

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 20. VETERINARY MEDICAL BOARD

STATEMENT OF EXPLANATION FOR SECTION 100 FILING

California Exams, CE, Temp. Licenses, and Veterinary Premises

Assembly Bill (AB) 1535 (Chapter 631, Statutes of 2021) was approved by the Governor on October 7, 2021 and became effective January 1, 2022 (copy [attached](#)). Among other things, it repealed Business and Professions Code (BPC) sections 4842.5, 4846.4, and 4848 and amended BPC sections 4841.4, 4836.2, and 4905. As a result, certain applications, examinations, temporary licenses, California curriculums, and appeals process of examination results were repealed.

Pursuant to title 1, division 1, chapter 1, article 2, section 100(b)(3), of the California Code of Regulations (CCR), the Veterinary Medical Board (Board) submits this written statement explaining why the proposal to amend sections 2014, 2015, 2015.1, and 2015.2 and repeal sections 2009, 2010, 2014.1, 2016, and 2020 of article 2, repeal article 2.5 (sections 2021, 2021.1, 2021.3, 2021.4, 2021.5, 2021.6, 2021.7, 2021.8, 2021.8A, 2021.9, and 2021.10), amend section 2068.6 of article 6, and amend section 2086.4 of article 10 of division 20 of title 16 of the CCR does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.

Subject to the approval of the Office of Administrative Law, the Board proposes to amend sections 2014, 2015, 2015.1, and 2015.2 and repeal sections 2009, 2010, 2014.1, 2016, and 2020 of article 2, repeal article 2.5 (sections 2021, 2021.1, 2021.3, 2021.4, 2021.5, 2021.6, 2021.7, 2021.8, 2021.8A, 2021.9, and 2021.10), amend section 2068.6 of article 6, and amend section 2086.4 of article 10 of division 20 of title 16 of the CCR.

**ARTICLE 2.
EXAMINATION AND LICENSING.**

1. Repeal of section 2009. Registered Veterinary Technicians.

Repealing this section is a change without regulatory effect because it is linked to CCR section 2014, which is only applicable to veterinarian applicants. In the proposed repeal below, CCR section 2014 is removed due to duplicative language and the lack of authority for the Board to determine the passing score on the national examination. Repealing this section will ensure no cross reference exists to a section that is repealed. In addition, the Board lacks authority under BPC section 4839 to implement the regulations.

2. Repeal of section 2010. Applications.

Repealing of subsection (a) is a change without regulatory effect because the repeal of former BPC section 4848, effective January 1, 2022, eliminated the Board's authority to require and administer a California state board exam.

Repealing of subsection (b) is a change without regulatory effect because, effective January 1, 2022, BPC section 4841.4(b) was amended to repeal the Board's authority to require a California veterinary technician examination. Additionally, as a result of the amendment, the Board does not approve individuals to sit for the national veterinary technician examination.

3. Amend section 2014. Veterinary Licensing Examination.

Repealing subsection (a) is a change without regulatory effect because it is duplicative language that is covered under BPC section 4846(a)(5), which specifies the national licensing examination (BPC section 4846(a)(5)(A), and the veterinary law examination (BPC section 4846(a)(5)(B)).

Repealing subsection (c) is a change without regulatory effect because the repeal of former BPC section 4848, effective January 1, 2022, eliminated the Board's authority to require and administer a California state board exam.

Repealing subsection (d) is a change without regulatory effect because it is duplicative language which is covered under BPC section 4846(a)(5)(B), which specifies that veterinarian applicants who have not completed a board-approved course on veterinary law and ethics from the University of California or Western University of Health Sciences must achieve a score of at least 80% on the veterinary law examination.

4. Repeal of section 2014.1. Veterinary Technician Registration Examination.

Repealing subsection (a) is a change without regulatory effect because it is duplicative language that is covered under BPC section 4841.4(b), which specifies the national licensing examination. Effective January 1, 2022, BPC section 4841.4(b) was amended to repeal the Board's authority to require a California veterinary technician examination.

