

Veterinary Medical Board

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**MEETING NOTICE and AGENDA
VETERINARY MEDICAL BOARD**

July 26-27, 2017
1747 N. Market Blvd. – 1st Floor Hearing Room
Sacramento, California

10:00 a.m. Wednesday, July 26, 2017

1. Call to Order/Roll Call/Establishment of a Quorum
2. Introductions
3. Review and Approval of April 19-20, 2017 and June 19, 2017 Board Meeting Minutes
4. Discussion on Multidisciplinary Advisory Committee Appointment – Recruitment Process
5. Proposed Regulations
 - A. Status of Pending Regulations
 - B. Discussion and Possible Board Action on Regulatory Proposal Regarding Section 2032.1(e) of Title 16 of the California Code of Regulations (CCR) Regarding Telemedicine and Review American Veterinary Medical Association (AVMA) Proposed Guidelines
 - C. Discussion and Possible Board Action on Regulatory Proposal Regarding Sections 2036.1, 2064, 2065, 2065.2, 2065.6, 2065.7, 2065.8, 2066, 2066.1, and 2068.5 of Title 16 of the CCR Regarding Registered Veterinary Technician (RVT) School Approval and RVT Student Exemption
 - D. Discussion and Possible Board Action on Regulatory Proposal Regarding Sections 2070 & 2071 of Title 16 of the CCR Regarding Proposed Fee Increases
6. Multidisciplinary Advisory Committee Report – Dr. Jon Klingborg
 - A. Review, Discussion, and Possible Board Action on Multidisciplinary Advisory Committee Items and Recommendations ([See Attached Agenda](#))
7. Review, Discussion, and Possible Board Action on Potential Legislation and Regulations Proposals Regarding Animal Physical Rehabilitation
8. Review and Discussion Regarding Veterinarians Prescribing/Using Medicinal Marijuana for Animals
9. Review and Update on the Board's 2015-2019 Strategic Plan/Accomplishments
10. Discussion and Possible Board Action Regarding RVT Validation Study and Transition to Veterinary Technician National Examination
11. Review, Discussion, and Possible Board Action on Statutory Change Regarding the Elimination of the Veterinary Law Examination
12. Review, Discussion, and Possible Board Action Regarding Fee Audit Report

13. Review, Discussion, and Possible Board Action Regarding Board Size and Structure
14. 2017 Legislation Report; Possible Board Action to Adopt Positions on Legislative Items
 - A. SB 673 (Newman) Pet Lover's specialized license plates
 - B. SB 547 (Hill) Professions and vocations: weights and measures
 - C. AB 485 (O'Donnell) Pet store operators: dogs, cats, and rabbits
 - D. AB 942 (Mathis) Personal income taxes: credit: veterinary costs
15. Public Comment on Items Not on the Agenda
Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code Sections 11125, 11125.7(a).)
16. Recess until July 27, 2017, at 9:00 a.m.

9:00 a.m. Thursday, July 27, 2017

17. Reconvene - Establishment of a Quorum
18. Introductions
19. Department of Consumer Affairs Update – Dean R. Grafilo, Director
20. Board Chair Report – Dr. Cheryl Waterhouse
21. RVT Report – Jennifer Loreda
 - A. National Association of Veterinary Technicians of America Specialty Recognition of the Academy of Physical Rehabilitation Veterinary Technicians
22. Report on the International Council for Veterinary Assessment Survey – Kathy Bowler
23. Executive Officer & Staff Reports
 - A. Administrative/Budget
 - B. Enforcement
 - C. Licensing/Examination
 - D. Hospital Inspection
24. Future Agenda Items and Next Meeting Dates – October 18-19, 2017 (Fresno)
 - A. Agenda Items for Next Meeting – Consideration of Pathways for Foreign Educated RVTs, Tattooing Spay and Neutered Animals, DEA Facility Registrations
 - B. Multidisciplinary Advisory Committee Meetings – October 17, 2017 (Fresno)

CLOSED SESSION

25. Pursuant to Government Code Section 11126(c)(3), the Board will meet in closed session to deliberate and vote on disciplinary matters, including stipulations and proposed decisions.

RECONVENE OPEN SESSION

26. Adjournment

This agenda can be found on the Veterinary Medical Board website at www.vmb.ca.gov. Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The Board plans to webcast this meeting on its website at www.vmb.ca.gov. Webcast availability cannot, however, be guaranteed due to limitations on resources or technical difficulties that may arise. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe and participate, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting locations are accessible to the physically disabled. A person who needs disability-related accommodations or modifications in order to participate in the meeting may make a request by contacting: Nina Galang (916) 515-5220, email: nina.galang@dca.ca.gov, or send a written request to the Board of Veterinary Medicine, 1747 N. Market St., Suite 230, Sacramento, CA 95834. Providing your request at least five (5) business days prior to the meeting will help ensure availability of the requested accommodations. TDD Line: (916) 326-2297

MISSION

The mission of the Veterinary Medical Board is to protect consumers and animals by regulating licensees, promoting professional standards and diligent enforcement of the practice of veterinary medicine.



MEETING MINUTES
VETERINARY MEDICAL BOARD

April 19-20, 2017

Waterfront Hotel
10 Washington Street, Oakland, CA 94607

10:00 a.m. Wednesday, April 19, 2017

1. Call to Order/Roll Call/Establishment of a Quorum

Dr. Cheryl Waterhouse called the Veterinary Medical Board (Board) meeting to order at 10:08 a.m. Executive Officer, Annemarie Del Mugnaio, called roll; eight members of the Board were present and thus a quorum was established.

2. Introductions

Board Members Present

Cheryl Waterhouse, DVM, President
Richard Sullivan, DVM, Vice President
Kathy Bowler, Public Member
Lee Heller, Public Member
Jennifer Loreda, RVT
Judie Mancuso, Public Member
Jaymie Noland, DVM
Mark Nunez, DVM

Staff Present

Elizabeth Bynum, Associate Enforcement Analyst
Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board
Kurt Heppler, Legal Counsel
Ethan Mathes, Administrative Program Manager
Candace Raney, Enforcement Manager
Louis Galiano, DCA Webcast
Tara Welch, Legal Counsel

Guests Present

Susan Abel
Karen Atlas, California Association of Animal Physical Therapists
Shelah Barr
Karen Buchinger, DVM
Jonathan Burke, Department of Consumer Affairs
Stephen Cital, National Association of Veterinary Technicians in America
Po-Yen Chou, DVM, University of California, Davis
Elisa Dowd, DVM, Contra Costa Veterinary Medical Association
Judy Duff

Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association
Valerie Fenstermaker, California Veterinary Medical Association
William A. Grant II, DVM, Multidisciplinary Advisory Committee
Sandy Gregory, RVT, California Registered Veterinary Technicians Association
Kristin Hagler, RVT, Academy of Physical Rehabilitation Veterinary Technicians
Tameka Island, California Physical Therapy Association
Jay Kerr
Jon Klingborg, DVM, Multidisciplinary Advisory Committee
Amy Kramer
Bonnie Lutz, Esq., Klinedinst PC
Grant Miller, DVM, California Veterinary Medical Association
Allyne Moon, California Registered Veterinary Technicians Association
John Pascoe, DVM, University of California, Davis
Ken Pawlowski, DVM, California Veterinary Medical Association
Scott Pomerantz
Lynn Rieder
Cindy Savely, RVT, Sacramento Valley Veterinary Technician Association
Marshall E. Scott, DVM, California Veterinary Medical Association
Dianne Sequoia
Kerrin Shettle
Leah Shufelt, RVT, California Veterinary Medical Association
Solomon Stupp
James Syms, PT, Dsc, California Physical Therapy Association
Erin Troy, DVM
Janet Van Dyke, DVM, American College of Veterinary Sports Medicine and Rehabilitation
Jessica Waldman, DVM
Cynthia Wallace

3. Review and Approval of January 18-19, 2017 Board Meeting Minutes

The Board made minor corrections to the meeting minutes.

Allyne Moon made a correction on Page 7 to add “California Registered Veterinary Technicians Association (CaRVTA)” to the list of organizations included in the shelter medicine working group.

- Judie Mancuso moved and Kathy Bowler seconded the motion to approve the January 18-19, 2017 meeting minutes as amended. The motion carried 7-0-1. Lee Heller abstained.

4. Discussion and Possible Board Action on Re-appointing Members to the Multidisciplinary Advisory Committee

Ms. Del Mugnaio clarified that there were no other candidates for the position.

- Judie Mancuso moved and Jennifer Loreda seconded to motion to reappoint Dr. Jeff Pollard to the Multidisciplinary Advisory Committee. The motion carried 8-0.

5. Discussion and Possible Board Action on Re-appointing a Member to the Diversion Evaluation Committee

- Dr. Jaymie Noland moved and Dr. Mark Nunez seconded the motion to reappoint Dr. Lane Johnson. The motion carried 8-0.

6. Proposed Regulations

A. Status of Pending Regulations

Ms. Del Mugnaio noted that the Animal Control Officer (ACO) Training rulemaking file is moving through the process. On March 17, 2017, the Board published a 15-Day Notice of Modified Text to incorporate technical and non-substantive changes to the proposed language. The changes included correcting referenced sections and renumbering subdivisions. No adverse comments were received relating to the language; therefore, the rulemaking file will be submitted to the Office of Administrative Law (OAL).

Legal Counsel, Kurt Heppler, clarified that, although the motion made at the July 2016 Board meeting granting the Executive Officer the authority to make technical and non-substantive changes to the proposed ACO Training regulatory language, the motion was not accurately reflected in the July 2016 meeting minutes. The complete motion can be seen on the Board's webcast.

Lee Heller noted that there was an Animal Rehabilitation discussion that occurred in February 2017 that was not reflected in the Status of Pending Veterinary Medical Board (VMB) Regulations document.

B. Review, Discussion, and Possible Board Action on Amendments to the Disciplinary Guidelines - Section 2006 of Title 16 of the California Code of Regulations

Associate Enforcement Analyst, Elizabeth Bynum, presented the substantive changes identified for the Board's consideration.

Dr. Mark Nunez requested clarification on the change stating the cruelty to animals must be of a "significant nature" in order to trigger a maximum penalty. Ms. Del Mugnaio provided the example that in an animal cruelty case, findings may show that the animal was aggressive and may not necessarily indicate animal cruelty.

Ms. Bynum also presented substantive changes to the language that were added in the October 2015 version, but were later deleted in the April 2017 version.

Dr. Jaymie Noland opined that the wording "at least a quarterly basis" on Page 18, regarding inspections performed by the Board, gives the impression that inspections are performed quarterly or more. Ms. Del Mugnaio clarified that the language gives the Board the "right to" perform quarterly inspections, not necessarily that it "shall" perform quarterly inspections.

Ms. Heller noted that the change on Page 6 "or if there are prior violations of the same type of offense" should be "prior violations of a similar nature," as previously approved by the Board at the January 2017 Board meeting.

On Page 16 of the proposed language, Ms. Heller noted that "a minimum of" should be added before "24 hours per week for the duration of probation..." as previously approved by the Board at the January 2017 meeting.

Bonnie Lutz suggested removing “registered veterinary” from “registered veterinary employees” in Standard Terms and Conditions of Probation, Item #8, since all employees should be notified. Ms. Del Mugnaio agreed.

Ms. Lutz expressed confusion regarding the definition of “non-practice” on Page 16, which is described as not practicing for over 30 days, but also not practicing for a minimum of 24 hours per week. Ms. Del Mugnaio clarified that the “over 30 days” portion of the definition is to accommodate those who go on vacation. The portion of the definition regarding not practicing for “24 hours per week” is for those that work part-time. The intention was to define what part-time practice is permissible under probation.

Also on Page 16, Ms. Del Mugnaio clarified that the notice regarding a Respondent’s period of non-practice lasting more than thirty (30) calendar days could occur 15 days before or after the Respondent’s return to practice.

Ms. Lutz questioned if “obey all laws,” which is always a Standard Term and Condition of Probation, would cover the necessity to hold a premises permit listed on Page 18. Ms. Del Mugnaio clarified that the Guidelines are intended to be a notice to a probationer who may or may not be represented by legal counsel. The message is intentionally duplicative in order to be clear to the probationer. Ms. Del Mugnaio and Ms. Lutz both agreed that it would be helpful to reference the code section.

Ms. Lutz opined that the requirement on Page 19, regarding Supervised Practice, can be onerous on the probationer to find a new supervisor, especially if the current supervisor terminates the relationship suddenly. Ms. Lutz recommended setting a number of days in which a probationer would need to find a new supervisor.

Ms. Del Mugnaio stated that any time a probationer is not under supervision, the probationer is not in compliance with the probation term. Enforcement Manager, Candace Raney, noted that Board staff are aware that it is an undue burden on the probationer to find a new supervisor; however, the Enforcement staff makes every effort to respond to requests as soon as possible, often times within the same day.

Regarding Item #8, Notice to Employees, on Page 15, Ms. Del Mugnaio suggested adding the term “registered” to the following sentence (and is shown in double-underline): “Within fifteen (15) days of the effective date of this ~~decision~~ Decision, Respondent shall cause his/her registered employees to report to the Board in writing, acknowledging the employees have read the Accusation and ~~decision~~ Decision in the case and understand Respondent’s terms and conditions of probation.”

- Judie Mancuso moved and Kathy Bowler seconded the motion to authorize the Executive Officer and Board staff to prepare the necessary rulemaking documents, submit to the Business, Consumer Services, and Housing Agency and the Department of Consumer Affairs for review, and in the absence of any adverse comments, publish a 45-day Notice of Proposed Changes. The motion carried 8-0.

C. Review, Discussion, and Possible Board Action on Amendments and Adopting Modified Language Regarding the Consumer Protection and Enforcement Initiative Regulations – Sections 2003, 2017, & 2042 of Title 16 of the California Code of Regulations

Since the proposed regulatory language for Consumer Protection Enforcement Initiative (CPEI) regulations were approved at the October 2014 Board meeting, Legal has reviewed the language and recommended minor changes. The proposed changes do not change the intent of the language, only to place the language in the appropriate code section, California Code of Regulations (CCR) section 2003.

- Dr. Richard Sullivan moved and Lee Heller seconded the motion to authorize the Executive Officer and Board staff to prepare the necessary rulemaking documents, submit to the Business, Consumer Services, and Housing Agency and the Department of Consumer Affairs for review, and in the absence of any adverse comments, publish a 45-day Notice of Proposed Changes. The motion carried 8-0.

7. Multidisciplinary Advisory Committee Report – Dr. Jon Klingborg

A. Review, Discussion, and Possible Board Action on Multidisciplinary Advisory Committee Items and Recommendations ([See Attached Agenda](#))

Dr. Jon Klingborg summarized the Multidisciplinary Advisory Committee's (MDC) discussion from its meeting on April 18, 2017.

The Complaint Process Audit Subcommittee will be performing on-going semi-annual case review.

CaRVTA provided additional information regarding the list of proposed Registered Veterinary Technician (RVT) extended duties that they submitted for the MDC's discussion and consideration. The MDC opined that some of the tasks may involve surgery or suturing and discussed the varying degrees to which performing the proposed tasks may cause harm. The MDC inquired about the access and need issues as presented by CaRVTA. The MDC agreed to move forward with the development of a subcommittee to research the issues; Chairman Klingborg indicated that he will assign members to the subcommittee following the meeting.

The MDC reviewed legal counsel's guidance on the Federal Drug Mobility Act. The interpretation is that an RVT would be exempt from the Drug Enforcement Administration (DEA) registration requirements when administering, dispensing, or transporting controlled substances as the RVTs operate under the direction of a veterinarian who is registered with the DEA.

Regarding public and private animal shelters, the work of the State Humane Association of California (SHAC) and the California Veterinary Medical Association (CVMA) is ongoing and more information will be reported at the July MDC and Board meeting. Dr. Klingborg confirmed that CaRVTA will also be involved in the discussions.

Dr. Klingborg, Dr. Richard Sullivan, and Ms. Del Mugnaio met with the Board of Pharmacy to discuss veterinary drug compounding. Dr. Klingborg clarified that it is not the intent to allow veterinarians to become compounding pharmacies; instead, the discussion was narrowly focused on the limited sterile and non-sterile compounding that is necessary for patient safety in a veterinary hospital clinic setting.

Regarding drug counseling, Dr. Jeff Pollard and Dr. Richard Sullivan are developing draft language based on the protocols that pharmacists use for human medicine. The MDC will discuss the draft language at their next meeting in July 2017.

Regarding the Sedation vs Anesthesia discussion, Dr. Klingborg noted that the discussion came about in response to the identification of urgent situations in which an animal may need to be sedated or anesthetized in a shelter setting. The discussion then evolved to include emergency situations that are not necessarily life threatening, but are serious in nature. The MDC requested permission from the Board to form a subcommittee to look at these areas more closely.

Regarding the development of Minimum Standards for Spay and Neuter Clinics, the MDC agreed that the existing language for fixed premises is sufficient and no action was taken. The MDC felt that it

should be up to the Hospital Inspector to determine what sections of the minimum standards should apply based on the type of veterinary medicine provided at the premises.

Ms. Del Mugnaio clarified that Hospital Inspectors are trained to understand that not all of the minimum standards will apply to each facility. After the inspection has been completed, it is up to the Board staff to determine what areas are truly non-compliant. Ms. Del Mugnaio confirmed that there is a written training protocol for Hospital Inspectors, which continues to evolve as hot topics emerge.

Regarding Minimum Standards for Mobile Specialists, Dr. Klingborg noted that the MDC felt it was difficult to determine patient responsibility on cases involving two or more veterinarians. Therefore, the MDC was unable to develop minimum standards that would adequately address situations where a specialist may provide limited care to a patient who is already under the care of a primary treating veterinarian. It was decided that situations involving mobile specialists would be more appropriately addressed by examining the specifics of each case since the facts of each case is so unique and responsibilities can vary.

The MDC discussed the possibility of allowing Board certification to qualify for an examination waiver when applying for licensure via the reciprocity pathway. The MDC ultimately decided that Board certification should not replace practical experience since the Board certification process is narrowly focused on one area of practice. Dr. Klingborg reminded the Board that Board-certified specialists are not limited from taking the examination and can apply for licensure through the traditional pathway.

- Dr. Jaymie Noland moved and Kathy Bowler seconded the motion to accept the MDC's report. The motion carried 8-0.

Ms. Del Mugnaio noted that the MDC has satisfied their assignment to discuss Item #7, Develop Minimum Standards for Spay and Neuter Clinics, Item #8, Minimum Standards for Mobile Specialists – Responsibility for Case Management, and Item #9, Discuss equivalency pathway for reciprocity applicants to qualify for an examination waiver based on Board certification, and therefore, these assignments will be removed from the MDC's priority assignment list.

- Dr. Richard Sullivan moved and Dr. Jaymie Noland seconded the motion to direct the MDC to form a subcommittee to study the definitions and scope of responsibility for Sedation vs Anesthesia and the emergency protocols for serious and life threatening situations. The motion carried 8-0.

8. Review, Discussion, and Possible Board Action on Recommendations of the Animal Rehabilitation Task Force

A. Discuss Concepts for Possible Inclusion in Construct of Animal Physical Rehabilitation Legislation

Dr. Nunez provided background information on the Animal Physical Rehabilitation (APR) discussion and reviewed the actions taken by the Animal Rehabilitation Task Force over the course of three meetings.

- Dr. Richard Sullivan moved and Lee Heller seconded the motion to accept the report from the Animal Rehabilitation Task Force. The motion carried 8-0.

Mr. Heppler clarified that the document titled "Animal Physical Rehabilitation Act of 2017 Concepts to Consider in Legislation as Prepared by Board Counsel" contains a licensing scheme that the Board may

consider, however, the language was not developed in response to any prior Board action or delegation.

June 20, 2016 – Motion #1

- Judie Mancuso moved and Kathy Bowler seconded the motion to accept Motion #1 from the June 20, 2016 Animal Rehabilitation Task Force meeting which reads as follows: “Animal Physical Rehabilitation is defined as the treatment of injury or illness to address pain and improve function by means of physical corrective treatment.” The motion carried 8-0.

June 20, 2016 – Motion #2

- Judie Mancuso moved and Lee Heller seconded the motion to accept Motion #2 from the June 20, 2016 Animal Rehabilitation Task Force meeting which reads as follows: “Animal Physical Rehabilitation does not include relaxation, recreational or wellness modalities, including but not limited to, massage, athletic training or exercise.” The motion carried 8-0.

June 20, 2016 – Motion #3

- Judie Mancuso moved and Lee Heller seconded the motion to accept Motion #3 from the June 20, 2016 Animal Rehabilitation Task Force meeting which reads as follows: “Any proposed changes to existing law and regulations are not an attempt to restrict or amend section 2038 of the California Code of Regulations regarding the provision of Musculoskeletal Manipulation modalities.” The motion carried 8-0.

Ms. Del Mugnaio noted that musculoskeletal manipulation was outside the scope of the Animal Rehabilitation Task Force.

June 20, 2016 – Motion #4

- Lee Heller moved and Judie Mancuso seconded the motion to accept Motion #4 from the June 20, 2016 Animal Rehabilitation Task Force meeting which reads as follows: “Prior to performing or authorizing Animal Physical Rehabilitation, a veterinarian shall establish a valid veterinarian-client-patient relationship as defined in sections 2032.1 or 2032.15 of the California Code of Regulations.” The motion carried 8-0.

Ms. Lutz asked why CCR section 2032.15 was included and opined that it may not be a good idea to include a second veterinarian. Dr. Klingborg clarified that it is not meant to be a referral, but a continuity of care provision.

Dr. James Syms asked if establishing a Veterinarian-Client-Patient Relationship (VCPR) includes determining if physical rehabilitation is appropriate for the animal patient. Dr. Klingborg confirmed that the veterinarian may determine a need for a particular modality, but may also decide that the current health status of the animal does not allow for physical rehabilitation.

October 4, 2016 – Motion #1

- Judie Mancuso moved and Jennifer Loreda seconded the motion to accept Motion #1 from the October 4, 2016 Animal Rehabilitation Task Force meeting which reads as follows: “Veterinarians have sufficient education and training to provide Animal Physical Rehabilitation.” The motion carried 8-0.

Consumer, Kerrin Shettle, felt that only licensed individuals trained in veterinary medicine should be handling animals.

October 4, 2016 – Motion #2

Jennifer Loredo noted that since the October 2016 Animal Rehabilitation Task Force meeting, the National Association of Veterinary Technicians in America (NAVTA) recognized the Academy of Physical Rehabilitation Veterinary Technicians (APRVT) as the 15th official specialty. Dr. Waterhouse clarified that RVTs recognized with an official specialty are not allowed to perform their specific disciplines under indirect supervision.

- Jennifer Loredo moved to amend Motion #2 from the October 4, 2016 Animal Rehabilitation Task Force meeting to include RVTs with a specialty from the Academy of Physical Rehabilitation Veterinary Technicians to perform tasks under indirect supervision or a degree of supervision to be determined by the veterinarian. There was no second.

The Board requested more time to research information on APRVT, the 15th official specialty.

NAVTA Board Director, Stephen Cital, offered to provide more information regarding APRVT.

Nancy Ehrlich requested that RVTs be allowed to perform APR under indirect supervision since it has been allowed since the 1970s. Ms. Ehrlich opined that there was no need to increase supervision.

APRVT President, Kristin Hagler, expressed support for RVTs being allowed to perform APR under indirect supervision and requested that the Board consider including the APRVT specialty in the future.

Dr. Nunez opined that it seems inconsistent to allow California licensed physical therapists with advanced certification to provide APR under the degree of supervision to be determined by the veterinarian (Motion from February 2, 2017), but not allow RVTs with advanced certification (Motion #2 from October 4, 2016).

Ms. Loredo pointed out that Motion #2 from the October 4, 2016 Animal Rehabilitation Task Force meeting is contradictory to Motion #3 from the October 4, 2016 Animal Rehabilitation Task Force meeting.

- Dr. Richard Sullivan moved and Judie Mancuso seconded the motion to accept Motion #2 from the October 4, 2016 Animal Rehabilitation Task Force meeting, which reads as, “Registered Veterinary Technicians (RVTs) may provide Animal Physical Rehabilitation under the direct supervision of a veterinarian unless in a range setting in which case the veterinarian may provide the appropriate level of supervision” and address new changes during the formal rulemaking process.

Dr. Klingborg clarified that there was an error in the document containing the language for Motion #2 from the October 4, 2016 Animal Rehabilitation Task Force meeting. The language should read “decide” instead of “provide” at the end of the motion. Ms. Del Mugnaio suggested changing “decide” to “determine”. There was no opposition towards Ms. Del Mugnaio’s suggestion and the motion was amended to include the change.

Dr. Sullivan amended his previous motion.

Kathy Bowler opined that there is no need to make the motion since it is currently in practice today. Ms. Del Mugnaio clarified that this is a policy decision consideration and the Board must decide if RVTs should be under a different level of supervision when providing APR. Voting on the motion as stated would reinforce the Board's position on what is current standard of practice.

- Dr. Richard Sullivan moved and Judie Mancuso seconded the motion to change language in Motion #2 from the October 4, 2016 Animal Rehabilitation Task Force meeting to "Registered Veterinary Technicians (RVTs) may provide Animal Physical Rehabilitation under the degree of supervision to be determined by the veterinarian who has established the veterinarian-client-patient relationship". The motion carried 6-2. Jennifer Loreda and Kathy Bowler opposed the motion.

October 4, 2016 – Motion #3

Ms. Loreda opined that it does not make sense to require RVTs to have direct supervision, because if an RVT is required to provide direct supervision over a veterinary assistant, that means the veterinarian, RVT, and veterinary assistant would all need to be in the room.

Ms. Del Mugnaio referenced CCR section 2036.5(b) which provides the authority for a veterinarian to direct a veterinary assistant to perform APR under indirect supervision.

Mr. Cital pointed out that physical therapists would be considered veterinary assistants.

- Dr. Richard Sullivan moved and Jennifer Loreda seconded the motion to reject Motion #3 from the October 4, 2016 Animal Rehabilitation Task Force meeting which reads as follows: "Veterinary Assistants may provide Animal Physical Rehabilitation under the direct supervision of a veterinarian or an RVT." The motion carried 6-2. Dr. Mark Nunez and Judie Mancuso opposed the motion.

Dr. Marshall Scott expressed opposition towards the motion since there are a variety of physical therapy modalities that require varying degrees of skill. Mr. Scott opined that it should be under the discretion of the veterinarian to determine what level of supervision should be applied.

To Dr. Scott's point, Dr. Noland noted that cold therapy is considered physical therapy and would not typically require direct supervision.

- Jennifer Loreda moved and Dr. Richard Sullivan seconded the motion to amend the language originally proposed in Motion #3 from the October 4, 2016 Animal Rehabilitation Task Force meeting to "Veterinary Assistants may provide Animal Physical Rehabilitation under direct supervision of a veterinarian."

Mr. Cital suggested amending Ms. Loreda's motion to include an RVT with advanced training in APR to provide direct supervision to the veterinary assistant. Ms. Loreda accepted Mr. Cital's suggestion. Dr. Sullivan did not accept the suggestion since he felt he did not know enough about the new specialty yet. As a result, Ms. Loreda stood by her original motion.

- Jennifer Loreda moved and Dr. Richard Sullivan seconded the motion to amend the language originally proposed in Motion #3 from the October 4, 2016 Animal Rehabilitation Task Force meeting to "Veterinary Assistants may provide Animal Physical Rehabilitation under direct

supervision of a veterinarian.” The motion did not carry, with a vote of 4-4. Dr. Mark Nunez, Lee Heller, Judie Mancuso, and Dr. Jaymie Noland opposed the motion.

- Lee Heller moved and Dr. Richard Sullivan seconded the motion to amend the language originally proposed in Motion #3 from the October 4, 2016 Animal Rehabilitation Task Force meeting to “Veterinary Assistants may provide Animal Physical Rehabilitation under the degree of supervision to be determined by the veterinarian who has established the veterinarian-client-patient relationship.”

Ms. Ehrlich opined that the proposed language may allow anyone off the street to perform APR under the indirect supervision of a veterinarian.

Dr. Jessica Waldman felt that the proposed motion would create a loss of consumer protection.

Mr. Heppler noted that a statutory revision may be required for any regulatory changes.

Dr. Sullivan referenced CCR section 2035 which states that the supervising veterinarian shall be responsible for determining the competency of the RVT, permit holder, or veterinary assistant to perform allowable animal care tasks.

Based on Dr. Sullivan’s comment, Ms. Ehrlich opined that there was no need to discuss the motion made at the February 2, 2017 Animal Rehabilitation Task Force meeting.

To clarify the levels of supervision and the responsibilities of the veterinarian, Mr. Heppler described a scenario in which there was possible negligence by the subordinate. For example, the liability would not necessarily fall on the veterinarian if the veterinarian had already satisfied the obligation to determine the competency of an RVT, permit holder, or veterinary assistant, and the individual showed up to work under the influence of drugs or alcohol.

- Lee Heller moved and Dr. Richard Sullivan seconded the motion to amend the language originally proposed in Motion #3 from the October 4, 2016 Animal Rehabilitation Task Force meeting to “Veterinary Assistants may provide Animal Physical Rehabilitation under the degree of supervision to be determined by the veterinarian who has established the veterinarian-client-patient relationship.” The motion did not carry, with a vote of 3-5. Dr. Mark Nunez, Dr. Jaymie Noland, Jennifer Loreda, Kathy Bowler, and Dr. Cheryl Waterhouse opposed the motion.

February 2, 2017 – Animal Rehabilitation Task Force Motion

Dr. Klingborg presented his opinion on the Motion made on February 2, 2017, which identified potential issues in the following areas:

- 1) Physical Therapy education does not cover animals.
- 2) Patient responsibility control and liability (e.g. APR premises have not been defined; it is difficult to determine who is responsible for harming an animal patient when a supervising veterinarian, referring veterinarian, and a PT are all involved).

Dr. Nunez clarified that Dr. Klingborg’s opinion is his own and not representative of the Board’s position.

The Board discussed that the reasoning behind having the veterinarian hold the VCPR was to utilize a team approach; however, this in turn places patient responsibility on the veterinarian who establishes the

VCPR.

Ms. Loredó expressed support for a team approach and pointed out that a national accreditation has not yet been established for the Canine Rehabilitation Institute.

Dr. Sullivan pointed out that the Board may only conduct inspections on premises that hold permits. He also inquired about whether or not the Board is considering issuing premises permits to physical therapy facilities and if Physical Therapists (PT) should be allowed to be managing licensees of those premises.

Dr. Sullivan opined that if APR is considered veterinary medicine, it should fall under the Board and not split between multiple boards.

Ms. Loredó felt that the language, as written, does not provide the Board with jurisdiction over the facilities where APR could be practiced and does not ensure consumer protection.

Ms. Bowler expressed that she would like to see “advanced certification” defined and would like to see an accreditation or license embedded within the language.

- Lee Heller moved and Dr. Mark Nunez seconded the motion to accept the motion made at the February 2, 2017 Animal Rehabilitation Task Force meeting as written, which reads as follows: “California licensed physical therapists with advanced certification in Animal Physical Rehabilitation (with such certification to be defined by the Veterinary Medical Board and Physical Therapy Board working cooperatively) may provide animal physical rehabilitation under the degree of supervision to be determined by the veterinarian who has established a veterinarian-client-patient relationship, on a veterinary premises or an Animal Physical Rehabilitation premises (as defined in regulation by the Veterinary Medical Board and the Physical Therapy Board working cooperatively), or a range setting.”

Shalah Barr felt that the Board’s main concern should be the consumer and that it is important to keep up with human medicine. Ms. Barr opined that APR is effective and the Board should keep up with science and what works for consumers. Ms. Barr felt that the product of the Animal Rehabilitation Task Force was misrepresented to the public and that comments generated from the discussion were represented as fact. She also felt that there have been enough stop gaps written in to reach a reasonable conclusion.

Dr. Syms requested that the Board accept a letter that he provided from the California Physical Therapy Association (CPTA) which was not included in the Board meeting packet. Dr. Syms clarified that the intent of the APR regulation(s) to be promulgated was to authorize PTs with specialized training, not all PTs.

Karen Atlas requested that a packet of letters that did not make it into the Board packet be accepted for consideration. Ms. Atlas reminded the Board that the Animal Rehabilitation Task Force felt that the veterinarian should do the following:

- remain in control over the animal patient;
- have clear oversight of the case;
- first examine the animal patient to determine if APR would be safe and appropriate for the animal patient;
- remain the gatekeeper of the animal patient to ensure optimal safety throughout the duration of the treatment; and
- determine the level of supervision that should be required for the animal patient (including

allowing the veterinarian to authorize a PT to perform APR under indirect supervision).

Ms. Atlas expressed support for the suggestion to create an APR premises permit with either the Board or the Physical Therapy Board to solve the issue of assigning Board oversight.

Janet Van Dyke expressed that physical therapy is missing from veterinary care. Ms. Van Dyke encouraged the Board to look at the success in Colorado regarding PTs performing APR. The Colorado APR regulations require the following:

- The PT must register with the CO Veterinary Board to treat animal patients.
- The veterinarian must provide veterinary medical clearance in order for the animal patient to receive APR.
- The veterinarian determines which PT will treat the animal.
- The PT must maintain communication and exchange medical records with the veterinarian within 24 hours.

Ms. Van Dyke shared that Colorado has not received any complaints since implementing this model.

Susan Abel shared a story about her dog that had died after receiving APR and requested that the Board restrict physical therapy from being performed outside of a veterinary facility. Ms. Abel requested that direct veterinarian oversight be required for all types of care, including physical therapy.

Judy Duff shared a story about her dog that had responded well to APR and opined that it would be beneficial to increase access to APR to consumers.

Dr. William Grant reminded the Board that the Animal Rehabilitation Task Force voted unanimously for direct supervision by a veterinarian. Dr. Grant expressed that he is not convinced access is an issue and opined that animals will be harmed if APR is not performed in a veterinary clinic.

A Southern California consumer shared a personal story about her dog that responded well to APR. She expressed support of APR and working jointly with the Physical Therapy Board to develop the regulations.

Dr. Erin Troy stated that it has not been demonstrated that APR is safer without a veterinarian present. Dr. Troy acknowledged that the costs may go up, but opined that onsite collaboration between veterinarians and physical therapists will increase access. Dr. Troy felt that the amount of APR training offered by the two for-profit APR schools in California is not enough and requested that the Board require the PTs to obtain more APR training.

Ms. Moon recommended that the Board allow a veterinarian to delegate the performance of APR to a licensed PT with Board-approved certification in APR under direct or indirect supervision. Ms. Moon added that if the PT is directed to provide APR under indirect supervision, an RVT, who has been determined to be competent by the veterinarian who established the VCPR, must be present with the PT.

Cynthia Wallace requested that the Board require a veterinarian to actively manage the APR case and expressed that she is not supportive of oversight by multiple boards. Ms. Wallace opined that PTs do not have the medical training or understanding of others species and felt that PTs need certified advanced animal training, at least as comprehensive as RVTs in California, or the equivalent requirements currently in New York or Texas.

Dr. Jessica Waldman referenced her information packet that she asked to be handed to the Board

members and noted that veterinary insurance companies may not cover APR if it is not directly supervised by a veterinarian. Ms. Waldman opined that the individual providing APR treatment to an animal should be able to read the medical record, x-rays, Magnetic Resonance Imaging (MRI) and Computed Tomography (CT) scans; and felt that PTs are not trained in these skills in animals.

Dr. Po-Yen Chou, University of California, Davis, felt that since the Animal Rehabilitation Task Force agreed that APR is the practice of veterinary medicine, APR should be under the supervision of the veterinarian. Dr. Chou also opined that California is different than other States and it is dangerous to assume that the model used in other States would work the same in California. He also felt that there has not been enough research to prove that APR is beneficial to animal patients, nor does he feel consumer access will increase.

Scott Pomerantz shared a story about his dog that had died while under the care of an animal rehabilitation facility. Mr. Pomerantz felt that there is a lack of clarity regarding the responsibility of the rehabilitation veterinarian to notify the owner when the animal is displaying signs or symptoms requiring veterinary care. He expressed concern that rehabilitation veterinarians are not taking responsibility of the case, and instead, leaving the responsibility up to the primary veterinarian.

Mr. Cital submitted NAVTA's formal position: "The role of the Veterinary Medical Board is to protect the animals and the public of the State in which they govern. To that end, it is the belief of NAVTA that only licensed veterinarians and RVTs possess the knowledge and training to plan and supervise APR for veterinary patients. Therefore, we highly recommend a veterinarian or RVT must be present to ensure proper animal handling, to recognize pain and discomfort, and to provide emergency care and assistance as needed in the particular field of APR. PTs may seek further training to allow them to perform APR on veterinary patients but only under supervision by a credentialed veterinary professional to ensure patient safety. Furthermore, having the College of Sports Medicine and the newly approved APRVT, an accredited AVMA-recognized advanced certification for animal physical rehabilitation for credentialed veterinary technicians on more than just one species, now reduces the need for PTs to suggest a dramatic change to the Veterinary Practice Act that undermines the licenses and veterinary profession as a whole."

Ms. Hagler noted that there is a recognizable need for APR, which she feels is addressed through advanced training programs such as the College of Sports Medicine and APRVT. Ms. Hagler expressed support for collaborative work between veterinary professionals and PTs, but urged the Board to require at least an RVT onsite where APR is performed under indirect supervision and a veterinarian, who holds the VCPR, to remain liable for the animal's care.

Dr. Jay Kerr emphasized the Board's role to protect consumers and their animals, and felt that consumers would not be better protected based on the concept of referral to a PT without supervision. Dr. Kerr felt that a lack of veterinary supervision is a disservice to the animals and it is only a matter of time before animals are harmed.

Diann Sequoia feels that the proposed change is not consistent with the Department of Consumer Affairs's mission and the Board's mission for consumer protection, nor would animals be well protected by the proposed change. Ms. Sequoia feels that animal patients should be treated as a whole, rather than only for isolated conditions.

Dr. Ken Pawlowski opined that allowing APR to be performed outside of an animal hospital setting creates complications regarding who to hold liable when an animal is harmed. Since the VCPR cannot be transferred, the veterinarian would ultimately be held liable. Dr. Pawlowski added that PTs are

trained in humans, and felt that since there are hundreds of animal species, PTs are not adequately trained to work on animals.

Dr. Elisa Dowd expressed support of veterinarians supervising animal patients while they are receiving APR.

Ms. Heller shared a story about her dog that had responded well to APR. Ms. Heller noted that the recommendation from the Animal Rehabilitation Task Force is to recognize PTs with additional training and certification in APR. She opined that the current market is constrained because PTs can only provide their services in a limited environment, which limits the consumer's access. She suggested that PTs can receive indirect supervision, referral, and oversight by veterinarians as a market-manageable model. Ms. Heller also addressed the misrepresented information regarding the outcome of the Animal Rehabilitation Task Force meetings.

Ms. Loreda felt that making this change would be approving unlicensed activity. Ms. Loreda expressed support for a collaborative effort, but without a national accrediting body for APR, more work needs to be done before making the change.

Judie Mancuso emphasized the importance of providing the best care to animals and provided examples of PTs, RVTs, and veterinarians with advanced training in APR that could be considered appropriate. Ms. Mancuso expressed concern regarding veterinarians not being on the same premises and added that it would be problematic when trying to determine which licensee should be disciplined. She expressed support of requiring PTs to obtain a permit and perform APR under supervision.

Dr. Sullivan noted that Dr. Klingborg had researched 94 APR clinics in California and opined that access is not an issue. Dr. Sullivan added that since APR has been determined to be the practice of veterinary medicine, APR should be handled by the Board.

Dr. Waterhouse shared a story about a licensed PT, certified in APR, who is currently in veterinary school; and when asked why he went to veterinary school, he said he knew he "didn't know enough about dogs."

Ms. Bowler felt uncomfortable with the language as written, including the open ended wording for off-site practice. Ms. Bowler added that animal species are so different, even within breeds of dogs, and the pain signals are different from humans.

Ms. Heller clarified that the idea behind Animal Rehabilitation Task Force recommendation is for the veterinarian to determine which animals need to be treated in an animal hospital setting and which ones are safe to be treated at an off-site facility. The Animal Rehabilitation Task Force also recommended working with the Physical Therapy Board to develop the permit and training requirements.

Ms. Heller also clarified that the Animal Rehabilitation Task Force did not specify which credentialing program would be accepted.

- Lee Heller moved and Dr. Mark Nunez seconded the motion to accept the motion made at the February 2, 2017 Animal Rehabilitation Task Force meeting as written, which reads as follows: "California licensed physical therapists with advanced certification in Animal Physical Rehabilitation (with such certification to be defined by the Veterinary Medical Board and Physical Therapy Board working cooperatively) may provide animal physical rehabilitation under the degree of supervision to be determined by the veterinarian who has established a

veterinarian-client-patient relationship, on a veterinary premises or an Animal Physical Rehabilitation premises (as defined in regulation by the Veterinary Medical Board and the Physical Therapy Board working cooperatively), or a range setting.” The motion did not carry, with a vote of 3-5. Dr. Cheryl Waterhouse, Dr. Richard Sullivan, Dr. Jaymie Noland, Jennifer Loreda, and Kathy Bowler opposed the motion.

Ms. Heller noted that any new material presented that was not made available for public review, would be in violation of the Open Meeting Act; therefore, the Board is not able to develop language during the meeting.

Mr. Heppler clarified that if the Board would like to review the issue to determine what can be accomplished through regulations, the item can be placed on the next agenda for discussion.

- Judie Mancuso moved and Dr. Jaymie Noland seconded the motion to amend the motion made at the February 2, 2017 Animal Rehabilitation Task Force meeting to “California licensed physical therapists with advanced certification in Animal Physical Rehabilitation (with such certification to be defined by the Veterinary Medical Board and Physical Therapy Board working cooperatively) may provide animal physical rehabilitation under the direct supervision by a veterinarian who has established a veterinarian-client-patient relationship on a licensed veterinary premises or indirect supervision on a large animal range setting.”

Dr. Nunez expressed that the Board may be doing a disservice to consumers by being overly prescriptive.

Ms. Heller felt that with advanced training, PTs should be able to perform APR under indirect supervision.

Dr. Chou reiterated that APR has been determined to be the practice of veterinary medicine and should be supervised by a veterinarian. Dr. Chou expressed support for Dr. Noland’s motion as amended.

Ms. Moon pointed out that PTs are not licensed or trained to react to, or provide treatment for animals during emergency situations; APR should only be provided by an RVT or a veterinarian.

Ms. Van Dyke opined that it is inappropriate for the Board to take away the veterinarian’s right to determine if APR can be under indirect supervision.

Mr. Cital reminded the Board that there are accredited credentialing programs for APR for RVTs and there are no accredited programs available for PTs at this time.

Mr. Cital also pointed out that there was a recent media release regarding a credentialed APR individual from the Canine Rehabilitation Institute (CRI) was not an RVT or a PT. Ms. Van Dyke clarified that the individual came from a State that does not license or register RVTs, and also clarified that the course offered through CRI requires 204 hours of contact time and 24 hours of online time.

Mr. Cital pointed out that the consumer may not know that the unlicensed, credentialed individual does not hold an RVT or veterinarian license.

Dr. Grant Miller noted the amended motion removes the ability to prescribe direct supervision by a veterinarian in a range setting.

Ms. Mancuso agreed with Dr. Miller's point and suggested amending the motion to allow the veterinarian the option to provide direct or indirect supervision in a range setting.

- Judie Mancuso moved and Dr. Jaymie Noland seconded the motion to amend the motion made at the February 2, 2017 Animal Rehabilitation Task Force meeting to "California licensed physical therapists with advanced certification in Animal Physical Rehabilitation (with such certification to be defined by the Veterinary Medical Board and the Physical Therapy Board working cooperatively) may provide animal physical rehabilitation under direct supervision by the veterinarian who has established a veterinarian-client-patient relationship on a licensed veterinary premises or for large animal practice, the appropriate degree of supervision shall be determined by the veterinarian who established the veterinarian-client-patient relationship in a range setting." The motion carried 6-2. Dr. Mark Nunez and Lee Heller opposed the motion.

Ms. Del Mugnaio clarified that the recommendations of the Animal Rehabilitation Task Force and the motions voted on by the Board will be communicated to the Legislature, and Legal Counsel and Board staff will determine the most appropriate route for implementation (i.e. regulatory or statutory changes).

- Dr. Richard Sullivan moved and Judie Mancuso seconded the motion to direct Legal Counsel and Board staff to take the recommendations that have been voted on by the Board and provide direction to the Board regarding the appropriate route for implementation, and bring back to the Board for its consideration at the next Board meeting. The motion carried 6-2. Dr. Mark Nunez and Lee Heller opposed the motion.

9. 2017 Legislation Report; Potential Adoption of Positions on Legislative Items

A. SB 673 (Newman) Pet Lover's specialized license plates

Ms. Del Mugnaio noted that the Senate Bill (SB) 673 amendment transfers the Pet Lover's License Plate Program to the California Department of Food and Agriculture (CDFA). The Board previously held a support position on the bill since CDFA currently possesses the infrastructure to properly administer the program.

- Dr. Jaymie Noland moved and Dr. Richard Sullivan seconded the motion to support Senate Bill (SB) 673. The motion carried 5-0-2. Judie Mancuso and Dr. Mark Nunez abstained.

B. SB 546 (Hill) Veterinary Pharmacy

Dr. Waterhouse noted that the latest amendments to SB 546 were provided to the Board on April 19, 2017, the previous day.

Ms. Del Mugnaio reviewed three new provisions to SB 546 that the Board has requested of the Legislature. The first provision would change existing statutory language surrounding a "suggested" 20 percent inspection of all registered veterinary premises and instead make the 20 percent inspection language mandatory. The change would assist the Board in securing necessary funding from the Department of Finance. The legislative request, taken from the Board's 2015 Strategic Plan, would mandate the Board to inspect 20 percent of all veterinary premises on an annual basis and, mandate that all new veterinary premises be inspected within one year of being issued a premises permit.

The second provision added to SB 546 allows students within an American Veterinary Medicine Association (AVMA)-accredited program and those within a recognized program to obtain the necessary

experience, including experience in surgery under the immediate supervision of a licensed veterinarian, and require the school to establish a Memorandum of Understanding (MOU) and details regarding the expected educational outcome of the program and a method for evaluating the educational outcome.

The third provision added to SB 546 staggers the terms in which an individual can petition for a reduction of penalty or reinstatement.

Ms. Del Mugnaio noted that SB 546 is not in its final form and will likely go through more iterations and amendments.

Ms. Ehrlich suggested replacing “administer to animal patients in conjunction” with “while receiving in-patient services” and recommended opposing the bill if the veterinarian must contact the client every time the animal patient must receive treatment.

Ms. Del Mugnaio clarified that the expectations of the Business and Professions Committee include contacting the owner after examining the animal and prior to anesthetizing the animal or administering medication. There are situations in which the owner cannot be reached, but it is the responsibility of the veterinarian to make an effort to inform the client of the medications being administered.

Mr. Heppler identified the triggering condition described in Section 4076 of Pharmacy Law as when a veterinarian, in nonemergency situations and outpatient settings, “prescribes, administers, dispenses, or furnishes a dangerous drug or prescription medicine”.

Ms. Del Mugnaio recommended that the Board take a position of “Support if Amended (SIA)” and bring the conceptual amendments back before the Board the next day, April 20, 2017, for discussion.

Solomon Stupp provided a brief background on the Lizzie initiative.

Ms. Del Mugnaio clarified that the intent of the language was to apply to outpatient settings only, and the client may decline consultation, but does not have to do so each time the same medication is given.

The Board expressed concern that they did not have sufficient time to properly review the amendments to the language since they were only published days before, on April 17, 2017, and the Board received them on April 19, 2017.

Mr. Stupp clarified that he would like to see protection on both sides, for the veterinarian and the client, and expressed support for the inclusion of language that states a client may decline consultation.

