

**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 Donner Room at 2005 Evergreen Street, Sacramento, California at 10 a.m. on Tuesday, October 8, 2013.

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 no later than 5:00 p.m. on Monday, October 7, 2013, 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 Vehicle Code (VC) Section 5156 to implement, interpret or make specific VC Section 5156 and 5157, 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 adopt CCR sections 2090, 2090.1, 2091, 2091.1, 2092, 2092.1, 2093, 2094, 2095, 2095.1, 2095.2, and 2095.3.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The California Spay and Neuter License Plate Fund Incorporated (Fund) established a need for no and low cost animal sterilization due to the lack of access to affordable animal sterilization services as well as the increasing number of animal euthanasia. In accordance with Vehicle Code, a state agency may sponsor a specialized license plate program.

The regulatory action will define the Fund's relationship as the administrator of the license plate program and the Board as the sponsoring state agency. The Board, as the

sponsoring state agency, will provide oversight authority and is able to ensure funds raised by the specialized license plate program are allocated for their intended purpose.

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.

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 proposed regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. VC Section 5060 establishes the Board may sponsor a DMV specialized license plate program at the request of a tax-exempt organization. The proposed language specifies certain eligibility, expenditure and reporting requirements for both the Fund and grantees.

Reporting Requirement

The Board finds that it is necessary for the health, safety, or welfare of the people of this state that the proposed regulation which requires a report apply to businesses.

The proposed regulation requirements impose grantees, who may be a business, provide receipts and records of sterilization services and that the grantee will maintain its records as open for inspection or audit in order to ensure grant funds are expended for their intended purpose. The Board anticipates this reporting requirement will not significantly impact businesses as individual veterinarians are already obligated to keep records for any act requiring a license, including animal sterilization procedures, in accordance with 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 proposed regulation will not have a significant adverse economic impact on small businesses. VC Section 5060 establishes the Board may sponsor a DMV specialized license plate program at the request of a tax-exempt organization.

Grantees of the program, which may be a small business, would be required records relative to animal sterilizations for the purpose of reporting to the Fund.

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 Fund, with the Board's oversight as the sponsoring entity, will provide no and low cost animal sterilization due to the lack of access to affordable animal sterilization services as well as the increasing number of animal euthanasia.

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
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Sacramento, CA 95815
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
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Website Access: Materials regarding this proposal can be found at www.vmb.ca.gov.