Repealing subsection (b) is a change without regulatory effect because the Board is removed from the examination process. The American Association of Veterinary State Boards (AAVSB) determines the passing score for the national examination for RVT applicants.

5. Amend section 2015.2. Veterinary Law Examination.

Repealing subsection (b) is a change without regulatory effect because it is duplicative language that is covered under BPC section 4846(a)(5), which specifies the national

licensing examination (BPC section 4846(a)(5)(A), and the veterinary law examination (BPC section 4846(a)(5)(B)).

Repealing subsection (c) is a change without regulatory effect because it is duplicative language that is covered under BPC section 4846(a)(5), which specifies the national licensing examination (BPC section 4846(a)(5)(A), and the veterinary law examination (BPC section 4846(a)(5)(B)).

Repealing subsection (d) is a change without regulatory effect because the repeal, effective January 1, 2022, of former BPC sections 4848 and 4848.3, left the Board without authority to issue temporary licenses or promulgate regulations concerning temporary licenses. BPC section 4846, effective January 1, 2022, establishes license requirements and does not permit the Board to issue temporary licenses. Repealing this section will align the Board's regulations with its statutory authority and will be a change without regulatory effect.

6. Repeal of section 2016. Temporary Licensee; Application for a Regular Renewable License.

Repealing this section is a change without regulatory effect because former BPC section 4848 which established temporary licenses, when a holder of a temporary license could apply for full licensure, and authorized extensions of temporary licenses, was repealed effective January 1, 2022. Former BPC section 4848.3 establishing one-year temporary licenses for applicants accepted into a qualifying internship or residence program, was also repealed effective January 1, 2022. With the repeal of those statutes, the Board lacks authority to issue regulations regarding temporary licenses and the repeal of this regulation section will align the Board's regulations with its statutory authority and is a change without regulatory effect.

7. Repeal of section 2020. Examination Appeal.

Repealing this section regarding Examination Appeal (subdivisions (a), (b), (c), and (d)) is a change without regulatory effect because former BPC section 4849, repealed effective January 1, 2022, had granted the Board authority to administer, determine the subjects of, and establish appeal procedures for, the California State Board Exam for applicants for a veterinary license and the California State Board Exam for applicants for RVT registration. The amendments to BPC section 4846, effective January 1, 2022, establish veterinarian license requirements, and does not provide the Board with authority to regulate exam or exam appeals. The amendments to BPC section 4841.4, effective January 1, 2022, established the only exam the Board can require RVT applicants to take is the national veterinary technician licensing exam, and that section does not provide the Board with authority to regulate that exam or exam appeals. Repealing this section will align the Board's regulations with its statutory authority and is a change without regulatory effect.

**ARTICLE 2.5.
TEMPORARY LICENSES.**

8. Repeal of section 2021. Temporary License—Definitions.

Repealing this section regarding Temporary License Definitions (subdivisions (a), (b), (c), (d), (e), (f), (g), and (h)) is a change without regulatory effect because the repeal, effective January 1, 2022, of former BPC sections 4848 and 4848.3, left the Board without authority to issue temporary licenses or promulgate regulations concerning temporary licenses. BPC section 4846, effective January 1, 2022, establishes license requirements and does not permit the Board to issue temporary licenses. Repealing this section will align the Board's regulations with its statutory authority and will be a change without regulatory effect.

9. Repeal of section 2021.1. Temporary Licenses; Notification of Supervisor.

Repealing this section regarding Temporary Licenses; Notification of Supervisor (subdivisions (a), (b), (c), (d), and (e)) is a change without regulatory effect because, as discussed above, the repeal of former BPC sections 4848 and 4848.3, effective January 1, 2022, left the Board without authority to issue temporary licenses or promulgate regulations concerning temporary licenses. BPC section 4846, effective January 1, 2022, establishes license requirements and does not permit the Board to issue temporary licenses. Repealing this section will align the Board's regulations with its statutory authority and will be a change without regulatory effect.