- Dr. Richard Sullivan moved and Dr. Mark Nunez seconded the motion to clarify the intent of the language, include an option for the client to decline consultation, and take a “Support if Amended (SIA)” position on SB 546. The motion carried 8-0.

C. AB 485 (O'Donnell) Dogs and cats: adoption and retail sales

The Board agreed to take a watch position on Assembly Bill (AB) 485.

D. AB 942 (Mathis) Personal income taxes: credit: veterinary costs

The Board agreed to take a watch position on AB 942.

10. Public Comment on Items Not on the Agenda

Ms. Ehrlich requested that the Board consider placing a discussion on RVT examination fees on the agenda for the next Board meeting. She also requested the Board research whether California should still require applicants to take and pass both the Veterinary Technician National Examination (VTNE) and a California examination or go back to a California-only examination. Ms. Del Mugnaio noted that the RVT examination fees and topic can be placed on the table for consideration; however, there are several items already on the July 2017 Board meeting and it may need to be added to the October 2017 Board meeting agenda.

11. Recess until April 20, 2017, at 9:00 a.m.

9:00 a.m. Thursday, April 20, 2017

12. Reconvene - Establishment of a Quorum

Dr. Waterhouse called the Veterinary Medical Board (Board) meeting to order at 9:05 a.m. Enforcement Manager, Ms. Raney, called roll; eight members of the Board were present and thus a quorum was established.

13. Introductions

Board Members Present

Cheryl Waterhouse, DVM, President
Richard Sullivan, DVM, Vice President
Kathy Bowler, Public Member
Jennifer Loreda, RVT
Judie Mancuso, Public Member
Jaymie Noland, DVM
Mark Nunez, DVM
Lee Heller

Staff Present

Annemarie Del Mugnaio, Executive Officer
Ethan Mathes, Administrative Program Manager
Candace Raney, Enforcement Manager
Louis Galiano, DCA Webcast
Tara Welch, Legal Counsel
Diann Sokoloff, Supervising Deputy Attorney General

Guests Present

Ivon Osegueda
Allyne Moon, California Registered Veterinary Technicians Association
Nancy Ehrlich, California Registered Veterinary Technicians Association

14. Review Legal Guidance on DVM Graduates Practicing as RVTs; Discussion and Possible Board Action on Proposed Statutory Amendments to Require Registration

Ms. Del Mugnaio reviewed the Doctor of Veterinary Medicine (DVM) Graduate – RVT Registration memo prepared by Ms. Welch. Ms. Del Mugnaio noted that there is currently no exemption in statute that allows DVM graduates to practice as RVTs, but it has been in practice for years. Therefore, the

Board proposed a regulatory change to require DVM graduates to apply for registration, with a prospective date of January 2019.

Ms. Welch clarified that the concern is whether or not the Board has authority to create the exemption and added that the appropriate approach would be to pursue a statutory change first.

Ms. Del Mugnaio estimated that there are approximately 25-30 DVM graduates currently practicing as RVTs without registration. The focus would be to provide due notice to individuals in this category.

Ms. Welch clarified that those individuals within eight months of graduation may work as an RVT.

Ms. Del Mugnaio clarified that the Board may make a request to pursue legislation, but based on the legislative cycle, the request may not be seen until next year. Ms. Welch clarified that if legislation was pursued next year, the effective date in the proposed language would need to be changed.

- Dr. Richard Sullivan moved and Judie Mancuso seconded the motion to send forward the proposed statutory amendments on DVM graduates practicing as RVTs to the Legislature. The motion carried 8-0.

15. Discuss Implementation Issues Regarding the Veterinary Assistant Controlled Substances Permit Program

Ms. Del Mugnaio clarified that Euthanasia Technicians, ACOs, and Humane Officers are exempt from the Veterinary Assistant Controlled Substances Permit (VACSP) requirements when performing tasks under their narrow scope of responsibility. Any other act that would be considered the practice of veterinary medicine would need to be performed under direct or indirect supervision of a veterinarian.

Ms. Del Mugnaio explained that the narrow scope of Euthanasia Technicians includes the authority to carry sodium pentobarbital; and the scope of ACOs and Humane Officers includes the authority to sedate animals in the field.

In a boarding setting, boarding staff would not be required to obtain a VACSP if they are tasked with providing a continuation of medication based on an existing prescription. Receptionist may also not be required to obtain a VACSP if they are tasked with handing medicine to a client.

Ms. Welch clarified that ACOs are authorized to perform their specific tasks under the Penal Code and they are also required to be fingerprinted under their employment obligation.

Ms. Moon opined that not requiring Euthanasia Technicians to be held accountable is dangerous to the public.

Ms. Del Mugnaio clarified that weekend volunteers would be required to obtain a VACSP.

Ms. Del Mugnaio noted that there has been a backlog due to issues linking the supervisor to the veterinary assistant; however, there has been no backlog with issuing the permits. Administrative Program Manager, Mr. Mathes, clarified that 3,000 applications have been received to date and Board staff are operating under an 8 week processing time for issuing permits.

16. Board Chair Report – Dr. Cheryl Waterhouse

Dr. Waterhouse reviewed a list of outreach activities, trainings, and meetings that have occurred since the last Board meeting, as well as upcoming activities.

February 2, 2017	Dr. Waterhouse, Dr. Nunez, Lee Heller, and Annemarie Del Mugnaio attended the Animal Physical Rehabilitation Task Force meeting in Sacramento, CA.
March 13, 2017	Dr. Waterhouse participated in a webinar by AAVSB on Telemedicine. Dr. Sullivan serves on the AVMA Committee on Telemedicine.
April 2, 2017	Dr. Waterhouse completed Ethics training.
April 17, 2017	Dr. Waterhouse attended the Expert Witness training in Sacramento, CA.
April 22-23, 2017	Dr. Waterhouse attended the CVMA Board of Governors meeting in Anaheim, CA.

Dr. Waterhouse reminded the Board members that they must take the Ethics training and Sexual Harassment Prevention training, as well as a reminder that the Defensive Drivers training must be taken every four years.

17. Registered Veterinary Technician (RVT) Report – Jennifer Loredo

Ms. Loredo updated the Board on the RVT-related topics since the last Board meeting with the following highlights:

- BreZE will allow retroactively fingerprinting for RVTs that have not yet been fingerprinted.
- NAVTA has recognized APRVT as the 15th official specialty.
- Ms. Loredo will be participating in the AAVSB's upcoming Occupational Analysis (OA) on the VTNE.
- The OA on the California RVT Examination is now on the Board's website.

Ms. Loredo identified "RVT Graduates of Foreign Institutions" as a potential future agenda item. Mr. Mathes updated the Board that AAVSB is aware of the request to form a working group and the Board has expressed interest in working with them. No date has been set yet.

18. Executive Officer & Staff Reports

A. Administrative/Budget- Fee Audit Update

Mr. Mathes updated the Board that a third-party contractor, Capitol Accounting Partners (CAP), has already begun work on a 13-week audit of the Board's fee structure. The cost for the fee audit is approximately \$21,000 and the goal is to provide updates at the meeting in July 2017.

A Budget Change Proposal (BCP) has been approved to increase the appropriation for Attorney General (AG) and Office of Administrative Hearings (OAH) expenditures. The Board's request will be lumped together with requests from other Boards to form one large Departmental BCP.

Mr. Mathes clarified that the funding for staff positions is covered under a separate BCP and the Board will be requesting permanent funding for staff positions.

Mr. Mathes noted that the Board is experiencing a structural imbalance, where the Board's expenditures exceed its revenue.

Ms. Del Mugnaio clarified that the Board may increase its fees by regulation without going to the legislature for a change to the statutory cap, but at some point, it will be necessary to increase the statutory cap on application and licensing fees. As a result, the third-party auditor will identify the point at which the Board will need to exceed the statutory cap.

Ms. Del Mugnaio clarified that the lease agreement for the office was under an adjustable rate mortgage; therefore, the rent increased for all tenants within the building.

B. Enforcement

Ms. Raney noted that Expert Witness training was held on April 17, 2017, which included presentations from current Expert Witnesses regarding report writing and testimony at hearings.

Ms. Raney noted that the Board received approximately 750 complaints so far this year, and is on track to receive at least 1,000 complaints by the end of the year.

Ms. Raney added that Board staff continues to meet or exceed the average number of days to complete investigations that do not result in AG action. The investigations that result in AG action were above the Board's performance measure.

Ms. Raney clarified that there are a couple of old cases that are being worked, which contributes to the high number of days to completion..

Regarding staffing, the Enforcement Unit is currently at full staff. Sidney Villareal joined the staff, as well as two Retired Annuitants who are scheduled to be with the Board through the end of June.

C. Licensing/Examination- Update on RVT Examination Validation Study

Mr. Mathes updated the Board that approximately 12,000 VACSPs have been issued as of March 2017.

The State RVT OA is complete and is available on the Board's website. The National RVT OA is expected to be completed by the end of 2017, and the Board's goal is to begin a comparison study of the state and national RVT OA by January 2018.

The Board is also working on transitioning the Board's website to the new State web template, which includes improving the site layout to make it easier for the public to find information.

Mr. Mathes noted that there are spikes throughout the year in which the Board receives a large number of applications. The spikes generally occur toward the end of the calendar year, and over the course of the next several years, the trend is showing an increase of applications received and licenses being issued. Mr. Mathes offered to provide a graph at the next Board meeting to display the historical increase of applications and licenses.

Mr. Mathes clarified that VACSP applications do not get "rejected," but applications may be found "ineligible" based on a felony conviction, for example. Ms. Del Mugnaio clarified that based on the results of fingerprinting, applicants may be "denied," but they are given the opportunity to appeal the denial. Ms. Del Mugnaio confirmed that some VACSP applicants that have been denied.

Ms. Ehrlich opined that the RVT examination pass rates may have gone up because the correct test plan is now up. Ms. Ehrlich added that approximately 2,000 RVTs now appear to have been identified, averaging around two RVTs for every premises permit.

Ms. Del Mugnaio noted that the pass rate of the national RVT examination is on the AAVSB website, which can be provided at the next meeting.

D. Hospital Inspection

Ms. Del Mugnaio noted that the Board has insufficient funds to complete the goal of inspecting 20 percent of premises per year. However, the Board will continue to conduct complaint-driven inspections this fiscal year.

The Board has been working with CVMA to update the Hospital Inspection Checklist. The goal is to make the Hospital Inspection Checklist as user-friendly as possible.

Board staff have also been working on developing a Frequently Asked Questions (FAQ) document. The new website template will include a separate tab specifically for Hospital Inspections. The goal is to develop a webinar for Hospital Inspection training.

Ms. Del Mugnaio noted that the Board issues permits for an average of 100-150 new premises per year.

Dr. Noland, Ms. Heller, and Ms. Bowler expressed that the Hospital Inspection ride-along was informational. The inspectors appear to be sensitive to the effect that random inspections may have on the business operations.

Dr. Miller commended the Board staff on the statement that they published on the current laws and policies regarding marijuana, hemp, and animals, as it has been useful to CVMA's members. Ms. Mancuso suggested adding the item to a future agenda.

19. Future Agenda Items and Next Meeting Dates –

- July 26-27, 2017 (Sacramento)
- October 18-19, 2017 (Fresno)

The following is a list of agenda items to be discussed at the July 2017 Board meeting or a future Board meeting:

- Legislative Report
- Animal Physical Rehabilitation
- Medicinal Marijuana for Animals
- Board Size and Structure
- Strategic Plan Update
- RVT Examination Validation Study and Transition to VTNE
- Review and Consider Developing a Statutory Change Regarding Facility DEA Licenses
- Telemedicine
- Review and Consider Developing a Statutory Change to Eliminate VLE
- Fee Audit Recommendations

Ms. Del Mugnaio noted that the next meeting dates are July 26-27, 2017 (Sacramento), and October 18-19, 2017 (Fresno).

Ms. Loreda requested to add Consideration of Pathways for Foreign Educated RVTs and Tattooing Spay and Neutered Animals.

Ms. Bowler noted that she can present the results on the International Council for Veterinary Assessment (ICVA) survey at next Board meeting in July 2017.

A. Agenda Items for Next Meeting- Review Action Items on Strategic Plan, Telemedicine, Retroactive Fingerprinting

Ms. Del Mugnaio noted that she can provide an update on retroactive fingerprinting.

B. Multidisciplinary Advisory Committee Meetings – July 25, 2017; Sacramento

20. Petition for Reduction of Penalty – Ivon Osegueda – 11:00 a.m.

Supervising Deputy Attorney General (DAG), Diann Sokoloff, opened the reduction of penalty hearing presenting the case against Ivon Osegueda.

SDAG Sokoloff reviewed the contents of the People’s Exhibit #1 in its entirety and requested that it be marked into evidence.

Administrative Law Judge, Michael Scarlett, identified the documents Ms. Osegueda submitted to the Board, the hearing notice, and Ms. Osegueda’s license certification as Exhibit #1 and the Board’s Packet as Exhibit #2.

Ms. Osegueda confirmed that she received Exhibit #1 and Exhibit #2 and had no objections regarding the contents of either exhibit. ALJ Scarlett marked Exhibit #1 and Exhibit #2 into evidence.

Ms. Osegueda represented herself and presented her case for reduction of penalty. Ms. Osegueda answered questions from the SDAG and members of the Board.

ALJ Scarlett closed the hearing.

CLOSED SESSION

21. Pursuant to Government Code Section 11126(c)(3), the Board met in closed session to deliberate and vote on the above petitions and disciplinary matters, including stipulations and proposed decisions.

Petition for Reduction of Penalty – Ivon Osegueda

The Board rejected the petition for reduction of penalty and proposed a modification.

RECONVENE OPEN SESSION

22. Adjournment

The Board adjourned at 3:00 p.m.



MEETING MINUTES
Veterinary Medical Board

The Veterinary Medical Board met via teleconference on
Monday, June 19, 2017, at the following locations:

Waterhouse Animal Hospital
1115 East Champlain
Fresno, California

Veterinary Care Center
6455 Santa Monica Boulevard
Los Angeles, California

Department of Animal Services
6851 Van Buren Boulevard
Jurupa Valley, California

K Bowler Group
1111 H Street, #203
Sacramento, California

Bay Cities Pet Hospital
20447 Hawthorne Boulevard
Torrance, California

Additional public location:
Department of Consumer Affairs
1747 North Market Boulevard, Peridot Room
Sacramento, California

Monday, June 19, 2017, 12:00 p.m. – 1:00 p.m.
OR UNTIL COMPLETION OF BUSINESS

1. Call to Order / Roll Call / Establishment of a Quorum

Veterinary Medical Board (Board) President, Cheryl Waterhouse, called the meeting to order at 12:00 p.m. via telephone conference. Executive Officer, Annemarie Del Mugnaio called roll; five members of the Board were present and thus a quorum was established. Dr. Jaymie Noland and Judie Mancuso were not present.

2. Introductions

Members Present

Cheryl Waterhouse, DVM, President
Richard Sullivan, DVM, Vice President
Kathy Bowler, Public Member
Jennifer Loredo, RVT
Mark Nunez, DVM

Staff Present

Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board
Nina Galang, Administrative Program Coordinator
Ethan Mathes, Administrative Program Manager
Tara Welch, Legal Counsel

Guests Present

Henry Brzezinski, California Animal Control Director's Association

Clifford Buckner, Division of Legislation & Regulatory Review, Department of Consumer Affairs

Valerie Fenstermaker, California Veterinary Medical Association

3. Review, Discussion, and Possible Board Action on Amendments and Adopting Modified Language Regarding Animal Control Officer Training Regulations - Section 2039.5 of Title 16 of the California Code of Regulations

Ms. Del Mugnaio stated that the Board adopted the proposed Animal Control Officer Training Regulations language at the July 2016 Board meeting; however, the motion did not include formal authority for the Executive Officer to make technical and non-substantive changes to the rulemaking file.

Ms. Del Mugnaio reviewed the two proposed technical and non-substantive changes to the language, which removes reference to an obsolete statutory subdivision in CCR section 2039.5(a) and corrects a referenced subdivision in CCR section 2039.5(g).

Legal Counsel, Tara Welch, noted that the modified text was posted for a 15-day comment period on March 17, 2017.

- Dr. Richard Sullivan moved and Dr. Mark Nunez seconded the motion to adopt the proposed modified text and delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file. The motion carried 5-0.

4. Discussion of Senate Bill 546 (Hill, 2017) Regarding Drug Counseling, Student Exemption, Hospital Inspection, and Petitions for Modification of Penalty/License Reinstatement and Possible Board Action

Ms. Del Mugnaio noted that Senate Bill (SB) 546 has been held in the Senate Appropriations Committee under submission as of May 25, 2017 and will not be moving forward during this legislative session.

Regarding the drug counseling language, Ms. Del Mugnaio and representatives from the California Veterinary Medical Association (CVMA) collectively developed proposed amendments to the bill language. However, since the bill is under submission, the amendments will go before the Multidisciplinary Advisory Committee (MDC) in July 2017 for discussion and consideration of similar language as a regulatory proposal.

Dr. Mark Nunez expressed confusion regarding what will be required during a "consultation" with a client. Ms. Del Mugnaio noted that the specifics will be discussed at the MDC meeting in July 2017.

The clean-up language carried for the petition for modification of penalty and license reinstatement will be moved into SB 547.

The Hospital Inspection portion of the SB 546 will not be moving forward due to its fiscal impact to the Board. The Senate Appropriations Committee is requesting internal discussions with the Board prior to signing off on legislation.

Ms. Del Mugnaio noted that there has been some discomfort regarding the Student Exemption language portion of SB 547 due to the requirement for annual inspections of externship sites. Ms. Del Mugnaio shared that Dr. John Pascoe from UCD expressed concern that the American Veterinary Medical Association (AVMA) Council on Education (COE) does not require review of externship sites if less than 20 percent of the students use the sites over a two year period; however, the bill language, as written, would require an annual review of every site.

Ms. Del Mugnaio requested feedback from the Board regarding whether to continue on with the Student Exemption language in a bill or pull the language from the bill and continue to work with the UCD and Western to further develop the language.

Dr. Richard Sullivan opined that more discussion is needed and identified three student groups that require further definition of their role: 1) distributive model, 2) externships and preceptorships, and 3) junior and senior students working for a veterinary clinic as a summer job. Ms. Del Mugnaio clarified that summer jobs would not be considered part of the student's formal education.

Dr. Sullivan also noted that the language does not include notice to the public stating that a student may be working on the animal patients. Ms. Del Mugnaio agreed with adding the public notice portion to the language.

In response to the written comment submitted by Western, Dr. Nunez opined that the additional burden may be due to the sufficient level of oversight of the externship sites that already exists. Ms. Del Mugnaio clarified that the language does not require an in-person, physical review and opined that Western's comment may be due to an interpretation issue of the language, rather than a mechanical issue.

- Dr. Richard Sullivan moved and Kathy Bowler seconded the motion to hold the Student Exemption portion of SB 546 until further discussion with stakeholders. The motion carried 5-0.

5. Public Comment on Items Not on the Agenda

There were no comments from public/outside agencies/associations.

6. Adjournment

The Board adjourned at 12:31 p.m.

MULTIDISCIPLINARY ADVISORY COMMITTEE

Annemarie Del Mugnaio, Executive Officer
1747 North Market Blvd., Suite 230
Sacramento, CA 95834-2978
PHONE: (916) 515-5220 / FAX: (916) 928-6849
WEBSITE: <http://www.vmb.ca.gov>

Senate Confirmation: No
FPPC: Yes

PUBLIC ROSTER

Please direct all correspondence and telephone calls to the above address and telephone number.

MEMBER NAME	TERM EXPIRATION DATE	POSITION	APPOINTING AUTHORITY
Jon A. Klingborg, DVM, Chair	6-30-2018	Licensee, DVM	Board
Allan C. Drusys, DVM, Vice-Chair	6-30-2019	Licensee, DVM	Board
Jeff Pollard, DVM	6-30-2020*	Licensee, DVM	Board
William A. Grant II, DVM	6-30-2018	Licensee, DVM	Board
David F. Johnson, RVT	6-30-2017	Licensee, RVT	Board
Kristi Pawlowski, RVT	6-30-2018	Licensee, RVT	Board
Diana Woodward Hagle	6-30-2018	Public	Board
Richard J. Sullivan, DVM		Board Liaison	Board
Jennifer Loreda, RVT		Board Liaison	Board

*Pending signed Oath

6/30/17

**STATUS OF PENDING VMB REGULATIONS
JULY 2017**

BOARD

Subject	CCR Section(s)	Current Status/Action	Notes
Animal Control Officer Training	2039.5	DCA Leg/Reg, Exec. Office, Agency, and DOF Review	July 2014 – Board approved language July 2016 – Board approved amended language 8/26/2016 – Publish 45-day notice 10/10/2016 – End of public comment period 3/17/2017 – Publish 15-day notice 4/3/2017 – End of public comment period 6/19/17 – Board approved amended language via teleconference 6/19/17 – Submitted final rulemaking file for DCA review August 2017 – Submit to OAL for approval
CPEI (SB 1111)	TBD	In Progress	October 2014 – Board approved language April 2017 – Board approved amended language July 2017 – Submit noticing package for DCA review September 2017 – Publish 45-day notice
Disciplinary Guidelines	2006	In Progress	January 2015 – Board approved language May 2015 – Disciplinary Guidelines Committee Meeting July 2015 – Board approved amended language October 2015 – Board approved amended language January 2017 – Board approved amended language April 2017 – Board approved amended language July 2017 – Submit noticing package for DCA review September 2017 – Publish 45-day notice

BOARD			
Subject	CCR Section(s)	Current Status/Action	Notes
Animal Rehabilitation	TBD	TBD	<p>November 2015 – Rulemaking file withdrawn from OAL</p> <p>January 2016 – Discussion on hold per Board pending Sunset Review</p> <p>June 2016 – 1st Task Force meeting held in Sacramento, CA</p> <p>10/4/2016 – 2nd Task Force meeting held in Sacramento, CA</p> <p>April 2017 – Board motioned to direct Legal Counsel and Board staff to review recommendations and provide guidance to Board regarding appropriate route for implementation</p> <p>July 2017 – Discuss guidance provided by Legal and Board staff</p>
Minimum Standards / Telemedicine	2032.1	In Queue	<p>February 2015 – MDC approved amendments to Minimum Standards language</p> <p>April 2015 – Board approved language</p> <p>July 2017 – Discussion at Board meeting</p>
RVT Education	2036.6, 2064, 2065.1, 2065.2, 2065.6, 2065.7, 2065.8 2066.1, 2068.5	In Progress	<p><i>RVT Alternate Route-</i></p> <p>February 2015 – MDC approved amended language and forwarded to Board for discussion.</p> <p>July 2015 – Board approved language</p> <p>July 2017 – Submit proposed amendments to Board for review/approval</p> <p><i>RVT Student Exemption-</i></p> <p>July 2015 – MDC approved amended language and forwarded to Board for discussion.</p> <p>October 2015 – Board approved language</p> <p>July 2017 – Submit proposed amendments to Board for review/approval</p> <p><i>RVT AVMA School Approval-</i></p> <p>July 2016 – Board approved language</p> <p>July 2017 – Submit proposed amendments to Board for review/approval</p> <p>August 2017 – Submit noticing package for DCA review</p> <p>October 2017 – Publish 45-day notice</p>

Uniform Standards for Abuse (SB 1441)	2006, 2006.5, and 2076	In Queue	October 2014 – Board approved language April 2015 – On hold per Legal March 2016 – Hold removed per Legal, approved to continue with rulemaking file October 2017 – Submit amendments to Board for review/approval
Emergency Animal Care	2069	In Queue	January 2017 – Board approved language

MDC			
Subject	CCR Section(s)	Current Status/Action	Notes
Shelter Medicine	TBD	TBD	September 2015 – CVMA task force meetings begin April 2017 – Discussion is ongoing
Veterinary Student Exemption	2027, 2027.5	TBD	October 2016 – MDC approved language in CCR section 2027. April 2017 – Board approved language for CCR section 2027.5; Statutory amendment BPC section 4841.2 that must pre-date reg change
“Extended Duty” for Registered Veterinary Technicians	TBD	TBD	April 2017 – Submitted to MDC for approval. Subcommittee formed to continue discussions.
Drug Compounding	TBD	TBD	April 2017 – Submitted to MDC for approval. Discussion is ongoing.
Drug Counseling	TBD	TBD	April 2017 – Submitted to MDC for discussion July 2017 – MDC to develop proposed language for Board consideration

Telehealth Talking Points

Introduction

According to the 2005 Foresight Project final report of the Association of American Veterinary Medical Colleges (AAVMC) “the absolute key for the future of the veterinary medical profession is adaptiveness and responsiveness” The regulatory policy task force of the AAVSB recommends adoption of the following position for facilitating the use of telehealth technology to improve and expand access to veterinary care while ensuring public protection through regulation. Telehealth/Telemedicine is defined as (INSERT DEFINITION HERE)

- A veterinarian using telehealth technologies must take appropriate steps to establish the VCPR and conduct all appropriate evaluations and history of the patient consistent with traditional standards of care for the particular patient presentation. As such, some situations and patient presentations are appropriate for the utilization of telehealth technologies as a component of, or in lieu of, hands on medical care, while others are not.
- The VCPR is clearly established when the veterinarian agrees to undertake diagnosis and treatment of the patient, and the owner agrees to the treatment of the patient.
- Telehealth is a reasonable option for patients who lack regular access to veterinary care. It also enhances opportunities to access emergency or specialty veterinary expertise in geographic areas where no other options are available.
- The veterinarian accepts that he or she cannot prescribe drugs when practicing via telehealth alone, unless the veterinarian has sufficient knowledge of the animal or group of animals by virtue of a history and inquiry and either physical examination or medically appropriate and timely visits to the premises where the animal or group of animals is kept.
- Appropriate medical records must be maintained in a secure and confidential manner. The medical record should include, but not be limited to, if applicable, copies of all patient related electronic communications, including prescriptions, laboratory and test results, evaluations and consultations, and instructions obtained or produced in connection with the utilization of telehealth technologies.
- An animal owner should be able to seek, with relative ease, follow-up care or information from the veterinarian (or veterinarian’s designee) who conducts an encounter using telehealth technologies.
- The veterinarian must ensure that the client is aware of the veterinarian’s identity, location, licensure status, and the privacy and security issues involved in accessing veterinary care via telehealth technologies.
- Evidence documenting appropriate animal owner consent for the use of telehealth technologies must be obtained and maintained.
- A veterinarian must be licensed, or under the jurisdiction, of the veterinary board of the jurisdiction where the patient is located. The practice of medicine occurs where the patient is located at the time telemedicine technologies are used. Veterinarians who treat or prescribe through online services sites are practicing veterinary medicine and must possess appropriate licensure in all jurisdictions where patients receive care.

**Practice Advisory Panel
Interim Report on Telemedicine
September 20, 2016**

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1. Executive Summary

The AVMA Board of Directors (BOD) assigned the issue of telemedicine to the Practice Advisory Panel (AP) for its deliberation. The assigned objective is for the AP to advise the BOD on the AVMA's leading role in guiding the profession's responsible use of telemedicine in the veterinary profession by establishing policy, guidelines, and best practices, and by developing resources for practicing veterinarians.

The AP developed from within its membership at Telemedicine Subcommittee, which in turn facilitated establishment and operation of five telemedicine working groups comprised of more than 50 volunteers. The AP is grateful to the numerous volunteers who served on the working groups, provided their expertise and time in tackling complicated issues of telemedicine. The fifth and final working group is slated to conclude its work in November 2016.

This interim report of the AP provides the BOD with the AP's recommendations and guidelines on telemedicine issues resolved to date by consensus of the working groups and AP. The AP plans to address the unresolved issues as well as incorporate the results of the fifth working group in the AP's final report to the BOD in December 2016. The following list provides the AP's recommendations on the issues resolved to date.

1.1. Recommendations and guidelines pertaining to existing AVMA policy

- a. Report sections [4.3.3](#) and [4.4](#): That the AVMA revise the **Model Veterinary Practice Act** to include the following. [The AP is also communicating this to the Council on Veterinary Service (CoVS), which has primary oversight of the MVPA.]

Telemedicine shall only be conducted within an existing VCPR, with the exception for advice given in an emergency care situation, or in the rare situation in which the patient can neither be seen by a veterinarian nor transported to a veterinarian.

Any advice given via any medium outside an established VCPR must be given in general terms, not specific to an individual animal, diagnosis, or treatment.

The veterinarian that establishes the VCPR is responsible for and has the liability to manage the case and must have a license in the state that the VCPR was established. Any consultant that is giving advice to the veterinarian of VCPR does not have to be licensed in that state. Communication to the client must go through or be controlled by the veterinarian who has established the VCPR.

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- b. Section [4.4.2](#): That the AVMA revise the policy on **Remote Consulting** as indicated below. [The AP is also communicating this to the Council on Veterinary Service (CoVS), which has primary oversight of the policy.]

AVMA policy on Remote Consulting

With the exception of emergency teletriage, including poison control services, ~~t~~The AVMA opposes remote consulting including, but not limited to, telephone or web-based ~~medi~~telemedicine, offered directly to the public when the intent is to diagnose and/or treat a patient in the absence of a veterinarian-client-patient relationship (VCPR) as defined by the AVMA Model Veterinary Practice Act. ~~Remote consulting directly with the patient owner can be beneficial and is acceptable when performed with an agreement and in collaboration with the attending veterinarian who has established and retains the VCPR.~~

1.2. Recommendations and guidelines not pertaining to existing AVMA policy

- a. That telemedicine within the veterinary profession be conducted only within existing VCPRs, with the exception of providing emergency teletriage, including animal poison control services.
- b. That without a VCPR, telemedicine should not be practiced, and any advice given should remain in general terms, not specific to an individual animal, diagnosis, treatment, etc. Thus, non-client electronic communications should be in the non-clinical realms of mHealth, web content, and other messaging.
- c. That the AVMA be committed to ensuring access to the convenience and benefits afforded by telemedicine services, while promoting the responsible provision of veterinary medicine.
- d. That the AVMA expect practitioners who provide veterinary care, electronically or otherwise, maintain the highest degree of professionalism.
- e. That the AVMA develop member resources on telemedicine, such as similar to the [Online Pharmacy web page](#), and conduct an education and outreach campaign to get veterinary telemedicine information out to members, policymakers, and other stakeholders.
- f. That the AVMA advocate for enhanced regulatory enforcement to prevent unlicensed individuals from practicing veterinary medicine, including by telemedicine.
- g. That the AVMA advocate for accountability for advice given. (Sections [4.3](#) and [4.4.1](#))

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- h. That the AVMA encourage applications and other platforms that appropriately help connect or reconnect existing clients to their established, animal healthcare team and Veterinarian of VCPR. (Section [4.3.1](#))
- i. That the AVMA encourage applications and other platforms that appropriately help connect animal owners or other caretakers with veterinarians licensed to practice in their area. (Section [4.3.1](#))
- j. That the AVMA encourage practitioners to utilize emerging technologies to enhance their accessibility and client communications. (Section [4.3.1](#))
- k. That credentials of all advice givers as well as disclaimers on all telehealth and telemedicine resources need to be prominent so as not to mislead readers or users. (Section [4.3.2.1](#))
- l. That AVMA advocate for continued allowance of teleconsultation between veterinarians of VCPRs and consultants. (Section [4.3.3](#))
 - i. It is the professional discretion of veterinarians of VCPR to consult with specialists or other consultants.
 - ii. Consultants should not be required to hold an active veterinary medical license in the state from which the veterinarian of VCPR practices.
- m. That the AVMA continue to develop and maintain summary information on state regulations pertaining to VCPRs, telemedicine, complementary and alternative veterinary medicine (CAVM) and other practice act exemptions, and sanctions for unauthorized practice of veterinary medicine in a user friendly, interactive tool feasible to the Association and useful to its members. (Section [4.4](#))
- n. That the AVMA advocate for harmonized telemedicine requirements across the nation. (Section [4.4](#))
- o. That the AVMA be committed to advocating for ensured access by veterinarians and the public to the convenience and benefits afforded by telemedicine technologies, while supporting and maintaining the professions' status as the leader in animal health and welfare. (Section [6](#))
- p. That the AVMA develop resources to assist practitioners in monetizing telemedicine appropriately. (Section [7.4](#))
- q. That the AVMA utilize the checklists of section 7.6 of this report when developing member resources on telemedicine. (Section [7.6](#))

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Telemedicine is a ***tool*** of practice, not a separate discipline within the profession. The AP recognizes that using telemedicine in the delivery of veterinary medical services offers benefits to animal owners, animal patients, and the profession itself. The appropriate application of telemedicine can enhance animal care by facilitating communication, diagnostics, treatments, client education, scheduling, and other tasks within the veterinary profession. Practitioners must apply existing laws and regulations to the provision of telemedicine services in the state they have license to practice veterinary medicine.

Guidelines and recommendations provided in this document should not be construed to alter the scope of practice of any healthcare provider or authorize the delivery of veterinary health care services not authorized by law. In fact, these guidelines and recommendations support a consistent standard of care and scope of practice regardless of the delivery tool or business model used to enable practitioner-client communications. A practitioner using telemedicine services in the provision of veterinary services must take appropriate steps to establish the veterinarian-client-patient relationship (VCPR) as defined by the laws and regulations of the relevant state authority and conduct all appropriate evaluations and other services consistent with standards of care for the particular patient presentation. Some situations and patient presentations are appropriate for the utilization of telemedicine services, while others are not. The practitioner is responsible for making this determination, and in doing so must adhere to applicable laws and standards of care.

2. Method of Deliberation

The AVMA Board of Directors (BOD) assigned the issue of telemedicine to the Practice Advisory Panel (AP) for its deliberation along with other issues encompassed within the AP's charge. The AP established from within its membership a Telemedicine Subcommittee, tasked to:

- Evaluate whether the AVMA Model Veterinary Practice Act requires modification to address telemedicine,
- Consider guideline for when telemedicine is and is not appropriate in veterinary medicine, and
- Help ensure that the AP completes the telemedicine assignment from the BOD.

Based on work of the AP Subcommittee on Telemedicine, the AP established five virtual working groups (WGs), consisting of more than 50 volunteers, to complete work in strategic phases.

Phase one: March – May 2016

- **WG on the State of Telemedicine and Comparative Uses**
Tasked to assess present uses of telemedicine, compare uses across healthcare sectors, and forecast future uses of telemedicine as it relates to veterinary medicine in a summary deliverable that advises the AP as well as other AVMA leadership and membership. The WG

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consisted of 11 members possessing a range of essential competencies and perspectives, such as veterinary practice, communications, consulting and referral, service or industry supportive to animal health, insurance provider or advisor, and healthcare IT or informatics.

- **WG on the Regulatory and Legal Aspects of Telemedicine**

Tasked to comprehensively search, compile, distill, and summarily convey the breadth and depth of telemedicine regulations in an end product designed to advise the AP and other AVMA leadership. The WG consisted of 11 members possessing a range of essential competencies and perspectives, such as an attorney, practitioners, and consultants as well as members experience in organized veterinary medicine, veterinary medical specialty boards, and state regulatory boards.

- **WG on Telemedicine Technologies and Applications**

Tasked to provide the AP with perspectives on how telemedicine technologies and applications may be used appropriately and securely to advance veterinary medicine. The WG consisted of 12 members possessing a range of essential competencies and perspectives, such as practice, economics, ethics, legal, and communications, and telemedicine technologies, services, development, and marketing.

Phase two: May – August 2016

- **WG on Telemedicine Guidelines**

The Working Group on Telemedicine Guidelines (WG) was established by the AVMA's Practice Advisory Panel (AP) to provide an advisory deliverable to the AP on guidelines for what AVMA should advocate as proper use of telemedicine in veterinary medicine. Along with telemedicine position statements from various human healthcare sectors, the results of AVMA's phase 1 telemedicine working groups served as springboards for the WG's deliberations. The WG consisted of 12 members possessing a range of essential competencies and perspectives, such as clinical practice, consultant services, organized veterinary medicine, academia, and regulatory boards.

Phase three: August – November 2016

- **WG on Telemedicine Education for Providers**

More information on this WG will be provided once it provides its report to the AP.

3. Definitions

3.1. Veterinarian-client-patient-relationship (VCPR)

The [VCPR](#) is the basis for interaction among veterinarians, their clients, and their patients. In addition to the discussion of VCPRs in Section III of the [AVMA's Principles of Veterinary Medical Ethics](#), below is the AVMA's current definition of "veterinarian-client-patient relationship" (VCPR) as it appears in subsection 20 of the AVMA [Model Veterinary Practice Act](#).

"Veterinarian-client-patient relationship" means that all of the following are required:

- The veterinarian has assumed the responsibility for making medical judgments regarding the health of the patient and the client has agreed to follow the veterinarian's instructions.
- The veterinarian has sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition of the patient. This means that the veterinarian is personally acquainted with the keeping and care of the patient by virtue of:
 - a timely examination of the patient by the veterinarian, or
 - medically appropriate and timely visits by the veterinarian to the operation where the patient is managed.
- The veterinarian is readily available for follow-up evaluation or has arranged for the following:
 - veterinary emergency coverage, and
 - continuing care and treatment.
- The veterinarian provides oversight of treatment, compliance and outcome.
- Patient records are maintained.

This definition of the VCPR differs from that embodied in federal regulation [21 CFR 530.3\(i\)](#), among [states](#), and that of the American Association of Veterinary State Boards' (AAVSB) [Practice Act Model](#).

The WGs and AP recognize that there are locations, such as Alaska, Maine, Washington, and the District of Columbia, that did not have VCPR regulations as of the June 2015 date of the last AVMA search of the regulation.

3.2. Practice of Veterinary Medicine

The practice of veterinary medicine is defined in each state's practice act, some of which heavily rely on the AVMA's [Model Veterinary Practice Act](#). Below is an excerpt from the MVPA.

"Practice of veterinary medicine" means:

- To diagnose, prognose, treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical, dental, or mental conditions by any method or mode; including the:
 - performance of any medical or surgical procedure, or

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- prescription, dispensing, administration, or application of any drug, medicine, biologic, apparatus, anesthetic, or other therapeutic or diagnostic substance, or
- use of complementary, alternative, and integrative therapies, or
- use of any procedure for reproductive management, including but not limited to the diagnosis or treatment of pregnancy, fertility, sterility, or infertility, or
- determination of the health, fitness, or soundness of an animal, or
- rendering of advice or recommendation by any means including telephonic and other electronic communications with regard to any of the above.
- To represent, directly or indirectly, publicly or privately, an ability and willingness to do an act described in subsection 16(a).
- To use any title, words, abbreviation, or letters in a manner or under circumstances that induce the belief that the person using them is qualified to do any act described in subsection 16(a).

3.3. VCPR in conjunction with the MVPA

Section 5 of the AVMA Model Veterinary Practice Act clearly states the VCPR requirement in practicing veterinary medicine (see below), and the AP underscores the importance of these requirements even when utilizing telemedicine.

“No person may practice veterinary medicine in the State except within the context of a veterinarian-client-patient relationship.”

“A veterinarian-client-patient relationship cannot be established solely by telephonic or other electronic means.”

3.4. Telehealth, telemedicine, and mHealth

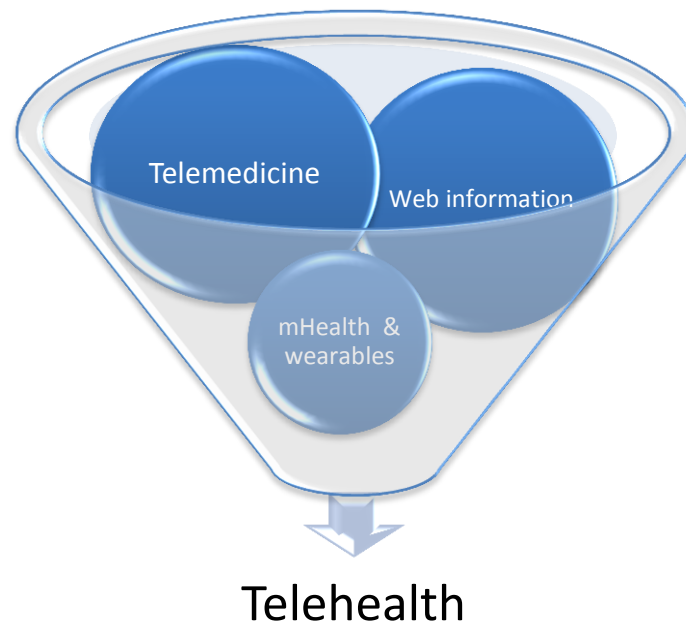
The AP recognizes that numerous definitions of telemedicine exist (104 peer-reviewed definitions identified in a 2007 study¹). Debate continues regarding which definition of telehealth and of telemedicine best fit the veterinary profession. The AP plans to resolve the issue and make its definition recommendation to the BOD this December with the AP’s final report.

- A common theme among definitions and discussions of **telehealth** is that this overarching term encompasses all uses of technology geared to remotely deliver health information, education, or care.
- **Telemedicine** is as critical subcategory of telehealth and is a ***tool*** available to augment the practice of veterinary medicine.

¹ Sood SP, et al. Differences in public and private sector adoption of telemedicine: Indian case study for sectoral adoption. *Studies in Health Technology and Informatics*, 2007, 130:257–268.

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- Mobile Health or **mHealth** is a different subcategory of telehealth and employs mobile devices. Some mHealth applications and wearables (e.g. [Veterinary AliveECG](#), [Sonon](#) ultrasound, and [Voyce Pro™](#)) are designed to augment animal health care within VCPRs, while others (e.g., [FitBark](#), [SigaRuminant](#), and [Horse Health Tracker](#)) are designed and marketed directly to consumers for their education and animal monitoring without clinical input (no VCPR).



3.5. Consultant and veterinarian of VCPR

The AP understands that there may be confusion regarding roles and responsibilities of the veterinarian of VCPR compared to roles and responsibilities of consultants, thus clarifying differences is important.

Veterinarian of VCPR: a licensed veterinarian who has established and is working within a VCPR

- Communicates directly with the animal owner or other caretaker
- Is ultimately liable for patient care
- Because multiple veterinarians may have VCPRs with the same client and patient concurrently, the AP intentionally uses the term “veterinarian of VCPR” instead of “primary veterinarian.”

Consultant: an individual from whom the veterinarian of VCPR seeks advice in management of a given case (individual patient, herd, flock, etc.)

- Communicates with the veterinarian of VCPR, not the animal owner or other caretaker
- Does not establish a VCPR, but advises the veterinarian of VCPR

4. Telemedicine

Telemedicine has arisen as one of the greatest opportunities and challenges facing medicine in the digital age. For human medicine, telemedicine facilitates consultation, patient monitoring, the delivery of consumer information and educational materials, and improved patient care in underserved and remote areas. The AP is aware that there is growing support for an interstate licensing bill for telemedicine.

As expected, telemedicine has spread into the veterinary medical field as well. Both, the Internet and a dramatic increase in consumer use of mobile technology, have driven awareness of the availability of online resources and sparked creation of an increasing number of applications (apps) that provide basic telemedicine services to animal owners. Although the currently available apps are aimed primarily at pet owners, telemedicine impacts multiple aspects of clinical veterinary practice across species.

The use of telemedicine and digital consulting apps in the veterinary field has been the subject of controversy, with impassioned views from different sides of the issue. On one hand, there are concerns regarding liability, potential for violating the VCPR, and challenges of providing veterinary consultation without a hands-on examination. On the other hand, the technology is more likely to increase in use, giving the profession an opportunity to shape the direction of telemedicine for optimal animal health and welfare benefits.

Controversial aspect of telemedicine in veterinary medicine were further brought into the national spotlight in early 2015, when a Texas veterinarian, disciplined for violating the state’s practice act, filed a lawsuit against the state board. The U.S. Court of Appeals for the Fifth Circuit found that the Texas state

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board's requirement that a physical examination of the animal or premises must occur for a valid VCPR does not violate the First or Fourth Amendment. The Texas law challenged in that lawsuit contained language similar to the AVMA Model Veterinary Practice Act, that the VCPR cannot be established solely through electronic or telephone means. The AP is aware that most states have not adopted such specific language, therefore making it even more difficult to predict how courts may rule in the future on the topic of veterinary telemedicine.

4.1. Telemedicine in relation to the VCPR

The AP recognizes that telemedicine is a rapidly evolving field with the potential to improve the quality of care for animals, and the AP feels that the profession should be committed to investigating all methods of obtaining information about its patients for the purposes of providing safe, competent veterinary care. At this point, the definition of the VCPR does not need to change to encompass the tools of telemedicine; however, the AP understands that in the future as technologies and medicine advance, in-person examination may be among options, but not the only option, to satisfy VCPR requirements.

The AP recognizes that remote technologies currently available to the profession do not fulfill the profession's needs for thorough, in-person examinations, which employ all of a veterinarian's senses and expertise and elicit animal responses, all of which are imperative because veterinary patients cannot verbally convey histories or symptoms. Nonetheless, the AP acknowledges that advances in technologies have made it easier for veterinarians to remotely gather adequate patient information for the provision of *continued* care that would have previously required in-person rechecks.

4.2. Telemedicine in production and companion animal medicine

The AP perceives **production medicine** as currently being more conducive than other practice segments to utilizing client-facing telemedicine because of factors relating to well established, preventative herd/flock health programs as well as vertical or other integration platforms within production systems. For instance, a vertically integrated poultry system may have a veterinarian at location A and a trained technician under indirect supervision at location B. If an animal health issue arises at location B, part of the response may include the technician collecting data (photographs, videos, production/facility records, etc.) and submitting samples. The veterinarian at location A receives the electronic information from the technician and then may direct veterinary medical intervention, wait for lab results, request additional information, etc. Examples of telehealth that have been used for years in production paradigms include automated monitoring systems that record and transmit information such as animal activity, feed intake, milk production, etc. Such e-records are not only used by production facilities, but can also signal when veterinary intervention may be needed and provide valuable information to the veterinarian.

Companion animal medicine has used telemedicine for decades, but primarily in the teleconsulting arena (telecardiology, teleneurology, telepathology, teleradiology, etc.) and less so in the client-facing

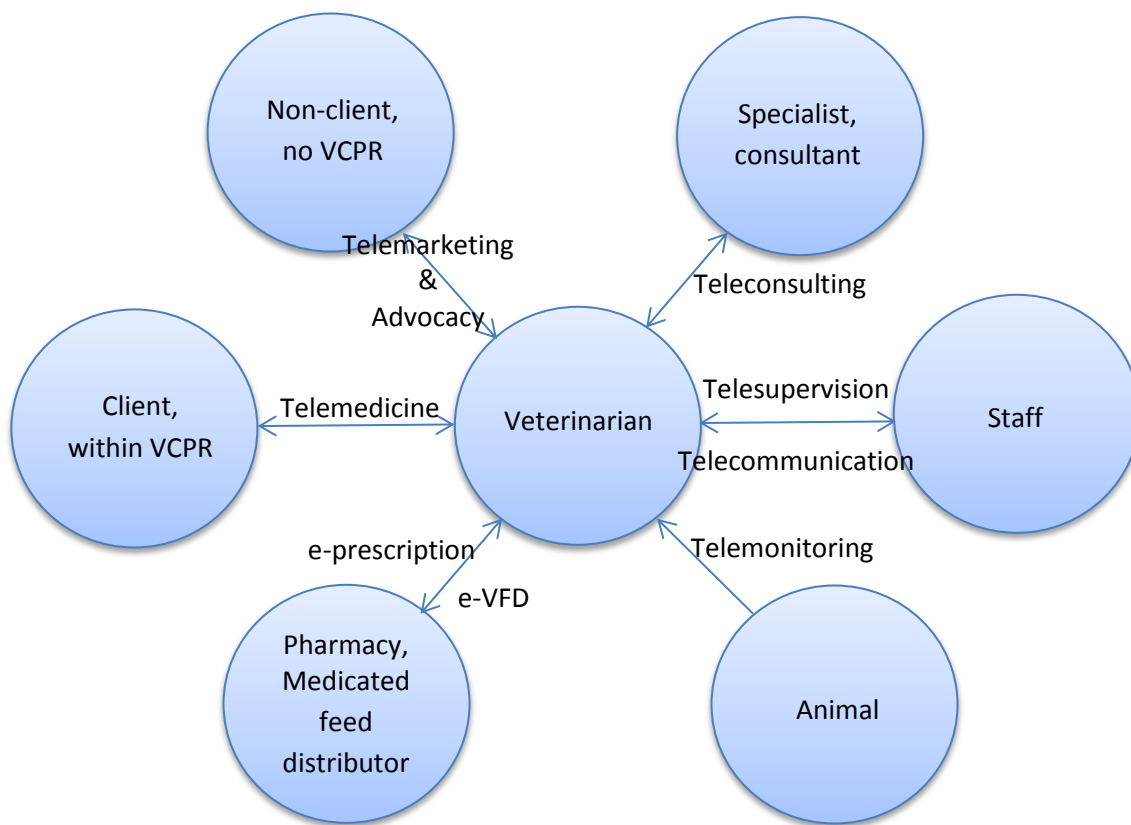
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arena (mostly focusing on telephone calls, texts, etc.). While companion animal owners in general may not have been utilizing consumer directed telehealth devices, systems, or apps as long as or to the extent of producers, it seems that companion animal owners are definitely being targeted now by device manufacturers and app developers. Some of these telehealth items may be useful for veterinarians, and thus overlap into telemedicine. Navigating this overlap, ensuring compliance with practice regulations and standards, and being pressured by a society expecting similar telemedicine options from their veterinarian as they get from their physician seem to contribute to confusion over telemedicine more for companion animal practices than production animal practices.

