines for exemptions or waivers to the 20 hours of continuing education contact hours for license renewal. This regulatory proposal would identify specific reasons upon which basis a waiver would be granted.

Adopt section 2086.4.
There are no existing regulations that specify any form of continuing education credit or amount of continuing education credit for those licensees that are taking courses at a college or university, teaching an approved course, participating in an examination preparation workshop, serving as an expert examiner or giving a presentation. This regulatory proposal would establish parameters for licensees enrolled in a college or university course or who assist the VMB with examination workshops or serve as expert examiners. This proposal will specify how much continuing education credit can be earned and also how much of those hours can be applied towards the amount needed for license renewal.

Adopt section 2086.5.
There are no existing regulations that specify the content of the approved courses. This proposed regulation establishes the requirements for course content and what courses would not be acceptable.

Adopt section 2086.6.
There are no existing regulations that define the qualifications of the instructors of the continuing education courses. This regulatory proposal specifies the licensure, education, training, and experience requirements of each continuing education course instructor.

Adopt section 2086.7.
There are no existing regulations that specify the criteria required for recordkeeping and the content of the records. This regulatory proposal would require that providers keep records and specifies the content of those records. This regulatory proposal would require course providers to give each continuing education course attendee a record of completion and would outline what type of record is accepted and what information is required to be on each record of attendance.

Adopt section 2086.8.
Existing regulations do not outline the parameters for denial or withdrawal of Board-approved provider status. This regulatory proposal would specify the reasons for which an application for

approved-provider status would be denied and also the reasons for which a provider's approval could be withdrawn.

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 Section 17500-17630 Requires Reimbursement: None

Business Impact: The Board has determined that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states. Continuing education providers in California would presumably realize an increase in revenue due to the requirement.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any significant 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.

Cost Impact on Representative Private Person or Business: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are dependent upon the route that the registered veterinarian technician chooses to fulfill his or her continuing education requirement.

Typically, registered veterinarian technicians would incur the expense of participating in selected continuing education course(s). Costs for such courses range from tens of dollars to several hundred dollars per course. Further, courses may or may not be paid for by the representative licensed veterinarians who employ registered veterinarian technicians. Alternatively, a registered veterinarian technician may gain education credits by participating as a subject matter expert in an examination preparation workshop, teaching a qualifying continuing education course, or taking a course as a condition of probation resulting from disciplinary action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because the requirements pertain to individual licensed veterinarians and registered veterinary technicians.

CONSIDERATION OF ALTERNATIVES

The Board has determined that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

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 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, Suite 2250, Sacramento, California 95825.

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.