10. Repeal of section 2021.3. California Curriculum—Content.

Repealing this section regarding California Curriculum - Content (subdivisions (a) and (b)) is a change without regulatory effect because the repeal of former BPC sections 4848 and 4841.4, effective January 1, 2022, eliminated the Board's authority to require and administer both a California State Board Exam and a California RVT Exam. Without that authority, the Board cannot establish or maintain a California curriculum in regulation. The amended statutes establishing license requirements for veterinarians and RVTs, BPC sections 4846 and 4841.4, respectively, do not provide the Board with authority to require or administer a California State Board Exam for veterinarians or RVTs. Repealing this section will align the Board's regulations with its statutory authority and is a change without regulatory effect.

11. Repeal of section 2021.4. Criteria for Provider Approval.

Repealing this section regarding Criteria for Provider Approval (subdivisions (a) and (b)) is a change without regulatory effect because, as discussed above, the repeal of former BPC sections 4848 and 4841.4, effective January 1, 2022, eliminated the Board's authority to require and administer both a California State Board Exam and a California RVT Exam. Without that authority, the Board cannot establish or maintain a criteria to

approve providers of a California curriculum in regulation. The amended statutes establishing license requirements for veterinarians and RVTs, BPC sections 4846 and 4841.4, respectively, do not provide the Board with authority to require or administer a California State Board Exam for veterinarians or RVTs. Repealing this section will align the Board's regulations with its statutory authority and is a change without regulatory effect.

12. Repeal of section 2021.5. Approved Curriculum.

Repealing this section regarding Approved Curriculum (subdivisions (a), (b), and (c)) is a change without regulatory effect because, as discussed above, the repeal of former BPC sections 4848 and 4841.4, effective January 1, 2022, eliminated the Board's authority to require and administer both a California State Board Exam and a California RVT Exam. Without that authority, the Board cannot establish or maintain in regulation rules regarding changes to an approved curriculum or establish audits. The amended statutes establishing license requirements for veterinarians and RVTs, BPC sections 4846 and 4841.4, respectively, do not provide the Board with authority to require or administer a California State Board Exam for veterinarians or RVTs. Repealing this section will align the Board's regulations with its statutory authority and is a change without regulatory effect.

13. Repeal of section 2021.6. Approved Providers.

Repealing this section regarding Approved Providers (subdivisions (a) and (b)) is a change without regulatory effect because, as discussed above, the repeal of former BPC sections 4848 and 4841.4, effective January 1, 2022, eliminated the Board's authority to require and administer both a California State Board Exam and a California RVT Exam. Without that authority, the Board cannot establish or maintain in regulation any rules concerning approved providers of an approved curriculum. The amended statutes establishing license requirements for veterinarians and RVTs, BPC sections 4846 and 4841.4, respectively, do not provide the Board with authority to require or administer a California State Board Exam for veterinarians or RVTs. Repealing this section will align the Board's regulations with its statutory authority and is a change without regulatory effect.

14. Repeal of section 2021.7. Instructors.

Repealing this section regarding Instructors (subdivisions (a) and (b)) is a change without regulatory effect because, as discussed above, the repeal of former BPC sections 4848 and 4841.4, effective January 1, 2022, eliminated the Board's authority to require and administer both a California State Board Exam and a California RVT Exam. Without that authority, the Board cannot establish or maintain in regulation any rules regarding instructor qualifications to teach an approved curriculum. The amended statutes establishing license requirements for veterinarians and RVTs, BPC sections 4846 and 4841.4, respectively, do not provide the Board with authority to require or

administer a California State Board Exam for veterinarians or RVTs. Repealing this section will align the Board's regulations with its statutory authority and is a change without regulatory effect.