4.3. Categories of telemedicine

Telemedicine may be divided into categories based on who is involved in the communication (e.g., veterinarian with veterinarian, veterinarian with staff, veterinarian with established client, and veterinarian with non-client). The diagram below provides multiple, electronic communication paths (see [Appendix A](#) for a brief sample of providers and platforms).



While non-veterinarians must not engage in the practice of veterinary medicine through telemedicine or other means, the AP is aware that some advice provided by non-veterinarians

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to individuals with animal health, welfare, or behavior concerns may cross over into the scope of practice. Regardless of the communication path, it is imperative that accountability for advice given exist and be enforced.

4.3.1. Client-facing telemedicine

For this discussion, clients are animal owners or other caretakers with whom the veterinarian has a valid VCPR. The AP emphasizes the benefits of a hands-on evaluation of our veterinary patients to help establish a VCPR.

Client-facing telemedicine models exist that allow the veterinarian to gather all essential veterinary medical information from the animal owner (or other caretaker), access the patient's medical records, and conduct a virtual exam of the patient through real-time video or by attached pictures in store and forward modalities. Telemedicine is a vital tool for the veterinary profession and seems to be greatly desired by society. Utilizing telemedicine appropriately can augment animal health and welfare while also enhancing client education, compliance, and satisfaction.

Furthermore, telemedicine diminishes hurdles to veterinary medical care posed by distance, time, and human resource restrictions. The more accessible veterinarians and their trained support staff are to clients, the less likely those clients are to turn to non-veterinarians for information, guidance, or other help.

Examples: Client portals; e-mails, texts, or telephone calls regarding appointments, progress, or results; emergency calls; etc.

The AP recommends:

- That the AVMA encourage applications and other platforms that appropriately help connect / reconnect existing clients to their established healthcare team and veterinarian of VCPR.
- That the AVMA encourage practitioners to utilize emerging technologies to enhance their accessibility and client communications.

4.3.2. Non-client, public-facing

Non-clients are individuals with whom the veterinarian does not have a valid VCPR, and without a VCPR, telemedicine should not be practiced. Any advice given should remain in general terms, not specific to an individual animal, diagnosis, treatment, etc. Thus, non-client electronic communications should be in the non-clinical realms of mHealth, web content, and other generalized messaging.

The AVMA [Model Veterinary Practice Act](#) states, "A veterinarian-client-patient relationship cannot be established solely by telephonic or other electronic means."

4.3.2.1. Credentials and disclaimers

The credentials of all advice givers as well as disclaimers on all resources need to be prominent so as not to mislead readers. An example of a disclaimer actually found by a WG member after searching a site offering animal health care advice states, "*for educational and entertainment purposes only.*"

4.3.2.2. Educational websites and applications

Educational websites and applications have value, but do not substitute for proper veterinary care. Furthermore, the information on such websites and applications should not convey specifics of treatments. Providing general information about diseases, conditions, injuries, behaviors, and other information pertaining to animals as well as conveying why an animal with a given issue needs to be seen, monitored, rechecked, etc. by a veterinarian is helpful. General promotion of appropriate vaccinations and other aspects of preventative health is also beneficial.

4.3.2.3. Connection platforms

Non-client applications and website content that connect animal owners (or other caretakers) with veterinarians are resources with great potential. Such platforms help connect owners and caretakers with veterinarians so that the animals get the medical care needed, thus enhance animal health and welfare in general and potentially contribute to practice profitability. AVMA should encourage applications and other platforms that appropriately help connect animal owners (or other caretakers) with veterinarians licensed to practice in their area.

4.3.2.4. Telemarketing for second opinion

Some platforms specifically market second opinion packages, including review of records. This as well as other teleconsultations with the public and outside of valid VCPRs is a concern. The AVMA's policy on [Remote Consulting](#) further supports the concern.

- The arrangement and review of the record is outside of a VCPR because the marketing provider has not physically examined the animal nor plans to physically examine the animal; thus, it does not qualify as a true second opinion.
- Such marketed arrangement and review of records is not the same as a second opinion sought by a veterinarian of VCPR through consultation with specialists, nor is it the same as an owner having two different veterinarians physically examine the animal(s) in conjunction with record review.

4.3.3. Consultant-facing

For decades, veterinarians operating within valid VCPRs have electronically consulted specialists for assistance with their patients. Such teleconsulting should be allowed to continue and to utilize ever-increasing technologies for the betterment of patient care.

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Examples of teleconsultations

- Electronic conversations by telephone, videoteleconferencing, texts, etc.
- Transferring / sharing electronic records, digital radiographs, ECGs, ultrasounds, etc.
- Telecardiology, teleneurology, telepathology, teleradiology, etc.
- Consulting with a nutritionist, toxicologist, pathologist, clinician or other subject matter expert associated with a veterinary academic institution or an accredited laboratory.

The AP is aware that some states may have licensure restrictions such that only consultants licensed to practice veterinary medicine within the state may consult within the state. The AP disagrees with such intrastate licensure restrictions. The AP recognizes that the veterinarian of VCPR is liable for patient care, and the AP recommends that AVMA advocate for:

- Professional discretion of veterinarians of VCPRs to be able to consult with whomever they feel has the expertise to appropriately advise on the management of given cases and
- The ability of veterinarians of VCPRs to use consultants without requiring the consultants to be licensed to practice veterinary medicine, or be licensed to practice in the same state.

The AP recommends that the AVMA add the following verbiage to the Model Veterinary Practice Act, and the AP is communicating with the Council on Veterinary Service (CoVS) so that the CoVS will consider the issue as it prepares for the upcoming review of the MVPA.

"The veterinarian that establishes the VCPR is responsible for and has the liability to manage the case and must have a license in the state that the VCPR was established. Any consultant that is giving advice to the veterinarian of VCPR does not have to be licensed in that state. Communication to the client must go through or be controlled by the veterinarian who has established the VCPR."

4.3.4. Pharmacy-facing

Electronic prescribing (aka e-Rx or e-prescribing) is the electronic transmission of doctors' orders for medical prescriptions – new or refills. Software platforms designed for e-prescribing may also help reduce transcription and interpretation errors. While e-prescribing is less common in veterinary medicine compared to other health professions, there is an obvious potential for increased use within the veterinary profession, especially as platforms include components more specific to veterinary medicine, such as owner name and patient species.

4.3.5. Medicated feed distributor facing

Different, but related to e-prescriptions are electronic Veterinary Feed Directive (e-VFD) orders, which are electronic orders issued by a licensed veterinarian for the use of a VFD drug or combination VFD drugs in or on an animal feed. A VFD (hard copy or electronic) authorizes the animal owner other

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caretaker to get and use the medicated feed to treat the animal(s) strictly as stated on the label. For additional information on VFDs, please see the AVMA developed resources, such as a [fillable Veterinary Feed Directive order](#) form, [instructions](#), and additional [steps to follow](#) when writing VFD orders.

4.3.6. Regulator-facing

Electronic certificates of veterinary inspection (e-CVIs) have slowly entered practice. Challenges in using them include e-signature authentication in advance of issuance; not all states, territories, or countries accept them; costs; unfamiliarity by practitioners; and potential preferences for the traditional hardcopy CVIs.

Practitioners should contact their state veterinarian as well as the animal health authority of the receiving destination to learn if e-CVIs are acceptable for the intended animal transport and what the requirements are for the given e-CVI.

The AVMA [Model Veterinary Practice Act](#) states, “No person may practice veterinary medicine in the State except within the context of a veterinarian-client-patient relationship.”

4.4. Telemedicine and veterinary medicine regulations

The AP contends that with the exception of emergency care, such as animal poison control services, telemedicine should not be used outside of existing VCPRs.

Variations in state veterinary medicine practice acts exist across the nation, and most state practice acts do not mention telemedicine. See [Appendix B](#) for the first two pages of a chart compiled by the WG on the State of Telemedicine and Comparative Uses by adding state telemedicine regulations to the pre-existing AVMA chart of state VCPR regulations. The AP recommends that the AVMA continue to develop and maintain this information as well as the information conveyed in the AVMA charts on [“Scope of Practice: Complementary and alternative veterinary medicine \(CAVM\) and other practice act exemptions”](#) and on [“Sanctions for unauthorized practice of veterinary medicine”](#) in a user friendly, interactive tool feasible to the Association and useful to its members. In addition, the American Telemedicine Association has compiled the report, [State Telemedicine Gaps Analysis: Physician Practice Standards & Licensure](#), which compares state human healthcare regulations pertaining to practice, licensure, and telemedicine.

Furthermore, the AP recommends that the AVMA advocate for harmonized telemedicine requirements across the nation.

4.4.1. Advice vs. practice, and accountability for both

When does advice cross into the practice of veterinary medicine? When it involves any of the acts described in the [definition of the practice of veterinary medicine](#). State definitions vary. The AP recommends the following be added to the MVPA and is communicating with the CoVS on the issue.

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"Any advice given via any medium outside an established VCPR must be given in general terms, not specific to an individual animal, group of animals, diagnosis, or treatment."

4.4.2. Teletriage, including poison control services

The AP recommends that the AVMA advocate for allowance of emergency teletriage, including poison control services, to provide emergency, potentially lifesaving telemedicine consultations with the public.

4.4.2.1. Rationale for exemption

The AP recognizes animal health benefits and societal needs for emergency teletriage, including animal poison control services, for immediate, potential life threatening animal health situations (e.g., poison exposure mitigation, animal CPR instructions, and other critical lifesaving advice). While such advice pertaining to specific animals falls under the practice of veterinary medicine and is outside of a VCPR, the AP recognizes the lifesaving impacts these services have and that continued or follow-up animal care with veterinarians of VCPR is typical in most cases.

To fully advocate for these services, the AP recommends that the policy on [Remote Consulting](#) be revised to provide a caveat for teletriage, including poison control services. The proposed revision in the text box on the right also eliminates loopholes afforded in the last sentence of the current policy because:

- "Collaboration" is broad and may be done outside of a VCPR, and
- An "agreement" can be circumvented by clients, online pharmacies, and others.

Suggested revisions are depicted in the text box on the right.

In addition, the AP recommends the following be added to the MVPA and is in communication with the CoVS on the issue.

AVMA policy on Remote Consulting

With the exception of emergency teletriage, including poison control services,
~~t~~The AVMA opposes remote consulting including, but not limited to, telephone or web-based telemedicine, offered directly to the public when the intent is to diagnose and/or treat a patient in the absence of a veterinarian-client-patient relationship (VCPR) as defined by the AVMA Model Veterinary Practice Act. ~~Remote consulting directly with the patient owner can be beneficial and is acceptable when performed with an agreement and in collaboration with the attending veterinarian who has established and retains the VCPR.~~

"Telemedicine shall be conducted within an existing VCPR, with the exception for advice given in an emergency care situation until that patient(s) can be seen by or transported to a veterinarian."

"Any advice given via any medium outside an established VCPR must be given in general terms, not specific to an individual animal, group of animals, diagnosis, or treatment."

4.4.2.2. Accountability for advice given.

With in-person veterinary care, triage is done by trained technical staff or veterinarians, both of whom convey as part of client education that if the given condition worsens, the owner should not wait, but return immediately for a recheck with the veterinarian or seek immediate help at a veterinary emergency facility. Will such language be utilized in veterinary teletriage? In human medicine, teletriage training is being formally addressed by entities (e.g. [TeleTriage Systems](#)), and teletriage decision support software is being developed (e.g., [LifeBot®](#))

The general public may call veterinarians or others as well as utilize online or mobile platforms to determine if their animal needs to be seen by a veterinarian immediately, if veterinary care can wait, and what they should do in the meantime or instead of veterinary care. If a telemedicine platform conveys to someone that "it's probably fine to wait," and the animal gets worse or dies, not only did the animal and owner suffer and the situation reflect poorly on the profession and those involved, but who has accountability, liability?

- Veterinarians have professional accountability and liability and are encouraged to obtain and maintain professional liability insurance.
- What accountability and liability falls to non-veterinarian employees in telemedicine in general and teletriage in particular?
- What accountability and liability falls to the telemedicine platform company?

The AP will be in communications with the AVMA PLIT regarding additional questions pertaining to this issue and will provide the AP's recommendations in its final report to the BOD in December 2016.

5. Telemedicine drivers

5.1. Societal demand

The AP perceives a growing societal demand for telemedicine in veterinary medicine, similar to telemedicine's use in human healthcare. Access is a key advantage of telemedicine. With user friendly technologies increasingly available, animal owners may access veterinarian services from almost anywhere, thus avoiding stress to their animal(s) that may result from handling and transport as well as

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saving time for the people and animals involved. In some cases, ease of access might make the difference between life and death for the animal(s) involved. It may also result in more animals receiving veterinary care as well as some receiving it sooner or longer. Ease of access is even more important in underserved areas. Continued advances in technologies as well as increased public access will certainly facilitate expansion of telemedicine.

The AP also recognizes that if the veterinary profession does not fill this societal demand, others with less veterinary expertise and accountability will, and regulatory enforcement will require more resources to oversee and thereby protect the public. In addition, without veterinarians in the conversations, some animals will end up receiving insufficient, detrimental, or no care.

5.2. Veterinary profession's benefits

Client-facing models exist that allow veterinarians to gather all essential veterinary medical information from animal owners (or other caretakers), access the patient medical records, and conduct virtual exams through synchronous (real-time) or asynchronous (store-and-forward) means. With advancing technologies, veterinarians are more easily and routinely able to gather adequate patient information for the provision of continued care that previously could only be accomplished through an in-person recheck. Such augmentation and advancements to veterinary medicine help mitigate certain challenges (distance, scheduling, availability, etc.) to the provision of animal health care; thus, more animals will be receive care when they need it, enhancing animal health and welfare; contributing to client education, compliance, and satisfaction; and possibly mitigating certain stressors within the profession. In addition, the more accessible veterinarians and their trained support staff are to clients, the less likely those clients are to turn to non-veterinarians for information, guidance, or other help.

5.3. Competitive market

In addition to competitive markets of medical technologies and the veterinary profession in general, telemedicine platforms are filling a niche. The AP recognize that those telemedicine platforms that work on a cost-per-minute or cost-per-consult basis or that compensate consultants based on client ratings may pressure veterinarians or other consultants to push the envelope and give as specific information as possible. A platform may profess that it does not want its subcontractors or other employees to violate the VCPR; but, platform clients who are paying may have other ideas, especially when the same platform employs non-veterinarians offering similar consultations for less cost. Since the platform gets paid either way, there seems to be no real incentive for it to uphold VCPR rules. This is a critical flaw in the system that requires AVMA and regulatory attention, especially considering the VCPR regulations vary across states, some states do not have VCPR regulations, and resource challenges may hinder enforcement.

Furthermore, concerns exist on how to best monetize telemedicine services without allowing such to surpass the importance of accurate, effective, and appropriate animal care.

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6. Telemedicine technology use and the practice of veterinary medicine

The AP recognizes that telemedicine is a rapidly evolving field and that telemedicine technologies can be used to improve animal health and welfare as well as public health and safety. The AP recommends that the AVMA be committed to advocating for ensured access by veterinarians and the public to the convenience and benefits afforded by telemedicine technologies, while maintaining the veterinarian's status as the pre-eminent expert in animal health and welfare.

When or if changes to the definitions of the practice of veterinary medicine or the VCPR are needed, the AP advises against changes to include or exclude specific technologies that can be sold directly to animal owners and that would create quasi-"safe harbors." It is imperative that the AVMA not put itself into a position where it may be interpreted as saying, "Company A's technology is OK because it is NOT the practice of medicine but Company B's technology is not OK because it IS the practice of medicine."

In addition, determining what groups (e.g., internal to the AVMA or the profession, external to the AVMA or the profession, or both) are likely to give the AVMA push back and what concerns they have with respect to telemedicine recommendations will help the AVMA in developing effective changes if or when changes are needed regarding the use of telemedicine in practice.

Turning more to the technology and data, current telemedicine solutions integrate with most electronic medical records, and information can be exchanged securely using common coding language, HL7. One of the biggest limitations is to access both systems at the same time, or to be able to review medical records and simultaneously perform a virtual visit while decreasing the chances of medical errors. Some companies already recognize this limitation and collect medical information in advance. The AP, based on advice from the WG on Telemedicine Technologies and Applications, anticipates continued emergence of creative technologies and applications in the telemedicine arena.

Examples of such platforms include:

- Free Services
 - Primary care veterinarian (veterinarian of VCPR) or ER services – unless given practice has monetized the services
 - Typically only available to existing clients
 - Limited advice given to non-clients due to liability issues
 - Client portals; e-mails, texts, or telephone calls regarding appointments, progress, or results; emergency calls; veterinarian to client videoteleconferencing, etc.
 - Web browser searches - forums, blogs, social media, scientific and nonscientific information

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- Hybrid services – e.g., that start off as a free service, but require payment for in-depth consultation
- Paid Services – e.g., primary care veterinarian (veterinarian of VCPR) or ER services if have monetized telemedicine services if monetized

It is also key to focus on how veterinarians, others within the profession, and the public use technology and data, rather than on the technology or data itself.

6.1. Telemedicine technology and data use by veterinarians

Generally speaking, there are no restrictions, other than the U.S. Food and Drug Administration (FDA) restrictions, on the technology a veterinarian can use in medical decision making. [CardioPet™](#), [Veterinary AliveECG](#), [Sonon](#) ultrasound, [SPRINT BOLT® Ultralight DR™](#) are just a few of the existing technologies.

Professional judgement of veterinarians seems to give technology companies insulation when it comes to selling animal health products through veterinarian-only channels. Thus, technology companies currently seem to be able to sell technology and data to veterinarians, as long as such does not violate FDA regulations and does not in itself practice veterinary medicine (e.g., conduct an internal algorithm on data to provide animal owner with diagnoses, treatments, etc.).

6.2. Technology and data use by consumers

Animal health technologies targeting veterinarians are for the most part dramatically different than those targeting public consumers. Technologies targeting consumers (e.g., [FitBark](#), [SigaRuminant](#), and [Horse Health Tracker](#)) have minimal to no clinical input on interpreting data generated and typically provide only telemonitoring of basic activity and vitals or general animal health education.

But what if a company sells a canine inter-gastric pill that collects data then transmits that data via Bluetooth to a pet owner's mobile app? Would this be practicing veterinary medicine? What if the application performed functions that yielded a list of differential diagnoses for the animal owner or provided the owner with treatment instructions? The AP again stresses that any advice given outside of a VCPR should remain in general terms, not specific to an individual animal, group of animals, diagnoses, or treatments.

7. Incorporating telemedicine into practice

Telemedicine is another tool in the toolbox for practicing veterinary medicine within existing VCPRs, and as discussed earlier, it has been used within veterinary medicine for decades. But with society's increasing demand for immediate, electronic information at its fingertips, telemedicine is in ever-increasing demand. AVMA should encourage practitioners to check the practice laws and regulations in

their states as well as consult their given professional liability insurance provider if questions arise regarding telemedicine compliance and liability.

7.1. Identify and frame opportunities for appropriate use of telemedicine

- Many of the free phone calls and email inquiries could be converted into formats conducive for paid consultations.
- Telemedicine is usually short in duration per session and can be easily utilized to address straight forward questions as well as many types of follow-ups. Transitioning to telemedicine for such cases are expected to:
 - Further free up personnel, time, and other resources for patients needing to be seen
 - Save time for the clients involved in the qualifying cases
 - Reducing stress of transport or restraint for the given animals
 - Contribute to client satisfaction
- Optimize personnel availability and accessibility to clients.
- Teleconsulting (telecardiology, teleneurology, telepathology, teleradiology, etc.) allows practices to offer more services, thereby making their practice more appealing to existing and potential clients needing or wanting those services.
- Preventive care and early detection are facets of veterinary medicine in which telemedicine could help by enhancing client access as well as increasing client education, compliance, and satisfaction.
- Hospice and end-of-life care may be managed and evaluated via telemedicine to prevent excessive trips and stress on dying animals, allowing for optimization of hospice plans already in place.
- Practices could implement teletriage services. Doing so will help to better schedule visits that can wait, provide lifesaving advice when needed, and direct animal owners to come in for immediate, emergency care when needed.
- Telemedicine helps to overcome challenges faced by animal owners and other caretakers in underserved regions.
- A member of the WG on Telemedicine Technologies and Applications trialed Google glass to see if the technology would help with remote exams; but, it did not help because of focal distance issues. However, such technology shows promise for eventually having a trained technician

wear the glasses and examine the animal while the veterinarian watches and ask questions in real time.

- A member of the WG on Telemedicine Technologies and Applications is currently exploring the use of [FaceTime](#) for the same purpose, but is finding the same restrictions. A well-focused picture, so far, is one of the best remote triage tools; thus, veterinarians may be able to use such to provide telemedicine based on images from PET, CT, MRI, just as the humans do - sending them through a dedicated server to consultants for additional interpretation.
- Utilize streaming videos or recorded videos to assist in monitoring patients in containment, isolation, or maternity wards.

7.2. Veterinary records

Veterinary records, including those generated through utilization of telemedicine, need to be maintained and available in accordance with state laws and regulations. The information within veterinary medical records is confidential. It must not be released except as required or allowed by law, or consent of the owner of the patient [[PVME V\(b\)\(ii\)](#)]. Client and patient privacy should be maintained using established best practices with regard to encryption of data during transmission and at rest.

Veterinary medical records should include, if applicable, copies of all patient-related electronic communications, including client-veterinarian communication, prescriptions, test results, evaluations and consultations, records of past care, and instructions obtained or produced in connection with the utilization of telemedicine services. Informed consents obtained in connection by telemedicine should also be filed in the veterinary record. The patient record needs to comply with all established laws and regulations governing veterinary medical records for the given state.

Practices should develop, maintain, and implement written policies and procedures for documentation, maintenance, and transmission of the records of encounters using telemedicine services. Such policies and procedures should address:

- Privacy
- Personnel who will process messages
- Hours of operation
- Types of transactions that will be permitted electronically
- Required patient information to be included in the communication, such as name, species, breed, sex, weight and presenting complaint
- Archival and retrieval
- Quality oversight mechanisms

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Policies and procedures for veterinary medical record privacy and security should be:

- Written
- Periodically reviewed and, as needed, updated
- Maintained in an accessible and readily available manner

7.3. Informed Consent

Evidence documenting appropriate informed consent for the use of telemedicine services should be obtained and maintained. Informed consent is part of the medical record and should be included in any form of telemedicine. Appropriate informed consent should be documented in the veterinary medical record and as a baseline include the following, some of which should already be in the record, and some of which is particular to telemedicine:

- Identification of the client, the patient, the practitioner, and the practitioner's credentials;
- Procedures that will be done, including any telemedicine procedures;
- Agreement by the client that it is the role of the veterinarian to determine whether or not the presenting complaint is appropriate for a telemedicine encounter;
- Details on security measures taken with the use of telemedicine services (e.g. encrypting date of service, password protected screen savers, encrypting data files, or utilizing other reliable authentication techniques, as well as potential risks to privacy notwithstanding such measures);
- Hold harmless clause for information lost due to technical failures; and
- Requirement for express client consent to forward medical records to a third party if needed.

7.4. Financials

Veterinarians who offer telemedicine services may save in overhead cost and increase client satisfaction and loyalty. The AP, based on advice from the WG on Telemedicine Technologies and Applications, believes that the most expensive resources veterinarians need to offer expanded telemedicine services are the veterinarians' expertise and time. An office computer with an integrated video camera is generally sophisticated enough to run telemedicine software. In addition, practices may choose to utilize advanced software, higher resolution cameras, and other specialty instruments (including wearables and ingestibles). Monetizing the telemedicine services appropriately is a hurdle recognized by the AP; thus, the AP recommends that the AVMA develop resources to assist practitioners in monetizing telemedicine appropriately.

7.5. Ethical use of telemedicine to grow and maintain client base

Technology seems to depersonalize human interactions, and in veterinary practice, face-to-face encounters with the clients are important as are physical examinations of the animal patients.

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Depersonalization would occur if telemedicine is adopted as the sole method for practicing veterinary medicine; however, it is not and cannot be the sole method. As mentioned earlier, telemedicine is a tool within the practice of veterinary medicine, and telemedicine should only be used to augment existing VCPR's, not establish them.

The AP recognizes that as technologies advance and as long as face-to-face virtual encounters are guided by the same regulatory and ethical principles of in-person encounters, utilization of telemedicine services does not represent an ethical threat to veterinary best practices. Practitioners should understand the limitations of telemedicine technologies and adhere to the rules and regulations of their area as well as the AVMA's [Principles of Veterinary Medical Ethics](#).

The AP understands that when society implements new technologies, overuse and experimentation may occur along with expansion and barrier demolition. Telemedicine is not anticipated to be any different; however, extrapolating telemedicine experiences from human healthcare may help mitigate issues with telemedicine in the veterinary field.

7.6. Tools for Practices

The following two checklists are intended to assist practices incorporate and utilize telemedicine appropriately, and practices are urged to also check with their state authorities and professional liability providers regarding telemedicine compliance and liability.

7.6.1. Basic regulatory checklist

- The practice of veterinary medicine, including by telemedicine, should only be practiced within existing VCPRs.
- Check with your state, territory, or country to learn the rules and regulations that apply in your area, especially pertaining to your:
 - Veterinary practice act
 - Pharmacy act
 - Licensure
 - Record retention
 - Client confidentiality
- All telemedicine must adhere to the respective rules and regulations of the given state, territory, country.
- Be sure to include all telemedicine services and communications in appropriate patient records and maintain the records as required in your state, territory, or country.
- Staff utilizing telemedicine should be trained to do so properly.

7.6.2. Implementation checklist

- Ensure you have completed the “basic regulatory checklist.”
- Check with your professional liability carrier for any additional recommendations it may have pertaining to providing telemedicine services.

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- Establish contingency plans for records security and continued service in the event of a disaster, emergency, or unforeseen event impacting your practice, including your telemedicine services.
- Consider assigning all teletriage to credentialed (DVM, VMD, RVT, CVT, etc.) individuals each shift and ensure the shift has capacity for those assigned to be fully dedicated to telemedicine if needed.
- Recommend the animal(s) be seen by a veterinarian if telemedicine is insufficient or inappropriate for the situation.
- Ensure you have a VCPR with a given individual and animal(s) before providing telemedicine services to that person.
- If posting to a community case photo repository (e.g. figure1.com) or other photo repository ([Instagram](https://www.instagram.com)), be sure images are respectful, helpful, and devoid of all client identifiers to the extent possible and that you have obtained client consent. Such consent may already be included in your practice's treatment consent form.
- Software technologies must be secure and encrypted if involving patient records or client information.
- Sometimes, simple video streaming using a smartphone or webcam may prove more reliable and easy to use than remote mirroring of the outputs from monitors.
- Monetize telemedicine services appropriately, expressing professional expertise, client convenience, and animal health and welfare.
- Be sure to reply to owners in a timely, professional manner.
- If you have staff dedicated to telemedicine, and especially teletriage, informing the community you serve may enhance clients' perception and utilization of your practice and may draw more clients to your practice.
- If your practice does not have capacity to have someone dedicated to telemedicine, establish specific time(s) during the workday (not relegating to the late evening hours after a full day's work) to incorporate telemedicine consultations. Many practices may already do this without realizing they are conducting telemedicine (e.g., calls to update clients, discuss lab results, and answer client questions).

8. Additional topics to be addressed in final report

As mentioned throughout the report, the AP has identified and is deliberating additional issues pertaining to telemedicine that the AP will include in its final report to the BOD in December 2016.

Briefly, such topics include:

- Recommended definitions of telehealth and telemedicine in veterinary medicine
- Professional liability of the veterinarian of VCPR if extending, splitting, or otherwise sharing the VCPR with a remote veterinarian

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- Location(s) of the act of practicing veterinary medicine when utilizing telemedicine, and thus licensure and liabilities associated
- Telemedicine in underserved areas
- Level of veterinary supervision and/or credentials recommended for use of telemedicine in veterinary medicine
- Research related to telemedicine within the veterinary profession
- Education and outreach recommendations
- Short-term and long-term AVMA strategy on telemedicine

9. AP Recommendations

9.1. Recommendations pertaining to existing AVMA policy

- a. Report sections [4.3.3](#) and [4.4](#): That the AVMA revise the **Model Veterinary Practice Act** to include the following. [The AP is also communicating this to the Council on Veterinary Service (CoVS), which has primary oversight of the MVPA.]

Telemedicine shall only be conducted within an existing VCPR, with the exception for advice given in an emergency care situation, or in the rare situation in which the patient can neither be seen by a veterinarian nor transported to a veterinarian.

Any advice given via any medium outside an established VCPR must be given in general terms, not specific to an individual animal, diagnosis, or treatment.

The veterinarian that establishes the VCPR is responsible for and has the liability to manage the case and must have a license in the state that the VCPR was established. Any consultant that is giving advice to the veterinarian of VCPR does not have to be licensed in that state. Communication to the client must go through or be controlled by the veterinarian who has established the VCPR.

- b. Section [4.4.2](#): That the AVMA revise the policy on **Remote Consulting** as indicated below. [The AP is also communicating this to the Council on Veterinary Service (CoVS), which has primary oversight of the policy.]

AVMA policy on Remote Consulting

With the exception of emergency teletriage, including poison control services, ~~t~~The AVMA opposes remote consulting including, ~~but not limited to, telephone or web-based~~ ~~media~~ telemedicine, offered directly to the public when the intent is to diagnose and/or treat a patient in the absence of a veterinarian-client-patient relationship (VCPR) as defined by the AVMA Model Veterinary Practice Act. ~~Remote consulting directly with the~~

~~patient owner can be beneficial and is acceptable when performed with an agreement and in collaboration with the attending veterinarian who has established and retains the VCPR.~~

9.2. Recommendations and guidelines not pertaining to existing AVMA policy

- a. That telemedicine within the veterinary profession be conducted only within existing VCPRs, with the exception of providing emergency teletriage, including animal poison control services.
- b. That without a VCPR, telemedicine should not be practiced, and any advice given should remain in general terms, not specific to an individual animal, diagnosis, treatment, etc. Thus, non-client electronic communications should be in the non-clinical realms of mHealth, web content, and other messaging.
- c. That the AVMA be committed to ensuring access to the convenience and benefits afforded by telemedicine services, while promoting the responsible provision of veterinary medicine.
- d. That the AVMA expect practitioners who provide veterinary care, electronically or otherwise, maintain the highest degree of professionalism.
- e. That the AVMA develop member resources on telemedicine, such as similar to the [Online Pharmacy web page](#), and conduct an education and outreach campaign to get veterinary telemedicine information out to members, policymakers, and other stakeholders.
- f. That the AVMA advocate for enhanced regulatory enforcement to prevent unlicensed individuals from practicing veterinary medicine, including by telemedicine.
- g. That the AVMA advocate for accountability for advice given. (Sections [4.3](#) and [4.4.1](#))
- h. That the AVMA encourage applications and other platforms that appropriately help connect or reconnect existing clients to their established, animal healthcare team and Veterinarian of VCPR. (Section [4.3.1](#))
- i. That the AVMA encourage applications and other platforms that appropriately help connect animal owners or other caretakers with veterinarians licensed to practice in their area. (Section [4.3.1](#))
- j. That the AVMA encourage practitioners to utilize emerging technologies to enhance their accessibility and client communications. (Section [4.3.1](#))
- k. That credentials of all advice givers as well as disclaimers on all telehealth and telemedicine resources need to be prominent so as not to mislead readers or users. (Section [4.3.2.1](#))

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- I. That AVMA advocate for continued allowance of teleconsultation between veterinarians of VCPRs and consultants. (Section [4.3.3](#))
 - iii. It is the professional discretion of veterinarians of VCPR to consult with specialists or other consultants.
 - iv. Consultants should not be required to hold an active veterinary medical license in the state from which the veterinarian of VCPR practices.
- m. That the AVMA continue to develop and maintain summary information on state regulations pertaining to VCPRs, telemedicine, complementary and alternative veterinary medicine (CAVM) and other practice act exemptions, and sanctions for unauthorized practice of veterinary medicine in a user friendly, interactive tool feasible to the Association and useful to its members. (Section [4.4](#))
- n. That the AVMA advocate for harmonized telemedicine requirements across the nation. (Section [4.4](#))
- o. That the AVMA be committed to advocating for ensured access by veterinarians and the public to the convenience and benefits afforded by telemedicine technologies, while supporting and maintaining the professions' status as the leader in animal health and welfare. (Section [6](#))
- p. That the AVMA develop resources to assist practitioners in monetizing telemedicine appropriately. (Section [7.4](#))
- q. That the AVMA utilize the checklists of section 7.6 of this report when developing member resources on telemedicine. (Section [7.6](#))

Appendix A: List of sample telemedicine applications and technologies

Teleconsulting	http://dsuвет.com/index.php/training/ultrasound/ http://ecgvet.com/ http://epl-inc.com http://info.antechimagingsservices.com/ http://petrays.com/services/ http://vet-rad.com/index.html http://www.evetdiagnostics.com/(S(4ub0nkptyy5v1qkdupzca501))/index.aspx http://www.veterinaryanswers.com/index.html https://www.idexx.com/small-animal-health/products-and-services/telemedicine-consultants.html https://www.illumipet.com/ www.dvminisight.com www.oncurapartners.com www.sonopath.com www.vet-ct.com
Telemetry	http://cardiovet.com/ http://fireflyglobal.com/de551-wireless-veterinary-otoscope/ http://petmap.com/ http://voyce.com/ http://www.healcerion.com/product/ultrasound/sonon-300c/ https://www.vmedtechnology.com/ https://itunes.apple.com/us/app/veterinary-aliveecg/id546535890?mt=8
Veterinarians to clients	http://petvetapp.com/ http://www.vetscene.com/Pages/Default.aspx https://epethealth.com/Home/Index
Connects animal owners with their veterinarians	http://vitusvet.com/ http://www.gettelevelvet.com/ https://www.petzam.com/ https://www.vettahealth.com/ www.activ4pets.com
Veterinarians to nonclients	Ask.vet http://livevet.co/pet-parents http://vetondemand.com/ http://vet-opinion.com/ http://www.animaltelemed.org/ http://www.kuddly.co/ http://www.petcoach.co/ http://www.petmd.com/ http://www.vetlive.com/
mHealth	http://www.fitbark.com/ https://itunes.apple.com/us/app/horse-health-tracker/id955896239?mt=8

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<http://petpace.com/>
<https://www.siga.net/en-CA/software/sigaruminant/mobile-app>

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Appendix B: Combined charts for state VCPR and telemedicine regulations

State	VCPR Last updated June 2015 Source: Staff research, AVMA State Relations			Telemedicine Last updated May 11, 2016 Source: AVMA WG on Regulations and Legal Aspects of Telemedicine		
	Citation	VCPR Definitions	VCPR Provisions	Citation	Telemedicine Definitions	Telemedicine Provisions
AL	<i>Veterinary Practice Act:</i> §34-29-61 (19) <i>Administrative Code (SBVME):</i> Rule 930-X-1-.11	<p>A relationship when the veterinarian has assumed responsibility for making medical judgments regarding the health of the animal or animals and the need for medical treatment and is created by actual examination by the veterinarian of the animal or a representative segment of a consignment or herd.</p>	<p>A licensed veterinarian shall not prescribe or dispense, deliver or order delivered:</p> <ul style="list-style-type: none"> • Any drug or medicinal agent carrying the legend “Federal (USFDA) law restricts this drug to the use by or on the order of a licensed veterinarian” to be administered to animals with which he or she has not established a patient-veterinarian relationship, or as defined by the United States Food and Drug Administration. • Any controlled substance as defined by the U.S. Food and Drug Administration without first having established a patient-veterinarian relationship by having personally examined the 	§34-29-61 (15) § 34-29-76. License required for practice of veterinary medicine -- Certain acts	None found specific to telemedicine	<p>f. To provide veterinary medical services to a client or patient in this state, through telephonic, electronic, or other means, regardless of the location of the veterinarian, shall constitute the practice of veterinary medicine in this state and shall require licensure within this state and a veterinarian-client-patient relationship must be established.</p> <p>No person shall practice veterinary medicine or</p>

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			individual animal, herd or representative segment or consignment lot thereof and determined that such controlled substance is therapeutically indicated following said examination.	prohibited.		veterinary technology unless the person holds an active license to practice veterinary medicine or veterinary technology in the State of Alabama and in addition: (9) No person shall provide veterinary medical services to a client or patient in this state through telephonic, electronic, or other means, regardless of the location of the veterinarian, without a license to practice in this state and without establishing a veterinarian-client-patient relationship.
AK	None Found by 6/2015	None Found	None Found	None found specific to telemedicine	None found specific to telemedicine	None found specific to telemedicine

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**Business and Professions Code Section 4853- Registration of Place of Practice
California Code of Regulations Sections 2030-2037 – Minimum Standards**

2032.1. Veterinarian-Client-Patient Relationship.

2032.1. Veterinarian-Client-Patient Relationship.

(a) It is unprofessional conduct for a veterinarian to administer, prescribe, dispense or furnish a drug, medicine, appliance, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture or bodily injury or disease of an animal without having first established a veterinarian-client-patient relationship with the animal patient or patients and the client, except where the patient is a wild animal or the owner is unknown.

(b) A veterinarian-client-patient relationship shall be established by the following:

(1) The client has authorized the veterinarian to assume responsibility for making medical judgments regarding the health of the animal, including the need for medical treatment,

(2) The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian is personally acquainted with the care of the animal(s) by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animals are kept, and

(3) The veterinarian has assumed responsibility for making medical judgments regarding the health of the animal and has communicated with the client a course of treatment appropriate to the circumstance.

(c) A drug shall not be prescribed for a duration inconsistent with the medical condition of the animal(s) or type of drug prescribed. The veterinarian shall not prescribe a drug for a duration longer than one year from the date the veterinarian examined the animal(s) and prescribed the drug.

(d) As used herein, "drug" shall mean any controlled substance, as defined by Section 4021 of Business and Professions code, and any dangerous drug, as defined by Section 4022 of Business and Professions code.

(e) No person may practice veterinary medicine in the State except within the context of a veterinarian-client-patient relationship. A veterinarian-client-patient relationship cannot be established solely by telephonic or electronic means.



MEMORANDUM

DATE	July 19, 2017
TO	Veterinary Medical Board
FROM	Annemarie Del Mugnaio, Executive Officer
SUBJECT	Update on Registered Veterinary Technician School Reporting Pursuant to Section 2036.1, 2064, 2065.1, 2065.2, 2065.6, 2065.7, 2065.8, 2066, 2066.1, 2068.5, of Title 16 of the California Code of Regulations (CCR)

Background:

The Board discussed at its January 2016 meeting, potential amendments to CCR section 2064 that would exempt California veterinary technician schools that held American Veterinary Medical Association (AVMA) accreditation from initial Board review and approval. Legal counsel suggested staff further research for comparison the AVMA accreditation standards and Board regulations regarding veterinary technician programs approval to determine equivalency.

At the April 2016 meeting, the Board continued its discussion regarding Board approval of California AVMA veterinary technician programs including its review and comparison of AVMA and California veterinary technician program approval requirements. The Board proposed development of a Memorandum of Understand between California and the AVMA to address accreditation reporting. They also requested legal counsel consider amendments to CCR section 2064 that would remove duplicative requirements between the two standards. Since it was clear that Board approval was required for California AVMA veterinary technician program in accordance with CCR section 2064, the Board directed staff to draft a school approval application to send to all California AVMA-accredited veterinary technician programs. In May 2016, staff sent the application to the applicable programs.

By the fall of 2016, all 19 California AVMA accredited veterinary technician programs submitted their applications along with supporting documentation. Based on staff's review of the applications, a majority of the programs were in compliance with California reporting requirements and most deficiencies identified related to student disclosures and/or lack of verifiable supporting documentation. Board staff also noted areas where programs should improve their program specifications (such as adding additional clarity to externship supervision requirements in Contracts/Memorandums and ensuring student disclosures are readily available in multiple formats); Board staff offered recommendations for improvement in these areas.

Update:

Following completion of the review of the 19 California AVMA-accredited programs, staff noted that the compliance issues identified are areas the Board should continue to monitor to ensure on-going compliance. As such, staff is requesting the Board revisit the previously approved proposed regulations regarding RVT program approval to include periodic Board audits for AVMA accredited schools (see CCR Section 2065.7). The proposed amendments attempt to resolve the possibility of loss in consumer protection that could otherwise result with automatic Board-approval of AVMA-accredited RVT programs. The proposed changes also include several changes proposed by legal counsel for the sake of clarity and implementation.

Action(s) Requested

Review and discuss the attached proposed language and consider adopting the changes for noticing the proposed regulatory action for a 45-day public comment period.

Attachments:

- Proposed RVT Regulations (Track Changes) – Animal Health Care Tasks for RVT Students and RVT Program Approval - Section 2036.1, 2064, 2065.1, 2065.2, 2065.6, 2065.7, 2065.8, 2066, 2066.1, 2068.5, of Title 16 of the California Code of Regulations
- Proposed RVT Regulations (Rulemaking Text for Board Vote)

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

Adding Section 2036.1 to Article 4

§ 2036.16. RVT Student Exemption Animal Health Care Tasks for RVT Students.

(a) Notwithstanding Section 2036, Sstudents in their final year of a board-approved veterinary technology program shall be exempt from R.V.T. registration by the board while performing animal health care tasks pursuant to Section 2036, as part of the clinical portion of their studies, as long as all of the following conditions are met:

(1) ~~For the purposes of this section only, t~~The students are under the immediate supervision of a California licensed veterinarian or registered veterinary technician. As used herein, "immediate supervision" means that the veterinarian or R.V.T. establishes a ~~one-to-one~~ relationship with the student, is directly engaged with the student treating the patient, and maintains continuous physical presence during the student's treatment of the patient.

(2) If students are supervised by an R.V.T., the R.V.T. shall be under the direct supervision of the veterinarian, notwithstanding any other provision of law or regulations.

(b) As used herein, "students in their final year of a board-approved veterinary technology program," are those individuals who, in the opinion of program instructors, have knowledge and familiarity with R.V.T animal health care tasks, and have completed a sufficient portion of the classroom and clinical instruction set forth in ~~subsections subdivisions~~ (a)(1) and (a)(2) of Section 2065 ~~and or subsection-subdivision~~ (b) of Section 2065.1.

Note: Authority: Sections 4808 and 4841.1, Business and Professions Code. Reference: Sections 4808 and 4841.1, Business and Professions Code.

Article 6

§ 2064. Approval of Schools Accredited by the American Veterinary Medical Association

For purposes of section 4843 of the Code, ~~All~~all schools or degree programs fully accredited ~~accredited~~ by the American Veterinary Medical Association (AVMA) shall be deemed approved by the board to have met the minimum requirements of section 2065 ~~(a), (b), (d), and (e)~~. Such schools and degree programs shall also be exempt from the initial inspection requirements of section 2065.7(a). Re-approval inspections shall be at the discretion of the board. All other requirements of section 2065, and all other sections applicable to schools or degree programs seeking board approval, continue to apply and must be demonstrated in the school's or degree program's application for board ~~re~~-approval. Nothing in this section shall be construed to prohibit the board from disapproving or withdrawing approval from any school or degree program not complying with the requirements of this division or of any provision of the Veterinary Medicine Practice Act. Approval under this section shall automatically terminate upon loss of accreditation by the AVMA.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

2065.1. Minimum Requirements for Practical Experience and Education Equivalent Programs.

Practical Experience and Education Equivalent Programs seeking approval from the board shall meet all of the following minimum requirements:

(a) The education shall consist of a total of 20 semester units, 30 quarter units, or 300 hours of instruction. The education shall be provided by a postsecondary academic institution and shall be accumulated in the fundamentals and principles of all of the following subjects:

(1) Principles of anatomy and physiology,

(2) Biology and chemistry,

(3) Applied mathematics,

(4) Orientation to the vocation of veterinary technology,

(5) Ethics and jurisprudence in veterinary medicine, including applicable regulatory requirements,

(6) Anesthetic nursing and monitoring, including anesthetic evaluation, induction, and maintenance. It shall also include care and use of anesthetic and monitoring equipment,

(7) Animal husbandry, including restraint, species and breed identification, sex determination and sanitation,

(8) Animal nutrition and feeding,

(9) Client communication,

(10) Dental care of companion and laboratory animals, including prophylaxis and extractions,

(11) Diseases and nursing management of companion, food, and laboratory animals, including zoonoses,

(12) Emergency and critical care nursing,

(13) Laboratory procedures, ~~including to include~~ clinical biochemistry, cytology, hematology, immunology, basic microbiology, parasitology, and urine analysis testing,

(14) Imaging, ~~including to include~~ radiography, basic endoscopy, ultrasound principles, and radiation safety principles,

(15) Medical terminology,

(16) Medical office management, including medical record keeping and drug inventory control,

(17) Basic necropsy techniques, including specimen collection and handling.

(18) Pharmacology, and

(19) Surgical nursing and assisting, including instrumentation, suturing, bandaging, and splinting.

(b) ~~The directed clinical practice~~ practical experience shall consist of at least 4,416 hours, completed in no less than 24 months, of ~~directed~~ clinical practice under the direct supervision of a California- licensed veterinarian who shall attest to the completion of that experience at the time the application is made to the board for the registered veterinary technician examination. This experience shall have been completed by the applicant within five (5) years prior to the date of the examination and any subsequent re-examination for registration as a registered veterinary technician.

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(c) The ~~directed~~ clinical practice required in subsection (b) shall have provided the applicant with knowledge, skills, and abilities in the areas of communication with clients, patient examinations, emergency procedures, laboratory procedures, diagnostic imaging, surgical assisting, anesthesia, animal nursing, nutrition, dentistry, animal behavior, and pharmacology. The supervising veterinarian(s) shall complete a check list attesting to proficiency in specific skill areas within the preceding categories.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.2. -**Practical Experience and Education** Equivalent Program Criteria.

(a) Programs shall verify that students entering a program have completed 2,208 of the required 4,416 hours of directed clinical practice as defined in 2065.1 (b) within the five (5) years immediately preceding entrance into the program.

(b) The library facilities or on-line resources of the program must be adequate for the conducting of the educational program.

(c) Any equipment used for instruction shall be adequate for the purposes intended.

(d)(1) The faculty shall include a California licensed veterinarian employed by the program as an advisor, administrator, or instructor. Instructors shall include, but need not be limited, to a California registered veterinary technician. If there is any change in the faculty, the board must be immediately notified.

