

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
DIVISION 20. VETERINARY MEDICAL BOARD**

**NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
EMERGENCY ANIMAL CARE, § 2069**

**NOTICE IS HEREBY GIVEN** that the Veterinary Medical Board (Board) is proposing to take the action described in the Informative Digest.

**PUBLIC HEARING**

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this notice.

**WRITTEN COMMENT PERIOD**

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 July 20, 2020**, or must be received by the Board at the hearing, should one be scheduled.

**AVAILABILITY OF MODIFICATIONS**

The Board, upon its own motion or at the request 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 the 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 4836 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 4836.1 and 4840.5 of said code, the Board is considering amending section 2069 of article 6 of division 20 of title 16 of the California Code of Regulations (CCR)<sup>1</sup>.

**INFORMATIVE DIGEST**

BPC section 4836, subdivision (a) requires the Board to adopt regulations establishing animal health care tasks and an appropriate degree of supervision required for those tasks that may be performed only by a registered veterinary technician (RVT) or licensed veterinarian. BPC section 4836.1 authorizes an RVT to administer a drug, including but not limited to, a drug that is a controlled substance, under the direct or indirect supervision of a licensed veterinarian when done pursuant to the order, control, and full professional responsibility of a licensed veterinarian. BPC section 4840.5 authorizes an RVT, under conditions of an emergency, to render lifesaving aid and treatment to an animal; however, if the emergency aid and treatment is not rendered in the presence of a licensed veterinarian, the treatment may only be continued under the direction of a licensed veterinarian. The statute defines "emergency" to mean that the animal has been placed in a life-threatening condition where immediate treatment is necessary.

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<sup>1</sup> All CCR references are to title 16 unless otherwise noted.

The Board seeks to clarify BPC section 4840.5, by revising CCR section 2069, which provides the conditions under which an RVT may provide emergency treatment and the emergency treatment that may be provided, to clarify an RVT's authority to administer drugs or controlled substances.

The proposal would also implement recent statutory changes to BPC section 4840.5 made by Senate Bill (SB) 547 (Hill, Chapter 429, Statutes of 2017), which deleted the restriction of RVTs to render emergency aid to only circumstances where immediate treatment was necessary to sustain life, and address RVT health care tasks performed at sanctioned rodeos or other sporting events. The Board anticipates that the health, safety, and welfare of animals in emergency situations will be better protected by clarifying an RVT's ability to administer drugs and controlled substances.

The Board is proposing the following changes:

#### Amend CCR Section 2069 – Emergency Animal Care

The proposed regulation would amend CCR section 2069, subsection (a), to make minor and technical revisions and authorize an RVT to provide either lifesaving aid or emergency treatment to an animal. The proposal would also amend CCR section 2069, subsection (a)(2), to strike the terms for administration of pharmacological agents and instead provide, in new subsection (b), that an RVT may only perform administration of a drug or controlled substance after direct communication with a veterinarian licensed or otherwise authorized to practice in this state to prevent or control shock, manage pain or sedate an animal for examination or to prevent further injury, and to prevent suffering of an animal, up to and including euthanasia. The proposal would also adopt CCR section 2069, subsection (c), to address circumstances when an RVT cannot establish direct communication with a licensed or authorized veterinarian, and authorize the RVT to administer the drug or controlled substance in accordance with written instructions established by the supervising veterinarian or, in the case of a sanctioned rodeo or other sporting event, the veterinarian charged with the responsibility to provide treatment to the animals at the rodeo or event.

#### **POLICY STATEMENT OVERVIEW/ANTICIPATED BENEFITS OF PROPOSAL**

The primary mission of the Board is to protect consumers and animals through the development and maintenance of professional standards. The proposed regulations would allow the Board to continue carrying out this mandate through its licensing and regulatory efforts by clarifying the authority of an RVT to administer drugs and controlled substances to animals in need in emergency circumstances. By updating CCR section 2069, the Board will be ensuring the RVT is still receiving the proper level of supervision and communication for these emergency services, while also allowing for animals in immediate danger to receive the appropriate level of care and to alleviate animal suffering. The Board anticipates that consumers and their animals will benefit from clarified provisions for RVTs rendering emergency treatment to animals.

#### Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

#### **FISCAL IMPACT ESTIMATES**

The Board will be required to ensure compliance with the proposed regulations through its inspections program. Any enforcement-related workload and costs are anticipated to be minor and absorbable within existing resources.

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 the initial determination that this proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal clarifies existing law regarding an RVT's ability to administer drugs and controlled substances to animals in emergency situations.

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 proposal clarifies existing law regarding an RVT's ability to administer drugs and controlled substances to animals in emergency situations.

**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 proposal will benefit the health, safety, and welfare of California consumers and their animals by clarifying that an RVT can administer drugs and controlled substances after direct communication or in accordance with written instructions established by a supervising veterinarian; this will allow RVTs to provide better immediate aid to animals in an emergency. This proposal may benefit worker safety as the proposal provides for an RVT administering drugs or controlled substances to an animal in pain or to sedate an animal, who may be dangerous to itself, as well as to rodeo and sporting event workers and veterinary medical personnel. This proposal does not affect the state's environment.

**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 that 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 submit comments to the Board in writing relevant to the above determinations at 1747 North Market Blvd., Suite 230, Sacramento, California 95834.

**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, any document incorporated by reference, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1747 North Market Blvd., Suite 230, Sacramento, California 95834.

**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:	Justin Sotelo
Address:	Veterinary Medical Board 1747 North Market Blvd., Suite 230 Sacramento, CA 95834
Telephone No.:	916-515-5238
Fax No.:	916-928-6849
E-Mail Address:	Justin.Sotelo@dca.ca.gov

The backup contact person is:

Name:	Timothy Rodda
Address:	Veterinary Medical Board 1747 North Market Blvd., Suite 230 Sacramento, CA 95834
Telephone No.:	916-515-5227
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**Website Access:** Materials regarding this proposal can be found at [www.vmb.ca.gov](http://www.vmb.ca.gov).