15. Repeal of section 2021.8. Denial, Withdrawal and Appeal of Approval.

Repealing this section regarding Denial, Withdrawal and Appeal of Approval (subdivisions (a), (b), and (c)) is a change without regulatory effect because, as discussed above, the repeal of former BPC sections 4848 and 4841.4, effective January 1, 2022, eliminated the Board's authority to require and administer both a California State Board Exam and a California RVT Exam. Without that authority, the Board cannot establish or maintain in regulation any rules regarding Board withdrawal of approval of a course or denying an application for an approval of a course teaching a California curriculum, or appeal of the Board's denial. The amended statutes establishing license requirements for veterinarians and RVTs, BPC sections 4846 and 4841.4, respectively, do not provide the Board with authority to require or administer a California State Board Exam for veterinarians or RVTs. Repealing this section will align the Board's regulations with its statutory authority and is a change without regulatory effect.

16. Repeal of section 2021.8A. Processing Times for Provider and Course Request Applications.

Repealing this section on Processing Times for Provider and Course Request Applications (subsection (a)) has no regulatory effect because, as discussed above, the repeal of former BPC sections 4848 and 4841.4, effective January 1, 2022, eliminated the Board's authority to require and administer both a California State Board Exam and a California RVT Exam. Without that authority, the Board cannot establish or maintain in regulation any rules regarding processing times for providers seeking approval of a California curriculum. The amended statutes establishing license requirements for veterinarians and RVTs, BPC sections 4846 and 4841.4, respectively, do not provide the Board with authority to require or administer a California State Board Exam for veterinarians or RVTs. Repealing this section will align the Board's regulations with its statutory authority and is a change without regulatory effect.

17. Repeal of section 2021.9. Requirements for Supervisors.

Repealing this section on Requirements for Supervisors (subsections (a), (b), and (c)) is a change without regulatory effect because, as discussed above, the repeal of former BPC sections 4848 and 4848.3, effective January 1, 2022, left the Board without authority to issue temporary licenses or promulgate regulations concerning supervisors of temporary licensees or temporary licensee interns. BPC section 4846, effective January 1, 2022, establishes license requirements and does not permit the Board to issue temporary licenses. Repealing this section will align the Board's regulations with its statutory authority and will be a change without regulatory effect.

18. Repeal of section 2021.10. Notification of Change of Supervisor.

Repealing this section on Notification of Change of Supervisor (subdivisions (a) and (b)) is a change without regulatory effect because, as discussed above, the repeal of former BPC sections 4848 and 4848.3, effective January 1, 2022, left the Board without authority to issue temporary licenses or promulgate regulations concerning changes to temporary licensees' supervisors. BPC section 4846, effective January 1, 2022, establishes license requirements and does not permit the Board to issue temporary licenses. Repealing this section will align the Board's regulations with its statutory authority and will be a change without regulatory effect.

19. Removing References to the "California State Board Examination"

In sections 2015(a) and (b), and 2015.1(b) and (c), removing references to the California state board examination is necessary because an amendment, effective January 1, 2022, removed BPC section 4848 thereby eliminating the Board's authority to require and administer the California state board examination. Removing references to the California state board exam will align the Board's regulations with its statutory authority and is a change without regulatory effect.

20. Removing References to the "California Veterinary Technician Examination" and "California State Registration Examination."

In sections 2015(c) and (d), 2015.1(e) and (f), and 2068.6, removing references to the California veterinary technician examination is necessary because an amendment, effective January 1, 2022, to BPC section 4841.4(b)(2) eliminated the Board's authority to require and administer the California veterinary technician examination. Removing references to the California veterinary technician exam will align the Board's regulations with its statutory authority and is a change without regulatory effect.

In section 2086.4, this proposal would remove current subsection (d) because it references the California state registration examination. Effective January 1, 2022, BPC section 4841.4(b)(2) eliminated the Board's authority to require and administer the California state registration examination. Removing subsection (d) in reference to the California state registration examination will align the Board's regulations with its statutory authority and is a change without regulatory effect. In addition, credit for continuing education for an examination that is no longer offered or statutorily authorized may result in confusion for registrants on how they can earn continuing education credit.

21. Removing Inaccurate References

In section 2015.1(a), the Board proposes removing references to section 2014, and in subsection (d), removing references to section 2014.1, as the Board proposes to completely remove those regulations as previously mentioned.