(2) Instructors shall be knowledgeable, ~~current~~, skillful, and possess at least two years of experience in ~~performing or~~ teaching in the specific area of instruction, or shall have two years of clinical experience in the specific area in which they are teaching. Each instructor shall ~~have~~ ~~or~~ currently be receiving training in ~~current~~ teaching methods. The program shall effectively evaluate the teaching ability of each instructor.

(3) The program shall have a director who ~~meets the requirements of subdivision (f)(2) and who shall~~ holds a current active California license as a veterinarian or registration as an registered veterinary technician. The director shall have a minimum of three years of experience as a veterinarian or registered veterinary technician. This shall include one year of experience in teaching, administration, or clinical supervision or a combination thereof within the last five

years. The director shall have completed or be receiving course work in administration.

(4) In the absence of a director, the program may appoint an interim director. The interim director shall meet the requirements of ~~(g)(3)~~ (d)(3), except that the interim director may have applied for, but not yet have received licensure or registration. The program shall not have an interim director for a period exceeding eighteen months.

(e) The number of students enrolled shall be at a ratio to the number of faculty and size of the facilities which is not detrimental to the quality of education at the institution.

(f) All students admitted shall possess a high school diploma or its equivalent.

(g) Every program shall be in compliance with the laws regulating the practice of veterinary medicine and the regulations adopted pursuant thereto.

(h) If the veterinary technology program is offered by an institution that meets the definition of Section 94858 of the Education Code, and is not otherwise exempt pursuant to Section 94874 of Education Code, the institution shall be approved by the Department of Consumer Affairs, Bureau for Private Postsecondary Education, or its successor agency, to offer the program. Programs located out of state, must be part of an institution that is accredited by a regional or national accrediting agency recognized by the United States Department of Education and have the authority to offer the program in the state of origin.

(i) The program shall have adequate resources for conducting education and training and may include Internet resources.

(j) The program shall provide each prospective student, prior to enrollment, with literature which discloses the program's pass rate for first time candidates and the state average pass rate for first time candidates on the board's registered veterinary technician examination during the two-year period immediately preceding the student's proposed enrollment and a description of the requirements for registration as a registered veterinary technician.

(k) The program shall provide each prospective veterinary technology student prior to enrollment written information regarding transferability of the units they receive in the courses that they take and shall post the information at all times in a conspicuous location at its facility so that there is ample opportunity for the veterinary technology students to read the information.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.6. School and Degree Program Approval Process.

The following procedures shall be applicable to a school or degree program applying to the board for initial approval of its registered veterinary technician curriculum in accordance with section 2065 or 2065.1 of these rules:

(a) The board shall conduct a qualitative review and assessment of the school's or degree program's registered veterinary technician curriculum through a comprehensive onsite review process, performed by an inspection team impaneled by the board for that purpose.

(b) After reviewing the inspection team's evaluation report and recommendations, the board shall take one of the following actions:

(1) Grant provisional approval for a period not to exceed two years. An additional two-year provisional approval may be granted by the board for good cause.

(2) Disapprove the application.

(c) For a school or degree program that does not have American Veterinary Medical Association (AVMA) accreditation, but offers a registered veterinary technician curriculum in accordance with section 2065 or 2065.1, the board shall not grant full approval until the curriculum has been in operation under provisional approval for at least two years and the board has determined that the curriculum is in full compliance with the provisions of section 2065 or 2065.1.

(d) For a school or degree program that has full AVMA accreditation, the board may grant full approval.

(e) For a school or degree program that has provisional or probationary AVMA accreditation, the board shall grant provisional approval on the same terms as all other schools or degree programs until such time as the AVMA grants full accreditation, at which time the board may grant the school or degree program full approval subject to compliance with section 2064.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.7. Inspections

(a) Where either provisional or full approval has been granted, the board shall conduct subsequent inspections every 4 years, notwithstanding other provisions of this section.

(b) ~~At the board's discretion,~~ the board may conduct an audit, records review, and on-site inspection of a school or degree program which offers a registered veterinary technician curriculum in accordance with section 2065 or 2065.1 at any time, including but not limited to where:

(1) It believes the school or degree program has substantially deviated from the standards for approval,

(2) For a period of two years, the approved school's or degree program's yearly average pass rate on the Veterinary Technician National Examination ~~registration examination~~ falls below 10 percentage points of the state average pass rate for first time candidates ~~for the registered veterinary technician examination.~~

(3) There has been change of director in charge of the curriculum for training registered veterinary technicians.

(c) Schools and degree programs ~~accredited~~ accredited by the American Veterinary Medical Association in accordance with section 2064 shall be exempt from the initial inspection.

~~Inspections conducted for re-approval of such schools or degree programs shall be at the discretion of the board.~~ Following initial approval, such schools and degree programs shall be subject to periodic audits, records review, and on-site inspection at the discretion of the board.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.8. Probation.

(a) The board may place a school or degree program on probation for a prescribed period of time not to exceed 2 years, in the following circumstances:

(1) The board determines that an approved school or degree program is not maintaining the standards for approval required by the board.

(2) For a period of two years the approved school's or degree program's yearly average pass rate for ~~the first time candidates who have taken the California RVT-registered veterinary technician examination and the Veterinary Technician National Examination registration examination~~ falls below 10 percentage points of the state average pass rate for first time

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candidates who have taken the registered veterinary technician examination during the same time period.

(3) The use of false or misleading advertising.

(4) Aiding or abetting in any acts that are in violation of any of the provisions of this division or any provision of the Veterinary Medicine Practice Act.

(b) During the period of probation, the school or degree program shall be subject to special monitoring. The conditions for probation may include the submission of periodic reports as prescribed by the board and special visits by authorized representatives of the board to determine progress toward total compliance.

(c) The board may extend the probationary period for good cause.

(d) The school or degree program shall notify in writing all current and prospective students and employees of the probationary status.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2066. Out of State Schools.

(a) Candidates who have completed a course of study at a school or a degree program located outside of California and accredited by the ~~American Veterinary Medical Association, AVMA~~ shall be deemed to have completed the equivalent of a two-year curriculum in veterinary technology.

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(b) Candidates seeking to apply to the board to take the exam in accordance with section 2010 and who have obtained their minimum educational requirements from a school or degree program located outside of California and not approved by the board shall demonstrate to the board, (1) that the education they have received is equivalent to educational requirements of sections 2065(a) and (b), or 2065.1(a), and, (2) that the school or degree program has been approved by a licensing body in the U.S. state, Canadian province or U.S. or Canadian territory. The burden to demonstrate educational equivalency is upon the candidate.

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Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2066.1. Unapproved In-State Schools.

No candidate who has completed his or her course of study at a school or degree program located within the state that has not sought and been granted board approval shall be permitted to take either the national or state Veterinary Technician exams ~~unless that candidate also meets the requirements of section 2068.5.~~

Comment [WT1]: This may not need any revision if the delayed implementation of 2068.5 is adopted per below.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

~~The following Section shall be inoperative upon adoption of Sections 2065.1 and 2065.2~~

Comment [WT2]: This will create a due notice problem for existing students/applicants. Instead of repeal, this should have a delayed implementation. See below.

~~2068.5. Practical Experience and Education As Equivalent Curriculum.~~

~~In lieu of a two year curriculum in animal health technology, completion of a combination of practical experience and education in compliance with the following criteria is deemed to be "the equivalent thereof as determined by the board" pursuant to Section 4841.5 of the code:~~

~~(a) The education shall consist of a total of 20 semester units, 30 quarter units, or 300 hours of instruction. The education shall be provided by a postsecondary academic institution or a qualified instructor as defined by Section 2068.5(e). The education shall be accumulated in the~~

fundamentals and principles of all of the following subjects:

~~(1) Dental prophylaxis and extraction.~~

~~(2) Anesthetic instrumentation, induction and monitoring.~~

~~(3) Surgical nursing and assisting, including instrumentation, suturing techniques, intravascular catheter placement and application of casts and splints.~~

~~(4) Radiography and radiation safety.~~

~~(5) Diseases and nursing of animals, including zoonotic diseases and emergency veterinary care.~~

~~(b) The education shall include instruction in chemistry, mathematics, biology, microbiology, anatomy and physiology, and medical terminology, or these subjects may be obtained as separate courses.~~

~~(c) All educational requirements in subsection (a) shall have been completed by the applicant within five (5) years prior to the date of the examination for registration as a registered veterinary technician.~~

~~(d) Interactive distance-learning shall be accepted if the course meets all the criteria listed in this section and the candidate achieves a documented passing score on the course final examination.~~

~~(e) The candidate shall provide the board with a syllabus or an outline for each course. The candidate shall provide documentation of attendance for each course in the form of one of the following:~~

~~(1) a certificate of attendance,~~

~~(2) an official transcript, or~~

~~(3) a letter on official stationery signed by the course instructor documenting that the candidate attended a particular course.~~

~~(f)(1) In order for education to be approved for qualification under Section 2068.5, the instructor must meet at least two of the following minimum requirements:~~

~~(A) A license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;~~

~~(B) A master's or higher degree from an educational institution in an area related to the subject matter of the course;~~

~~(C) Training, certification, or experience in teaching the subject matter of the course; or~~

~~(D) At least two years' experience in an area related to the subject matter of the course.~~

~~(2) The instructor shall provide each participant with a course syllabus or detailed outline which includes a description of the material covered.~~

~~(g) The directed clinical practice shall consist of at least 4116 hours, completed in no less than 24 months, of directed clinical practice under the direct supervision of a California-licensed veterinarian who shall attest to the completion of that experience at the time the application is made to the board for the registered veterinary technician examination. This experience shall have been completed by the applicant within five (5) years prior to the date of the examination for registration as a registered veterinary technician.~~

~~(h) The directed clinical practice required in subsection (g) shall have provided the applicant with knowledge, skills, and abilities in the areas of communication with clients, patient examinations, emergency procedures, laboratory procedures, diagnostic imaging, surgical assisting, anesthesia, animal nursing, nutrition, dentistry, animal behavior, and pharmacology. The supervising veterinarian(s) shall complete a check list attesting to proficiency in specific skill areas within the preceding categories.~~

DELAYED IMPLEMENTATION:

2068.5. Practical Experience and Education As Equivalent Curriculum.

Until July 1, 2020, ~~in~~ in lieu of a two year curriculum in animal health technology, completion of a combination of practical experience and education in compliance with the following criteria is deemed to be "the equivalent thereof as determined by the board" pursuant to Section 4841.5 of the code:

(a) The education shall consist of a total of 20 semester units, 30 quarter units, or 300 hours of instruction. The education shall be provided by a postsecondary academic institution or a qualified instructor as defined by Section 2068.5(e). The education shall be accumulated in the fundamentals and principles of all of the following subjects:

(1) Dental prophylaxis and extraction.

(2) Anesthetic instrumentation, induction and monitoring.

(3) Surgical nursing and assisting, including instrumentation, suturing techniques, intravascular catheter placement and application of casts and splints.

(4) Radiography and radiation safety.

(5) Diseases and nursing of animals, including zoonotic diseases and emergency veterinary care.

(b) The education shall include instruction in chemistry, mathematics, biology, microbiology, anatomy and physiology, and medical terminology, or these subjects may be obtained as separate courses.

(c) All educational requirements in subsection (a) shall have been completed by the applicant within five (5) years prior to the date of the examination for registration as a registered veterinary technician.

(d) Interactive distance-learning shall be accepted if the course meets all the criteria listed in this section and the candidate achieves a documented passing score on the course final examination.

(e) The candidate shall provide the board with a syllabus or an outline for each course. The candidate shall provide documentation of attendance for each course in the form of one of the following:

(1) a certificate of attendance,

(2) an official transcript, or

(3) a letter on official stationery signed by the course instructor documenting that the candidate attended a particular course.

(f)(1) In order for education to be approved for qualification under Section 2068.5, the instructor must meet at least two of the following minimum requirements:

(A) A license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;

(B) A master's or higher degree from an educational institution in an area related to the subject matter of the course;

(C) Training, certification, or experience in teaching the subject matter of the course; or

(D) At least two years' experience in an area related to the subject matter of the course.

(2) The instructor shall provide each participant with a course syllabus or detailed outline which includes a description of the material covered.

(g) The directed clinical practice shall consist of at least 4416 hours, completed in no less than 24 months, of directed clinical practice under the direct supervision of a California-licensed veterinarian who shall attest to the completion of that experience at the time the application is made to the board for the registered veterinary technician examination. This experience shall have been completed by the applicant within five (5) years prior to the date of the examination for registration as a registered veterinary technician.

(h) The directed clinical practice required in subsection (g) shall have provided the applicant with knowledge, skills, and abilities in the areas of communication with clients, patient examinations, emergency procedures, laboratory procedures, diagnostic imaging, surgical assisting, anesthesia, animal nursing, nutrition, dentistry, animal behavior, and pharmacology. The supervising veterinarian(s) shall complete a check list attesting to proficiency in specific skill areas within the preceding categories.

(i) On or after July 1, 2020, completion of a combination of practical experience and education as equivalent curriculum shall be obtained through a Practical Experience and Education Equivalent Program that is in compliance with Section 2065.1.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

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

Add Section 2036.1 to Article 4 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

§ 2036.1. Animal Health Care Tasks for RVT Students.

(a) Notwithstanding Section 2036, students in their final year of a board-approved veterinary technology program shall be exempt from R.V.T. registration by the board while performing animal health care tasks pursuant to Section 2036, as part of the clinical portion of their studies, as long as all of the following conditions are met:

(1) The students are under the immediate supervision of a California licensed veterinarian or registered veterinary technician. As used herein, "immediate supervision" means that the veterinarian or R.V.T. establishes a one-to-one relationship with the student, is directly engaged with the student treating the patient, and maintains continuous physical presence during the student's treatment of the patient.

(2) If students are supervised by an R.V.T., the R.V.T. shall be under the direct supervision of the veterinarian, notwithstanding any other provision of law or regulations.

(b) As used herein, "students in their final year of a board-approved veterinary technology program," are those individuals who, in the opinion of program instructors, have knowledge and familiarity with R.V.T animal health care tasks, and have completed a sufficient portion of the classroom and clinical instruction set forth in subdivisions (a)(1) and (a)(2) of Section 2065 or subdivision (b) of Section 2065.1.

Note: Authority: Sections 4808 and 4841.1, Business and Professions Code. Reference: Sections 4808 and 4841.1, Business and Professions Code.

Add Sections 2065.1 and 2065.2, and amend Sections 2064, 2065.6, 2065.7, 2065.8, 2066, 2066.1, and 2068.5 of Article 6 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

§ 2064. Approval of Schools Accredited by the American Veterinary Medical Association

For purposes of section 4843 of the Code, All-all schools or degree programs fully accredited accredited by the American Veterinary Medical Association (AVMA) shall be deemed approved by the board to have met the minimum requirements of section 2065. ~~(a), (b), (d), and (e)~~. Such schools and degree programs shall also be exempt from the initial inspection requirements of section 2065.7(a). Re-approval inspections shall be at the discretion of the board. All other requirements of section 2065, and all other sections applicable to schools or degree programs seeking board approval, continue to apply and must be demonstrated in the school's or degree program's application for board re-approval. Nothing in this section shall be construed to prohibit the board from disapproving or withdrawing approval from any school or degree program not complying with the requirements of this division or of any provision of the Veterinary Medicine Practice Act. Approval under this section shall automatically terminate upon loss of accreditation by the AVMA.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

2065.1. Minimum Requirements for Practical Experience and Education Equivalent Programs.

Practical Experience and Education Equivalent Programs seeking approval from the board shall meet all of the following minimum requirements:

(a) The education shall consist of a total of 20 semester units, 30 quarter units, or 300 hours of instruction. The education shall be provided by a postsecondary academic institution and shall be accumulated in the fundamentals and principles of all of the following subjects:

(1) Principles of anatomy and physiology,

(2) Biology and chemistry,

(3) Applied mathematics,

(4) Orientation to the vocation of veterinary technology,

(5) Ethics and jurisprudence in veterinary medicine, including applicable regulatory requirements,

(6) Anesthetic nursing and monitoring, including anesthetic evaluation, induction, and maintenance. It shall also include care and use of anesthetic and monitoring equipment,

(7) Animal husbandry, including restraint, species and breed identification, sex determination and sanitation,

(8) Animal nutrition and feeding,

(9) Client communication,

(10) Dental care of companion and laboratory animals, including prophylaxis and extractions,

(11) Diseases and nursing management of companion, food, and laboratory animals, including zoonoses,

(12) Emergency and critical care nursing,

(13) Laboratory procedures, including clinical biochemistry, cytology, hematology, immunology, basic microbiology, parasitology, and urine analysis testing,

(14) Imaging, including radiography, basic endoscopy, ultrasound principles, and radiation safety principles,

(15) Medical terminology,

(16) Medical office management, including medical record keeping and drug inventory control,

(17) Basic necropsy techniques, including specimen collection and handling.

(18) Pharmacology, and

(19) Surgical nursing and assisting, including instrumentation, suturing, bandaging, and splinting.

(b) Practical experience shall consist of at least 4,416 hours, completed in no less than 24 months, under the direct supervision of a California licensed veterinarian who shall attest to the completion of that experience at the time the application is made to the board for the registered veterinary technician examination. This experience shall have been completed by the applicant within five (5) years prior to the date of the examination and any subsequent re-examination for registration as a registered veterinary technician.

(c) The directed clinical practice required in subsection (b) shall have provided the applicant with knowledge, skills, and abilities in the areas of communication with clients, patient examinations, emergency procedures, laboratory procedures, diagnostic imaging, surgical assisting, anesthesia, animal nursing, nutrition, dentistry, animal behavior, and pharmacology. The supervising veterinarian(s) shall complete a check list attesting to proficiency in specific skill areas within the preceding categories.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.2. Practical Experience and Education Equivalent Program Criteria.

(a) Programs shall verify that students entering a program have completed 2,208 of the required 4,416 hours of directed clinical practice as defined in 2065.1 (b) within the five (5) years immediately preceding entrance into the program.

(b) The library facilities or on-line resources of the program must be adequate for the conducting of the educational program.

(c) Any equipment used for instruction shall be adequate for the purposes intended.

(d)(1) The faculty shall include a California licensed veterinarian employed by the program as an advisor, administrator, or instructor. Instructors shall include, but need not be limited, to a California registered veterinary technician. If there is any change in the faculty, the board must be immediately notified.

(2) Instructors shall be knowledgeable, skillful, and possess at least two years of experience in teaching in the specific area of instruction, or shall have two years of clinical experience in the specific area in which they are teaching. Each instructor shall currently be receiving training in teaching methods. The program shall effectively evaluate the teaching ability of each instructor.

(3) The program shall have a director who holds a current active California license as a veterinarian or registration as a registered veterinary technician. The director shall have a minimum of three years of experience as a veterinarian or registered veterinary technician. This shall include one year of experience in teaching, administration, or clinical supervision or a combination thereof within the last five years. The director shall have completed or be receiving course work in administration.

(4) In the absence of a director, the program may appoint an interim director. The interim director shall meet the requirements of (d)(3), except that the interim director may have applied for, but not yet have received licensure or registration. The program shall not have an interim director for a period exceeding eighteen months.

(e) The number of students enrolled shall be at a ratio to the number of faculty and size of the facilities which is not detrimental to the quality of education at the institution.

(f) All students admitted shall possess a high school diploma or its equivalent.

(g) Every program shall be in compliance with the laws regulating the practice of veterinary medicine and the regulations adopted pursuant thereto.

(h) If the veterinary technology program is offered by an institution that meets the definition of Section 94858 of the Education Code, and is not otherwise exempt pursuant to Section 94874 of Education Code, the institution shall be approved by the Department of Consumer Affairs, Bureau for Private Postsecondary Education, or its successor agency, to offer the program. Programs located out of state, must be part of an institution that is accredited by a regional or national accrediting agency recognized by the United States Department of Education and have the authority to offer the program in the state of origin.

(i) The program shall have adequate resources for conducting education and training and may include Internet resources.

(j) The program shall provide each prospective student, prior to enrollment, with literature which discloses the program's pass rate for first time candidates and the state average pass rate for first time candidates on the board's registered veterinary technician examination during the two-year period immediately preceding the student's proposed enrollment and a description of the requirements for registration as a registered veterinary technician.

(k) The program shall provide each prospective veterinary technology student prior to enrollment written information regarding transferability of the units they receive in the courses that they take and shall post the information at all times in a conspicuous location at its facility so that there is ample opportunity for the veterinary technology students to read the information.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.6. School and Degree Program Approval Process.

The following procedures shall be applicable to a school or degree program applying to the board for initial approval of its registered veterinary technician curriculum in accordance with section 2065 or 2065.1 of these rules:

(a) The board shall conduct a qualitative review and assessment of the school's or degree program's registered veterinary technician curriculum through a comprehensive onsite review process, performed by an inspection team impaneled by the board for that purpose.

(b) After reviewing the inspection team's evaluation report and recommendations, the board shall take one of the following actions:

(1) Grant provisional approval for a period not to exceed two years. An additional two-year provisional approval may be granted by the board for good cause.

(2) Disapprove the application.

(c) For a school or degree program that does not have American Veterinary Medical Association (AVMA) accreditation, but offers a registered veterinary technician curriculum in accordance with section 2065 or 2065.1, the board shall not grant full approval until the curriculum has been in operation under provisional approval for at least two years and the board has determined that the curriculum is in full compliance with the provisions of section 2065 or 2065.1.

(d) For a school or degree program that has full AVMA accreditation, the board may grant full approval.

(e) For a school or degree program that has provisional or probationary AVMA accreditation, the board shall grant provisional approval on the same terms as all other schools or degree programs until such time as the AVMA grants full accreditation, at which time the board may grant the school or degree program full approval subject to compliance with section 2064.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.7. Inspections

(a) Where either provisional or full approval has been granted, the board shall conduct subsequent inspections every 4 years, notwithstanding other provisions of this section.

(b) At the board's discretion, ~~the~~ the board may conduct an audit, records review, and on-site inspection of a school or degree program which offers a registered veterinary technician curriculum in accordance with section 2065 or 2065.1 at any time, including but not limited to where:

(1) It believes the school or degree program has substantially deviated from the standards for approval,

(2) For a period of two years, the approved school's or degree program's yearly average pass rate on the Veterinary Technician National Examination ~~registration examination~~ falls below 10 percentage points of the state average pass rate for first time candidates ~~for the registered veterinary technician examination.~~

(3) There has been change of director in charge of the curriculum for training registered veterinary technicians.

(c) Schools and degree programs ~~accredited~~ accredited by the American Veterinary Medical Association in accordance with section 2064 shall be exempt from the initial inspection.

~~Inspections conducted for re-approval of such schools or degree programs shall be at the discretion of the board.~~ Following initial approval, such schools and degree programs shall be subject to periodic audits, records review, and on-site inspection at the discretion of the board.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.8. Probation.

(a) The board may place a school or degree program on probation for a prescribed period of time not to exceed 2 years, in the following circumstances:

(1) The board determines that an approved school or degree program is not maintaining the standards for approval required by the board.

(2) For a period of two years, the approved school's or degree program's yearly average pass rate for ~~the first time candidates who have taken the California registered veterinary technician examination and the Veterinary Technician National Examination~~ registration examination falls

below 10 percentage points of the state average pass rate for first time candidates who have taken the registered veterinary technician examination during the same time period.

(3) The use of false or misleading advertising.

(4) Aiding or abetting in any acts that are in violation of any of the provisions of this division or any provision of the Veterinary Medicine Practice Act.

(b) During the period of probation, the school or degree program shall be subject to special monitoring. The conditions for probation may include the submission of periodic reports as prescribed by the board and special visits by authorized representatives of the board to determine progress toward total compliance.

(c) The board may extend the probationary period for good cause.

(d) The school or degree program shall notify in writing all current and prospective students and employees of the probationary status.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2066. Out of State Schools.

(a) Candidates who have completed a course of study at a school or a degree program located outside of California and accredited by the American Veterinary Medical Association AVMA shall be deemed to have completed the equivalent of a two-year curriculum in veterinary technology.

(b) Candidates seeking to apply to the board to take the exam in accordance with section 2010 and who have obtained their minimum educational requirements from a school or degree program located outside of California and not approved by the board shall demonstrate to the board, (1) that the education they have received is equivalent to educational requirements of sections 2065(a) and (b) or 2065.1(a), and, (2) that the school or degree program has been approved by a licensing body in the U.S. state, Canadian province or U.S. or Canadian territory. The burden to demonstrate educational equivalency is upon the candidate.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2066.1. Unapproved In-State Schools.

No candidate who has completed his or her course of study at a school or degree program located within the state that has not sought and been granted board approval shall be permitted to take either the national or state Veterinary Technician exams ~~unless that candidate also meets the requirements of section 2068.5.~~

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

Comment [WT1]: This may not need any revision if the delayed implementation of 2068.5 is adopted per below.

The following Section shall be inoperative upon adoption of Sections 2065.1 and 2065.2

Comment [WT2]: This will create a due notice problem for existing students/applicants. Instead of repeal, this should have a delayed implementation. See below.

~~2068.5. Practical Experience and Education As Equivalent Curriculum.~~

~~In lieu of a two year curriculum in animal health technology, completion of a combination of practical experience and education in compliance with the following criteria is deemed to be "the equivalent thereof as determined by the board" pursuant to Section 4841.5 of the code:~~

~~(a) The education shall consist of a total of 20 semester units, 30 quarter units, or 300 hours of instruction. The education shall be provided by a postsecondary academic institution or a qualified instructor as defined by Section 2068.5(e). The education shall be accumulated in the~~

fundamentals and principles of all of the following subjects:

~~(1) Dental prophylaxis and extraction.~~

~~(2) Anesthetic instrumentation, induction and monitoring.~~

~~(3) Surgical nursing and assisting, including instrumentation, suturing techniques, intravascular catheter placement and application of casts and splints.~~

~~(4) Radiography and radiation safety.~~

~~(5) Diseases and nursing of animals, including zoonotic diseases and emergency veterinary care.~~

~~(b) The education shall include instruction in chemistry, mathematics, biology, microbiology, anatomy and physiology, and medical terminology, or these subjects may be obtained as separate courses.~~

~~(c) All educational requirements in subsection (a) shall have been completed by the applicant within five (5) years prior to the date of the examination for registration as a registered veterinary technician.~~

~~(d) Interactive distance learning shall be accepted if the course meets all the criteria listed in this section and the candidate achieves a documented passing score on the course final examination.~~

~~(e) The candidate shall provide the board with a syllabus or an outline for each course. The candidate shall provide documentation of attendance for each course in the form of one of the following:~~

~~(1) a certificate of attendance,~~

~~(2) an official transcript, or~~

~~(3) a letter on official stationery signed by the course instructor documenting that the candidate attended a particular course.~~

~~(f)(1) In order for education to be approved for qualification under Section 2068.5, the instructor must meet at least two of the following minimum requirements:~~

~~(A) A license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;~~

~~(B) A master's or higher degree from an educational institution in an area related to the subject matter of the course;~~

~~(C) Training, certification, or experience in teaching the subject matter of the course; or~~

~~(D) At least two years' experience in an area related to the subject matter of the course.~~

~~(2) The instructor shall provide each participant with a course syllabus or detailed outline which includes a description of the material covered.~~

~~(g) The directed clinical practice shall consist of at least 4116 hours, completed in no less than 24 months, of directed clinical practice under the direct supervision of a California-licensed veterinarian who shall attest to the completion of that experience at the time the application is made to the board for the registered veterinary technician examination. This experience shall have been completed by the applicant within five (5) years prior to the date of the examination for registration as a registered veterinary technician.~~

~~(h) The directed clinical practice required in subsection (g) shall have provided the applicant with knowledge, skills, and abilities in the areas of communication with clients, patient examinations, emergency procedures, laboratory procedures, diagnostic imaging, surgical assisting, anesthesia, animal nursing, nutrition, dentistry, animal behavior, and pharmacology. The supervising veterinarian(s) shall complete a check list attesting to proficiency in specific skill areas within the preceding categories.~~

DELAYED IMPLEMENTATION:

2068.5. Practical Experience and Education As Equivalent Curriculum.

Until July 1, 2020, in lieu of a two year curriculum in animal health technology, completion of a combination of practical experience and education in compliance with the following criteria is deemed to be "the equivalent thereof as determined by the board" pursuant to Section 4841.5 of the code:

(a) The education shall consist of a total of 20 semester units, 30 quarter units, or 300 hours of instruction. The education shall be provided by a postsecondary academic institution or a qualified instructor as defined by Section 2068.5(e). The education shall be accumulated in the fundamentals and principles of all of the following subjects:

(1) Dental prophylaxis and extraction.

(2) Anesthetic instrumentation, induction and monitoring.

(3) Surgical nursing and assisting, including instrumentation, suturing techniques, intravascular catheter placement and application of casts and splints.

(4) Radiography and radiation safety.

(5) Diseases and nursing of animals, including zoonotic diseases and emergency veterinary care.

(b) The education shall include instruction in chemistry, mathematics, biology, microbiology, anatomy and physiology, and medical terminology, or these subjects may be obtained as separate courses.

(c) All educational requirements in subsection (a) shall have been completed by the applicant within five (5) years prior to the date of the examination for registration as a registered veterinary technician.

(d) Interactive distance-learning shall be accepted if the course meets all the criteria listed in this section and the candidate achieves a documented passing score on the course final examination.

(e) The candidate shall provide the board with a syllabus or an outline for each course. The candidate shall provide documentation of attendance for each course in the form of one of the following:

(1) a certificate of attendance,

(2) an official transcript, or

(3) a letter on official stationery signed by the course instructor documenting that the candidate attended a particular course.

(f)(1) In order for education to be approved for qualification under Section 2068.5, the instructor must meet at least two of the following minimum requirements:

(A) A license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;

(B) A master's or higher degree from an educational institution in an area related to the subject matter of the course;

(C) Training, certification, or experience in teaching the subject matter of the course; or

(D) At least two years' experience in an area related to the subject matter of the course.

(2) The instructor shall provide each participant with a course syllabus or detailed outline which includes a description of the material covered.

(g) The directed clinical practice shall consist of at least 4416 hours, completed in no less than 24 months, of directed clinical practice under the direct supervision of a California-licensed veterinarian who shall attest to the completion of that experience at the time the application is made to the board for the registered veterinary technician examination. This experience shall have been completed by the applicant within five (5) years prior to the date of the examination for registration as a registered veterinary technician.

(h) The directed clinical practice required in subsection (g) shall have provided the applicant with knowledge, skills, and abilities in the areas of communication with clients, patient examinations, emergency procedures, laboratory procedures, diagnostic imaging, surgical assisting, anesthesia, animal nursing, nutrition, dentistry, animal behavior, and pharmacology. The supervising veterinarian(s) shall complete a check list attesting to proficiency in specific skill areas within the preceding categories.

(i) On or after July 1, 2020, completion of a combination of practical experience and education as equivalent curriculum shall be obtained through a Practical Experience and Education Equivalent Program that is in compliance with Section 2065.1.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065. Minimum Requirements for Approved Schools or Degree Programs.

Schools or degree programs seeking approval from the board shall meet all of the following minimum requirements:

(a) The curriculum shall consist of:

- (1) a minimum of 600 hours of classroom instruction,
- (2) a minimum of 200 hours of clinical instruction, and
- (3) an externship consisting of at least 200 hours.

(b) The curriculum shall cover applicable safety training in all coursework. Coursework shall include the following:

- (1) Principles of anatomy and physiology,
- (2) Biology and chemistry,
- (3) Applied mathematics,
- (4) Orientation to the vocation of veterinary technology,
- (5) Ethics and jurisprudence in veterinary medicine including applicable regulatory requirements,
- (6) Anesthetic nursing and monitoring including anesthetic evaluation, induction, and maintenance. It shall also include care and use of anesthetic and monitoring equipment,
- (7) Animal husbandry, including restraint, species and breed identification, sex determination and sanitation,
- (8) Animal nutrition and feeding,
- (9) Client communication,
- (10) Dental care of companion and laboratory animals including prophylaxis and extractions,
- (11) Diseases and nursing management of companion, food, and laboratory animals including zoonoses,
- (12) Emergency and critical care nursing,
- (13) Laboratory procedures to include clinical biochemistry, cytology, hematology, immunology, basic microbiology, parasitology, and urine analysis testing,
- (14) Imaging to include radiography, basic endoscopy, ultrasound principles, and radiation safety principles,
- (15) Medical terminology,
- (16) Medical office management including medical record keeping and drug control,
- (17) Basic necropsy techniques including specimen collection and handling,
- (18) Pharmacology, and
- (19) Surgical nursing and assisting including instrumentation, suturing, bandaging and splinting.

(c) Each student shall be supervised during the externship or clinical rotation by a veterinarian or registered veterinary technician who is located at the site of the externship or clinical rotation. The school or degree program shall have a written agreement with the site that specifies the expectations and responsibility of the parties. A staff member of the school or degree program shall visit the site prior to beginning the externship or clinical rotation relationship and at least once annually following the initial inspection.

(d) The library facilities of the school or degree program must be adequate for the conducting of the educational program.

(e) The physical plant and equipment used for instruction in the academic teaching shall be adequate for the purposes intended.

(f)(1) The faculty shall include a California licensed veterinarian employed by the school or degree program as an advisor, administrator, or instructor. Instructors shall include, but need not be limited to a California registered veterinary technician. If there is any change in the faculty, the board must be immediately notified.

(2) Instructors shall be knowledgeable, current, skillful, and possess at least two years of experience in performing or teaching in the specialized area in which they are teaching. Each

instructor shall have or currently be receiving training in current teaching methods. The school or degree program shall effectively evaluate the teaching ability of each instructor.

(3) The school or degree program shall have a director who meets the requirements of subdivision (f)(2) and who shall hold a current active California license as a veterinarian or registration as an RVT. The director shall have a minimum of three years experience as a veterinarian or RVT. This shall include one year of experience in teaching, administration, or clinical supervision or a combination thereof within the last five years. The director shall have completed or be receiving course work in administration.

(4) In the absence of a director, the school or degree program may appoint an interim director. The interim director shall meet the requirements of (f)(3), except that the interim director may have applied for, but not yet have received licensure or registration. The school or degree program shall not have an interim director for a period exceeding eighteen months.

(g) The number of students enrolled shall be at a ratio to the number of faculty and size of the facilities which is not detrimental to the quality of education. When animal patients are used as part of the curriculum the ratio shall be adequate to protect the health and safety of the animal patients and the students, taking into consideration the species of animal being treated.

(h) All students admitted shall possess a high school diploma or its equivalent.

(i) The school or degree program shall be part of an institution that is approved by the Department of Consumer Affairs, Bureau for Private Postsecondary Education, or its successor agency, or accredited by a regional or national accrediting agency recognized by the United States Department of Education.

(j) Every school or degree program shall be in compliance with the laws regulating the practice of veterinary medicine and the regulations adopted pursuant thereto.

(k) Any instruction covered under subsection (a)(3) shall be in a facility that is in compliance with registration requirements of Business and Professions Code section 4853.

(l) The schools or degree programs shall provide each prospective student, prior to enrollment, with literature which discloses the school's or degree program's pass rate for first time candidates and the state average pass rate for first time candidates on the board's registered veterinary technician examination during the two-year period immediately preceding the student's proposed enrollment and a description of the requirements for registration as a registered veterinary technician.

(m) The schools or degree programs shall provide each prospective veterinary technology student prior to enrollment written information regarding transferability of the units they receive in the courses that they take and shall post the information at all times in a conspicuous location at its facility so that there is ample opportunity for the veterinary technology students to read the information.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4830, 4841.5, 4843 and 4853, Business and Professions Code.

§ 2065.5. School or Degree Program Approval.

(a) A school or degree program seeking board approval of its registered veterinary technician curriculum and facilities shall submit an application to the board on a form provided by the board.

(b) When the application for approval or re-approval of a registered veterinary technician curriculum includes an onsite inspection by the board or its designee, the school or degree program shall pay for the board's actual costs associated with conducting the onsite inspection, including, but not limited to, the inspection team's travel, food and lodging expenses.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5, 4842.5 and 4843, Business and Professions Code.

§ 2065.8.1. Withdrawal of Approval.

The board may withdraw its approval of any school or degree program in the following circumstances:

- (a) The employment of fraud, misrepresentation, or deception in obtaining approval.
- (b) If, at the end of a probationary period, the school or degree program has not eliminated the cause or causes for its probation to the satisfaction of the board.
- (c) The board determines that the school or degree program has engaged in activities that are a danger to the health and safety of its students, staff, or animals.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.8.2. Procedures for Probation or Withdrawal of Approval.

Prior to taking any action to place a school or degree program on probation or withdrawing of the board's approval, the board shall provide the school or degree program due notice and an opportunity to be heard.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.8.3. Director Notification.

(a) Every approved school or degree program shall be required to notify the board in writing of the departure of the director or interim director within 15 working days, and shall notify the board in writing of the appointment of any director or interim director within 15 working days.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.9. Reporting

Every school or degree program shall be required to submit to the board within sixty (60) days after the close of the school's or degree program's fiscal year a current course catalog with a letter outlining the following:

- (1) Any courses added/deleted or significantly changed from the previous year's curriculum;
- (2) Any changes in faculty, administration, or governing body; and
- (3) Any major change in the school's or degree program's facility.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

BUSINESS AND PROFESSIONS CODE
Chapter 11
Veterinary Medicine

§ 4836.2. Veterinary Assistant Controlled Substances Permit

...(b) The fee for filing an application for a veterinary assistant controlled substance permit shall be set by the board in an amount the board determines is reasonably necessary to provide sufficient funds to carry out the purposes of this section, not to exceed one hundred dollars (\$100)...

§ 4836.3. Veterinary Assistant Controlled Substances Permit

...(d) The fee for filing an application for a renewal of a veterinary assistant controlled substance permit shall be set by the board in an amount the board determines is reasonably necessary to provide sufficient funds to carry out the purposes of this section, not to exceed fifty dollars (\$50)...

§ 4842.5. Fee schedule

The amount of fees prescribed by this article is that fixed by the following schedule:

(a) The fee for filing an application for examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purposes of this chapter, not to exceed three hundred fifty dollars (\$350).

(b) The fee for the California registered veterinary technician examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purposes of this chapter, not to exceed three hundred dollars (\$300).

(c) The initial registration fee shall be set by the board at not more than three hundred fifty dollars (\$350), except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be set by the board at not more than one hundred seventy-five dollars (\$175). The board may adopt regulations to provide for the waiver or refund of the initial registration fee where the registration is issued less than 45 days before the date on which it will expire.

(d) The biennial renewal fee shall be set by the board at not more than three hundred fifty dollars (\$350).

(e) The delinquency fee shall be set by the board at not more than fifty dollars (\$50).

(f) Any charge made for duplication or other services shall be set at the cost of rendering the services.

(g) The fee for filing an application for approval of a school or institution offering a curriculum for training registered veterinary technicians pursuant to Section 4843 shall be set by the board at an amount not to exceed three hundred dollars (\$300). The school or institution shall also pay for the actual costs of an onsite inspection conducted by the board pursuant to Section 2065.6 of Title 16 of the California Code of Regulations, including, but not limited to, the travel, food, and lodging expenses incurred by an inspection team sent by the board.

(h) The fee for failure to report a change in the mailing address is twenty-five dollars (\$25).

§ 4873. Program registration fees

The board shall charge each veterinarian and registered veterinary technician who is accepted to participate in the diversion program a diversion program registration fee. The diversion program registration fee shall be set by the board in an amount not to exceed four thousand dollars (\$4,000). In the event that the diversion program registration exceeds five hundred dollars (\$500), the board may provide for quarterly payments.

§ 4905. Fee schedule

The following fees shall be collected by the board and shall be credited to the Veterinary Medical Board Contingent Fund:

(a) The fee for filing an application for examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars (\$350).

(b) The fee for the California state board examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars (\$350).

(c) The fee for the Veterinary Medicine Practice Act examination shall be set by the board in an amount it determines reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed one hundred dollars (\$100).

(d) The initial license fee shall be set by the board not to exceed five hundred dollars (\$500) except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be set by the board at not to exceed two hundred fifty dollars (\$250). The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(e) The renewal fee shall be set by the board for each biennial renewal period in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed five hundred dollars (\$500).

(f) The temporary license fee shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed two hundred fifty dollars (\$250).

(g) The delinquency fee shall be set by the board, not to exceed fifty dollars (\$50).

(h) The fee for issuance of a duplicate license is twenty-five dollars (\$25).

(i) Any charge made for duplication or other services shall be set at the cost of rendering the service, except as specified in subdivision (h).

(j) The fee for failure to report a change in the mailing address is twenty-five dollars (\$25).

(k) The initial and annual renewal fees for registration of veterinary premises shall be set by the board in an amount not to exceed four hundred dollars (\$400) annually.

(l) If the money transferred from the Veterinary Medical Board Contingent Fund to the General Fund pursuant to the Budget Act of 1991 is redeposited into the Veterinary Medical Board Contingent Fund, the fees assessed by the board shall be reduced correspondingly. However, the reduction shall not be so great as to cause the Veterinary Medical Board Contingent Fund to have a reserve of less than three months of annual authorized board expenditures. The fees set by the board shall not result in a Veterinary Medical Board Contingent Fund reserve of more than 10 months of annual authorized board expenditures.

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
Division 20. Veterinary Medical Board

Proposed_1

§ 2070. Registration and Renewal Fees for Veterinarians.

Pursuant to the provisions of Section 4905 of the code, the following fees are fixed by the board for licensing periods beginning on or after ~~March 1, 2012~~TBD:

- (a) The application eligibility review fee for all examinations shall be ~~\$150.00~~\$125.00.
- (b) The fee for the California state board examination shall be ~~\$200.00~~\$235.00.
- (c) The fee for the veterinary law examination shall be \$100.00.
- (d) The initial license fee for licenses issued for one year or more from the date on which they will expire shall be ~~\$290.00~~\$350.00. ~~The initial license fee for licenses issued for less than one year shall be \$145.00.~~
- (e) The biennial renewal fee shall be ~~\$290.00~~\$350.00.
- (f) The fee for a temporary license shall be ~~\$150.00~~\$175.00.
- (g) The initial fee for registration of a veterinary premises shall be ~~\$200.00~~\$350.00.
- (h) The annual renewal fee for registration of a veterinary premises shall be ~~\$200.00~~\$350.00.
- (i) The fee for the Board's Diversion Program shall be \$2,000 per participant.
- (j) The delinquency fee shall be ~~\$25.00~~\$35.00.

§ 2071. Application, Registration and Renewal Fees for Registered Veterinary Technicians.

Pursuant to the provisions of Section 4842.5 of the code, the following fees are fixed by the board for licensing periods beginning on or after ~~March 1, 2012~~TBD:

- (a) The application eligibility review fee shall be ~~\$125.00~~\$150.00.
- (b) The fee for the registered California veterinary technician examination shall be ~~\$175.00~~\$200.00.
- (c) The initial registration fee for registrations issued for one year or more from the date on which it will expire shall be ~~\$140.00~~\$160.00. ~~The initial registration fee for registrations issued for less than one year shall be \$70.00.~~
- (d) The biennial renewal fee shall be ~~\$140.00~~\$160.00.
- (e) The delinquency fee shall be ~~\$25.00~~\$35.00.

Proposed_2a and 2b

§ 2070. Registration and Renewal Fees for Veterinarians.

Pursuant to the provisions of Section 4905 of the code, the following fees are fixed by the board for licensing periods beginning on or after ~~March 1, 2012~~TBD:

- (a) The application eligibility review fee for all examinations shall be ~~\$137.50~~\$125.00.
- (b) The fee for the California state board examination shall be ~~\$200.00~~\$217.50.
- (c) The fee for the veterinary law examination shall be \$100.00.
- (d) The initial license fee for licenses issued for one year or more from the date on which they will expire shall be ~~\$290.00~~\$320.00. ~~The initial license fee for licenses issued for less than one year shall be \$145.00.~~
- (e) The biennial renewal fee shall be ~~\$290.00~~\$320.00.
- (f) The fee for a temporary license shall be ~~\$150.00~~\$162.50.
- (g) The initial fee for registration of a veterinary premises shall be ~~\$200.00~~\$275.00.
- (h) The annual renewal fee for registration of a veterinary premises shall be ~~\$200.00~~\$275.00.
- (i) The fee for the Board's Diversion Program shall be \$2,000 per participant.
- (j) The delinquency fee shall be ~~\$25.00~~\$30.00.
- (k) This section shall become inoperative on the date section 2070.1 becomes operative.

§ 2070.1 Registration and Renewal Fees for Veterinarians.

Pursuant to the provisions of Section 4905 of the code, the following fees are fixed by the board for licensing periods beginning on or after ~~March 1, 2012~~TBD:

- (a) The application eligibility review fee for all examinations shall be ~~\$150.00~~\$125.00.
- (b) The fee for the California state board examination shall be ~~\$200.00~~\$235.00.
- (c) The fee for the veterinary law examination shall be \$100.00.
- (d) The initial license fee for licenses issued for one year or more from the date on which they will expire shall be ~~\$290.00~~\$350.00. ~~The initial license fee for licenses issued for less than one year shall be \$145.00.~~
- (e) The biennial renewal fee shall be ~~\$290.00~~\$350.00.
- (f) The fee for a temporary license shall be ~~\$150.00~~\$175.00.
- (g) The initial fee for registration of a veterinary premises shall be ~~\$200.00~~\$350.00.
- (h) The annual renewal fee for registration of a veterinary premises shall be ~~\$200.00~~\$350.00.
- (i) The fee for the Board's Diversion Program shall be \$2,000 per participant.
- (j) The delinquency fee shall be ~~\$25.00~~\$35.00.

§ 2071. Application, Registration and Renewal Fees for Registered Veterinary Technicians.

Pursuant to the provisions of Section 4842.5 of the code, the following fees are fixed by the board for licensing periods beginning on or after ~~March 1, 2012~~TBD:

- (a) The application eligibility review fee shall be ~~\$125.00~~\$135.00.
- (b) The fee for the registered California veterinary technician examination shall be ~~\$175.00~~\$187.50.
- (c) The initial registration fee for registrations issued for one year or more from the date on which it will expire shall be ~~\$140.00~~\$150.00. ~~The initial registration fee for registrations issued for less than one year shall be \$70.00.~~
- (d) The biennial renewal fee shall be ~~\$140.00~~\$150.00.
- (e) The delinquency fee shall be ~~\$25.00~~\$30.00.
- (f) This section shall become inoperative on the date section 2071.2 becomes operative.

§ 2071.1. Application, Permit, and Renewal Fees for Veterinary Assistant Controlled Substance Permits.

Pursuant to the provisions of Section 4836.2 of the code, the following fees are fixed by the board:

- (a) The application fee for the veterinary assistant controlled substance permit shall be \$50.00.
- (b) The initial VACSP fee for VACSPs issued for one year or more from the date the initial VACSP is granted shall be \$50.00.
- (c) The biennial renewal fee shall be \$50.00.

§ 2071.2 Application, Registration and Renewal Fees for Registered Veterinary Technicians.

Pursuant to the provisions of Section 4842.5 of the code, the following fees are fixed by the board for licensing periods beginning on or after ~~March 1, 2012~~TBD:

- (a) The application eligibility review fee shall be ~~\$125.00~~\$150.00.
- (b) The fee for the registered California veterinary technician examination shall be ~~\$175.00~~\$200.00.
- (c) The initial registration fee for registrations issued for one year or more from the date on which it will expire shall be ~~\$140.00~~\$160.00. ~~The initial registration fee for registrations issued for less than one year shall be \$70.00.~~
- (d) The biennial renewal fee shall be ~~\$140.00~~\$160.00.
- (e) The delinquency fee shall be ~~\$25.00~~\$35.00.

Multidisciplinary Advisory Committee Assignments

July 2017

EXISTING PRIORITIES – Currently being addressed by MDC

- 1) Evaluate Structure and Audit Enforcement Case Outcomes**
 - a. Complaint Process/Audit Taskforce**

- 2) Develop minimum standards for alternate premises (large animal, equine mobile, public and private shelter medicine, ambulatory, etc.)**
 - a. Shelter Medicine Subcommittee**

- 3) Pursue "Extended Duty" for Registered Veterinary Technicians.**
 - a. RVT "Extended Duty" Subcommittee**

- 4) Develop regulations to implement the authorization for Veterinarians and RVTs under direct supervision to compound drugs.**

- 5) Emergency Protocols with Sedatives**
 - a. Emergency Protocols Subcommittee**

- 6) Drug Counseling/Risks and Side Effects**

**Veterinary Medical Board**

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**MEMORANDUM**

DATE	July 3, 2017
TO	Veterinary Medical Board (VMB)
FROM	Annemarie, Executive Officer DCA/Veterinary Medical Board
SUBJECT	Animal Physical Rehabilitation (APR)

Background:

At its April 19-20, 2017 meeting in Oakland, the VMB reviewed each of the recommendations proposed by the Animal Rehabilitation Task Force. There were a total of eight (8) recommendations presented to the VMB and the VMB voted to adopt seven (7) recommendations modifying the statement regarding physical therapists (PTs) providing APR. The recommendation that was *not adopted* was that involving APR provided by a veterinary assistant (VA).

Issues:

There remains some confusion about the application of current regulations as applied to the supervision of a VA. For clarification, I sought guidance from Tara Welch, Legal Counsel, who provided the following discussion:

The statute, Business and Professions Code (BPC) section 4826(c), authorizes a VA to administer a medicine, appliance, application, or treatment at the direction of and under direct supervision of a licensed veterinarian. Then the regulation, [Title] 16 [of the] California Code of Regulations (CCR)[, section] 2036.5, further provides that a VA can perform auxiliary animal health care tasks under direct or indirect supervision of an RVT or licensed veterinarian. If a veterinarian is attempting to make an argument that a VA can administer APR under indirect supervision, the veterinarian would have to demonstrate that APR is an auxiliary task. The Board will need to consider whether it is appropriate for a VA to perform APR under indirect supervision of a veterinarian or an RVT, which is what 16 CCR 2036.5 potentially allows as the section is vague and is open to interpretation.

Given that there may be confusion as to whether a VA can administer APR under direct or indirect supervision, it seems best for the Board to consider defining what constitutes an “auxiliary” animal health care task and whether APR should fall under that term.

In addition to the remaining issue above, there are a number of other policy considerations the VMB needs to address prior to moving forward with a statutory or regulatory proposal. Of particular importance is that of patient responsibility and whether one veterinarian’s referral of the patient to a veterinarian at a separate veterinary premises for APR constitutes a transfer of the veterinarian-client-patient relationship (VCPR) (CCR Section 2032.1).

Another remaining issue is that of a PT who does not hold a certification in APR; the PT would be considered a VA, and depending upon what is ultimately established for a VA, there may be disparity in what should or should not be authorized for a VA verses a non-certified PT in a range setting.

Finally, there is the question of education and training. There are APR certifications for PTs and now specialty recognition for RVTs that have been a topic of discussion before the VMB. However, there has been no determination or thorough evaluation of whether advanced certifications and specialty recognitions are or should be recognized by the VMB as advanced training for the purposes of providing APR.

Action Requested:

Examining the merits of the advanced training will take considerable time to gather all of the relevant course work and clinical training information. The VMB may consider delegating this assignment to the MDC as a priority to begin this research.

The VMB should consider the outstanding issues regarding VAs and non-certified PTs providing APR and the issue of patient responsibility upon referral from one veterinarian to another.

Attachments

- April 2017 Board Actions on Animal Physical Rehabilitation Task Force Recommendations
- Title 16 CCR Sections 2032.1, 2036, 2036.5, 2038

April 2017 Board Actions on Animal Physical Rehabilitation Task Force Recommendations

At the April 2017 Board meeting, the following APR Task Force recommendations were approved by the Board (with the exception of Motion #3 at the October 4, 2016 APR Meeting):

June 20, 2016 APR Meeting

1. Animal Physical Rehabilitation is defined as the treatment of injury or illness to address pain and improve function by means of physical corrective treatment.
2. Animal Physical Rehabilitation does not include relaxation, recreational or wellness modalities, including but not limited to, massage, athletic training or exercise.
3. Any proposed changes to existing law and regulations are not an attempt to restrict or amend section 2038 of the California Code of Regulations regarding the provision of Musculoskeletal Manipulation modalities.
4. Prior to performing or authorizing Animal Physical Rehabilitation, a veterinarian shall establish a valid veterinarian-client-patient relationship as defined in sections 2032.1 or 2032.15 of the California Code of Regulations.

October 4, 2016 APR Meeting

1. Veterinarians have sufficient education and training to provide Animal Physical Rehabilitation.
2. Registered Veterinary Technicians (RVTs) may provide Animal Physical Rehabilitation under the degree of supervision to be determined by the veterinarian who has established the veterinarian-client-patient relationship.
3. Veterinary Assistants may provide Animal Physical Rehabilitation under the direct supervision of a veterinarian or an RVT.

The motion did not carry, with a vote of 3-5. Dr. Mark Nunez, Dr. Jaymie Noland, Jennifer Loreda, Kathy Bowler, and Dr. Cheryl Waterhouse opposed the motion.

February 2, 2017 APR Meeting

1. California licensed physical therapists with advanced certification in Animal Physical Rehabilitation (with such certification to be defined by the Veterinary Medical Board and the Physical Therapy Board working cooperatively) may provide animal physical rehabilitation under direct supervision by the veterinarian who has established a veterinarian-client-patient relationship on a licensed veterinary premises or for large animal practice, the appropriate degree of supervision shall be determined by the veterinarian who established the veterinarian-client-patient relationship in a range setting.

Veterinary Medical Board

Current Laws and Policies Regarding Marijuana, Hemp, and Animals

The Veterinary Medical Board does not have a formal position on the matter of marijuana and hemp use on animals. However, the following are summaries of the relevant laws relating to marijuana, hemp, animals, and Board licensees:

1. *Federal Law (DEA)*. The Federal Drug Enforcement Administration (DEA) has ultimate jurisdiction over controlled substances, including marijuana. The DEA has listed cannabis and cannabinoid products as Schedule I controlled substances, meaning that these substances have a high potential for abuse and no currently accepted medical use. The DEA has not given veterinarians the authority to possess, administer, dispense, or prescribe cannabis or cannabinoid products. Therefore, under Federal Law, veterinarians are prohibited from engaging in such activity. As of January 13, 2017, the DEA announced a new drug code, DEA No. 7350, which defines any extract of the marijuana or hemp plant, including cannabinoids (e.g. THC, CBD, etc.) , as Schedule 1 drugs under the Controlled Substance Act (CSA).

In a letter received by the Board on October 3, 2016, James A. Arnold, Chief, Liaison and Policy Section, Diversion Control Division, Department of Justice, DEA, wrote: “Marijuana remains a Schedule I controlled substance under the CSA as it has no currently accepted medical use in treatment in the United States – *for humans or animals*. This is because marijuana has never been proven in scientific studies to be safe and effective for the treatment of any disease or condition.”

2. *California Law*. Current California law makes it legal for human patients and their designated primary caregivers to possess and cultivate marijuana for their personal medical use with the recommendation or approval of a *California-licensed physician or surgeon*. In addition, the recently passed Proposition 64 “Legalizes marijuana under state law, for use by *adults 21 or older*.” There is nothing in California law that would allow a veterinarian to prescribe, recommend, or approve marijuana for treating animals. Veterinarians are in violation of California law if they are incorporating cannabis into their practices.
3. *FDA*. The Federal Food and Drug Administration (FDA) has warned that consumers should beware of purchasing and using products containing cannabis for animals. These products have not been approved by the FDA for the diagnosis, cure, mitigation, treatment or prevention of diseases. They also have not been documented as a safe and efficacious remedy by the professional veterinary medical community. In the

aforementioned letter from Mr. Arnold of the DEA, he wrote: “...the Food and Drug Administration has not approved for marketing any drug product containing marijuana – again, *either for humans or animals.*”

4. *Hemp*. Pursuant to the Statement of Principles Concerning Industrial Hemp and the Agricultural Act of 2014, published by the U.S. Department of Agriculture in consultation with the DEA and the FDA on August 12, 2016: “The 2014 Act did not remove industrial hemp from the list of controlled substances and, with certain limited exceptions, the requirements of the Federal Food, Drug, and Cosmetic Act and the CSA continue to apply to industrial hemp.”

From an enforcement perspective, if the Veterinary Medical Board were to receive a complaint related to a Board licensee’s involvement in the treatment of an animal with a marijuana or hemp-related product, the Board would be obligated to conduct an investigation and take appropriate disciplinary action if the findings so warranted.

The following links are provided for your information:

- DEA Announces Actions Related to Marijuana and Industrial Hemp, published 8/11/2016: <https://www.dea.gov/divisions/hq/2016/hq081116.shtml>
- Statement of Principles on Industrial Hemp, A Notice by the Agriculture Department, the Drug Enforcement Administration, and the Food and Drug Administration published 8/12/2016:
https://www.federalregister.gov/documents/2016/08/12/2016-19146/statement-of-principles-on-industrial-hemp?utm_campaign=pi+subscription+mailing+list&utm_medium=email&utm_source=federalregister.gov

Bynum, Elizabeth@DCA

From: Bynum, Elizabeth@DCA
Sent: Tuesday, May 17, 2016 11:35 AM
To: 'ODL@usdoj.gov'
Subject: FW: Marijuana for Pets

Good morning,

The California Veterinary Medical Board has received a number of questions about the use of marijuana for pets. I was wondering if anyone at your organization has or is looking into this issue. Specifically, our analysts would like to know:

- General information about the legality/illegality of prescribing or administering marijuana to pets.
- The authority or lack of authority of a veterinarian to prescribe or dispense marijuana to pets or provide guidance to clients about how to use it for their animals.
- The legality or illegality of unlicensed persons using marijuana to manufacture pet treats or create other products containing marijuana for use by pets.

Any studies, research, or other guidance would be most helpful on this matter. Thank you very much.

Best regards,

Elizabeth Bynum
Associate Enforcement Analyst
Veterinary Medical Board
Department of Consumer Affairs
Phone: (916) 515-5237
Fax: (916) 928-6849



[VMB Customer Satisfaction Survey](#)
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From: Payne, Penny R. [<mailto:Penny.R.Payne@usdoj.gov>]
Sent: Wednesday, May 11, 2016 2:20 PM
To: Bynum, Elizabeth@DCA
Subject: RE: Marijuana for Pets

Hello Ms. Bynum:

Federally, Marijuana is illegal and considered a Schedule I controlled substances. If you have been tasked to write an official memo, I would recommend that you write to our Headquarters' unit for a more detailed answer. You can also email them at ODL@usdoj.gov.

If you have any further questions, please let me know. Thank you.

Penny R. Payne



U. S. Department of Justice
Drug Enforcement Administration
8701 Morrissette Drive
Springfield, Virginia 22152

www.dea.gov

Elizabeth Bynum
Associate Enforcement Analyst
Veterinary Medical Board
Department of Consumer Affairs
1747 North Market Boulevard
Suite 230
Sacramento, California 95834-2987

OCT 03 2016

RECEIVED

OCT 07 2016

VMB/RVTC

Dear Ms. Bynum:


This responds to your email dated May 17, 2016, to the Drug Enforcement Administration (DEA), in which you requested information about the legality of a veterinarian prescribing or administering marijuana to pets, and manufacturing and distributing marijuana products for pets. The DEA appreciates the opportunity to respond to your inquiry.

Marijuana remains a Schedule I controlled substance under the Controlled Substances Act (CSA) as it has no currently accepted medical use in treatment in the United States – for humans or animals. This is because marijuana has never been proven in scientific studies to be safe and effective for the treatment of any disease or condition. For this same reason, the Food and Drug Administration has not approved for marketing any drug product containing marijuana – again, either for humans or animals.

The foregoing considerations apply regardless of any State law to the contrary. As the United States Court of Appeals for the Ninth Circuit recently stated in *United States v. McIntosh* (9th Cir. Aug. 16, 2016), no State law may “legalize” the possession, distribution, or manufacture of marijuana. As to this point, the Court in *McIntosh* explicitly stated: “Under the Supremacy Clause of the Constitution, state laws cannot permit what federal law prohibits. U.S. Const. art VI, cl. 2. Thus, while the CSA remains in effect, states cannot actually authorize the manufacture, distribution, or possession of marijuana. Such activity remains prohibited by federal law.”

We trust this letter adequately addresses your inquiry. For additional information regarding the DEA Diversion Control Division, please visit www.DEAdiversion.usdoj.gov. If you have any additional questions on this issue, please contact the DEA Diversion Control Division Liaison and Policy Section at (202) 307-7297.

Sincerely,


James A. Arnold, Chief
Liaison and Policy Section
Diversion Control Division



Veterinary Medical Board
Action Planning
Session
for 2015-2019

May 7, 2015

Goal Areas

1. Enforcement *(5 objectives, 17 action items)*

2. Licensing, Examinations & Permitting *(5 objectives, 20 action items)*

3. Legislation & Regulations *(4 objectives, 16 action items)*

4. Customer Service & Administration *(6 objectives, 22 action items)*

5. Outreach *(4 objectives, 12 action items)*

6. Hospital Inspection Program *(5 objectives, 19 action items)*

Total Objectives: 29

Total Action Items: 106

Goal 1: Enforcement

The goal of the Board is to safeguard consumers and the health and safety of their animals by preventing of the unlicensed, illegal, incompetent and unprofessional practice of veterinary medicine.

1.1 Maximize recourse against unlicensed persons to protect animal patients.

Start: TBD

End: TBD

Success Measure: Decrease unlicensed activity cases.		Responsibility
1.1.1	Implement new citation and fine regulations for unlicensed practice cases. Complete – Effective Oct 2016	Enforcement Analyst
1.1.2	Ongoing – Publishing arrests and citations for UL both on website and through social media outlets	Executive Officer, Board Members, Program Analyst
1.1.3		Enforcement Manager
1.1.4	Continue to work with local law enforcement SPCAs, Animal Control, Department of Public Health, DEA	Executive Officer, Enforcement Manager, Program Analyst

1.2 Expedite all disciplinary case actions through proactive management of the Division of Investigation and Attorney General services to reduce the average disciplinary case time frames.

Start: Q1 2015

End: Ongoing

Success Measure: Decrease average disciplinary timeframes by 15%.		Responsibility
1.2.1	processing timeline shows an overall reduction.	Enforcement Manager
1.2.2	Ongoing- Meetings are as needed and are handled telephonically and in-person. Typically, meetings are scheduled to address individual case specifics. However, procedural meetings have been conducted with the DOI Chief.	Enforcement Manager

1.3 Improve and measure the quality of subject matter expert services, reports and testimony to encourage fair resolution of all cases.

Start: Q3 2015

End: Ongoing

Success Measure: Favorable case outcomes.		Responsibility
1.3.1	Create an expert witness report template. Complete and disseminated to Experts.	Enforcement Manager
1.3.2	Conduct existing expert witness training. Conducting training 2x's per year	Enforcement Manager

1.3.3	Legal review/audit of expert witness reports by liaison of the Attorney General's Office. AG Diann Sokoloff assists with training experts, including report writing standards	Enforcement Manager
1.3.4	Partner with SOLID to develop a rating system of the expert witness skill level and evaluate witnesses annually. Pending	Enforcement Manager, SOLID

1.4 Create a Review Committee for complaints to increase objectivity of the complaint investigation process.

Start: Q2 2015

End: Ongoing

Success Measure: Increase objectivity of the complaint investigation process.		Responsibility
1.4.1	Implement multiple consultant reviews prior to initiating action. Existing procedures require in-house and external expert review.	Enforcement Manager and VMB Consultants
1.4.2	Create a review template for the Board MDC members who conduct audits. Complete – Template for MDC Member Review	Board Members, Executive Officer
1.4.3	Conduct Board MDC member audit of closed complaints. On-going	Board Members

1.5 Increase and support probation monitoring and quarterly contact with probationers for compliance with disciplinary orders.

Start: Q1 2015

End: Ongoing

Success Measure: Probationer compliance with specified terms and conditions.		Responsibility
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1.5.1	Conduct in-person interviews with probationers to review disciplinary terms. <i>Existing procedures</i>	Probation Monitor
1.5.2	Update all probation forms related to compliance orders, supervision/ practice monitoring, continuing education, clinical examination, etc. <i>Complete</i>	Probation Monitor
1.5.3	Contract with new laboratory for biological fluid testing (contract ends in December 2015). <i>Complete – First Source Lab</i>	Executive Officer, Enforcement Manager, Contract Analyst
1.5.4	Develop and promote web-based training for probation supervisors. <i>In process of developing a PowerPoint to post on web</i>	Probation Monitor

Goal 2: Licensing, Examinations & Permitting

The goal of the Board is to make certain that only qualified individuals are issued a license to practice as veterinarians or Registered Veterinary Technicians (RVTs), and that those holding a Veterinary Assistant Controlled Substance Permit have not engaged in the unlawful consumption or sale of controlled substances.

2.1 Complete a cost-benefit analysis of the RVT exam to determine reasonable and equitable fees.

Start: Q3 2016

End: Q3 2017

Success Measure: Justify costs of the RVT examination.		Responsibility
2.1.1	Review all aspects of the RVT exam costs. <i>Fee Audit Report - Complete</i>	Administrative Manager, Program Analyst, Examination Contractors
2.1.2	Determine appropriate fees and develop the appropriate course of action. <i>In process</i>	Administrative Manager
2.1.3	Report findings to the Board. <i>July 2017 Board Meeting</i>	Executive Officer, Administrative Manager

2.2 Monitor and approve the education and training offered by RVTs alternative route programs to measure quality and consistency.

Start: Q1 2015

End: Ongoing

Success Measure: Approval of RVT alternate route programs.		Responsibility
2.2.1	Determine and develop regulations for RVT alternate route programs. Complete	Administrative Manager, Program Analyst, Multi-Disciplinary Committee (MDC)
2.2.2	Submit proposed regulations to the Board for approval. Complete	Executive Officer, Program Analyst
2.2.3	Finalize rulemaking. Pending	Program Analyst
2.2.4	Implement RVT alternate route program approval. Pending	Administrative Manager, Program Analyst
2.2.5	Initiate outreach to inform and educate stakeholders. Pending	Administrative Manager, Program Analyst

2.3 Resolve faculty licensure issue to enforce the minimum standards for licensing applicable to all practice settings.

Start: Q1 2015

End: Q4 2017

Success Measure: All practice settings require a California veterinary license.		Responsibility
2.3.1	Continue to work with Board members and stakeholders to develop parameters of licensure. Complete	Executive Officer, MDC, Board Members
2.3.2	Examine grandfathering issues related to existing personnel at universities. Complete	Executive Officer, MDC, Board Members
2.3.3	Develop and implement legislation to remove exempt setting. Complete	Executive Officer, Legal, Board Members

2.3.4	Communicate to stakeholders any changes made and implement university licensure. Complete and ongoing	Administrative Manager, Program Analyst
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2.4 Implement a continuing education audit program for licensees and providers in order to verify compliance.

Start: Q2 2015

End: Ongoing

Success Measure: Conduct continuing education audits of licensees.		Responsibility
2.4.1	Research and develop internal continuing education audit guidelines. Complete	Administrative Manager, Administrative Staff
2.4.2	Create continuing education audit process. Pending (Staffing Issues)	Administrative Manager, Administrative Staff
2.4.3	Implement the continuing education audits. Pending	Administrative Manager, Administrative Staff
2.4.4	Report continuing education audits findings to the Board regularly. Pending	Administrative Manager

2.5 Coordinate with the Department of Consumer Affairs on creating and monitoring performance measures for licensing cycle times to expedite eligibility and renewals.

Start: Q1 2015

End: Ongoing

Success Measure: Licensing performance measures are created and implemented.		Responsibility
2.5.1	Provide requested licensing data that documents current benchmarks to DCA and BreZE team. Complete	Administrative Manager, Program Analyst

2.5.2	Review and update internal procedures for licensing to streamline licensing process. In process - reevaluating based on transition to BreEZe	
2.5.3	Implement streamlined procedures based on established performance measures. Pending	Administrative Manager, Administrative Staff
2.5.4	Continuously monitor cycle times and report findings to the Board. Pending – BreEZe capabilities	Administrative Manager, Administrative Staff

Goal 3: Legislation & Regulations

The goal of the Board is to monitor and uphold the law and participate in the regulatory and legislative processes.

3.1 Take a Board position on issuing temporary licenses for out-of-state veterinarians during disasters in order to provide adequate veterinary care.

Start: Q2 May 2015

End: Q4 October 2015

Success Measure: Influence appropriate legislation regarding disaster recovery plans.		Responsibility
3.1.1	Review other states disaster recovery plans for veterinary care. Complete	Executive Officer, Program Analyst
3.1.2	Communicate Board position to bill author and stakeholders. Complete – AB 317	Executive Officer, Board Members

3.2 Create statutory authority for veterinarians to compound drugs for animal medicine, within Food and Drug Administration guidelines, to enforce minimum standards.

Start: Q1 2016

End: Q1 2017

Success Measure: Implement statutory authority.		Responsibility
3.2.1	Draft new laws authorizing veterinarians to compound drugs within existing federal limits. Complete	Executive Officer, Legal Counsel
3.2.2	Find an author to carry legislation authorizing veterinarians to compound drugs. Complete	Executive Officer, Board Members
3.2.3	Develop regulations further defining parameters under which veterinarians may compound drugs. In Process – MDC Subcommittee	Executive Officer, Board Members, Legal Counsel, Program Analyst
3.2.4	Communicate limitations on compounding drugs and proposed laws to licensing population. Pending	Executive Officer, Board Members, Program Analyst

3.3 Create public and private animal shelter regulations to address minimum standards for shelter medicine.

Start: Q4 Oct 2015

End: Q4 2017

Success Measure: Adopted minimum standards for shelter medicine.		Responsibility
3.3.1	Hold stakeholder meetings to obtain feedback regarding minimum standards for shelter medicine. Complete	MDC, Program Analyst, Executive Officer
3.3.2	Create minimum standards specific to shelter medicine. In Process	MDC
3.3.3	Develop regulations for minimum standards for shelter medicine. In Process	Program Analyst, Executive Officer
3.3.4	Submit proposed regulations to the Board for approval. Pending	Executive Officer, Program Analyst
3.3.5	Finalize rulemaking. Pending	Program Analyst

3.4 Develop regulation language for large animal practice to establish minimum standards.

Start: Q4 Oct 2015

End: Q4 2017

Success Measure: Adopted minimum standards for large animal practice.		Responsibility
3.4.1	Hold stakeholder meetings to obtain feedback regarding minimum standards for large animal practice. <i>In Process – CVMA Task Force</i>	MDC, Program Analyst, Executive Officer
3.4.2	Create minimum standards specific to large animal practice. <i>Pending</i>	MDC
3.4.3	Develop regulations for minimum standards for large animal practice. <i>Pending</i>	Executive Officer, Program Analyst
3.4.4	Submit proposed regulations to Board for approval. <i>Pending</i>	Executive Officer, Program Analyst
3.4.5	Finalize rulemaking. <i>Pending</i>	Program Analyst

Goal 4: Customer Service & Administration

The goal of the Board is to confirm that consumers, licensees, schools and all other stakeholders receive service in a prompt, courteous, accurate and cost-effective manner.

4.1 Review and refine desk manuals and new employee orientation to reduce staff onboarding time.

Start: Q1 2015

End: Ongoing

Success Measure: Implement new employee orientation and updated desk manuals .		Responsibility
4.1.1	Review existing desk manuals and identify areas needing improvement. <i>Complete and Ongoing</i>	Program Managers, Staff
4.1.2	Update desk manuals (including lessons learned from BreEZe OCM).	Program Managers, Staff

4.1.3	Develop training and related materials for new employee orientation. Complete	Program Managers, Staff
4.1.4	Conduct training within two weeks of new employee's start date. Complete and Ongoing	Program Managers

4.2 Update frequently asked questions (FAQs) on the Web site to address consumer and licensee questions in order to improve customer service.

Start: Q3 2015

End: Ongoing

Success Measure: A reduced number of phone calls the Board receives.		Responsibility
4.2.1	Review existing FAQ's and obtain feedback from VMB staff regarding consumer and licensee questions. Complete	Program Analyst, All Staff
4.2.2	Update FAQ's on Web site. In process	Program Analyst
4.2.3	Communicate via social media when there are new changes to the FAQ's. In process	Program Analyst
4.2.4	Continuously review and update FAQ's to ensure the information is current. Ongoing	Program Analyst

4.3 Streamline the email inquiry submission processes to improve timeliness and efficiency.

Start: Q1 2016

End: Ongoing

Success Measure: Reduce response times and improve accuracy of email responses.		Responsibility
4.3.1	Develop a Web site drop down menu for questions. In process w/ new website design - September	Program Analyst
4.3.2	Collaborate with Office of Information Security Internet team to develop a Web site drop down menu and an email tree. - Complete	Program Analyst

4.3.3	Communicate to stakeholders regarding the new interface. Pending	Program Analyst
4.3.4	Continuously update the Web site to ensure information is current. Ongoing	Program Analyst

4.4 Implement online applications and renewals to improve licensing processing time frames.

Start: Q1 2015

End: Q1 2016

Success Measure: A seamless transition to BreEZe.		Responsibility
4.4.1	Work with Organizational Change Management Team (OCM) and BreEZe staff on transition readiness. Complete	Administrative Manager, Executive Officer
4.4.2	Participate in BreEZe system design and User Acceptance Testing (UAT). Complete	Staff SMEs
4.4.3	Conduct staff training in BreEZe utilization. Complete	All Staff

4.5 Implement a consumer satisfaction survey to measure the Board's effectiveness.

Start: Q1 2015

End: Q3 2015 and Then Ongoing

Success Measure: Create a performance satisfaction survey.		Responsibility
4.5.1	Collaborate with SOLID to create a survey instrument. Complete	Program Analyst

4.5.2	Approve and implement the survey instrument. Complete	Program Manager
4.5.3	Gather, analyze and report the survey results to the Board. In process – Report to Board at Oct meeting	Program Manager

4.6 Complete, deliver and testify to the 2015-2016 supplemental sunset review report.

Start: Q1 2015

End: Q2 2016

Success Measure: Timely submission of 2015 2016 sunset review report.		Responsibility
4.6.1	Gather data to respond to supplemental Sunset Review report questions. Complete	Program Managers, Executive Officer
4.6.2	Draft a supplemental Sunset Review report. Complete	Executive Officer, Board Members, Program Managers
4.6.3	Present the supplemental report to the Board and obtain approval. Complete	Executive Officer
4.6.4	Submit the supplemental Sunset Review report to the legislature and testify to the information therein. Complete	Executive Officer

Goal 5: Outreach

The goal of the Board is to educate consumers and licensees so that they are able to make informed decisions regarding the purchase and provision of veterinary medical services.

5.1 Encourage submission of email addresses for all licensees for efficient and timely communication.

Start: Q1 2016

End: Ongoing

Success Measure: Comprehensive compilation of email addresses.		Responsibility
5.1.1	Provide a means by which licensees can provide information. Complete - BreEZe	Administrative Manager
5.1.2	Communicate to licensees the value of providing email addresses. Ongoing	Program Analyst

5.2 Develop and circulate newsletter (at least twice per year) to provide updates on regulatory matters and topics of interest.

Start: Q3 2015

End: Ongoing

Success Measure: Publish newsletter two times per year.		Responsibility
5.2.1	Identify and gather newsworthy information including original and recurring content. Using Website Updates – Newsletter distribution is costly	All staff, Board Members
5.2.2	Work with DCA legal and PDE to publish the newsletter.	Program Analyst, DCA, PDE
5.2.3		Program Analyst

5.3 Provide outreach presentations to local associations, consumer groups and schools to inform and educate stakeholders.

Start: Q1 2015

End: Q1 2016, Ongoing

Success Measure: Increase outreach presentations statewide.		Responsibility
5.3.1	and Ethics	Executive Officer, Program Manager, Program Analyst
5.3.2	Identify stakeholder groups. CVMA/VMAs	Executive Officer
5.3.3	Create and develop presentations. Complete/Ongoing	Executive Officer, Program Manager, Program Analyst
5.3.4	Deliver and conduct presentations. Ongoing	Executive Officer, Program Manager, Program Analyst

5.4 Strengthen social media outlets and information posted on Web site to provide convenient, timely and accessible information.

Start: Q1 2015

End: Q4 2015, Ongoing

Success Measure: Increased number of followers, positive feedback from stakeholders and up to date information.	Responsibility
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5.4.1	Identify current and relevant topics. Ongoing	Executive Officer, Board Members, Program Manager, Program Analyst
5.4.2	Seek input from Board members and associations regarding topics of interest. Ongoing	Executive Officer, Program Analyst
5.4.3	Partner with veterinary organizations to boost social media presence and increase awareness. Complete/ Ongoing	Program Analyst

#6 Hospital Inspection Program

The goal of the Board is to proactively educate veterinarians regarding the minimum standards requirements as provided by the California Veterinary Medicine Practice Act.

6.1 Improve Board member post-inspection feedback to address training issues relevant to hospital inspection processes.

Start: Q1 2015

End: Q3 2015, Ongoing

Success Measure: Board members are provided regular feedback regarding post inspection feedback.		Responsibility
6.1.1	Review current post-inspection survey and update as necessary. Complete	Program Coordinator
6.1.2	Gather and analyze data from completed surveys received. Complete	Program Coordinator

6.1.3	Identify areas that may require additional inspector training. Post inspection feedback has not provided specific training needs – Implementing an inspector evaluation process.	Program Coordinator
6.1.4	Report findings to the Board on a regular basis. Ongoing – Standing Board Report	Executive Officer
6.1.5	Provide additional training as needed. Ongoing	VMB Consultants, Program Coordinator

6.2 Inspect new hospitals within one year of registration to validate that compliance is achieved.

Start: Q3 2016

End: Q3 2017 and Ongoing

Success Measure: All newly registered hospitals are inspected within one year of being issued a premise permit.		Responsibility
6.2.1	Increase the number of hospital inspectors. Complete	Program Coordinator
6.2.2	Disseminate hospital checklist in a timely manner (with wall certificate). Complete – Soft Copy	Program Coordinator
6.2.3	Create assessment criteria for compliance of minimum standards at newly registered hospitals. Pending	Program Coordinator

6.3 Increase number of training sessions of hospital inspectors to twice a year to encourage ongoing consistency and timely application of minimum standards.

Start: Q3 2015

End: Q4 2016 and Ongoing

Success Measure: Consistent application of enforcement of all minimum standards.		Responsibility
6.3.1	Identify areas of complexity that require additional training. Complete – Drug Security, Marijuana, Surgery Suite Minimum Standards, etc	Program Coordinator
6.3.2	Complete – DEA/DOJ/Depart Public Health/ Radiologic Health Branch/Pharmacy Board	Program Coordinator
6.3.3	Create a training assessment for inspectors. Pending	Program Coordinator

6.4 Develop and publicize workshops and other educational tools to educate stakeholders on minimum standards.

Start: Q2 2016

End: Q4 2016 and Ongoing

Success Measure: Conduct minimum standards presentations statewide.		Responsibility
6.4.1	Define minimum standards topics for outreach presentations. Complete – Controlled Substances, Drug Storage, Medical Records, Surgery Suite Standards/VACSP/Marijuana for Pets	Executive Officer, Program Coordinator
6.4.2	Identify stakeholder groups. VMAs	Executive Officer, Program Coordinator
6.4.3	Create and develop presentations.	Executive Officer, Program Coordinator

	Ongoing – Creating web-based presentation	
6.4.4	Deliver and conduct presentations. Ongoing	Executive Officer, Program Coordinator

6.5 Distribute hospital inspection checklist with initial premise permits and encourage self-evaluation on minimum standards.

Start: Q1 2016

End: Ongoing

Success Measure: All initial premise permit holders will receive hospital inspection checklist.		Responsibility
6.5.1	Reproduce the hospital inspection checklist (at least 1,000/year). Pending hard copy reproduction – legal review of recent updates	Program Coordinator
6.5.2	Distribute hospital inspection checklists with initial premise permits. Complete – Soft Copy	Licensing Staff, Program Coordinator
6.5.3	Distribute hospital inspection checklists to hospitals at time of inspection. Inspection Report is Provided	Inspectors
6.5.4	Utilize social media to encourage self-evaluation of minimum standards. Pending	Program Analyst



**PREPARED BY:
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MEMORANDUM

DATE	July 2017
TO	Veterinary Medical Board
FROM	Ethan Mathes. Operations Manager
SUBJECT	Review and Discussion Regarding RVT Validation Study and Transition to Veterinary Technician National Examination

Issue

At its April 2017 Veterinary Medical Board (Board) meeting, the Board directed staff to review and research the Board's transition to the Veterinary Technician National Examination (VTNE) as part of its discussion on the continued efficacy of requiring both a national and State veterinary technician examination.

Background

Starting in late-2007 and continuing through 2010, the Board's Registered Veterinary Technician Committee (RVTC) discussed options and strategies for adopting the VTNE as a requirement for registration as a veterinary technician in California. Initially, discussions revolved around ensuring the VTNE appropriately tested for competency and whether California-specific practice concerns would be addressed through the national examination.

Discussion continued concerning the national examination as a standard in a majority of licensing jurisdictions and the effect on veterinary technicians in California. The RVTC determined that by offering the VTNE it would lead to an increase in veterinary technicians in the State and thereby provide for an adequate number of professionals in order to meet the increasing needs of the public for veterinary care (Note: the Board also adopted the Limited Term Eligibility Window at this time to increase veterinary technician licensure in California). Additionally, the RVTC concluded that by accepting the VTNE it would allow applicants the portability to obtain their education in California with the assurance that the national examination would be accepted for full licensure.

The RVTC recommended to the Board at their April 2009 meeting that they consider legislation requiring both a national and State veterinary technician examination. The Board agreed and approved proposed legislative language at its April 2009 meeting.

The Board initiated legislation that required the administration of both a national veterinary technician and State licensing examination "...specific to the animal health care tasks to California registered veterinary technicians...". Assembly Bill 107 was approved (that included the addition of Business and Professions Code [BPC] Section 4841.4) in 2009 and became

effective January 1, 2010 (but delayed the implementation of the national licensing examination upon availability of a computerized examination on or after January 1, 2011).

There were many concerns at the time and throughout the evaluative process regarding, among other things, increased costs to veterinary technician applicants and whether a take home examination could be offered if the State adopted the VTNE.

The RVTC and Board understood the Board would have to fully develop its own supplemental examination covering California-specific laws and regulations and had determined throughout numerous discussions that the benefit of offering a nationally recognized examination offset the potential for increased costs to applicants; however, staff was directed to continue to look into the cost of administering the California-specific examination.

The Board additionally contracted with the Department's Office of Professional Examination Services (OPES) in January 2010 to evaluate the VTNE in order to determine whether the examination content was acceptable for licensure in California and determine how the Board should address California-specific practice concerns. The OPES conducted several workshops and determined in their July 2010 *Evaluation of the Veterinary Technician National Examination* (linkage study) that the VTNE was a viable veterinary technician examination and could be offered in California provided a supplemental examination covering California related laws and regulations is also administered. Further, the OPES determined in its linkage study that a take home examination is not a legally defensible licensure examination, rather it would be considered an educational tool and would not meet the recommendation criteria to offer a supplemental California examination along with the VTNE.

The RVTC continued their discussion regarding the transition to the VTNE and voted to formally approve the transition to the VTNE at their November 2010 meeting. The Board discussed the RVTC recommendation and voted to formally approve the transition to the VTNE at their January 2011 meeting.

The Board directed staff to promulgate regulations making specific the requirements outlined in new BPC Section 4841.4 that included requirements for California veterinary technician applicants to make application, take, and pass both the VTNE and California veterinary technician examinations. Proposed regulations were publically noticed in May 2013 and took effect in October 2014.

Update

OPES has recently completed its Occupational Analysis (OA) of the California Registered Veterinary Technician Profession. The document is on the Board's website and a link was emailed to Board members.

The purpose of the OA was to define practice for California Registered Veterinary Technicians in terms of actual job tasks that new licensees must be able to perform safely and competently at the time of licensure.

The results of the OA serve as the basis for developing a description of practice for the California Registered Veterinary Technician profession that can then be used as the basis for the California veterinary technician examination and comparison study of the Veterinary Technician National Examination Job Analysis.

Moving forward, the California OA will be used by OPES to compare it to the VTNE Job Analysis (JA) in order to identify possible practice gaps in the National versus the State examination. Any gaps between the OA and JA would be used as a basis for continued development and administration of a California veterinary technician examination.

The Board and OPES have been updated that the VTNE Job Analysis is due for completion in October 2017. Once completed, OPES will immediately conduct comparison study workshops with planned completion and presentation before the Board in January 2018.

Attachments

- April 2009 Staff Memorandum to the Board and RVTC
- *Evaluation of the Veterinary Technician National Examination* as presented at the November 2010 RVTC Meeting
- Registered Veterinary Technician Examination Transition Questions as presented at the November 2010 RVTC Meeting

Veterinary Medical Board

Memo

To: Linda Starr, President
Terri Becker, DVM, Vice President; Stephanie Ferguson, DVM; Lisa Newell, DVM;
Tom Kendall, DVM

Kim Williams, RVT, Committee Chair; Virginia Curtis, Public Member, Committee
Vice Chair; Richard Johnson, DVM, Craig Cornell, RVT, Member; and Carol
Schumacher, RVT, Member

From: Susan M. Geranen, Executive Officer

Date: April 2009

Re: **Background Information on Recommendation for Statutory Change –
Veterinary Technician National Examination (VTNE)**

Over the last few years, the Board has been exploring different methods of reducing costs and providing adequate professionals in California to meet the needs of the public for veterinary health care. A fee increase in 2007 followed by an increase in the statutory authority to set fees were the first two of three phases identified as needed to balance the budget. Staff is working with the budget office to develop the parameters for an additional fee increase sometime around July 2010. Proposed regulatory language will be hand carried to the April Board meeting for discussion.

The Limited Term Eligibility Window was one method of trying to facilitate an increase in the numbers of paraprofessionals available to licensed veterinarians in California to help them meet the needs of the public for veterinary health care.

In regard to fee increases, anytime the Board is faced with fee increases, it also looks at ways to reduce costs. Identifying the merits of using the national veterinary technician examination has been a part of those overall discussions. There are many questions that need to be answered and issues resolved before the Board could consider moving forward with such a transition.

The first step would be to move forward with establishing statutory authority while seeking professional advice from the examination experts at the Department of Consumer Affairs (DCA), Office of Professional Exam Services (OPES). Even with the statutory authority to consider the transition, the Board must still comply with examination validity issues as defined by OPES and both the national and California supplemental exam must be validated and must comply with requirements in California or the transition simply cannot occur. Sonja Merold, Chief of OPES, has indicated that her office is willing to evaluate the national examination and AAVSB has indicated that it is willing to release the most recent Occupational Analysis of the Veterinary Technician National Exam (VTNE) to the Board for evaluation by OPES.

As to the actual logistics of the transition, several valid questions were raised at the meeting of the Board of Governors for the California Veterinary Medical Association on April 4, 2009, and this is a good opportunity to respond the questions and responses are listed below:

1. Would VMB be involved in formulating questions for exam?

Initially, the plan would be for the Board to provide questions from its item bank for the California supplement. OPES would select the questions and validate the initial exam. At this point, the Board has not discussed anything other than the initial steps.

2. How much involvement will the VMB have in administering the exam?

AAVSB would administer the exam via computer based testing. The VTNE exam is transitioning to a computer-based testing format effective June 2010.

3. How would educational requirements change?

Educational requirements would not change.

4. Do we have comparison data between the national exam and the California exam? How do they compare in difficulty?

Both examinations are scored using the Angoff Scoring Method; therefore, the difficulty levels vary from one exam to the next and the passing scores are set based on the difficulty level of each individual examination. OPES would validate each examination to insure that the minimum standards for California are met.

5. What percentage of questions would be California's exam portion?

As it is done now for the California RVT exam, the number of questions on the California exam portion will be set by the examination experts at OPES at a number adequate to make the examination valid and defensible.

6. Would the exam fees differ?

The exam fees may differ. The current fee for the VTNE is \$200. The fee for the California supplemental exam is to be determined. One of the benefits of administering the examination through the AAVSB is that candidates can apply on-line and use a credit card to pay the fees.

In regard to aspect of increasing the number of RVTs in California, if the Board votes to move forward with this project at its April 2009 meeting, it could request an amendment to AB 107 that is based on the comparable need for more veterinarians in California. If the Board transitioned to the RVT national exam and offered the California specific questions in a supplemental format administered by the AAVSB, it is anticipated that in addition to being a cost-savings to the Board, offering the exam via computer on a national basis would motivate persons from other states to come to California as an RVT. Since the VTNE is transitioning to a computer-based format in June 2010, that would be the soonest date that California could consider using the national RVT examination.

Evaluation of the Veterinary Technician National Examination

This evaluation was conducted by the
Office of Professional Examination Services (OPES)
for the Registered Veterinary Technician Committee

Prepared by

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Sonja Merold, Chief, OPES

July 12, 2010



PROFESSIONAL EXAMINATION SERVICES

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EVALUATION OF THE VETERINARY TECHNICIAN NATIONAL EXAMINATION

Purpose

Licensing boards, bureaus, and committees within the California Department of Consumer Affairs are required to ensure that examination programs being used in the California licensure process comply with psychometric and legal standards.

The Registered Veterinary Technician Committee (Committee) contracted with the Department of Consumer Affairs' Office of Professional Examination Services (OPES) to conduct two independent focus group workshops for the purpose of evaluating the Veterinary Technician National Examination (National exam) to determine if it meets professional psychometric standards and content acceptable for California licensure.

Introduction

The American Association of Veterinary State Boards (National Association) contracts with Professional Examination Services (PES), a private company, to conduct their occupational analysis, ongoing examination development and administration services for the National exam. OPES, in collaboration with the Committee, requested documentation of the entire examination development process from the National Association to compare it with the current California examination development process. This documentation was gathered to determine whether the (a) occupational analysis¹, (b) examination development, (c) passing scores², (d) test administration, (e) examination performance, (f) information available to candidates, and (g) test security procedures meet professional guidelines and technical standards outlined in the Standards for Educational and Psychological Testing (APA Standards)³ and California Business and Professions (B&P) Code section 139.

Psychometric Standards and Findings

Prior to convening the focus group workshops, OPES used the following testing standards to evaluate the National exam according to the above seven criteria (a-g).

(a) Occupational Analysis – The most relevant Standard from the *APA Standards* relating to job analyses, as applied to credentialing or licensing examinations, is:

¹ An occupational analysis is also known as a job analysis, a practice analysis, or a task analysis.

² A passing score is also known as a pass point, cut score, or standard score.

³ American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, *Standards for Educational and Psychological Testing*, Washington, DC, American Educational Research Association, 1999.

Standard 14.14

The content domain to be covered by a credentialing test should be defined clearly and justified in terms of the importance of the content for credential-worthy performance in an occupation or profession. A rationale should be provided to support a claim that the knowledge or skills being assessed are required for credential-worthy performance in an occupation and are consistent with the purpose for which the licensing or certification program was instituted. (p. 161)

The comment following Standard 14.14 emphasizes its relevance:

Comment: Some form of job or practice analysis provides the primary basis for defining the content domain. If the same examination is used in the licensure or certification of people employed in a variety of settings and specialties, a number of different job settings may need to be analyzed. Although the job analysis techniques may be similar to those used in employment testing, the emphasis for licensure is limited appropriately to knowledge and skills necessary for effective practice... In tests used for licensure, skills that may be important to success but are not directly related to the purpose of licensure (e.g., protecting the public) should not be included. (p. 161)

Findings: PES conducted an occupational analysis in January 2007 for the National exam. The 2007 National exam occupational analysis has been documented in a report⁴ that OPES found to be consistent with professional guidelines and technical standards.

(b) Examination Development – The most relevant standards from the *APA Standards* relating to examination development, as applied to credentialing or licensing examinations, are:

Standard 3.6

The type of items, the response formats, scoring procedures, and test administration procedures should be selected based on the purposes of the test . . . The qualifications, relevant experiences, and demographic characteristics of expert judges should also be documented. (p. 44)

Standard 3.7

The procedures used to develop, review, and try out items, and to select items from the item pool should be documented. If the items were classified into different categories or subtests according to the test specifications, the procedures used for the classification and the appropriateness and accuracy of the classification should be documented. (p. 44)

⁴ Report of the Job Analysis of Veterinary Technicians – Confidential document 1 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

Standard 3.9

“When a test developer evaluates the psychometric properties of items, the classical or item response theory (IRT) model used for evaluating the psychometric properties of items should be documented. The sample used for estimating item properties should be described and should be of adequate size and diversity for the procedure. The process by which items are selected and the data used for item selection . . . should also be documented” (p. 44-45)

Standard 3.11

Test developers should document the extent to which the content domain of a test represents the defined domain and test specifications. (p. 45)

Findings: The information regarding the National examination development⁵ was obtained through direct correspondence with the National Association. OPES found that the criteria used to develop the National exam is consistent with professional guidelines and technical standards.

- (c) Passing Scores – The passing score of an examination is the score that represents the cut-off that divides those candidates for licensure who are minimally competent and those who are incompetent. The most relevant standards from the *APA Standards* relating to passing scores, points, cut scores, or standard scores as applied to credentialing or licensing examinations, are:

Standard 4.21

When cut scores defining pass-fail or proficiency categories are based on direct judgments about the adequacy of item or test performance or performance levels, the judgmental process should be designed so that judges can bring their knowledge and experience to bear in a reasonable way. (p. 60)

Standard 14.17

The level of performance required for passing a credentialing test should depend on the knowledge and skills necessary for acceptable performance in the occupation or profession and should not be adjusted to regulate the number or proportion of persons passing the test. (p. 162)

The supporting commentary on passing or cut scores in the *APA Standards*, Chapter 4 – Scales, Norms, and Score Comparability, states that there can be no single method for determining cut scores for all tests and all purposes. The process used should be clearly documented and defensible. The qualifications of the judges involved, and the process of selection should be part of the documentation. A sufficiently large and representative group of judges should be involved, and care must be taken to assure that judges understand what they are to do.

⁵ National exam development information – Confidential document 2 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

In addition, the supporting commentary in the *APA Standards*, Chapter 14 – Testing in Employment and Credentialing, states that the focus of credentialing standards is on “levels of knowledge and performance necessary for safe and appropriate practice” (p. 156). “Standards must be high enough to protect the public, as well as the practitioner, but not so high as to be unreasonably limiting.” (p. 157)

Findings: OPES found that the passing score process⁶ conducted by PES demonstrates a sufficient degree of validity, meeting professional guidelines and technical standards.

(d) Test administration - The most relevant standards from the *APA Standards* relating to test administration, as applied to credentialing or licensing examinations, are:

Standard 5.1

Test administrators should follow carefully the standardized procedures for administration and scoring specified by the test developer, unless the situation or a test taker’s disability dictates that an exception should be made. (p. 63)

Standard 5.2

Modifications or disruptions of standardized test administration procedures or scoring should be documented. (p. 63)

Standard 5.5

Instructions to test takers should clearly indicate how to make responses. Instructions should also be given in the use of any equipment likely to be unfamiliar to test takers. Opportunity to practice responding should be given when equipment is involved, unless use of the equipment is being assessed. (p. 63)

Findings: OPES found that the test administration protocols⁷ in place by the National Association appear to meet professional guidelines and technical standards.

(e) Examination Performance - The most relevant standards from the *APA Standards* relating to examination performance, as applied to credentialing or licensing examinations, are:

Standard 2.1

For each total score, subscore, or combination of scores that is to be interpreted, estimates of relevant reliabilities and standard errors of measurement or test information functions should be reported. (p. 31)

⁶ National passing score development - Confidential document 2 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

⁷ National test administration information - Confidential document 2 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

Standard 3.9

When a test developer evaluates the psychometric properties of items, the classical or item response theory (IRT) model used for evaluating the psychometric properties of items should be documented. The sample used for estimating item properties should be described and should be of adequate size and diversity for the procedure. The process by which items are selected and the data used for item selection, such as item difficulty, item discrimination, and/or item information, should also be documented. When IRT is used to estimate item parameters in test development, the item response model, estimation procedures, and evidence of model fit should be documented. (pp. 44-45)

Findings: OPES found that the steps taken by the National Association to evaluate examination performance⁸ are valid and legally defensible, meeting professional guidelines and technical standards.

- (f) Information available to candidates - The most relevant standards from the *APA Standards* relating to candidate information, as applied to credentialing or licensing examinations, are:

Standard 8.1

Any information about test content and purposes that is available to any test taker prior to testing should be available to *all* test takers. Important information should be available free of charge and in accessible formats. (p. 86)

Standard 8.2

Where appropriate, test takers should be provided, in advance, as much information about the test, the testing process, the intended test use, test scoring criteria, testing policy, and confidentiality protection as is consistent with valid responses. (p. 86)

Findings: The National Association Web site is located at www.aavsb.org. It provides extensive information about the National exam as a central resource for information. OPES found that the information provided to candidates about the National exam is comprehensive, meeting professional guidelines.

- (g) Test Security - The most relevant standards from the *APA Standards* relating to test security, as applied to credentialing or licensing examinations, are:

Standard 5.6

Reasonable efforts should be made to assure the integrity of test scores by eliminating opportunities for test takers to attain scores by fraudulent means. (p. 64)

⁸ National exam performance information - Confidential document 2 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

Standard 5.7

Test users have the responsibility of protecting the security of test materials at all times. (p. 64)

Findings: OPES found that the policies and procedures used for test security⁹ meet professional guidelines and technical standards.

Workshop Participants

The Committee convened two workshops that consisted of independent panels of California licensees representing diverse geographic locations and years of experience serving as subject matter experts (SMEs). The first workshop was conducted on March 25-26, 2010 by two OPES facilitators. The group consisted of nine SMEs; two were Doctors of Veterinary Medicine (DVMs), and seven were Registered Veterinary Technicians (RVTs). The second workshop was conducted on April 29-30, 2010 by the same OPES facilitators. The group consisted of eight SMEs; two were DVMs and six were RVTs.

Workshop Process and Results

The two workshops were conducted independently of one another, held at different times with different SMEs, and were jointly facilitated by two OPES testing specialists. The materials, the process and the procedures were the same for both the workshops.

Both the workshops began by having the SMEs complete OPES' licensure examination security agreement, self-certification, secure area agreement, and personal data (demographic) forms. The OPES facilitators explained the importance of and guidelines for the security and confidentiality of materials and information both during and outside the workshop. The SMEs were then asked to identify and introduce themselves to the facilitators and the group.

The OPES facilitators explained the goals of the workshops, which were to explain the psychometric standards and findings, determine if the National exam is acceptable for California licensure, and make recommendations to the Committee for future licensure examinations based on OPES findings and workshop results.

Both groups of SMEs were presented with an explanation regarding the purpose and importance of an occupational analysis, examination development process, validity, content validation, reliability, and psychometric standards. These topics were discussed in detail to ensure the SMEs understood these concepts and their importance to the process.

⁹ National test security information - Confidential document 2 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

An occupational analysis based on task and knowledge statements typically includes a survey distributed to the licensees of the profession to determine the specifications of an examination plan (content domains and content weightings) for that profession. The two groups were presented with the occupational analysis respondent demographics¹⁰ information in the form of a comparison table. The groups independently compared the 2007 National survey demographics with the 2004 California survey demographics. All nine SMEs from the first workshop, as well as the eight SMEs from the second workshop, agreed that the respondent demographics comparison was sufficiently equivalent in respondent years of licensure, number of hours worked, and type of animal practice to be deemed the same.

Both groups were then presented with the 2007 National and the 2004 California (CA) examination plan or test specifications¹¹ in the form of a comparison table. The group compared content domain categories, their respective examination weightings, and the total number of test questions. The examination plan categories, ratings, and total number of test questions were determined to be sufficiently equivalent.

Both groups were then asked to compare the tasks and knowledges of the National examination plan¹² with the CA examination plan. The level of specificity (the amount of detail) was significantly different in the two examination plans. The CA examination plan task and knowledge statements were written in much greater detail compared to the broader scope task and knowledges in the National examination plan. Therefore, to determine if the National examination covered the same content as the CA examination, the SMEs were asked if they could link each CA task to a task and knowledge that covered the same content as in the National examination plan. The first half of the CA tasks were linked in the first workshop and the second half of the CA tasks were linked in the second workshop. By the time each group completed their assigned task linkage, they were familiar with the examination plan and were asked to identify any remaining tasks they believed did not link to the National. The combined effort of both workshops officially linked each CA task with the exception of those pertaining to CA law and regulations.

Both groups reviewed the California B&P and California Code of Regulations (CCR) codes relating to the CA RVT scope of practice and licensure qualifications. Both groups of SMEs were told that the purpose of reviewing these documents was to obtain an understanding of California's examination requirements, and to use this information when assessing the National examination specifications.

¹⁰ Respondent Demographics Table – Confidential document 3 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

¹¹ Test Specifications Table – Confidential document 4 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

¹² National Exam Plan - Confidential document 5 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

After linking each CA task and knowledge statement to the National exam plan, all nine SMEs from the first workshop, as well as the eight SMEs from the second workshop, found the exam plans to be sufficiently equivalent to be acceptable for California licensure except for law and regulations. The results of the SME's linkage indicated that the competencies assessed in the National exam are relevant to veterinary technician practice in California with the exception of task and knowledge statements related to California laws and regulations.

National and California licensure candidates are provided with a candidate handbook at the time they register to take the licensing examination. The National handbook is available on the National Association Web site located at www.aavsb.org. Both groups of SMEs were asked to review the National and the CA candidate handbooks. The SMEs were asked to take the sample test from both the handbooks. The purpose of taking the test was two-fold; to evaluate the type of questions on the exams and to look at the quality of test questions on the exam. After reviewing the National and the CA handbooks, both groups found the National handbook to be acceptable.

The SMEs then discussed the National exam development procedures, SME selection criteria, exam reviewers, test administration procedures, scoring procedures that included establishment of passing scores, and test security procedures at length. All SMEs found these procedures and criteria acceptable.

The group then reviewed the examination statistics¹³ including passing score data for two administrations of the National exam (based on the 2007 National exam plan) and the CA exams (based on the 2004 exam plans) in the form of a comparison table. This included information regarding the total number of candidates taking the examinations, total number of questions on the examinations, candidate mean score, standard deviation, range of raw scores, reliability, standard error of measurement and the passing rates. Both groups of SMEs agreed that the examination statistics were sufficiently equivalent to be acceptable for California licensure.

Conclusions and Recommendations

OPES completed a comprehensive analysis and evaluation of the National examination related documents provided by National Association; specifically; the current (a) occupational analysis, (b) examination development, (c) passing scores, (d) test administration, (e) examination performance, (f) information available to candidates, and (g) test security procedures. OPES found that the procedures used to establish and support the validity and defensibility of the National exam components listed above meet professional guidelines and technical standards outlined in the *Standards for Educational and Psychological Testing (APA Standards)* and B&P Code section 139.

¹³ Examination Statistics Table - Confidential document 6 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

Both groups of SMEs unanimously agreed that the occupational analysis survey respondent demographics, exam development procedures, SME selection criteria, test administration procedures, scoring procedures that included establishment of passing scores, and test security procedures comparisons were sufficiently equivalent. The results of the SME's linkage indicated that the competencies assessed in the National exams are relevant and comprehensive to veterinary technician practice in California with the exception of task and knowledge statements related to California laws and regulations.

All SMEs from both groups were unanimous in their recommendation to the Committee to accept the National exam for California licensure, but only under the condition that a supplemental examination of RVT-related California Law and Regulations be administered to each candidate for licensure.

REGISTERED VETERINARY TECHNICIAN EXAMINATION TRANSITION QUESTIONS

The Registered Veterinary Technician Committee (RVTC) is researching the possibility of transitioning to the Veterinary Technician National Examination (VTNE) and several questions have been raised. RVTC contracted with the Office of Professional Examination Services (OPES) to conduct an evaluation of the VTNE to determine if it is acceptable for California licensure. OPES conducted the evaluation in two workshops comprised of Registered Veterinary Technician (RVT) and Veterinarian subject matter experts (SMEs) and presented the VTNE evaluation report (Report) to RVTC in July 2010. Following are the responses to those questions and issues:

Question

1. Does RVTC need to develop a California supplemental exam to address the California-specific job tasks?

Answer

Report recommendation: If RVTC accepts the VTNE for California licensure, a California supplemental exam would be required to address California laws and regulations related to the practice of a California RVT.

A supplemental licensure exam is a required exam that supplements or completes the content area or scope of practice of the primary exam. The current California RVT licensure exam addresses the competencies, laws, and regulations related to a California RVT. The VTNE does not address California specific laws and regulations; therefore a supplemental exam would be required to address these areas.

Implementation of an RVT supplemental California law and regulations exam will ensure that candidates will be examined on the RVT-related California law, regulations, and specific tasks cited in the law.

Question

2. The VTNE does not include questions for specific tasks that are not allowed in all jurisdictions where the VTNE is administered. Since RVTs in some other states and Canada are not allowed to perform the California job tasks, e.g., extract teeth, suture, induce anesthesia, create relief holes, apply casts or splints, or perform certain emergency procedures when a veterinarian is not present, these types of questions would not be included on the VTNE. Is that a problem?

Answer

Report results: The SMEs from both workshop groups determined that the exam plan content areas and weightings from the VTNE and the California RVT exam were sufficiently the same, with the exception of the content cited in California law and regulations.

Implementation of an RVT supplemental California law and regulations exam will ensure that candidates will be examined on the RVT-related California law, regulations, and specific tasks cited in the law. For example, four out of five tasks mentioned in the question above are cited in the California Business and Professions (B&P) Code, which would be included in the supplemental California law and regulations exam. As stated in B&P Code section 2036:

(b) An R.V.T. may perform the following procedures only under the direct supervision of a licensed veterinarian and when done so pursuant to the direct order, control and full professional responsibility of the licensed veterinarian:

- (1) Anesthesia induction by inhalation or intravenous injection;*
- (2) Application of casts and splints;*
- (3) Dental extraction;*
- (4) Suturing of existing skin incisions.*

Question

3. If needed, who would create and administer the California supplement? If it does include the RVT job tasks, do we (California) create the exam ourselves? This would require item writing, reviewing, and Angoff workshops, workshops to put the exam together, as well as periodic practice analysis, which would cost almost or just as much as creating the entire exam we do now. If the purpose of transitioning to the VTNE is to save money, having to do workshops removes that justification. And, if the supplement is administered on computer, will it be at the same sites and time as the VTNE, or will candidates have to go to two different sites at two different times? Certainly, having to take two exams, especially if they are given at different times and locations, will increase the cost, inconvenience and anxiety for California candidates.

Answer

RVTC may contract with OPES to develop the supplemental California law and regulations exam. Best practice for an exam development cycle includes the development of an exam plan, item writing, item review, exam construction and setting the passing score. Even though this cycle is the same as the current exam development cycle, there are significant cost savings in developing a supplemental exam plan instead of a competency occupational analysis and by combining the exam construction workshop with the passing score workshop if the number of items on a test is 100 or less.

The VTNE is administered by Prometric at testing centers throughout the US and Canada as a computer-based exam given in three testing windows each year. The current RVT exam is administered by PSI at 13 testing centers throughout California, also as a computer-based exam. The supplemental California law and regulations exam could be administered at the same California PSI testing centers and RVTC could contract with PSI for additional ten nationwide testing centers at no cost.

Several boards within DCA have licensure candidates who take a national exam and a supplemental California exam at different test centers.

Question

4. Since Canada does not use the English math system anymore, are there no questions on the VTNE regarding conversions from the English system to metric, and if not, is that a problem?

Answer

No, it should not be a problem. One of the goals during both the workshops was to determine if the VTNE exam covered the same content as the California RVT examination.

Report results: For this purpose, the SMEs were given the California RVT exam plan and asked to link each California task to a VTNE exam plan task and knowledge that covered the same content. The SMEs from both workshops were able to link each California task to a task and knowledge on the VTNE exam plan with the exception of those pertaining to California law and regulations. California tasks related to math were included in this linkage.

It is a candidate's responsibility to have sufficient knowledge of all tasks and knowledge cited in the exam plan at the minimum acceptable competence level.

Question

5. One of the determinations made by the SMEs during the two validation workshops was that, in addition to the VTNE, California should require a law and jurisprudence exam. It was not made clear whether this would be a take-home exam like it is for veterinarians, or given on computer.

Answer

Report recommendation: If RVTC accepts the VTNE for California licensure, a California supplemental exam would be required to address the California laws and regulations related to the practice of a California RVT.

The intent of the recommendation to implement a supplemental exam was to develop a *licensure* exam. This *licensure* exam is intended to be a secure exam with pass/fail consequences to licensure. The SMEs expected any implementation of a supplemental exam to be treated the same as the current California RVT exam, being of a secure type and administered by computer. The SMEs wanted evidence of candidate proficiency in California law, regulations, and specific tasks cited in the law. A take-home exam would be considered an education tool, not a licensure exam. Therefore, based on the evaluation results, OPES cannot endorse implementing a take-home or educational exam.

Question

6. There were some concerns about whether the law exam, if it contained questions about the RVT job tasks, could be a take-home exam.

Answer

See the response to question #5. The intent of the recommendation from the evaluation was to implement a secure and computer-based licensure exam with licensure consequences. A take-home exam would be considered an educational tool which was not the intent of the SMEs.

Question

7. If the California supplement is only jurisprudence, how do we justify stating that RVTs in California have been trained and *tested* in the RVT restricted tasks if they are not included on the exam? How would we know if an RVT is really minimally competent to induce anesthesia, suture, etc., if they are not tested in these areas? How would we justify stating that an RVT is different from an unregistered assistant if we have no test questions on the tasks that only RVTs may perform? And how can OPES state the VTNE is sufficient (except for jurisprudence) if it does not include the most important, high-risk job tasks RVTs perform?

Answer

Taking a licensure exam provides an assessment of a candidate's *overall* level of knowledge related to specified content areas. To pass a licensure exam, a candidate must get a total number of questions correct across content areas that would represent the minimally acceptable competence (MAC) level, determined by SMEs. Passing an exam is not proof that the candidate has sufficient knowledge on each and every topic, but evidence that the candidate has sufficient *overall* knowledge equal to the MAC.

Each form of an exam will not have a question on everything that a licensee is licensed to perform. Any given form of an exam is only a sampling of questions selected to meet the percentage or weight requirements of the current exam plan. Therefore, on any exam form, some task/knowledge may not be tested.

If a supplemental California law and regulations exam is implemented, the exam plan will be developed by SMEs selecting RVT-related California law, regulations, and specific tasks cited in the law.

If RVTC wants to ensure that each candidate has the skill and ability, above the knowledge, to perform identified tasks, then a practical exam of each of these tasks should be implemented.

Finally, the differences between RVTs and unregistered assistants are delineated by the requirements for registration, e.g., education, eligibility, and licensing requirements.

Question

8. What input would California have on the committee in charge of the VTNE, since we would be supplying the second largest group of candidates for the VTNE after Canada? It appears that Canada has a dedicated seat on that committee.

Answer

The representatives on the VTNE committees are volunteers, so California could ask for persons to volunteer to sit on the committee, but appointments to the committee are based on availability whether or not someone volunteers to participate, and the Board has no control over a person's desire to participate.

Question

9. In the past, OPES has stated that it is inappropriate for RVT educators, especially program directors, to participate in exam preparation. OPES will not even allow members of RVTC to participate in its workshops because they believe that constitutes some sort of conflict of interest. However, most of the people in charge of the test preparation for the VTNE are RVT program directors or instructors. I believe Dr. Hollingshead himself is an RVT educator, so why is that not a problem?

Answer

OPES is finalizing its DCA policy regarding restrictions for Board and Committee members, educators, and instructors participating as SMEs in State licensure exam development. OPES cannot enforce its policy on members of national committees.

Summary

RVTC contracted with OPES to conduct an evaluation of the VTNE. The purpose of this evaluation was to determine if the VTNE would be acceptable as the RVT competency exam for California licensure. This evaluation was conducted by OPES with two SME workshops on March 25-26, 2010, and April 29-30, 2010. The SMEs evaluated the VTNE to determine if it meets professional psychometric standards and content acceptable for California licensure.

The evaluation results state the VTNE does meet professional psychometric standards and content acceptable for California licensure with the exception of California-specific law and regulations.

The SMEs from both workshops were unanimous in their recommendation that RVTC may accept the VTNE for California licensure, only under the stipulation that a supplemental exam of RVT-related California law and regulation be administered to each candidate for licensure. This supplemental exam would ensure that the California-specific tasks cited in the law could be tested.

It was the intent of the SMEs that the supplemental exam follow the same licensure criteria and consequences (i.e. secure, computer-based, pass/fail results) as the current

California RVT exam. Therefore, the implementation of a take-home exam, which would be considered an educational tool instead of a test of knowledge, would not be in compliance with the recommendation from the evaluation.



MEMORANDUM

DATE	July 2017
TO	Veterinary Medical Board
FROM	Ethan Mathes. Operations Manager
SUBJECT	Review, Discussion, and Consideration of a Statutory Change Regarding the Elimination of the Veterinary Law Examination

Issue

At its January 2017 Veterinary Medical Board (Board) meeting, the Department's Office of Processional Examination Services (OPES) presented its review and findings of the Veterinary Technician National Examination (VTNE). The Board requested at that time any discussion on the study is brought back to a future meeting.

Background

The VLE underwent a review and update in cooperation with the OPES and veterinary subject matter experts. As a part of this review, a three-day workshop was held in June 2016. From this workshop the Board obtained two new versions of the VLE and the OPES drafted a *Report of Findings* with recommendations (attached to this Memorandum) regarding the VLE and California State Board (CSB) Examination comparison study.

At the Board's January 2017 meeting OPES's Kamilah Holloway presented on the VLE and CSB comparison study. The comparison study included the following: 1) California Veterinarian Licensure Examination Program Protocol, 2) Occupational Analysis, 3) The California State Board Veterinarian Examination Content Outline, 4) VLE/CSB Comparison Study Process, and 5) Comparison Study Outcomes (including Options/OPES recommendation).

The OPES study determined that VLE items are linked in the CSB examination content - that is, items tested on the VLE are also tested on the CSB.

Ms. Holloway identified three options going forward: 1) Continue to administer the current form of the VLE, 2) Continue to administer the VLE using new examination forms yearly to eliminate overexposure of examination materials, and 3) Discontinue administration of the VLE for all candidates for licensure who have completed the national examination, the CSB examination, and a Board-approved veterinary training program.

Analysis

Testing applicants on California laws and regulations has historically been part of the Board's reciprocity licensure requirements – those applicants licensed in good standing in another state

and seeking licensure in California. The VLE, as an examination administered by mail, was originally approved as part of Senate Bill 2003 (Stats 1998 ch. 1070 § 1) that required an "...examination concerning those statutes and regulations of the Veterinary Medicine Practice Act...".

The purpose of the VLE, while technically not an "examination" but a teaching tool, is to further educate out-of-state veterinary applicants on specific laws and regulatory nuances unique to California; it provides an applicant familiarity with the California Veterinary Medicine Practice Act. Applicants who graduated from UC Davis or Western University are required to complete "...a course on veterinary law and ethics covering the California Veterinary Medicine Practice Act..." as part of their education and are exempt from taking the VLE.

The VLE will be taken by more than 550 veterinary applicants in Fiscal Year 2016-17. Staff continues to work with OPES to research electronic means of administering the VLE that would streamline the examination administration process and provide for a more secure "take home" examination.

While the OPES indicated in their findings (Option 3) that the VLE could be discontinued due to similar and/or matching items on the CSB, there is only one veterinary licensure pathway that requires both the CSB and VLE; see chart below. Three veterinary licensure pathways require only the VLE in order to educate those applicants on specific laws and regulatory nuances unique to California, including the newly adopted University License.

Veterinary License Pathway	CSB Exam	VLE Exam	NAVLE Exam
Veterinary AVMA Graduate – California*	X		X
Veterinary AVMA Graduate	X	X	X
Veterinary Reciprocity – California*			X
Veterinary Reciprocity		X	X
Temporary Veterinary – Intern			
Temporary Veterinary - Reciprocity		X	X
University License		X	

**Graduate of UC Davis or Western University where course provided on CA laws and regulations*

Any change to the present administration of the VLE would require a statutory change via the Legislative Bill making process as well as a regulatory change through the rulemaking process.

Attachments

- OPES Memorandum - Overlap Study of the Veterinary Law Examination and the California State Board Veterinary Licensure Examination
- VLE Statutes and Regulations



MEMORANDUM

DATE	November 30, 2016
TO	Ethan Mathes, SSM I Veterinary Medical Board
FROM	Kamilah Holloway, M.A., Research Program Specialist II Office of Professional Examination Services
SUBJECT	Overlap Study of the Veterinary Law Examination and the California State Board Veterinary Licensure Examination

The Veterinary Medical Board (VMB) requested that the Department of Consumer Affairs' Office of Professional Examination Services (OPES) conduct a study to determine overlapping content between the Veterinary Law Examination (VLE) and the California State Board (CSB) Veterinarian Licensing Written Examination. The purpose of the study was to explore the possibility of reducing veterinarian licensure examination requirements. Currently, Business and Professions Code 4848 requires that candidates for licensure pass the North American Veterinary Licensing Examination (NAVLE), the CSB examination, and the VLE.

The study was conducted from June 28 to June 30, 2016. A representative group of subject matter experts (SMEs) was convened to review the current CSB examination content outline; specifically, the SMEs reviewed the Professional Responsibilities content area which accounts for 14% of the CSB examination and delineates the knowledge of California and federal laws and regulations pertaining to professional responsibilities of veterinarians. The current CSB examination outline resulted from the 2013 occupational analysis (OA) of California veterinarian practice.

The following steps were taken to determine overlap between the VLE and the CSB examination:

1. The SMEs reviewed the VLE items.
2. The SMEs reviewed the 2016 California Veterinary Medicine Practice Act (VMPA) and established the link between VLE items and VMPA laws and regulations.
3. The SMEs reviewed the Professional Responsibilities content area of the CSB examination content outline.
4. The SMEs determined links between the VMPA laws and regulations that were linked to the VLE items and the specific task and knowledge statements within the Professional Responsibilities content area of the CSB examination content outline.
5. The SMEs were then asked to review a sample of examination items from the CSB examination item bank referenced to the same OA task and knowledge statements and the VMPA codes that the Veterinarian Law Examination VLE items were linked to.
6. In addition to the steps taken to determine overlap between the VLE and the CSB examination, OPES worked with the SMEs to write new VLE items and to create two new VLE forms in accordance with the identified OA and VMPA linkage.

The SMEs agreed unanimously that all of the VLE items were linked to the CSB examination content outline. In addition, the majority of the items from the VLE were linked to related items in the CSB examination item bank and those that were not directly related either by wording or subject matter had established OA linkages and could thus be covered by the CSB.

Recommendations to the Veterinary Medical Board (VMB):

Based on SME input, OPES determined that three options are available to the VMB regarding future VLE administration. The options are as follows:

- Option 1:** Continue to administer the current form of the VLE; this is not recommended because the current form of the VLE is overexposed.
- Option 2:** Continue to administer the VLE using new examination forms yearly to eliminate overexposure of examination materials.
- Option 3:** Initiate statutory (BPC section 4848(a)(2)(C) and regulatory (CCR section 2014 and 2015.2) changes to discontinue administration of the VLE for all candidates for licensure who have completed the national exam, the CSB examination, and a VMB-approved veterinary training program.
 - a) Only successful completion of the national examination and CSB examination would be required to obtain veterinarian licensure.
 - b) The VLE would continue to be administered to candidates applying for licensure through reciprocity
 - c) The VLE will contain new examination items created yearly for administration to reciprocity-based candidates to prevent overexposure of examination materials.

Option 3 reduces the necessary requirements for licensure and is psychometrically sound; the requisites for safe and effective practice including the knowledge of veterinary law will be met by administering the NAVLE and the CSB examination. Option 3 would require that new forms of the VLE be administered as mandated until regulatory changes go into effect.

BUSINESS AND PROFESSIONS CODE
Chapter 11
Veterinary Medicine

4848. Examination requirements; Waiver; Temporary license; Extension of temporary license

(a) (1) The board shall, by means of examination, ascertain the professional qualifications of all applicants for licenses to practice veterinary medicine in this state and shall issue a license to every person whom it finds to be qualified. No license shall be issued to anyone who has not demonstrated his or her competency by examination.

(2) The examination shall consist of each of the following:

(A) A licensing examination that is administered on a national basis.

(B) A California state board examination.

(C) An examination concerning those statutes and regulations of the Veterinary Medicine Practice Act administered by the board. The examination shall be administered by mail and provided to applicants within 10 to 20 days of eligibility determination. The board shall have 10 to 20 days from the date of receipt to process the examination and provide candidates with the results of the examination. The applicant shall certify that he or she personally completed the examination. Any false statement is a violation subject to Section 4831. University of California and Western University of Health Sciences veterinary medical students who have successfully completed a board-approved course on veterinary law and ethics covering the Veterinary Medicine Practice Act shall be exempt from this provision.

(3) The examinations may be given at the same time or at different times as determined by the board. For examination purposes, the board may make contractual arrangements on a sole source basis with organizations furnishing examination material as it may deem desirable and shall be exempt from Section 10115 of the Public Contract Code.

(4) The licensing examination may be waived by the board in any case in which it determines that the applicant has taken and passed an examination for licensure in another state substantially equivalent in scope and subject matter to the licensing examination last given in California before the determination is made, and has achieved a score on the out-of-state examination at least equal to the score required to pass the licensing examination administered in California.

(5) Nothing in this chapter shall preclude the board from permitting a person who has completed a portion of his or her educational program, as determined by the board, in a veterinary college recognized by the board under Section 4846 to take any examination or any part thereof prior to satisfying the requirements for application for a license established by Section 4846.

(b) For purposes of reciprocity, the board shall waive the examination requirements of subdivision (a), and issue a license to an applicant to practice veterinary medicine if the applicant meets all of the following requirements and would not be denied issuance of a license by any other provision of this code:

(1) The applicant holds a current valid license in good standing in another state, Canadian province, or United States territory and, within three years immediately preceding filing an application for licensure in this state, has practiced clinical veterinary medicine for a minimum of two years and completed a minimum of 2,944 hours of clinical practice. Experience obtained while participating in an American Veterinary Medical Association (AVMA) accredited institution's internship, residency, or specialty board training program shall be valid for meeting the minimum experience requirement.

The term "in good standing" means that an applicant under this section:

(A) Is not currently under investigation nor has been charged with an offense for any act substantially related to the practice of veterinary medicine by any public agency, nor entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, nor been the subject of an adverse judgment resulting from the practice of veterinary medicine that the board determines constitutes evidence of a pattern of incompetence or negligence.

(B) Has no physical or mental impairment related to drugs or alcohol, and has not been found mentally incompetent by a physician so that the applicant is unable to undertake the practice of veterinary medicine in a manner consistent with the safety of a patient or the public.

(2) At the time of original licensure, the applicant passed the national licensing requirement in veterinary science with a passing score or scores on the examination or examinations equal to or greater than the passing score required to pass the national licensing examination or examinations administered in this state.

(3) The applicant has either graduated from a veterinary college recognized by the board under Section 4846 or possesses a certificate issued by the Educational Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE).

(4) The applicant passes an examination concerning the statutes and regulations of the Veterinary Medicine Practice Act, administered by the board, pursuant to subparagraph (C) of paragraph (2) of subdivision (a).

(5) The applicant completes an approved educational curriculum on regionally specific and important diseases and conditions. The board, in consultation with the California Veterinary Medical Association (CVMA), shall approve educational curricula that cover appropriate regionally specific and important diseases and conditions that are common in California. The curricula shall focus on small and large animal diseases consistent with the current proportion of small and large animal veterinarians practicing in the state. The approved curriculum shall not exceed 30 hours of educational time. The approved curriculum may be offered by multiple providers so that it is widely accessible to candidates licensed under this subdivision.

(c) The board shall issue a temporary license valid for one year to an applicant to practice veterinary medicine under the supervision of another California-licensed veterinarian in good standing if the applicant satisfies all of the following requirements:

(1) The applicant meets the requirements of paragraphs (1) to (4), inclusive, of subdivision (b).

(2) The applicant would not be denied issuance of a license under any other provision of this chapter.

(3) The applicant agrees to complete the approved educational curriculum described in paragraph (5) of subdivision (b) on regionally specific and important diseases and conditions during the period of temporary licensure.

(d) Upon completion of the curriculum described in paragraph (5) of subdivision (b), a temporary licensee shall submit an application for full licensure accompanied by verification of completion of that curriculum and all applicable fees.

(e) The board, in its discretion, may extend the expiration date of a temporary license issued pursuant to subdivision (c) for not more than one year for reasons of health, military service, or undue hardship. An application for an extension shall be submitted on a form provided by the board.

4848.1. University License

(a) A veterinarian engaged in the practice of veterinary medicine, as defined in Section 4826, employed by the University of California and engaged in the performance of duties in

connection with the School of Veterinary Medicine or employed by the Western University of Health Sciences and engaged in the performance of duties in connection with the College of Veterinary Medicine shall be issued a university license pursuant to this section or hold a license to practice veterinary medicine in this state.

(b) An individual may apply for and be issued a university license if all of the following are satisfied:

(1) He or she is currently employed by the University of California or Western University of Health Sciences, as defined in subdivision (a).

(2) He or she passes an examination concerning the statutes and regulations of the Veterinary Medicine Practice Act, administered by the board, pursuant to subparagraph (C) of paragraph (2) of subdivision (a) of Section 4848.P

(3) He or she successfully completes the approved educational curriculum described in paragraph (5) of subdivision (b) of Section 4848 on regionally specific and important diseases and conditions.

(4) He or she completes and submits the application specified by the board and pays the application fee, pursuant to subdivision (g) of Section 4905, and the initial license fee, pursuant to subdivision (h) of Section 4905.

(c) A university license:

(1) Shall be numbered as described in Section 4847.

(2) Shall automatically cease to be valid upon termination or cessation of employment by the University of California or by the Western University of Health Sciences.

(3) Shall be subject to the license renewal provisions in Section 4846.4 and the payment of the renewal fee pursuant to subdivision (i) of Section 4905.

(4) Shall be subject to denial, revocation, or suspension pursuant to Sections 480, 4875, and 4883.

(5) Authorizes the holder to practice veterinary medicine only at an educational institution described in subdivision (a) and any locations formally affiliated with those institutions.

(d) An individual who holds a university license is exempt from satisfying the license renewal requirements of Section 4846.5.

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS

Division 20. Veterinary Medical Board

§ 2014. Veterinary Licensing Examination.

(a) The veterinary licensing examination shall consist of a national veterinarian examination, a California state board examination, and the veterinary medicine practice act examination which shall be referred to as the veterinary law examination.

(b) Subject to the provisions of Section 2015, of this article, every applicant who obtains a passing score determined by the Angoff criterion-referenced method of establishing the pass point in the national veterinarian examination shall be deemed to

have passed the national examination. Such a passing score may vary moderately with changes in test composition.

(c) Every applicant who obtains a passing score determined by the Angoff criterion-referenced method of establishing the pass point in the California state board examination shall be deemed to have passed the California state board examination. Such a passing score may vary moderately with changes in test composition.

(d) Every applicant who obtains a score of at least 80% on the veterinary law examination shall be deemed to have passed that examination.

§ 2015.2. Veterinary Law Examination.

(a) The veterinary law examination shall be administered by mail. Applicants taking the veterinary law examination shall return the completed examination to the board within 40 days of its date of mailing by the board. Failure to return a completed veterinary law examination to the board within the prescribed time shall cause the applicant to be deemed to have failed the examination and the applicant shall be required to re-apply and re-take the examination.

(b) An applicant who is a University of California or Western University of Health Sciences veterinary medical student who has successfully completed a course on veterinary law and ethics covering the California Veterinary Medicine Practice Act shall be exempt from having to take the veterinary law examination upon providing documentation from the course provider that the applicant has successfully completed such a course.

(c) Notwithstanding Section 2010, an application to take the veterinary law examination may be submitted at any time the applicant has met the requirements, in accordance with these regulations, to take such examination.

(d) An applicant applying for a temporary license pursuant to Section 4848(b) shall be eligible to take the veterinary law examination upon meeting the requirements of Section 4848(b)(1)-(3).

Veterinary Medical Board

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MEMORANDUM

DATE	July 10, 2017
TO	Veterinary Medical Board
FROM	Ethan Mathes, Operations Manager
SUBJECT	Review, Discussion, and Possible Board Action Regarding Fee Audit Report

History

At the January 2017 Board meeting, staff provided the Board with information regarding the history of the Board's statutory and regulatory fee increases as follows:

- Effective in 2007, a regulatory change increased all veterinary, veterinary technician, and premises fees up to their statutory cap.
- Senate Bill 1584 (Chapter 529, Statutes of 2008), effective January 1, 2009 raised the statutory cap on veterinary, veterinary technician, and premises fees in Business and Professions Code (BPC) Section 4842.5 and 4905.
- March 2012 another regulatory proposal increased the fees for all veterinary, veterinary technician, and premises fees to further strengthen the Boards long term operating and Contingency Fund outlook.

Currently, all veterinary, veterinary technician, and premises fees remain below their statutory cap.

Operational Expenditures and Contingency Fund – In accordance with BPC Section 4905, the Board's Contingency Fund (i.e. savings account) shall not have less than 3 months or more than 10 months reserve of annual authorized expenditures in the Fund.

Issues

Beginning in Fiscal Year (FY) 2014/2015 Board revenue has not kept pace with its authorized expenditures creating a structural imbalance where the Board's Contingency Fund is declining in order to make up for the operating budget deficit. Additionally, the Board is projected to drop below its Contingency Fund requirement of no less than 3 months of reserve in FY 2018/2019.

The Board's current structural imbalance is a byproduct of several factors, some within the Board's control and others outside of the Board's control, including, but not limited to:

- Increases to Personnel Services including general salary increases negotiated by the State and mandated health care and retirement contributions
- Interdepartmental fee increases for the Attorney General and Office of Administrative Hearings
- Intradepartmental increases in pro rata including the Division of Investigation, Office of Professional Examination Services, and BreZE costs

- Legislative mandates to increase veterinary premises inspections to 20% of premises per year and to enact the Veterinary Assistant Controlled Substances Permit (VACSP) program
- Increase in authorized staff positions from 12.8 in FY 2013/2014 to 23.8 in FY 2014/2015 and ongoing for the enforcement, premises inspection and VACSP programs
- Increase in Subject Matter Expert and Hospital Inspector contracted compensation

In order to begin addressing the Board's structural imbalance and potential for a fee increase, staff contracted with a vendor, Capitol Accounting Partners (CAP) to conduct a comprehensive fee audit that includes a costs analysis of the Board's Administrative, Licensing, Premises and Enforcement programs. Enclosed is the CAP audit report findings.

Proposed Fee Increase – As captured in the audit report, 46% of the Board's revenue comes from initial application, licensing, and examination fees. Approximately 52% is generated by renewal fees, and 3% of miscellaneous transactions such as delinquency fees, duplicate license fees, and address fine fees.

The audit report concludes that in order to be structurally solvent, the Board must generate \$5.3 million in revenue each year to fund its operational costs while maintaining a healthy reserve of 3-10 months in its Fund. Currently, the Board's fees generate approximately \$4.3 million in revenue, thereby leaving a shortfall of approximately \$1 million below the CAP audit's recommended revenue.

The fee proposal attached focuses on the fees that generate 97% of the Board's revenue; miscellaneous transactions fees are largely already at their statutory maximum. There are a couple of implementation options to consider; a one-time increase to meet existing operational costs and reserve needs, or a tiered approach where the fees are phased in over a two-year cycle. The latter option will lessen the initial impact on applicants and licensees.

A breakdown of the percentage of increase to effected licensing population fees (e.g. initial application, licensing, examination, and renewal fees) is as follows:

- 20% veterinarians
- 14% RVTs
- 75% Hospital Premises (Ratio of overall operational costs versus revenue)

It is important to note that staff's proposed fee regulations appear to be more conservative in some situations than that recommended in the audit report due to staff's recommendation to not only focus on workload as assigned to each fee, but also factor in the total workload volume of each fee. In other words, renewal fees will always generate a larger percentage of revenue due to the exponentially larger number of renewal applications received versus initial eligibility applications. Additionally, the audit did not identify where the recommended fee would exceed the statutory cap.

Requested Action

Review attached reports and consider the proposed fee increase in order to bring the Board's operational needs and Fund into balance and satisfy statutory requirements.

Attachments

- Audit Report Findings/Recommendations
- Fee and Revenue Charts

California Department of Consumer Affairs– Veterinary Medical Board



Mission

Protecting consumers and animals through development and maintenance of professional standards, licensing of veterinarians, registered veterinary technicians, and premises, and diligent enforcement of the California Veterinary Medicine Practice Act.



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INTRODUCTION AND SCOPE

The mission of the Veterinary Medical Board is to protect consumers and animals through development and maintenance of professional standards, licensing of veterinarians, registered veterinary technicians, and premises, and diligent enforcement of the California Veterinary Medicine Practice Act. The Board's vision is an environment in which Californians have access to high-quality veterinary care for all animals. Thus, the Board places a high priority on safeguarding consumers and the health of animals by preventing unlicensed, illegal, incompetent and unprofessional practices in veterinary medicine. This is done by making certain that only qualified individuals are issued licenses to practice veterinary medicine and by providing a strong inspection program for their facilities. This fee audit aligns with the mission, vision, and values of the Board by assessing the full costs of issuing licenses. This analysis and the resulting adoption of a new fee schedule will insure the long-term sustainability of the Board.

This report summarizes the processes, procedures, and findings of the Board's fee audit. It details the analysis that resulted in calculations of cost for individual and institutional licenses issued by the Board for licensees operating in the State of California.

As part of a plan to maintain its fiscal integrity, the Board engaged Capital Accounting Partners to prepare a detailed cost analysis of its fees. The Board's objectives for the study were to ensure that the Board is fully accounting for all of its costs and recovering adequate revenues to be reimbursed for its expenses. The Board's only sources of revenue are fees charged for each of the various licenses. Thus, the Board is fully self-supporting so it is vital that the fees charged to licensees fully recover the costs of the program.

The scope of this study included the following objectives:

- Calculate full cost of licenses;
- Determine a fair and equitable method of allocating non-fee expenses, such as enforcement, to each license type; and
- Develop revenue projections for 10 years out to set the statutory fee cap.

The process used for collecting and analyzing the data required active participation by the Board's management and staff. We want to take this opportunity to recognize their participation, time, and effort to collect the data and discuss the analysis, results, and recommendations.

SUMMARY OF COSTING METHODOLOGIES

DRIVER-BASED COSTING MODELS

Developing a driver-based costing model is a detailed and robust method of calculating the cost of a specific service. It is based on the principles of activity-based costing so it seeks to understand cost at an operational level. This means it relies on understanding the time staff invests in core business processes to process licenses and certificates as well as enforcement and administrative services.



Step 1: Collect Data – This first step involves discussions with staff to identify those positions within each work unit that provide and support direct services. It also involves collecting program budget and expenditure data, identifying the salary and benefits for each position, and identifying non-personnel expenditures, as well as any program and Board overhead. Specifically, the steps involve the following:

- **Identifying staff positions** – This includes identifying both position titles and names.
- **Calculating the number of productive hours** – Frequently we will calculate the actual number of productive hours available on an annual basis. However, in this project we used the DCA pre-calculated number of 1,776 hours.
- **Identifying and allocating non-personnel costs** – Costs for materials and supplies are allocated to the salary and benefits for each position.
- **Assigning any other expenses that are budgeted in other areas** – There are often expenses that should be included with the total cost of services. Examples of such costs might include amortized capital expenses for vehicles and technology.
- **Identifying core business processes or activities** – This step also involves discussions with staff to understand, at an operational level, the work of the operating unit. Core business processes used to provide services are identified and then defined by the tasks that are involved. Processes are also organized by direct and indirect categories.
- **Direct processes and activities** – Those processes that directly contribute to the processing of an application are first identified. Evaluation of the license application is the most notable example.
- **Indirect processes and activities** – Those processes that support, but do not directly apply to the processing of a specific license. An example of an indirect activity is customer service and cashiering.

Step 2: Building cost structures – This second step involves significant interaction with staff and the development of time estimates for both direct and indirect processes in each program area. Specifically, this step is at the core of the analysis. There are four processes that comprise this step:

- **Gathering time estimates for direct processes** – By interviewing staff in individual and group meetings, an estimate of time was assigned to each service by the process that is indicated. The sum of all the process steps is the total time that is required to provide that specific service.
- **Assigning indirect time** – An annual time estimate is gathered from staff for those indirect or support processes in which they are involved. These include Board as well as program administration, customer service, and subject matter experts.
- **Calculating fully loaded hourly rates and the cost of service** – Once the total time for each direct and indirect service is estimated, the cost of service is calculated by using the fully loaded hourly rates for each staff member or position that is involved with the service. The fully loaded hourly rate for each employee is based on the employee's salary and benefit costs plus a share of non-personnel and Board overhead costs divided by the employee's available work hours (i.e. 2,080 hours minus all leave hours). Thus, the direct and indirect cost by activity also includes work unit and Board overhead as well as non-labor costs.



- **Gathering activity or volume data** – A critical element in the analysis is the number of times a given license or certificate is issued on an annual basis. This is critical data for three reasons:
 - It allows a calculated projection of current revenue based on current prices. This is compared with actual revenue to see if there is a close match as the data should match.
 - It allows for a calculated projection of revenue at full cost. This is compared to actual expenditures to see if there is a close match as the data should match.
 - It allows for a calculation of total hours consumed. Hours consumed must closely match actual hours available.

If any of the three calculations do not approximate actual numbers, then time estimates and/or volume data need to be re-evaluated. These are critical quality checks for costing accuracy.

Step 3: Allocating enforcement and other support activities – This third step allocates enforcement activities to arrive at the full cost of service for each direct license or certificate. Thus, the final cost layers are brought together to establish the full cost of service. For the Board, this is a significant step as a high percentage of its costs are centered in enforcement and investigation activities.

Step 4: Set revenue recovery policy – Depending on Board policies and other considerations, the level of revenue recovery is a decision that should be made for each type or group of licenses. For example, the Board may want to subsidize some types of licenses with revenue from others.

Step 5: Set fees

Fees should be based on generating revenues equal to the Board's cost structure and enough to create reserves or fund balances consistent with statute. This will provide a strong and sustainable future.



SUMMARY OF FINDINGS

PRIMARY DATA SOURCES

For this project, there are three primary sources of data that have driven the analysis:

1. Budgeted expense data (fiscal 2017), which includes:
 - a. Salaries and benefit expenditures;
 - b. Services and supplies;
 - c. Overhead, including both Department and State pro rata allocations; and
 - d. External enforcement costs from the Office of the Attorney General (AG), the Office of Administrative Hearings, and evidence / witness fees.
2. Time estimates for staff to process each license type, broken down by core processes or activities. These included such activities as:
 - a. Reviewing applications for completeness;
 - b. Cashiering;
 - c. Program administration; and
 - d. Enforcement.
3. Activity data such as the annual number of licenses issued/processed by type is an important data source. The following table is an example of these data (projected for fiscal 2016).

License Type	Licenses Issued/Processed Annually
VET Initial License Fee >1 year	575
VET Premise Registration	300
TEC Initial License Fee >1 year	475

These data are critical to the analysis for two reasons:

- The annual number of licenses issued in a year, multiplied times the hours assigned to process each license allows us to assign only the numbers of hours available. For example, if the License and Exam work unit, the unit processes each license), has 5000 hours available then the model can only assign 5000 hours. If more hours are assigned then too much cost is being injected into the cost structure. If too few hours are assigned, then too little cost is being assigned into the cost structure.



- The annual number of licenses issued in a year allows us to project revenues by individual license type and for all licenses. This also allows for a comparison between current revenue as well as future revenue if full cost were to be adopted.

QUALITY ASSURANCE

Assuring the accuracy and quality of results is an important function of the analysis. Our approach builds on the concept that a quality process assures a quality outcome. Besides focusing on a quality process, we also incorporate quantitative checks of our results. These quantitative checks include:

1. Are the total costs that we have coming into the model (the budget) equal to the total costs coming out of the model (projected revenues)?
2. Are the total number of staff hours available fully accounted for in the model?
3. Does the projection of annual revenues (current) built into the cost model reasonably match actual or projected revenues by the DCA budget office?

When our results fall into reasonable ranges, we are assured of quality results. The following graphic reflects the results of our quality assurance checks.

Revenues Vs. Expenses	
Resources Available (Budget)	\$ 4,824,255
Resources Assigned (Projected Revenues at Full Cost)	\$ 4,978,280
Other costs and revenues	\$ (154,141)
Total Cost (annual)	\$ 4,824,139
Difference	\$ (116)
Hours Available Vs. Hours Assigned	
Total Hours Available	39,897
Total Hours Assigned	39,897
Difference	-
Projected Model Revenue Vs. Projected Revenue (DCA)	
Revenue Projected From Fees at Current Prices	\$ 4,074,813
Projected Fiscal Year 16-17 Revenue From Fees (including misc income, citations, etc)	\$ 4,221,000
Difference	\$ (146,188)
Percentage Difference (acceptable = plus or minus 5%-10%)	-3.5%
Target: Pricing Model (includes reserves)	\$ 5,324,001



ASSUMPTIONS USED IN THE COSTING MODEL

EXPENSE DATA – CURRENT BUDGET

In all cases, the analysis has used expense data based on fiscal year 2017-2018 budget. Therefore, the results are based on the assumption that all of the budget will be consumed in the services of the Board. From our analysis, the Board has been spending all of its allowable resources while revenues have not kept pace. This is creating a significant shortfall and imbalance which cannot be sustained in the long-term. For example, the fund balances are declining rapidly and are projected to fall below what is required by statute in fiscal 2018-2019.

In addition, costs for occupational analysis, which occurs periodically, has been included even though it is not a budgeted expense for this fiscal year. Therefore, we have prorated an annual amount of \$57,000 and included it in the analysis.

REVENUES – CONSISTENT ACTIVITY DATA

A significant component of the analysis is dependent upon annual activity data. Specifically, the number of times each license is processed on an annual basis. This is important to the analysis for two reasons:

- Activity data drives the total consumption of staff hours. If the activity data is not correct it will either over assign staff time or under estimate staff time relative to the total time that is available.
- Projecting revenue. If the number of applications for licenses vary wildly on an annual basis, projecting revenue will be challenging. However, if the number of applications for licenses is stable, then revenues will be stable.

DIRECT VS. INDIRECT ALLOCATED COSTS

For this analysis, direct costs are being defined as the direct time required to process a specific application type. This is driven off a calculation of a productive hourly rate for each staff position. This rate includes salaries, benefits, and a prorated amount for services and supplies. Then indirect costs are layered on top of the direct costs to establish the full cost of issuing the license. The reader will note that the largest component of costs are those that support the programs associated with enforcement and not the processing of licenses.



Fee Description	Time Assigned	Productive Hourly Rate	Direct Cost Assignment
Veterinary Premise Registration License			
Initial processing and distributes to appropriate analyst	0.05	\$ 48.54	\$ 2.43
Review by analyst Premise - new	0.5	\$ 48.42	\$ 24.21
Total Direct Cost Assigned			\$ 26.63

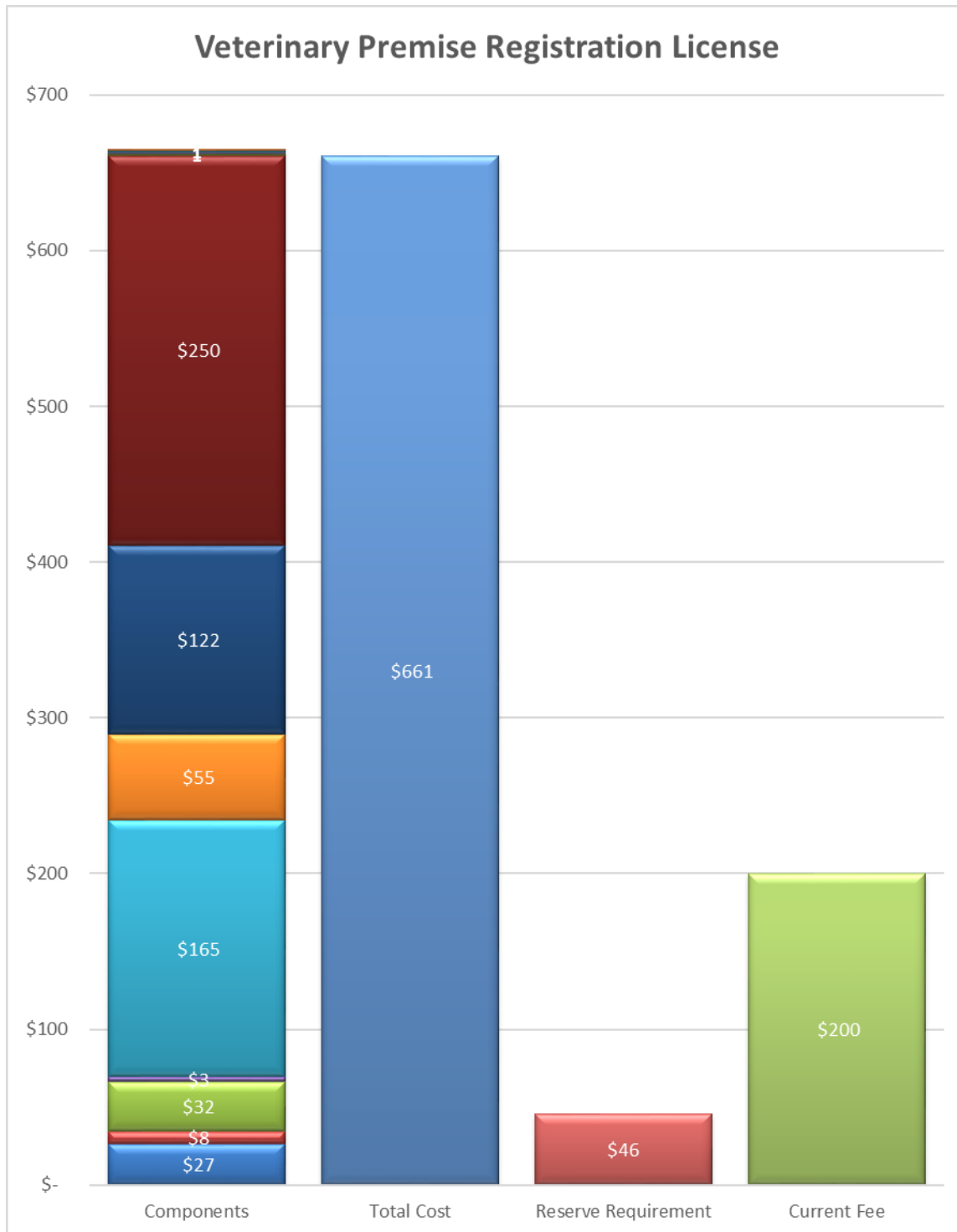
Sources of Indirect Cost	Allocated Costs
Dept./State Prorata	\$ 8
Board Management and Administration	\$ 32
Cashiering	\$ 3
Administer Premise Inspection and Enforcement Activities	\$ 165
Process Complaints and Accusations	\$ 55
Attorney General & Associated Costs	\$ 122
Conduct an inspection	\$ 250
Total Indirect Cost	\$ 634

Total Cost of the License	\$ 661
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Current Price	\$ 200
Difference	\$ (461)

Note: data does not include additional costs required to rebuild reserves.

The following graphic illustrates the same data but adds an amount required to rebuild reserves.

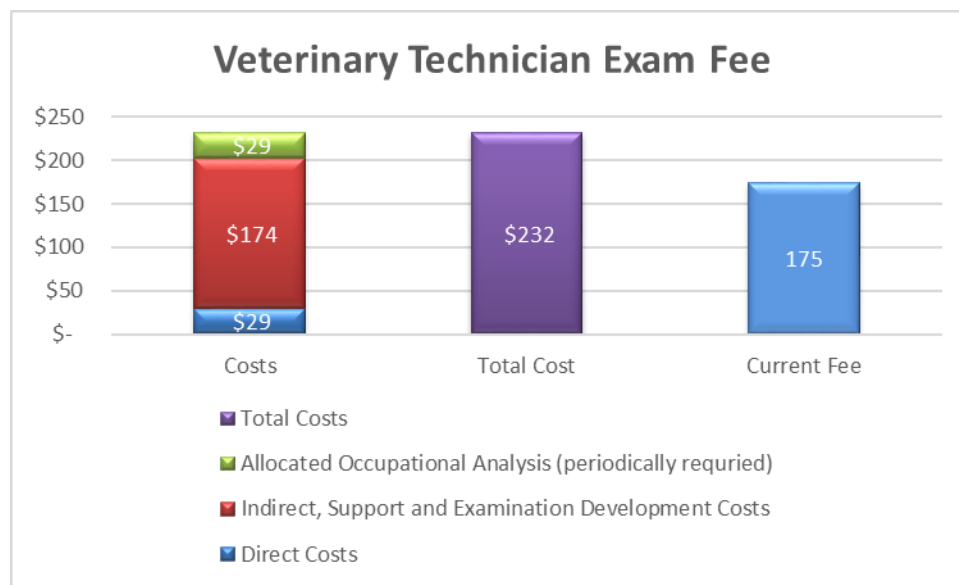


Please see the following discussion on how enforcement costs are allocated.



VETERINARY TECHNICIAN EXAM FEES

Administering exams for professional licensing is an important function of the Board, as it is for many the Boards and Bureaus of the Department. From our experience, it is also an area where the prices charged for the exams is less than full cost. The following graphic illustrates the major components of costs for this service and compares it to the current price that is charged.

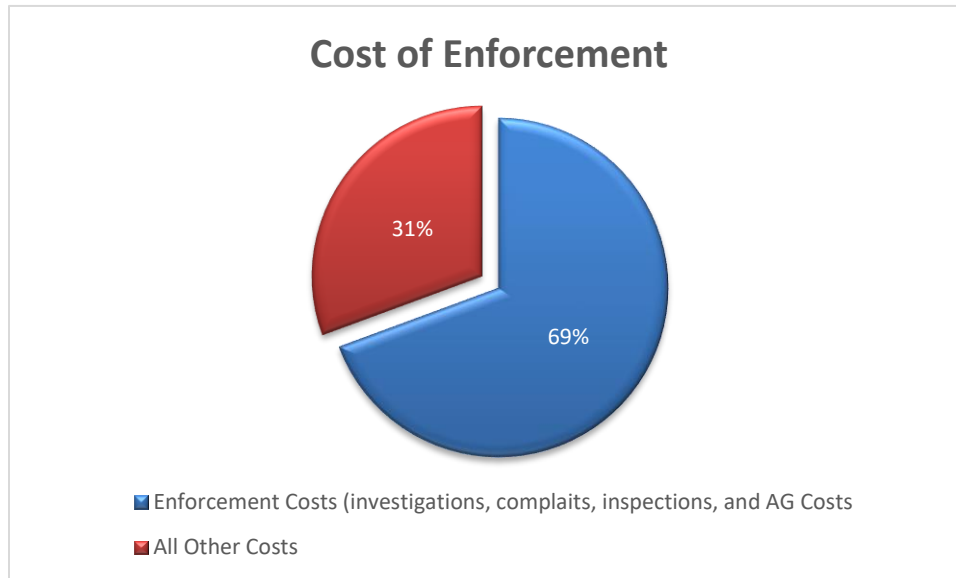


ALLOCATING COSTS OF ENFORCEMENT

Enforcement costs are a significant cost of total Board expenditures. Enforcement costs come in two primary types:

1. Costs associated with internal investigations, processing complaints, and inspections; and
2. Costs associated with the AG, Office of Administrative Hearings, and evidence / witness fees.

In total, enforcement (with all overhead and supports costs allocated), accounts for 69 percent of total budgeted costs as the following graph will illustrate.



ALLOCATION METHODOLOGIES

This ratio of enforcement costs to total costs is consistent among the Boards and Bureaus of DCA that we have reviewed. Because enforcement activities are such a large component of total cost, the method of allocating these costs is important.

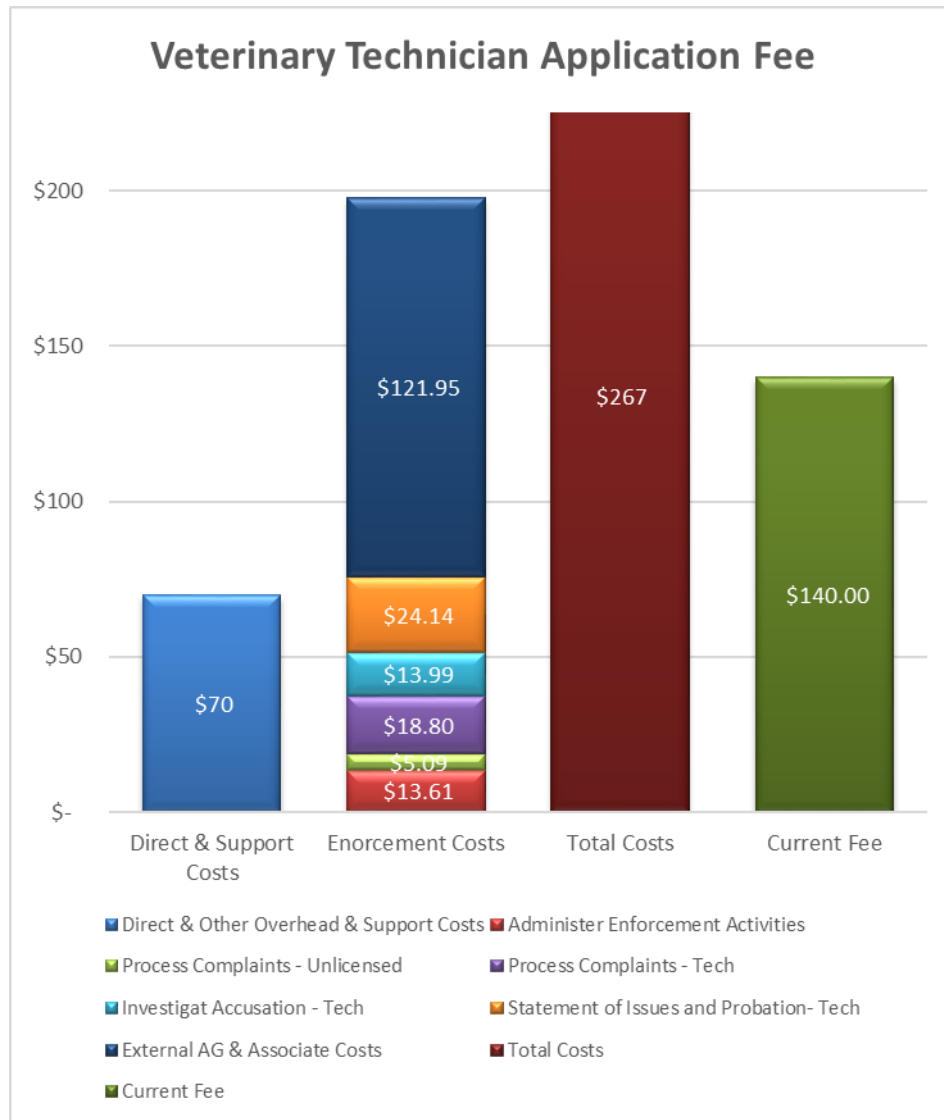
There are several potential methods of allocating these costs. Among these are:

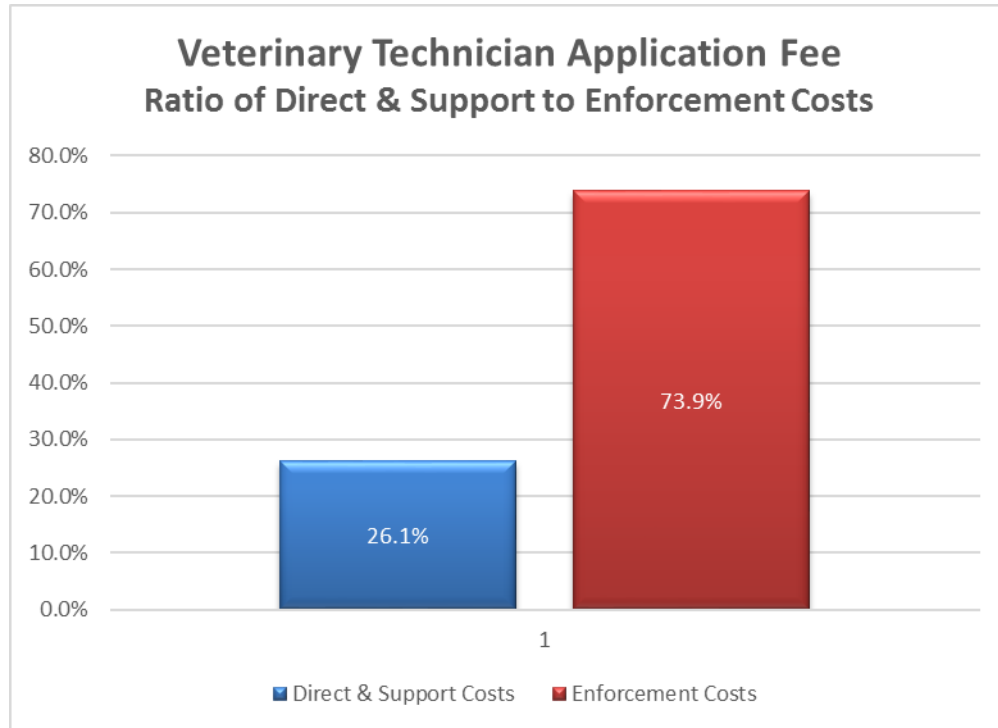
1. Allocating enforcement costs on the basis of direct cost of each license;
2. Allocating enforcement costs on the basis of the number of complaints and investigations each licensee type creates; and
3. Calculating a flat cost per license.

For this analysis, we used a combination of #1 and #2 above. For example, in the previous example of the Veterinary Premise Registration, enforcement costs were first broken down by the various types of enforcement activity. This was done by data supplied by the Board that showed who and how enforcement activities are triggered. As an example, this allowed us to calculate the total cost of processing complaints triggered against premises. This total cost was then allocated to the two premise registration fees based on a prorated amount.

EXAMPLE OF IMPACT OF ENFORCEMENT COSTS

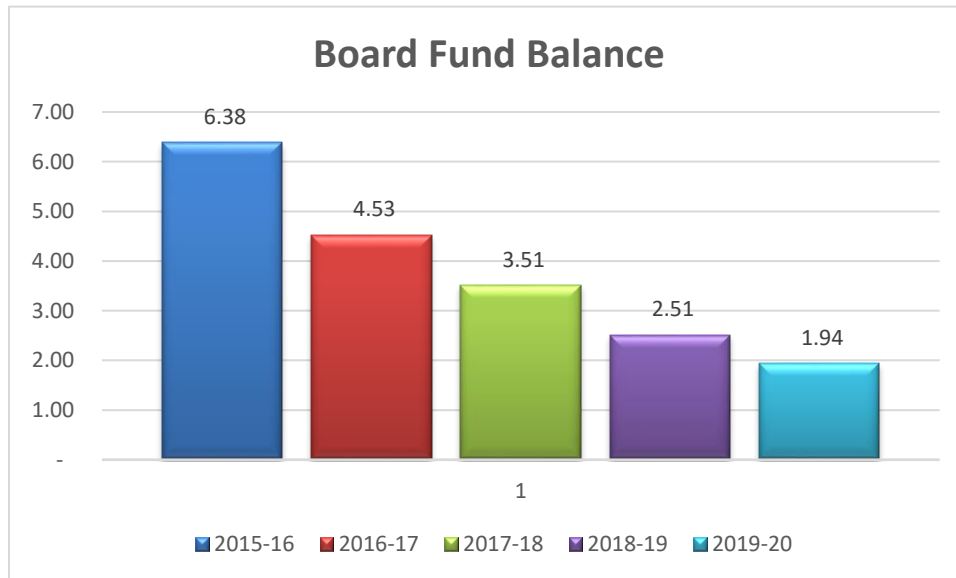
A good illustration of the impact of the cost of Enforcement is in the Veterinary Technician Application fee. The total cost is \$267. Of this amount, 73.9% is allocated Enforcement costs, as the following graphs will illustrate.





RESERVES OR “FUND BALANCES”

Financial reserves are an essential part for long-term organizational sustainability. The Department Budget Office monitors these reserves, or what are called “Fund Balances”. The Budget Office also translates the projected dollar amount into a “months in reserve”. The following graph will illustrate the “months in reserve” analysis provided by the Budget Office.



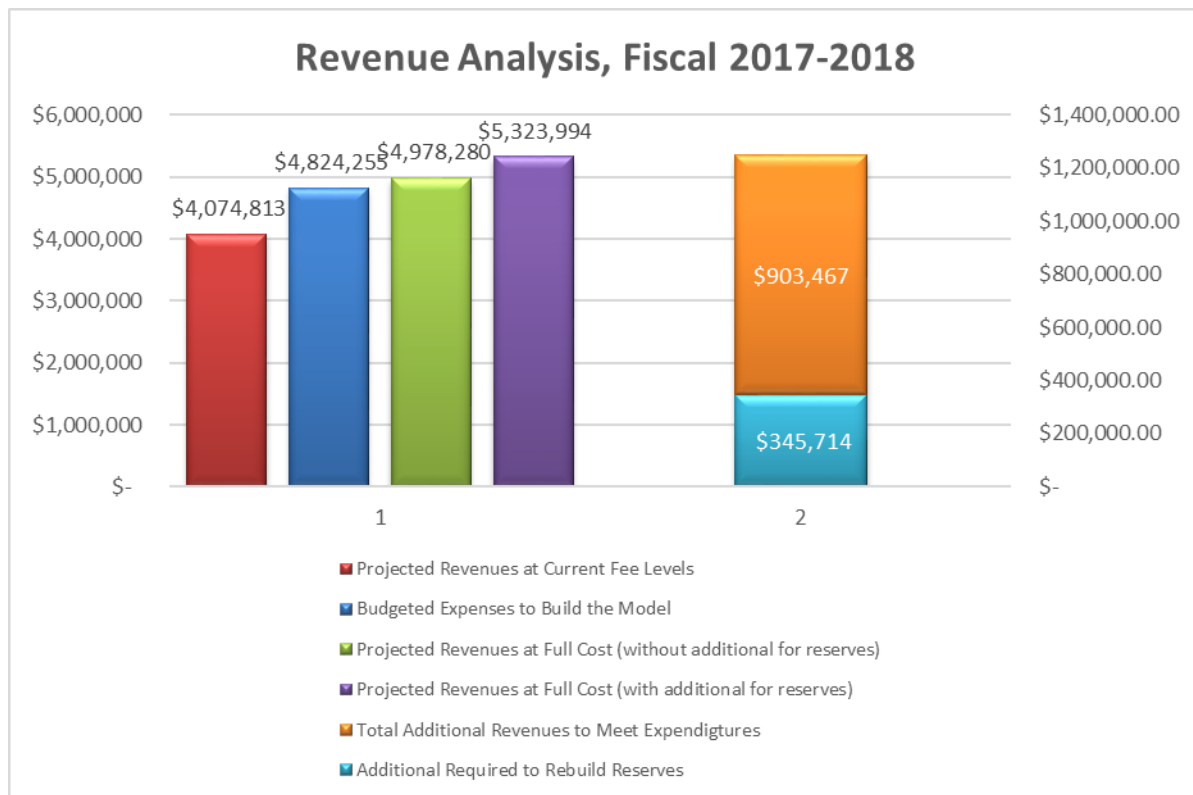
The reader will note, that the projected fund balance for fiscal year end, 2017-2018 is 3.51 months and will drop to 2.51 months fiscal year end 2018-2019. Therefore, as part of the analysis we have established a reserve fund build up plan that will strengthen the long-term sustainability of the Board. In doing so, we have targeted rebuilding the reserves which are 3-10 months of operating reserves as required by statute. For this analysis, we are targeting rebuilding the fund balance six months but doing so over three years. The following table illustrates:

Months in Reserve Analysis	
Target Months in Reserve	6.00
Projected fund balance year end 17/18	3.50
# Of months to replace	2.50
Costs Required to Rebuild Reserves	
Total Annual Expenses	\$ 4,978,280
Monthly Expenses	\$ 414,857
# Months Target (2.5)	\$ 1,037,142
Additional "cost" for 3 Year Build Up	\$ 345,714



REVENUE SUMMARY

Based on budgeted expenses and our projection of revenues for fiscal 2017-2018 we would expect to see a revenue shortfall of \$903,467. In addition, to rebuild the fund balance to six months of operating expenses in reserves there will need to be an additional \$345,714 of revenue required. The following graph illustrates these data.





OBSERVATIONS AND RECOMMENDATIONS

GENERAL OBSERVATIONS

The primary observation is that the Board has a history of conservative fiscal management and is taking a proactive step to insure the long-term sustainability of the Board. This will strengthen its ability to fully execute its mission and vision for the people of California. However, a projected loss of \$903,467 (without an accounting for rebuilding reserves) is significant and is a threat to the sustainability of the Board.

SPECIFIC RECOMMENDATIONS

MOVE TO RECOMMEND ADJUSTMENT TO FEE SCHEDULE

While we applaud the Board for being proactive in conducting a fee audit, we would recommend the Board take appropriate steps to adjust fees to full cost plus the additional revenues to rebuild reserves or fund balances. Without this action, the Board's long term sustainability and ability to execute its mission is in jeopardy.

SET CAP AND ADJUST FEES REGULARLY

In our view, one of the most important outcomes of a study of fees is a policy to adjust fees regularly. Staff receive regular cost of living adjustments, Veterinary workers and establishments adjust their prices based on inflationary and market forces, therefore, in our view fees should be adjusted regularly as well.

We have provided a 10 year forward projection of fees based on an annual increase of 4.5% annual increase. We would recommend working with the State Legislature to set the cap at the 10 year projected maximum. Then adjusting fees annually or at least bi-annually to maintain alignment of revenues and expenditures. We would also recommend a formal audit of fees at the 5 year mark as processing and regulatory requirements can change dramatically within this time frame.



APPENDICES

Cost and Pricing Report Table

- Pages 1-2 shows the analysis of cost for each individual fee item and the comparison of revenues at full cost and at current prices;
- Pages 3-4 shows two important components of the analysis
 - The impact on individual fees of including costs to rebuild reserves; and
 - A 10 year forward projection of fees assuming a 4.5% annual escalator.

California Veterinary Board
Licensing and Fees



					Unit Cost Summary						Annual Cost Calculations (At Actual Costs Calculated)		
					Direct Unit Cost	Allocated Support Costs	Other Costs	Total Cost Assigned	Current Fee / Revenue	Unit Surcharge or (Subsidy)	Revenue at Full Cost of Services	Projection of Revenues at Current Fees	Annual Surplus (subsidy)
125600 P	Failure to Rpt Addr Chg	Collected year round.		420	\$ -	\$3	\$ 25.00	\$ 28	\$ 25	(\$3)	\$ 11,827.10	\$10,500	(\$1,327)
125600 P	Dup. License/Cert.	Collected year round.		250	\$ -	\$3	\$ 25.00	\$ 28	\$ 25	(\$3)	\$ 7,039.94	\$6,250	(\$790)
125,600	Cite & Fine	Collected year round.			\$ -			\$ -	\$ 45,000	\$45,000	\$ -		
141,200	Sale of Docs* - Ltr Good Stdg	Collected year round.	700	700	\$ -	\$3	\$ 25.00	\$ 28	\$ 25	(\$3)	\$ 19,711.83	\$17,500	(\$2,212)
125700 NS	VET App Fee	Collected year round.	700	700	\$ 27	\$374		\$ 401	\$ 125	(\$276)	\$ 280,688.45	\$87,500	(\$193,188)
125700 QV-	TEC App Fee	Collected year round.	825	825	\$ 27	\$241		\$ 267	\$ 125	(\$142)	\$ 220,653.99	\$103,125	(\$117,529)
125700 NW-	Vet Law Exam Fee	Collected year round.	475	475	\$ 29	\$174	\$ 29.23	\$ 232	\$ 100	(\$132)	\$ 110,248.20	\$47,500	(\$62,748)
125700 QU-	CA State Exam Fee - TEC	Collected year round.	825	825	\$ 29	\$174	\$ 29.23	\$ 232	\$ 175	(\$57)	\$ 191,483.71	\$144,375	(\$47,109)
125700 NT-	Vet State Board Exam Fee	Collected year round.	650	650	\$ 29	\$174	\$ 29.23	\$ 232	\$ 200	(\$32)	\$ 150,865.96	\$130,000	(\$20,866)
125700 PB-	VET Initial License Fee >1 year	Collected year round.	575	575	\$ 27	\$374		\$ 401	\$ 290	(\$111)	\$ 230,565.51	\$166,750	(\$63,816)
125700 PD-	VET Temp App Fee - Reciprocity	Collected year round.	90	90	\$ 63	\$880		\$ 943	\$ 125	(\$818)	\$ 84,912.34	\$11,250	(\$73,662)
125700 PG-	VET Temp App Fee - Intern	Collected year round.	30	30	\$ 63	\$880		\$ 943	\$ 125	(\$818)	\$ 28,304.11	\$3,750	(\$24,554)
125700 NQ-	VET Temp License Fee - Reciprocity	Collected year round.	50	50	\$ 27	\$374		\$ 401	\$ 150	(\$251)	\$ 20,049.17	\$7,500	(\$12,549)
125700 NP-	VET Temp License Fee - Intern	Collected year round.	25	25	\$ 27	\$374		\$ 401	\$ 150	(\$251)	\$ 10,024.59	\$3,750	(\$6,275)
P 125700 NM-	VET Premise Registration Fee	Collected year round.	300	300	\$ 27	\$384	\$ 250.00	\$ 661	\$ 200	(\$461)	\$ 198,331.74	\$60,000	(\$138,332)
125700 QX-	TEC Initial License Fee >1 year	Collected year round.	475	475	\$ 27	\$241		\$ 267	\$ 140	(\$127)	\$ 127,043.20	\$66,500	(\$60,543)
125700 IV-	VET License Expire Fee 5+ years	Collected year round.	5	5	\$ 75	\$1,049		\$ 1,124	\$ 250	(\$874)	\$ 5,621.50	\$1,250	(\$4,371)

California Veterinary Board
Licensing and Fees



Account Code	Fee Name	Notes	Actual Work Volume	Recovered Revenue Volume	Unit Cost Summary						Annual Cost Calculations (At Actual Costs Calculated)		
					Direct Unit Cost	Allocated Support Costs	Other Costs	Total Cost Assigned	Current Fee / Revenue	Unit Surcharge or (Subsidy)	Revenue at Full Cost of Services	Projection of Revenues at Current Fees	Annual Surplus (subsidy)
125700 IW-	TEC License Expire Fee 5+ years	Collected year round.	2	2	\$ 87	\$781		\$ 868	\$ 250	(\$618)	\$ 1,736.28	\$500	(\$1,236)
125800 6B-	VET Renewal Fee	Collected biennially.		5,600	\$ 11	\$155		\$ 166	\$ 290	\$124	\$ 929,072.66	\$1,624,000	\$694,927
125800 5Y-	TEC Renewal Fee	Collected biennially.		2,900	\$ 11	\$100		\$ 111	\$ 140	\$29	\$ 322,718.75	\$406,000	\$83,281
P 125800 6A-	HSP Renewal Fee	Annual		3,700	\$ 8	\$224	\$ 50.00	\$ 282	\$ 200	(\$82)	\$ 1,043,947.56	\$740,000	(\$303,948)
125800 6E-	VET Inactive Renewal Fee	Collected biennially.	150	150	\$ 27	\$374		\$ 401	\$ 290	(\$111)	\$ 60,147.52	\$43,500	(\$16,648)
125800 5Z-	TEC Inactive Renewal Fee	Collected biennially.	75	75	\$ 24	\$219		\$ 243	\$ 140	(\$103)	\$ 18,257.41	\$10,500	(\$7,757)
125900 XR	VET Delinquent Renewal Fee	Collected year round.	250	125	\$ -		\$ 82.95	\$ 83	\$ 25	(\$58)	\$ 10,369.11	\$3,125	(\$7,244)
P 125900 XT	HSP Delinquent Renewal Fee	Collected year round.	125	63	\$ -		\$ 141.07	\$ 141	\$ 25	(\$116)	\$ 8,817.12	\$1,563	(\$7,255)
125900 YC	TEC Delinquent Renewal Fee	Collected year round.	250	125	\$ -		\$ 55.64	\$ 56	\$ 25	(\$31)	\$ 6,955.15	\$3,125	(\$3,830)
					\$ -			\$ -			\$ -		
125700 VR-	Application - VACS (Veterinary Assistant Controlled Substances)	New fee	3,750	3,750	\$ 15	\$103		\$ 117	\$ 50	(\$67)	\$ 439,443.49	\$187,500	(\$251,943)
125700 VS-	Initial Permit - VACS (Veterinary Assistant Controlled Substances)	New fee	3,750	3,750	\$ 15	\$103		\$ 117	\$ 50	(\$67)	\$ 439,443.49	\$187,500	(\$251,943)
	VACS Renewal	Online renewal			\$ 10	\$69		\$ 79	\$ 50	(\$29)	\$ -		
	Duplicate Premise License	New fee			\$ -	\$3		\$ 3		(\$3)	\$ -		
		Current			\$ -	\$ -							

Annual Revenue Impacts		
Revenue at Full Cost of Services	Projection of Revenues at Current Fees	Annual Surplus (subsidy)
\$ 4,978,280	\$ 4,074,813	(\$903,467)

California Veterinary Board
Licensing and Fees



Account Code	Fee Name	Reserve Requirements		Ten Year Projection of Fee Requirements (Scenero #1)									
		Six Months Reserve, 5 yr build up (additional)	Full Cost / Unit	Year #1	Year #2	Year #3	Year #4	Year #5	Year #6	Year #7	Year #8	Year #9	Year #10
		\$	345,714	4.5% Annual Increase									
125600 P	Failure to Rpt Addr Chg	\$2	\$30	\$31	\$33	\$34	\$36	\$38	\$39	\$41	\$43	\$45	\$47
125600 P	Dup. License/Cert.	\$2	\$30	\$31	\$33	\$34	\$36	\$38	\$39	\$41	\$43	\$45	\$47
125,600	Cite & Fine			\$47,025	\$49,141	\$51,352	\$53,663	\$56,078	\$58,602	\$61,239	\$63,995	\$66,874	\$69,884
141,200	Sale of Docs* - Ltr Good Stdg	\$2	\$30	\$31	\$33	\$34	\$36	\$38	\$39	\$41	\$43	\$45	\$47
125700 NS	VET App Fee	\$28	\$429	\$448	\$468	\$489	\$511	\$534	\$558	\$584	\$610	\$637	\$666
125700 QV-	TEC App Fee	\$19	\$286	\$299	\$312	\$326	\$341	\$356	\$372	\$389	\$407	\$425	\$444
125700 NW-	Vet Law Exam Fee	\$16	\$248	\$259	\$271	\$283	\$296	\$309	\$323	\$338	\$353	\$369	\$385
125700 QU-	CA State Exam Fee - TEC	\$16	\$248	\$259	\$271	\$283	\$296	\$309	\$323	\$338	\$353	\$369	\$385
125700 NT-	Vet State Board Exam Fee	\$16	\$248	\$259	\$271	\$283	\$296	\$309	\$323	\$338	\$353	\$369	\$385
125700 PB-	VET Initial License Fee >1 year	\$28	\$429	\$448	\$468	\$489	\$511	\$534	\$558	\$584	\$610	\$637	\$666
125700 PD-	VET Temp App Fee - Reciprocity	\$66	\$1,009	\$1,054	\$1,102	\$1,151	\$1,203	\$1,257	\$1,314	\$1,373	\$1,435	\$1,499	\$1,567
125700 PG-	VET Temp App Fee - Intern	\$66	\$1,009	\$1,054	\$1,102	\$1,151	\$1,203	\$1,257	\$1,314	\$1,373	\$1,435	\$1,499	\$1,567
125700 NQ-	VET Temp License Fee - Reciprocity	\$28	\$429	\$448	\$468	\$489	\$511	\$534	\$558	\$584	\$610	\$637	\$666
125700 NP-	VET Temp License Fee - Intern	\$28	\$429	\$448	\$468	\$489	\$511	\$534	\$558	\$584	\$610	\$637	\$666
P 125700 NM	VET Premise Registration Fee	\$46	\$707	\$739	\$772	\$807	\$843	\$881	\$921	\$962	\$1,005	\$1,051	\$1,098
125700 QX-	TEC Initial License Fee >1 year	\$19	\$286	\$299	\$312	\$326	\$341	\$356	\$372	\$389	\$407	\$425	\$444
125700 IV-	VET License Expire Fee 5+ years	\$78	\$1,202	\$1,256	\$1,313	\$1,372	\$1,434	\$1,498	\$1,566	\$1,636	\$1,710	\$1,787	\$1,867

California Veterinary Board
Licensing and Fees



				Ten Year Projection of Fee Requirements (Scenero #1)									
				Year #1	Year #2	Year #3	Year #4	Year #5	Year #6	Year #7	Year #8	Year #9	Year #10
125700 IW-	TEC License Expire Fee 5+ years	\$60		\$970	\$1,014	\$1,059	\$1,107	\$1,157	\$1,209	\$1,263	\$1,320	\$1,380	\$1,442
125800 6B-	VET Renewal Fee	\$12		\$185	\$194	\$202	\$212	\$221	\$231	\$241	\$252	\$264	\$276
125800 5Y-	TEC Renewal Fee	\$8		\$124	\$130	\$136	\$142	\$148	\$155	\$162	\$169	\$177	\$185
P 125800 6A-	HSP Renewal Fee	\$20		\$315	\$330	\$344	\$360	\$376	\$393	\$411	\$429	\$448	\$469
125800 6E-	VET Inactive Renewal Fee	\$28		\$448	\$468	\$489	\$511	\$534	\$558	\$584	\$610	\$637	\$666
125800 5Z-	TEC Inactive Renewal Fee	\$17		\$272	\$284	\$297	\$310	\$324	\$339	\$354	\$370	\$387	\$404
125900 XR	VET Delinquent Renewal Fee	\$6		\$93	\$97	\$101	\$106	\$111	\$116	\$121	\$126	\$132	\$138
P 125900 XT	HSP Delinquent Renewal Fee	\$10		\$158	\$165	\$172	\$180	\$188	\$196	\$205	\$215	\$224	\$234
125900 YC	TEC Delinquent Renewal Fee	\$4		\$62	\$65	\$68	\$71	\$74	\$77	\$81	\$85	\$88	\$92
125700 VR-	Application - VACS (Veterinary Assistant Controlled Substances)	\$8		\$131	\$137	\$143	\$149	\$156	\$163	\$171	\$178	\$186	\$195
125700 VS-	Initial Permit - VACS (Veterinary Assistant Controlled Substances)	\$8		\$131	\$137	\$143	\$149	\$156	\$163	\$171	\$178	\$186	\$195
	VACS Renewal	\$5		\$88	\$92	\$97	\$101	\$106	\$110	\$115	\$120	\$126	\$131
	Duplicate Premise Llicense	\$0		\$4	\$4	\$4	\$4	\$4	\$4	\$5	\$5	\$5	\$5

Annual Revenue Impact	
Additional Revenue for Reserves	Total Annual Revenue
\$ 345,714	\$ 5,323,994

Annual Revenues (Projected)									
Year #1	Year #2	Year #3	Year #4	Year #5	Year #6	Year #7	Year #8	Year #9	Year #10
\$ 5,563,574	\$ 5,813,934	\$ 6,075,561	\$ 6,348,962	\$ 6,634,665	\$ 6,933,225	\$ 7,245,220	\$ 7,571,255	\$ 7,911,961	\$ 8,268,000

**DEPARTMENT OF CONSUMER AFFAIRS
SCHEDULE OF WORKLOAD AND REVENUE STATISTICS**

BOARD/FUND: VETERINARY MEDICAL BOARD (9010/9020)

LICENSE CATEGORY - Other Income

Account Number	Revenue Category	Workload	Fees						
		16-17	Current	Statute Max	Fee Audit	Proposed_1	Proposed_2a	Proposed_2b	
125600 2Q	VET Duplicate Certificate	335	\$25.00	\$25.00	\$32.00	\$25.00	\$25.00	\$25.00	
125600 2R	VET Address Fine Fee	280	\$25.00	\$25.00	\$32.00	\$25.00	\$25.00	\$25.00	
125600 2U	HSP Duplicate Certificate	285	\$25.00	\$25.00	\$32.00	\$25.00	\$25.00	\$25.00	
125600 4Q	Letter of Good Standing	700	\$25.00	\$25.00	\$32.00	\$25.00	\$25.00	\$25.00	
125600 2S	RVT Duplicate Certificate	150	\$25.00	\$25.00	\$32.00	\$25.00	\$25.00	\$25.00	
125600 2T	RVT Address Fine Fee	170	\$25.00	\$25.00	\$32.00	\$25.00	\$25.00	\$25.00	
125600 4X	VACSP Duplicate Certificate	10	\$25.00	\$25.00	\$32.00	\$25.00	\$25.00	\$25.00	
125600 4Y	VACSP Failure to Rpt New Superv Fi	-	\$25.00	\$25.00	\$32.00	\$25.00	\$25.00	\$25.00	
125600 4Z	VACSP Address Fine Fee	-	\$25.00	\$25.00	\$32.00	\$25.00	\$25.00	\$25.00	
	****VACS revenues eff. 10/1/2016								
	Currently at statute max.								
	Total Workload	1,930							

**DEPARTMENT OF CONSUMER AFFAIRS
SCHEDULE OF WORKLOAD AND REVENUE STATISTICS**

LICENSE CATEGORY - App Exam/Licensee Fees

Account Number	Revenue Category	Workload			Fees				
		16-17	Current	Statute Max	Fee Audit	Proposed 1	Proposed 2a	Proposed 2b	
125700 IV	VET 5-year Expired License App	5	\$425.00	\$425.00	\$1,339.00	\$485.00	\$455.00	\$485.00	
125700 NM	HSP Initial Registration	300	\$200.00	\$400.00	\$758.00	\$350.00	\$275.00	\$350.00	
125700 NP	Intern Temp License	25	\$150.00	\$250.00	\$337.00	\$175.00	\$162.50	\$175.00	
125700 NQ	Reciprocity Temp License	50	\$150.00	\$250.00	\$337.00	\$175.00	\$162.50	\$175.00	
125700 NS	VET Application	700	\$125.00	\$350.00	\$380.00	\$150.00	\$137.50	\$150.00	
125700 NT	VET CA State Bd	700	\$200.00	\$350.00	\$253.00	\$235.00	\$217.50	\$235.00	
125700 NW	VET CA Law Exam	575	\$100.00	\$100.00	\$253.00	\$100.00	\$100.00	\$100.00	
125700 PB	VET Initial License	575	\$290.00	\$500.00	\$337.00	\$350.00	\$320.00	\$350.00	
125700 PD	Reciprocity Application	50	\$125.00	\$350.00	\$1,123.00	\$150.00	\$137.50	\$150.00	
125700 PG	Intern Application	25	\$125.00	\$350.00	\$1,123.00	\$150.00	\$137.50	\$150.00	
125700 IW	RVT 5-year Expired License App	2	\$300.00	\$300.00	\$1,011.00	\$350.00	\$325.00	\$350.00	
125700 QU	RVT CA State Exam	950	\$175.00	\$300.00	\$253.00	\$200.00	\$187.50	\$200.00	
125700 QV	RVT Application	970	\$125.00	\$350.00	\$248.00	\$150.00	\$137.50	\$150.00	
125700 QX	RVT Initial License	615	\$140.00	\$350.00	\$220.00	\$160.00	\$150.00	\$160.00	
125700 VR	VACSP Application	3,750	\$50.00	\$50.00	\$95.00	\$50.00	\$50.00	\$50.00	
125700 VS	VACSP Initial Permit	3,750	\$50.00	\$50.00	\$95.00	\$50.00	\$50.00	\$50.00	
*PROJECTED; VACS revenues eff. 10/1/2016; this volume will likely not occur year-over-year									
Total Workload		13,042							

**DEPARTMENT OF CONSUMER AFFAIRS
SCHEDULE OF WORKLOAD AND REVENUE STATISTICS**

LICENSE CATEGORY - Renewal Fees

Account Number	Revenue Category	Workload		Fees					
		16-17	Current	Statute Max	Fee Audit	Proposed 1	Proposed 2a	Proposed 2b	
125800 6A	HSP Annual Renewal	3,500	\$200.00	\$400.00	\$324.00	\$350.00	\$275.00	\$350.00	
125800 6B	VET Biennial Renewal	6,175	\$290.00	\$500.00	\$197.00	\$350.00	\$320.00	\$350.00	
125800 5Y	RVT Biennial Renewal	3,275	\$140.00	\$350.00	\$129.00	\$160.00	\$150.00	\$160.00	
125800 7Z	VACSP Biennial Renewal	-	\$50.00	\$50.00	\$74.00	\$50.00	\$50.00	\$50.00	
	*VACS revenues eff. 10/1/2016; 1st renewal due in FY 17-18								
Total Workload		12,950							

125700 + 125800

LICENSE CATEGORY - Delinquency Fees

Account Number	Revenue Category	Workload		Fees					
		16-17	Current	Statute Max	Fee Audit	Proposed 1	Proposed 2a	Proposed 2b	
125900 XR	Delinquent Renewal VET	250	\$25.00	\$50.00	\$98.00	\$35.00	\$30.00	\$35.00	
125900 XT	Delinquent Renewal HSP	150	\$25.00	\$50.00	\$162.00	\$35.00	\$30.00	\$35.00	
125900 YC	Delinquent Renewal TEC	175	\$25.00	\$50.00	\$65.00	\$35.00	\$30.00	\$35.00	
125900 4A	Delinquent Renewal VACS*	-	\$25.00	\$25.00	-	\$25.00	\$25.00	\$25.00	
	*VACS revenues eff. 10/1/2016								
Total Workload		575							

**DEPARTMENT OF CONSUMER AFFAIRS
SCHEDULE OF WORKLOAD AND REVENUE STATISTICS**

BOARD/FUND: VETERINARY MEDICAL BOARD (9010/9020)

LICENSE CATEGORY - Other Income

Account Number	Revenue Category	Workload	Revenue								
			16-17	Current	Statute Max	Fee Audit	Proposed 1	% Increase	Proposed 2a	% Increase	Proposed 2b
125600 2Q	VET Duplicate Certificate	335	\$8,375	\$8,375	\$10,720	\$8,375	-	\$8,375.00	-	\$8,375.00	-
125600 2R	VET Address Fine Fee	280	\$7,000	\$7,000	\$8,960	\$7,000	-	\$7,000.00	-	\$7,000.00	-
125600 2U	HSP Duplicate Certificate	285	\$7,125	\$7,125	\$9,120	\$7,125	-	\$7,125.00	-	\$7,125.00	-
125600 4Q	Letter of Good Standing	700	\$17,500	\$17,500	\$22,400	\$17,500	-	\$17,500.00	-	\$17,500.00	-
								\$0.00		\$0.00	
125600 2S	RVT Duplicate Certificate	150	\$3,750	\$3,750	\$4,800	\$3,750	-	\$3,750.00	-	\$3,750.00	-
125600 2T	RVT Address Fine Fee	170	\$4,250	\$4,250	\$5,440	\$4,250	-	\$4,250.00	-	\$4,250.00	-
								\$0.00		\$0.00	
125600 4X	VACSP Duplicate Certificate	10	\$250	\$250	\$320	\$250	-	\$250.00	-	\$250.00	-
125600 4Y	VACSP Failure to Rpt New Superv F	-	\$0	\$0	\$0	\$0	-	\$0.00	-	\$0.00	-
125600 4Z	VACSP Address Fine Fee	-	\$0	\$0	\$0	\$0	-	\$0.00	-	\$0.00	-
	****VACS revenues eff. 10/1/2016										
	Currently at statute max.										
	Total Workload	1,930	\$48,250	\$48,250	\$61,760	\$48,250		\$48,250		\$48,250	

**DEPARTMENT OF CONSUMER AFFAIRS
SCHEDULE OF WORKLOAD AND REVENUE STATISTICS**

LICENSE CATEGORY - App Exam/Licensee Fees

Account Number	Revenue Category	Workload				Revenue					
		16-17	Current	Statute Max	Fee Audit	Proposed_1	% Increase	Proposed_2a	% Increase	Proposed_2b	% Increase
125700 IV	VET 5-year Expired License App	5	\$2,125	\$2,125	\$6,695	\$2,425	14.1%	\$2,275	7.1%	\$2,425	14.1%
125700 NM	HSP Initial Registration	300	\$60,000	\$120,000	\$227,400	\$105,000	75.0%	\$82,500	37.5%	\$105,000	75.0%
125700 NP	Intern Temp License	25	\$3,750	\$6,250	\$8,425	\$4,375	16.7%	\$4,063	8.3%	\$4,375	16.7%
125700 NQ	Reciprocity Temp License	50	\$7,500	\$12,500	\$16,850	\$8,750	16.7%	\$8,125	8.3%	\$8,750	16.7%
125700 NS	VET Application	700	\$87,500	\$245,000	\$266,000	\$105,000	20.0%	\$96,250	10.0%	\$105,000	20.0%
125700 NT	VET CA State Bd	700	\$140,000	\$245,000	\$177,100	\$164,500	17.5%	\$152,250	8.8%	\$164,500	17.5%
125700 NW	VET CA Law Exam	575	\$57,500	\$57,500	\$145,475	\$57,500	0.0%	\$57,500	0.0%	\$57,500	0.0%
125700 PB	VET Initial License	575	\$166,750	\$287,500	\$193,775	\$201,250	20.7%	\$184,000	10.3%	\$201,250	20.7%
125700 PD	Reciprocity Application	50	\$6,250	\$17,500	\$56,150	\$7,500	20.0%	\$6,875	10.0%	\$7,500	20.0%
125700 PG	Intern Application	25	\$3,125	\$8,750	\$28,075	\$3,750	20.0%	\$3,438	10.0%	\$3,750	20.0%
125700 IW	RVT 5-year Expired License App	2	\$600	\$600	\$2,022	\$700	16.7%	\$650	8.3%	\$700	16.7%
125700 QU	RVT CA State Exam	950	\$166,250	\$285,000	\$240,350	\$190,000	14.3%	\$178,125	7.1%	\$190,000	14.3%
125700 QV	RVT Application	970	\$121,250	\$339,500	\$240,560	\$145,500	20.0%	\$133,375	10.0%	\$145,500	20.0%
125700 QX	RVT Initial License	615	\$86,100	\$215,250	\$135,300	\$98,400	14.3%	\$92,250	7.1%	\$98,400	14.3%
125700 VR	VACSP Application	3,750	\$187,500	\$187,500	\$356,250	\$187,500	0.0%	\$187,500	0.0%	\$187,500	0.0%
125700 VS	VACSP Initial Permit	3,750	\$187,500	\$187,500	\$356,250	\$187,500	0.0%	\$187,500	0.0%	\$187,500	0.0%
	*PROJECTED; VACS revenues eff. 10/1/2016; this volume will likely not occur year-over-year										
	Total Workload	13,042	\$1,283,700	\$2,217,475	\$2,456,677	\$1,469,650		\$1,376,675		\$1,469,650	

LICENSE CATEGORY - Renewal Fees

Account Number	Revenue Category	Workload				Revenue					
		16-17	Current	Statute Max	Fee Audit	Proposed_1	% Increase	Proposed_2a	% Increase	Proposed_2b	% Increase
125800 6A	HSP Annual Renewal	3,500	\$700,000	\$1,400,000	\$1,134,000	\$1,225,000	75.0%	\$962,500	37.5%	\$1,225,000	75.0%
125800 6B	VET Biennial Renewal	6,175	\$1,790,750	\$3,087,500	\$1,216,475	\$2,161,250	20.7%	\$1,976,000	10.3%	\$2,161,250	20.7%
125800 5Y	RVT Biennial Renewal	3,275	\$458,500	\$1,146,250	\$422,475	\$524,000	14.3%	\$491,250	7.1%	\$524,000	14.3%
125800 7Z	VACSP Biennial Renewal	-	\$0	\$0	\$0	\$0	0.0%	\$0	0.0%	\$0	0.0%
	*VACS revenues eff. 10/1/2016; 1st renewal due in FY 17-18										
	Total Workload	12,950	\$2,949,250	\$5,633,750	\$2,772,950	\$3,910,250		\$3,429,750		\$3,910,250	
	125700 + 125800		\$4,232,950	\$7,851,225	\$5,229,627	\$5,379,900		\$4,806,425		\$5,379,900	

**DEPARTMENT OF CONSUMER AFFAIRS
SCHEDULE OF WORKLOAD AND REVENUE STATISTICS**

LICENSE CATEGORY - Delinquency Fees

Account Number	Revenue Category	Workload 16-17	Revenue								
			Current	Statute Max	Fee Audit	Proposed_1	% Increase	Proposed_2a	% Increase	Proposed_2b	% Increase
125900 XR	VET Delinquent Renewal VET	250	\$6,250	\$12,500	\$24,500	\$8,750	40.0%	\$7,500	20.0%	\$8,750	40.0%
125900 XT	HSP Delinquent Renewal VET	150	\$3,750	\$7,500	\$24,300	\$5,250	40.0%	\$4,500	20.0%	\$5,250	40.0%
125900 YC	RVT Delinquent Renewal VET	175	\$4,375	\$8,750	\$11,375	\$6,125	40.0%	\$5,250	20.0%	\$6,125	40.0%
125900 4A	VACS Delinquent Renewal*	-	\$0	\$0	\$0	\$0	0.0%	\$0	0.0%	\$0	0.0%
	*VACS revenues eff. 10/1/2016										
Total Workload		575	\$14,375	\$28,750	\$60,175	\$20,125		\$17,250		\$20,125	

Account Number	Revenue Category Summary	Total Revenue								
		Current	Statute Max	Fee Audit	Proposed_1	% Increase	Proposed_2a	% Increase	Proposed_2b	% Increase
125600	Other Income	\$48,250	\$48,250	\$61,760	\$48,250		\$48,250		\$48,250	
125700	App Exam/License Fees	\$1,283,700	\$2,217,475	\$2,456,677	\$1,469,650		\$1,376,675		\$1,469,650	
125800	Renewal Fees	\$2,949,250	\$5,633,750	\$2,772,950	\$3,910,250		\$3,429,750		\$3,910,250	
125900	Delinquency Fees	\$14,375	\$28,750	\$60,175	\$20,125		\$17,250		\$20,125	
Total Revenue Collected		\$4,295,575	\$7,928,225	\$5,351,562	\$5,448,275		\$4,871,925		\$5,448,275	\$0

Legislation

A. SB 673 (NEWMAN) – PET LOVER’S SPECIALIZED LICENSE PLATES

AMENDED: 5/22/17

STATUS: From Assembly Transportation Committee; Do pass and re-refer to Committee on Appropriations. (Ayes 14. Noes 0.) (July 10). Re-referred to Committee on Appropriations.

BOARD POSITION: Support

Existing law establishes a specialized license plate program and requires the Department of Motor Vehicles (DMV) to issue specialized license plates on behalf of a sponsoring state agency that meets certain requirements. Existing law requires that the DMV charge specified additional fees for the issuance, renewal, or transfer of specialized license plates, and requires the DMV to deposit the fees, less the DMV’s costs, into the Specialized License Plate Fund. Existing law requires that moneys in the fund be allocated, upon appropriation by the Legislature, to each sponsoring agency in proportion to the amount that is attributable to the agency’s specialized license plate program. Existing law requires the sponsoring state agency to use these moneys to fund projects and programs that promote the state agency’s official policy, mission, or work.

Existing law requires the DMV to deposit fees for the issuance, renewal, or transfer of the Pet Lover’s specialized license plates, less the DMV’s costs, into the Pet Lover’s Fund in the Specialized License Plate Fund, for the deposit of revenue derived from these specialized license plates. Existing law requires that these funds be allocated, upon appropriation by the Legislature, to the Veterinary Medical Board for disbursement by a nonprofit organization selected by the board to fund grants to providers of no-cost or low-cost animal sterilization services. Existing law requires the board to determine eligibility requirements for the grants, establish the grant application process, and develop program specifics. Existing law authorizes the board to contract with an entity, including a nonprofit organization, to provide advice, consultation, and administrative services for purposes of implementing and administering the grant program. Existing law requires the board to provide oversight for the disbursal of grant funds under the grant program.

This bill would substitute the Department of Food and Agriculture in place of the Veterinary Medical Board for those purposes. The bill would authorize rather than require the Department of Food and Agriculture to allocate funds to a nonprofit organization it selects for disbursal to qualifying spay and neuter facilities for the purpose of funding grants to providers of no-cost or low-cost animal sterilization services.

B. SB 547 (HILL) – PROFESSIONS AND VOCATIONS: WEIGHTS AND MEASURES

AMENDED: 7/5/17

STATUS: From Assembly on Appropriations Committee: Do pass and re-refer to Committee on Appropriations. (Ayes 9. Noes 1.) (July 11). Re-referred to Committee on Appropriations.

BOARD POSITION: Recommend Position

(1) Existing law establishes the Department of Consumer Affairs within the Business, Consumer Services, and Housing Agency and provides that the department is under the control of the Director of Consumer Affairs. Existing law establishes within the department a Division of Consumer Services under the supervision and control of a chief who is appointed by the Governor. Existing law authorizes the Department of Consumer Affairs to enter into a contract with a vendor for the licensing and enforcement of the BreEZe system, which is a specified integrated, enterprisewide enforcement case management and licensing system, no sooner than 30 days after written notification to certain committees of the Legislature.

This bill would repeal the provision establishing the Division of Consumer services. The bill would require the director to report progress on release 3 entities' transition to the new licensing technology platform to the appropriate committees of the Legislature, as specified.

(2) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

(A) Existing law provides for the certification and regulation of podiatrists by the California Board of Podiatric Medicine within the jurisdiction of the Medical Board of California and requires certain fees to be paid to the board, including a fee for the application and issuance of a certificate to practice podiatric medicine.

This bill would revise the fees, as specified.

(B) Existing law, the Nursing Practice Act, establishes the Board of Registered Nursing within the Department of Consumer Affairs and sets forth its powers and duties regarding the licensure and regulation of registered nurses. That act authorizes a registered nurse whose license has been revoked or suspended or who has been placed on probation to petition the board for reinstatement or modification of penalty.

This bill would authorize the board to hear the petition or to assign the petition to an administrative law judge, as specified.

(C) Existing law, the Psychology Licensing Law, establishes the Board of Psychology to license and regulate the practice of psychology and authorizes the board to collect specified fees, including a delinquency fee of \$25.

This bill would instead make the delinquency fee 50 percent of the renewal fee for each license type, not to exceed \$150.

(D) Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy and authorizes the board to employ inspectors of pharmacy.

This bill would also authorize the board to employ legal counsel.

(E) Existing law, the Veterinary Medicine Practice Act, provides for the licensure and regulation of veterinarians and the practice of veterinary medicine by the Veterinary Medical Board and authorizes a person whose license or registration has been revoked or placed on probation to petition the board for reinstatement or modification of penalty after a period of not less than one year.

This bill would instead provide that a person may petition the board for reinstatement or modification of penalty after at least 3 years for reinstatement of a surrendered or revoked license, at least 2 years for early termination or modification of probation of 3 years or more, or at least one year for modification of a condition or termination of probation of less than 3 years. The bill would authorize the board, upon a showing of good cause, to specify in an order imposing probation of more than 3 years that the person may petition for reissuement, modification, or termination of probation after one year.

(F) Existing law provides for the licensure and regulation of accountants by the California Board of Accountancy, which is within the Department of Consumer Affairs. Existing law prohibits confidential information obtained by a licensee concerning a client from being disclosed by the licensee without the written permission of the client, except when the disclosure is made by a licensee or a licensee's duly authorized representative to another licensee in connection with a proposed sale or merger of the licensee's professional practice.

This bill would additionally authorize that disclosure in that same connection to another person, provided the parties enter into a written nondisclosure agreement.

Existing law, until January 1, 2019, authorizes an individual otherwise meeting a condition for a practice privilege to perform certain audit and financial statement review services only through a firm of certified public accountants that is required to be registered with the board and authorizes such an individual qualified for the practice privilege to practice public accountancy in this state without the imposition of a notice, fee, or any other requirements. Existing law authorizes the board to adopt regulations to carry out the practice privilege provisions and regulations have been adopted, which become inoperative on January 1, 2019.

To ensure uninterrupted implementation of the practice privilege provisions, this bill would authorize the board to adopt or amend regulations to remove or extend the inoperative date of these regulations. The bill would require the Office of Administrative Law to consider the board's action to remove or extend the inoperative dates of these regulations as a change without regulatory effect and would exempt the board from complying with the Administrative Procedure Act with respect to that removal or extension.

(G) Existing law authorizes a certified interior designer, as defined, to obtain a stamp from an interior design organization, as defined, that uniquely identifies the designer and certifies that he or she meets certain qualifications and requires the use of that stamp on all drawings and documents submitted to any governmental agency by the designer. Existing law provides that these provisions are repealed on January 1, 2018.

This bill would instead repeal those provisions on January 1, 2022.

(H) Existing law, the Barbering and Cosmetology Act, provides for the licensing and regulation of persons engaging in the practice of barbering, cosmetology, or electrolysis, as specified. Existing law authorizes an apprentice, as defined, to perform services under the supervision of a licensee approved by the State Board of Barbering and Cosmetology, as specified. Practicing barbering, cosmetology, or electrolysis without being properly licensed is a crime.

This bill would define the term “under the supervision of a licensee” for these provisions to mean a person supervised at all times by a licensee while performing services in a licensed establishment. The bill would also prohibit an apprentice from being the only person working in an establishment and would deem an apprentice who is not being supervised by a licensee to be practicing under the act without a license. Because this bill would expand the scope of a crime, it would impose a state-mandated local program.

(I) The Cemetery and Funeral Act provides for the licensure and regulation of cemeteries, crematories, funeral establishments, and their personnel by the Cemetery and Funeral Bureau, and requires any person employed by, or an agent of, a licensed funeral establishment who consults with the family or representatives of the family of a deceased person for the purpose of arranging certain services to receive documented training, as specified.

This bill would require that training to be completed at least once every 3 years.

(J) Existing state law, the Real Estate Appraisers’ Licensing and Certification Law, provides for the licensure, certification, and regulation of real estate appraisers and appraisal management companies by the Bureau of Real Estate Appraisers within the Department of Consumer Affairs, which is headed by the Chief of the Bureau of Real Estate Appraisers. Existing state law prohibits a person from engaging in federally related real estate appraisal activity without an active license. Existing state law defines “federally related transaction” as any real estate-related financial transaction which a federal financial institutions regulatory agency engages in, contracts for, or regulates, and which requires the services of a state licensed real estate appraiser.

Existing state law prohibits a person or entity from acting in the capacity of an appraisal management company without first obtaining a certificate of registration from the bureau. Existing state law defines an “appraisal management company” as a person or entity that maintains an approved list or lists, containing 11 or more independent contractor licensed or certified appraisers, or employs 11 or more licensed or certified appraisers, receives requests for appraisals from one or more clients, and for a fee paid by one or more of its clients, delegates appraisal assignments for completion by its independent contractor or employee appraisers.

Existing federal law, the Dodd-Frank Wall Street Reform and Consumer Protection Act, requires the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the

Federal Deposit Insurance Corporation, the National Credit Union Administration Board, the Federal Housing Finance Agency, and the Bureau of Consumer Financial Protection to jointly, by rule, establish minimum requirements to be applied by a state in the registration of appraisal management companies. These minimum requirements include a requirement that an appraisal management company (1) register with and be subject to supervision by a state appraiser certifying and licensing agency in each state in which that company operates, (2) verify that only licensed or certified appraisers are used for federally related transactions, (3) require that appraisals coordinated by an appraisal management company comply with the Uniform Standards of Professional Appraisal Practice, and (4) require that appraisals are conducted independently and free from inappropriate influence and coercion, as provided. Existing federal law does not prohibit states from establishing additional requirements.

Existing federal law prohibits an appraisal management company from being registered by a state or included on the national registry if the company is owned by any person whose appraiser license or certificate was refused, denied, canceled, surrendered in lieu of revocation, or revoked in any state.

This bill would conform to federal law by, among other things, redefining an “appraisal management company” as a person that (1) provides appraisal management services to creditors or to secondary mortgage market participants, including affiliates, (2) provides those services in connection with valuing a consumer’s principal dwelling as security for a consumer credit transaction or incorporating such transactions into securitizations, and (3) within a given 12-month period, oversees an appraiser panel of more than 15 State-certified or State-licensed appraisers in a State or 25 or more State-certified or State-licensed appraisers in two or more States. The bill would define “appraiser panel” and prescribe the method for determining whether an appraiser is a part of the appraisal management company’s appraiser panel. The bill would additionally prohibit a person or entity from representing itself to the public as an appraisal management company, either in advertising or through its business name, without a certificate of registration.

Existing state law prohibits a person other than a licensee from signing an appraisal and authorizes a specified trainee to sign an appraisal if it is also signed by the licensee. Existing law authorizes an individual who is not a licensee to assist in the preparation of an appraisal under certain conditions.

This bill would prohibit a person other than a licensee from signing an appraisal in a federally related transaction. The bill would authorize a trainee to sign an appraisal in such a transaction if it is also signed by a licensee. The bill would authorize an individual who is not a licensee to assist in the preparation of an appraisal in a federally related transaction under certain conditions.

Existing state law prohibits the chief from issuing a certificate of registration to an appraisal management company unless the appraisal management company confirms in its application for registration that all of its contracts with clients include specified standard business practices.

This bill would delete that provision and require all appraisal management companies to, among other things, direct the appraiser to perform the assignment in accordance with the Uniform Standards of Professional Appraisal Activity and engage appraisal panel members with an engagement letter that shall include terms of payment.

Existing federal law requires a federally regulated appraisal management company to report to the State or States in which it operates the information required to be submitted by the State pursuant to the policies of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council regarding the determination of the fee imposed by the AMC National Registry, which is the registry of State-registered appraisal management companies and federally regulated appraisal management companies maintained by the Appraisal Subcommittee.

This bill would require a federally regulated appraisal management company operating in California to report to the bureau the information required to be submitted by the bureau to the Appraisal Subcommittee. The bill would authorize the bureau to charge the federally regulated appraisal management company a fee in an amount not exceed the reasonable regulatory cost to the board for processing the information.

This bill would also define various other terms for purposes of carrying out these provisions.

This bill would make various other nonsubstantive and technical changes.

(3) (A) Existing law provides for the regulation of commercial weighing and measuring devices by the Department of Food and Agriculture, and provides for the enforcement of those provisions by the State Sealer and by county sealers of weights and measures in each county. Existing law requires the department to keep the standards of the state for weights and measures in a suitable laboratory location or, if transportable, to maintain the standards under appropriate environmental conditions and requires the department to have the standards directly certified by the National Institute of Standards and Technology or by any measurement assurance procedures approved by that institute. Existing law requires the department to use the standards of the state to certify similar standards and any dissimilar standards which are dependent on the values represented by the state standards. Existing law requires the department, or a certified laboratory designated by the department, to certify standards of the county sealers at specified intervals.

Existing law, until January 1, 2019, requires the Secretary of Food and Agriculture to establish by regulation an annual administrative fee to recover reasonable administrative and enforcement costs incurred by the Department of Food and Agriculture for exercising supervision over and performing investigations in connection with specified activities performed by sealers, and requires the administrative fee to be collected for every device registered with each county office of weights and measures and paid annually to the Department of Food and Agriculture Fund.

This bill would additionally require the annual administrative fee to be used to recover reasonable costs incurred by the department for the safekeeping and certification of the state standards, for using the state standards to certify other standards, and for certifying the standards of county sealers.

(B) Existing law defines various terms for purposes of regulating weighing and measuring devices, including the term “commercial purposes.”

This bill would provide that commercial purposes does not include the determination of the weight of any animal or human by a qualified health provider, licensed doctor of veterinary medicine, licensed physician and surgeon, or staff members within the business operations of and under the supervision of a licensed doctor of veterinary medicine or licensed physician and

surgeon for the purposes of determining the appropriate dosage of any medication or medical treatment or the volume, duration, or application of any medical procedure.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

C. AB 485 (O'DONNELL AND DABABNEH) – PET STORE OPERATORS: DOGS, CATS, AND RABBITS (DOGS AND CATS: ADOPTION AND RETAIL SALES)

(Coauthors: Assembly Members Cervantes, Chávez, and Friedman)

(Coauthors: Senators Galgiani and Monning)

AMENDED SENATE: 6/27/17

STATUS: From Senate Business, Professions and Economic Development Committee Chair, with author's amendments: Amend, and re-refer to Committee. Read second time, amended, and re-referred to Senate Business, Professions and Economic Development Committee.

BOARD POSITION: Watch

Existing law requires pet store operators, as defined, to comply with laws governing, among other things, the care of animals in pet stores. Existing law makes a pet store operator who violates these provisions guilty of a misdemeanor, under certain conditions. Existing law also regulates the retail sale of dogs and cats.

Existing law requires an animal control officer, a humane officer, or a peace officer who detects any of certain violations of the laws governing pet store operators to issue a single notice to correct the violation, except as specified. Existing law makes a pet store operator who fails to comply with a notice to correct, or who violates the laws regulating pet store operators, as specified, guilty of a crime.

This bill would prohibit, on and after July 1, 2018, a pet store operator from selling a live dog, cat, or rabbit in a pet store unless the dog, cat, or rabbit was obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group, as defined, that is in a cooperative agreement with at least one private or public shelter, as specified. The bill would require all sales of dogs and cats authorized by this provision to be in compliance with laws requiring the spaying or neutering of animals, as specified. The bill would require each pet store to maintain records sufficient to document the source of each dog, cat, or rabbit the pet store sells or provides space for, for at least one year, and to post, in a conspicuous location on the cage or enclosure of each animal, a sign listing the name of the entity from which each dog, cat, or rabbit was obtained, and would authorize public animal control agencies or shelters to periodically require pet stores engaged in sales of dogs to

provide access to those records. The bill would make a pet store operator who violates these provisions subject to a civil penalty of \$500, as specified.

Existing law authorizes a public or private shelter to enter into cooperative agreements with animal rescue or adoption organizations regarding dogs and cats.

This bill would authorize a public or private shelter to enter into cooperative agreements with animal rescue or adoption organizations regarding rabbits that are equivalent to the cooperative agreements authorized regarding dogs and cats described above.

D. AB 942 (MATHIS) – PERSONAL INCOME TAXES: CREDIT: VETERINARY COSTS

(Coauthor: Assembly Member Gloria)

REVISED: 6/20/17

STATUS: Coauthors revised.

BOARD POSITION: Watch

The Personal Income Tax Law allows various credits against the taxes imposed by that law.

This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2017, and before January 1, 2023, in an amount equal to 50% of the amount paid or incurred during the taxable year by a taxpayer for qualified veterinary costs, as defined, for a taxpayer's pets, as defined, not to exceed \$2,000 per taxable year.

This bill would take effect immediately as a tax levy.

Introduced by Senator Newman

February 17, 2017

An act to amend Section 5168 of the Vehicle Code, relating to license plates.

LEGISLATIVE COUNSEL'S DIGEST

SB 673, as amended, Newman. Pet Lover's specialized license plates.

Existing law establishes a specialized license plate program and requires the Department of Motor Vehicles (DMV) to issue specialized license plates on behalf of a sponsoring state agency that meets certain requirements. Existing law requires that the DMV charge specified additional fees for the issuance, renewal, or transfer of specialized license plates, and requires the DMV to deposit the fees, less the DMV's costs, into the Specialized License Plate Fund. Existing law requires that moneys in the fund be allocated, upon appropriation by the Legislature, to each sponsoring agency in proportion to the amount that is attributable to the agency's specialized license plate program. Existing law ~~authorizes~~ *requires* the sponsoring state agency to use these moneys to fund projects and programs that promote the state agency's official policy, mission, or work. ~~Existing~~

Existing law requires the DMV to deposit fees for the issuance, renewal, or transfer of the Pet Lover's specialized license plates, less the DMV's costs, into the Pet Lover's Fund in the Specialized License Plate Fund, for the deposit of revenue derived from these specialized license plates. Existing law requires that these funds be allocated, upon appropriation by the Legislature, to the Veterinary Medical Board for disbursement by a nonprofit organization selected by the board to fund

grants to providers of no-cost or low-cost animal sterilization services. Existing law requires the board to determine eligibility requirements for the grants, establish the grant application process, and develop program specifics. Existing law authorizes the board to contract with an entity, including a nonprofit organization, to provide advice, consultation, and administrative services for purposes of implementing and administering the grant program. Existing law requires the board to provide oversight for the disbursement of grant funds under the grant program.

This bill would substitute the Department of Food and Agriculture in place of the Veterinary Medical Board for those purposes. The bill would authorize rather than require the ~~department~~ *Department of Food and Agriculture* to allocate funds to a nonprofit organization it selects for disbursement to qualifying spay and neuter facilities for the purpose of funding grants to providers of no-cost or low-cost animal sterilization services.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5168 of the Vehicle Code is amended to
2 read:

3 5168. (a) The fees specified in Section 5157 shall be imposed
4 for the issuance, renewal, or transfer of the Pet Lover's specialized
5 license plates. Notwithstanding subdivision (c) of Section 5157,
6 after deducting its administrative costs, the department shall deposit
7 the revenue derived from the additional fees into the Pet Lover's
8 Fund, which is hereby established in the Specialized License Plate
9 Fund.

10 (b) Upon appropriation by the Legislature, the moneys in the
11 Pet Lover's Fund shall be allocated to the Department of Food and
12 Agriculture. There shall not be an allocation to the ~~department~~
13 *Department of Food and Agriculture* pursuant to subdivision (c)
14 of Section 5157. The ~~department~~ *Department of Food and*
15 *Agriculture* may allocate those funds to a nonprofit organization
16 it selects for disbursement to qualifying spay and neuter facilities for
17 the sole and exclusive purpose of funding grants to providers of
18 no-cost or low-cost animal sterilization services.

1 (c) Annual administrative costs for the program shall not exceed
2 25 percent of the funds collected from the issuance of the Pet
3 Lover’s license plates, and may include marketing and other
4 promotional activities associated with encouraging application for
5 or renewal of Pet Lover’s license plates.

6 (d) The nonprofit organization selected by the ~~department~~
7 *Department of Food and Agriculture* shall not use more than 5
8 percent of the moneys received pursuant to this section for
9 administrative costs.

10 (e) The ~~department~~ *Department of Food and Agriculture* shall
11 determine eligibility requirements for the grants, establish the grant
12 application process, and develop program specifics. The ~~department~~
13 *Department of Food and Agriculture* may contract with an entity,
14 including a nonprofit organization, to provide advice, consultation,
15 and administrative services for purposes of implementing and
16 administering the grant program. The ~~department~~ *Department of*
17 *Food and Agriculture* shall provide oversight for the disbursement of
18 grant funds under the grant program.

AMENDED IN ASSEMBLY JULY 5, 2017

AMENDED IN SENATE APRIL 17, 2017

SENATE BILL

No. 547

Introduced by Senator Hill

February 16, 2017

An act to amend Sections 156, 2499.5, 2715, 2760.1, 2987, 4008, 4887, 5063.3, 5096.9, 5810, 7332, 7635, 11302, 11320.5, 11321, 11323, 11324, 11345, 11345.2, 11345.6, 11422, 12241, 12304, 12305, 12310, and 12500 of, to add Sections 11345.5 and 11345.8 to, to repeal Section 303 of, and to repeal and add Section 11345.3 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 547, as amended, Hill. Professions and vocations: weights and measures.

(1) Existing law ~~provides~~ *establishes the Department of Consumer Affairs within the Business, Consumer Services, and Housing Agency and provides that the department is under the control of the Director of Consumer Affairs. Existing law establishes within the department a Division of Consumer Services under the supervision and control of a chief who is appointed by the Governor. Existing law authorizes the Department of Consumer Affairs to enter into a contract with a vendor for the licensing and enforcement of the BreEZe system, which is a specified integrated, enterprisewide enforcement case management and licensing system, no sooner than 30 days after written notification to certain committees of the Legislature.*

This bill would repeal the provision establishing the Division of Consumer services. The bill would require the director to report

progress on release 3 entities' transition to the new licensing technology platform to the appropriate committees of the Legislature, as specified.

(2) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

(A) Existing law provides for the certification and regulation of podiatrists by the California Board of Podiatric Medicine within the jurisdiction of the Medical Board of California and requires certain fees to be paid to the board, including a fee for the application and issuance of a certificate to practice podiatric medicine.

This bill would revise the fees, as specified.

(B) Existing law, the Nursing Practice Act, establishes the Board of Registered Nursing within the Department of Consumer Affairs and sets forth its powers and duties regarding the licensure and regulation of registered nurses. That act authorizes a registered nurse whose license has been revoked or suspended or who has been placed on probation to petition the board for reinstatement or modification of penalty.

This bill would authorize the board to hear the petition or to assign the petition to an administrative law judge, as specified.

(C) Existing law, the Psychology Licensing Law, establishes the Board of Psychology to license and regulate the practice of psychology and authorizes the board to collect specified fees, including a delinquency fee of \$25.

This bill would instead make the delinquency fee 50 percent of the renewal fee for each license type, not to exceed \$150.

(D) Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy and authorizes the board to employ inspectors of pharmacy.

This bill would also authorize the board to employ legal counsel.

(E) Existing law, the Veterinary Medicine Practice Act, provides for the licensure and regulation of veterinarians and the practice of veterinary medicine by the Veterinary Medical Board and authorizes a person whose license or registration has been revoked or placed on probation to petition the board for reinstatement or modification of penalty after a period of not less than one year.

This bill would instead provide that a person may petition the board for reinstatement or modification of penalty after at least 3 years for reinstatement of a surrendered or revoked license, at least 2 years for early termination or modification of probation of 3 years or more, or

at least one year for modification of a condition or termination of probation of less than 3 years. The bill would authorize the board, upon a showing of good cause, to specify in an order imposing probation of more than 3 years that the person may petition for reissuement, modification, or termination of probation after one year.

~~(A)~~

(F) Existing law provides for the licensure and regulation of accountants by the California Board of Accountancy, which is within the Department of Consumer Affairs. Existing law prohibits confidential information obtained by a licensee concerning a client from being disclosed by the licensee without the written permission of the client, except when the disclosure is made by a licensee or a licensee's duly authorized representative to another licensee in connection with a proposed sale or merger of the licensee's professional practice.

This bill would additionally authorize that disclosure in that same connection to another person, provided the parties enter into a written nondisclosure agreement.

Existing law, until January 1, 2019, authorizes an individual otherwise meeting a condition for a practice privilege to perform certain audit and financial statement review services only through a firm of certified public accountants that is required to be registered with the board and authorizes such an individual qualified for the practice privilege to practice public accountancy in this state without the imposition of a notice, fee, or any other requirements. Existing law authorizes the board to adopt regulations to carry out the practice privilege provisions and regulations have been adopted, which become inoperative on January 1, 2019.

To ensure uninterrupted implementation of the practice privilege provisions, this bill would authorize the board to adopt or amend regulations to remove or extend the inoperative date of these regulations. The bill would require the Office of Administrative Law to consider the board's action to remove or extend the inoperative dates of these regulations as a change without regulatory effect and would exempt the board from complying with the Administrative Procedure Act with respect to that removal or extension.

~~(B)~~

(G) Existing law authorizes a certified interior designer, as defined, to obtain a stamp from an interior design organization, as defined, that uniquely identifies the designer and certifies that he or she meets certain qualifications and requires the use of that stamp on all drawings and

documents submitted to any governmental agency by the designer. Existing law provides that these provisions are repealed on January 1, 2018.

This bill would instead repeal those provisions on January 1, 2022.

(C)

(H) Existing law, the Barbering and Cosmetology Act, provides for the licensing and regulation of persons engaging in the practice of barbering, cosmetology, or electrolysis, as specified. Existing law authorizes an apprentice, as defined, to perform services under the supervision of a licensee approved by the State Board of Barbering and Cosmetology, as specified. Practicing barbering, cosmetology, or electrolysis without being properly licensed is a crime.

This bill would define the term “under the supervision of a licensee” for these provisions to mean a person supervised at all times by a licensee while performing services in a licensed establishment. The bill would also prohibit an apprentice from being the only person working in an establishment and would deem an apprentice who is not being supervised by a licensee to be practicing under the act without a license. Because this bill would expand the scope of a crime, it would impose a state-mandated local program.

(I) The Cemetery and Funeral Act provides for the licensure and regulation of cemeteries, crematories, funeral establishments, and their personnel by the Cemetery and Funeral Bureau, and requires any person employed by, or an agent of, a licensed funeral establishment who consults with the family or representatives of the family of a deceased person for the purpose of arranging certain services to receive documented training, as specified.

This bill would require that training to be completed at least once every 3 years.

(D)

(J) Existing state law, the Real Estate Appraisers’ Licensing and Certification Law, provides for the licensure, certification, and regulation of real estate appraisers and appraisal management companies by the Bureau of Real Estate Appraisers within the Department of Consumer Affairs, which is headed by the Chief of the Bureau of Real Estate Appraisers. Existing state law prohibits a person from engaging in federally related real estate appraisal activity without an active license. Existing state law defines “federally related transaction” as any real estate-related financial transaction which a federal financial institutions

regulatory agency engages in, contracts for, or regulates, and which requires the services of a state licensed real estate appraiser.

Existing state law prohibits a person or entity from acting in the capacity of an appraisal management company without first obtaining a certificate of registration from the bureau. Existing state law defines an “appraisal management company” as a person or entity that maintains an approved list or lists, containing 11 or more independent contractor licensed or certified appraisers, or employs 11 or more licensed or certified appraisers, receives requests for appraisals from one or more clients, and for a fee paid by one or more of its clients, delegates appraisal assignments for completion by its independent contractor or employee appraisers.

Existing federal law, the Dodd-Frank Wall Street Reform and Consumer Protection Act, requires the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, the Federal Housing Finance Agency, and the Bureau of Consumer Financial Protection to jointly, by rule, establish minimum requirements to be applied by a state in the registration of appraisal management companies. These minimum requirements include a requirement that an appraisal management company (1) register with and be subject to supervision by a state appraiser certifying and licensing agency in each state in which that company operates, (2) verify that only licensed or certified appraisers are used for federally related transactions, (3) require that appraisals coordinated by an appraisal management company comply with the Uniform Standards of Professional Appraisal Practice, and (4) require that appraisals are conducted independently and free from inappropriate influence and coercion, as provided. Existing federal law does not prohibit states from establishing additional requirements.

Existing federal law prohibits an appraisal management company from being registered by a state or included on the national registry if the company is owned by any person whose appraiser license or certificate was refused, denied, canceled, surrendered in lieu of revocation, or revoked in any state.

This bill would conform to federal law by, among other things, redefining an “appraisal management company” as a person that (1) provides appraisal management services to creditors or to secondary mortgage market participants, including affiliates, (2) provides those services in connection with valuing a consumer’s principal dwelling as

security for a consumer credit transaction or incorporating such transactions into securitizations, and (3) within a given 12-month period, oversees an appraiser panel of more than 15 State-certified or State-licensed appraisers in a State or 25 or more State-certified or State-licensed appraisers in two or more States. The bill would define “appraiser panel” and prescribe the method for determining whether an appraiser is a part of the appraisal management company’s appraiser panel. *The bill would additionally prohibit a person or entity from representing itself to the public as an appraisal management company, either in advertising or through its business name, without a certificate of registration.*

Existing state law prohibits a person other than a licensee from signing an appraisal and authorizes a specified trainee to sign an appraisal if it is also signed by the licensee. Existing law authorizes an individual who is not a licensee to assist in the preparation of an appraisal under certain conditions.

This bill would prohibit a person other than a licensee from signing an appraisal in a federally related transaction. The bill would authorize a trainee to sign an appraisal in such a transaction if it is also signed by a licensee. The bill would authorize an individual who is not a licensee to assist in the preparation of an appraisal in a federally related transaction under certain conditions.

Existing state law prohibits the chief from issuing a certificate of registration to an appraisal management company unless the appraisal management company confirms in its application for registration that all of its contracts with clients include specified standard business practices.

This bill would delete that provision and require all appraisal management companies to, among other things, direct the appraiser to perform the assignment in accordance with the Uniform Standards of Professional Appraisal Activity and engage appraisal panel members with an engagement letter that shall include terms of payment.

Existing federal law requires a federally regulated appraisal management company to report to the State or States in which it operates the information required to be submitted by the State pursuant to the policies of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council regarding the determination of the fee imposed by the AMC National Registry, which is the registry of State-registered appraisal management companies and federally

regulated appraisal management companies maintained by the Appraisal Subcommittee.

This bill would require a federally regulated appraisal management company operating in California to report to the bureau the information required to be submitted by the bureau to the Appraisal Subcommittee. The bill would authorize the bureau to charge the federally regulated appraisal management company a fee in an amount not exceed the reasonable regulatory cost to the board for processing the information.

This bill would also define various other terms for purposes of carrying out these provisions.

This bill would make various other nonsubstantive and technical changes.

(2)

(3) (A) Existing law provides for the regulation of commercial weighing and measuring devices by the Department of Food and Agriculture, and provides for the enforcement of those provisions by the State Sealer and by county sealers of weights and measures in each county. Existing law requires the department to keep the standards of the state for weights and measures in a suitable laboratory location or, if transportable, to maintain the standards under appropriate environmental conditions and requires the department to have the standards directly certified by the National Institute of Standards and Technology or by any measurement assurance procedures approved by that institute. Existing law requires the department to use the standards of the state to certify similar standards and any dissimilar standards which are dependent on the values represented by the state standards. Existing law requires the department, or a certified laboratory designated by the department, to certify standards of the county sealers at specified intervals.

Existing law, until January 1, 2019, requires the Secretary of Food and Agriculture to establish by regulation an annual administrative fee to recover reasonable administrative and enforcement costs incurred by the Department of Food and Agriculture for exercising supervision over and performing investigations in connection with specified activities performed by sealers, and requires the administrative fee to be collected for every device registered with each county office of weights and measures and paid annually to the Department of Food and Agriculture Fund.

This bill would additionally require the annual administrative fee to be used to recover reasonable costs incurred by the department for the

safekeeping and certification of the state standards, for using the state standards to certify other standards, and for certifying the standards of county sealers.

(B) Existing law defines various terms for purposes of regulating weighing and measuring devices, including the term “commercial purposes.”

This bill would provide that commercial purposes does not include the determination of the weight of any animal or human by a ~~healing arts licensee~~ *qualified health provider, licensed doctor of veterinary medicine, licensed physician and surgeon, or staff members within the business operations of and under the supervision of a licensed doctor of veterinary medicine or licensed physician and surgeon* for the purposes of determining the appropriate dosage of any medication or ~~medical treatment of~~ *or the volume, duration, or application of any medical procedure.*

(3)

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 156 of the Business and Professions Code
2 is amended to read:

3 156. (a) The director may, for the department and at the request
4 and with the consent of a board within the department on whose
5 behalf the contract is to be made, enter into contracts pursuant to
6 Chapter 3 (commencing with Section 11250) of Part 1 of Division
7 3 of Title 2 of the Government Code or Chapter 2 (commencing
8 with Section 10290) of Part 2 of Division 2 of the Public Contract
9 Code for and on behalf of any board within the department.

10 (b) In accordance with subdivision (a), the director may, in his
11 or her discretion, negotiate and execute contracts for examination
12 ~~purposes~~ *purposes*, which include provisions ~~which~~ *that* hold
13 harmless a contractor where liability resulting from a contract

1 between a board in the department and the contractor is traceable
2 to the state or its officers, agents, or employees.

3 (c) *The director shall report progress on release 3 entities’*
4 *transition to a new licensing technology platform to all the*
5 *appropriate committees of the Legislature by December 31 of each*
6 *year. Progress reports shall include updated plans and timelines*
7 *for completing all of the following:*

- 8 (1) *Business process documentation.*
- 9 (2) *Cost benefit analyses of IT options.*
- 10 (3) *IT system development and implementation.*
- 11 (4) *Any other relevant steps needed to meet the IT needs of*
12 *release 3 entities.*
- 13 (5) *Any other information as the Legislature may request.*

14 *SEC. 2. Section 303 of the Business and Professions Code is*
15 *repealed.*

16 ~~303. There is in the department a Division of Consumer~~
17 ~~Services under the supervision and control of a chief. The chief~~
18 ~~shall be appointed by the Governor and shall serve at his pleasure.~~
19 ~~His compensation shall be fixed by the director in accordance with~~
20 ~~law.~~

21 *SEC. 3. Section 2499.5 of the Business and Professions Code*
22 *is amended to read:*

23 2499.5. The following fees apply to certificates to practice
24 podiatric medicine. The amount of fees prescribed for doctors of
25 podiatric medicine shall be those set forth in this section unless a
26 lower fee is established by the board in accordance with Section
27 ~~2499.6. determined by the board and shall be as described below.~~
28 Fees collected pursuant to this section shall be fixed by the board
29 in amounts not to exceed the actual costs of providing the service
30 for which the fee is collected.

31 (a) Each applicant for a certificate to practice podiatric medicine
32 shall pay an application fee of ~~twenty dollars (\$20)~~ *no more than*
33 *one hundred dollars (\$100)* at the time the application is filed. If
34 the applicant qualifies for a certificate, he or she shall pay a fee
35 ~~which shall be fixed by the board at an amount~~ not to exceed one
36 hundred dollars (\$100) nor less than five dollars (\$5) for the
37 issuance of the certificate.

38 (b) The oral examination fee shall be seven hundred dollars
39 (\$700), or the actual cost, whichever is lower, and shall be paid
40 by each applicant. If the applicant’s credentials are insufficient or

1 if the applicant does not desire to take the examination, and has
2 so notified the board 30 days prior to the examination date, only
3 the examination fee is returnable to the applicant. The board may
4 charge an examination fee for any subsequent reexamination of
5 the applicant.

6 (c) Each applicant who qualifies for a certificate, as a condition
7 precedent to its issuance, in addition to other fees required by this
8 section, shall pay an initial license fee. The initial license fee shall
9 be eight hundred dollars (\$800). The initial license shall expire
10 the second year after its issuance on the last day of the month of
11 birth of the licensee. The board may reduce the initial license fee
12 by up to 50 percent of the amount of the fee for any applicant who
13 is enrolled in a postgraduate training program approved by the
14 board or who has completed a postgraduate training program
15 approved by the board within six months prior to the payment of
16 the initial license fee.

17 (d) The biennial renewal fee shall be nine hundred dollars
18 (\$900). Any licensee enrolled in an approved residency program
19 shall be required to pay only 50 percent of the biennial renewal
20 fee at the time of his or her first renewal.

21 (e) The delinquency fee ~~is shall be~~ one hundred fifty dollars
22 (\$150).

23 (f) The duplicate wall certificate fee ~~is forty dollars (\$40). shall~~
24 ~~be no more than one hundred dollars (\$100).~~

25 (g) The duplicate renewal receipt fee ~~is forty dollars (\$40). shall~~
26 ~~be no more than fifty dollars (\$50).~~

27 (h) The endorsement fee ~~is shall be~~ thirty dollars (\$30).

28 (i) The letter of good standing fee or for loan deferment ~~is thirty~~
29 ~~dollars (\$30). shall be no more than one hundred dollars (\$100).~~

30 (j) There shall be a fee of ~~sixty dollars (\$60) no more than one~~
31 ~~hundred dollars (\$100)~~ for the issuance of a resident's license
32 under Section 2475.

33 ~~(k) The application fee for ankle certification under Section~~
34 ~~2472 for persons licensed prior to January 1, 1984, shall be fifty~~
35 ~~dollars (\$50). The examination and reexamination fee for this~~
36 ~~certification shall be seven hundred dollars (\$700).~~

37 ~~(l)~~

38 (k) The filing fee to appeal the failure of an oral examination
39 shall be ~~twenty-five dollars (\$25). no more than one hundred~~
40 ~~dollars (\$100).~~

1 ~~(m)~~
2 (l) The fee for approval of a continuing education course or
3 program shall be ~~one hundred dollars (\$100)~~. *no more than two*
4 *hundred fifty dollars (\$250)*.

5 SEC. 4. *Section 2715 of the Business and Professions Code is*
6 *amended to read:*

7 2715. (a) The board shall prosecute all persons guilty of
8 violating this chapter.

9 (b) Except as provided by Section 159.5, the board, in
10 accordance with the Civil Service Law, may employ ~~the personnel~~
11 *personnel, including legal counsel, as it deems necessary to carry*
12 *into effect this chapter.*

13 (c) The board shall have and use a seal bearing the name “Board
14 of Registered Nursing.” The board may adopt, amend, or repeal,
15 in accordance with the Administrative Procedure Act (Chapter 3.5
16 (commencing with Section 11340) of Part 1 of Division 3 of Title
17 2 of the Government Code), the rules and regulations that may be
18 reasonably necessary to enable it to carry into effect this chapter.

19 SEC. 5. *Section 2760.1 of the Business and Professions Code*
20 *is amended to read:*

21 2760.1. (a) A registered nurse whose license has been revoked
22 or suspended or who has been placed on probation may petition
23 the board for reinstatement or modification of penalty, including
24 reduction or termination of probation, after a period not less than
25 the following minimum periods has elapsed from the effective
26 date of the decision ordering that disciplinary action, or if the order
27 of the board or any portion of it is stayed by the board itself or by
28 the superior court, from the date the disciplinary action is actually
29 implemented in its entirety, or for a registered nurse whose initial
30 license application is subject to a disciplinary decision, from the
31 date the initial license was issued:

32 (1) Except as otherwise provided in this section, at least three
33 years for reinstatement of a license that was revoked, except that
34 the board may, in its sole discretion, specify in its order a lesser
35 period of time provided that the period shall be not less than one
36 year.

37 (2) At least two years for early termination of a probation period
38 of three years or more.

1 (3) At least one year for modification of a condition, or
2 reinstatement of a license revoked for mental or physical illness,
3 or termination of probation of less than three years.

4 (b) The board shall give notice to the Attorney General of the
5 filing of the petition. The petitioner and the Attorney General shall
6 be given timely notice by letter of the time and place of the hearing
7 on the petition, and an opportunity to present both oral and
8 documentary evidence and argument to the board. The petitioner
9 shall at all times have the burden of proof to establish by clear and
10 convincing evidence that he or she is entitled to the relief sought
11 in the petition.

12 (c) The hearing may be continued from time to time as the board
13 deems appropriate.

14 (d) ~~(1) The board itself shall hear the petition and the~~
15 ~~administrative law judge shall prepare a written decision setting~~
16 ~~forth the reasons supporting the decision.~~ *petition may be heard*
17 *by the board or the board may assign the petition to an*
18 *administrative law judge, as specified in Section 11371 of the*
19 *Government Code.*

20 (2) *If the board assigns the petition to an administrative law*
21 *judge, the administrative law judge shall submit a proposed*
22 *decision to the board for its consideration, which shall include*
23 *reasons supporting the proposed decision.*

24 (e) The board may grant or deny the petition, or may impose
25 any terms and conditions that it reasonably deems appropriate as
26 a condition of reinstatement or reduction of penalty.

27 (f) *In considering a petition for reinstatement or modification*
28 *of a penalty, the board or the administrative law judge shall*
29 *evaluate and consider evidence of rehabilitation submitted by the*
30 *petitioner using criteria specified in regulations promulgated by*
31 *the board.*

32 (g) *The board may impose, or the administrative law judge may*
33 *recommend, terms and conditions on the petitioner in reinstating*
34 *a license, certificate, or permit or in modifying a penalty.*

35 ~~(f)~~

36 (h) The petitioner shall provide a current set of fingerprints
37 accompanied by the necessary fingerprinting fee.

38 ~~(g)~~

39 (i) No petition shall be considered while the petitioner is under
40 sentence for any criminal offense, including any period during

1 which the petitioner is on court-imposed probation or parole, or
2 subject to an order of registration pursuant to Section 290 of the
3 Penal Code. No petition shall be considered while there is an
4 accusation or petition to revoke probation pending against the
5 petitioner.

6 ~~(h)~~

7 (j) Except in those cases where the petitioner has been
8 disciplined pursuant to Section 822, the board may in its discretion
9 deny without hearing or argument any petition that is filed pursuant
10 to this section within a period of two years from the effective date
11 of a prior decision following a hearing under this section.

12 *SEC. 6. Section 2987 of the Business and Professions Code is*
13 *amended to read:*

14 2987. The amount of the fees prescribed by this chapter shall
15 be determined by the board, and shall be as follows:

16 (a) The application fee for a psychologist shall not be more than
17 fifty dollars (\$50).

18 (b) The examination and reexamination fees for the
19 examinations shall be the actual cost to the board of developing,
20 purchasing, and grading of each examination, plus the actual cost
21 to the board of administering each examination.

22 (c) The initial license fee is an amount equal to the renewal fee
23 in effect on the last regular renewal date before the date on which
24 the license is issued.

25 (d) The biennial renewal fee for a psychologist shall be four
26 hundred dollars (\$400). The board may increase the renewal fee
27 to an amount not to exceed five hundred dollars (\$500).

28 (e) The application fee for registration ~~and supervision of~~ *as* a
29 psychological assistant ~~by a supervisor~~ under Section ~~2913, which~~
30 ~~is payable by that supervisor,~~ 2913 shall not be more than
31 seventy-five dollars (\$75).

32 (f) The annual renewal fee for registration of a psychological
33 assistant shall not be more than seventy-five dollars (\$75).

34 (g) The duplicate license or registration fee is five dollars (\$5).

35 (h) The delinquency fee is ~~twenty-five dollars (\$25).~~ *50 percent*
36 *of the renewal fee for each license type, not to exceed one hundred*
37 *fifty dollars (\$150).*

38 (i) The endorsement fee is five dollars (\$5).

1 Notwithstanding any other provision of law, the board may
2 reduce any fee prescribed by this section, when, in its discretion,
3 the board deems it administratively appropriate.

4 *SEC. 7. Section 4008 of the Business and Professions Code is*
5 *amended to read:*

6 4008. (a) Except as provided by Section 159.5, the board may
7 employ *legal counsel and* inspectors of pharmacy. The inspectors,
8 whether the inspectors are employed by the board or the
9 department's Division of Investigation, may inspect during business
10 hours all pharmacies, wholesalers, dispensaries, stores, or places
11 where drugs or devices are compounded, prepared, furnished,
12 dispensed, or stored.

13 (b) Notwithstanding subdivision (a), a pharmacy inspector may
14 inspect or examine a physician's office or clinic that does not have
15 a permit under Section 4180 or 4190 only to the extent necessary
16 to determine compliance with and to enforce either Section 4080
17 or 4081.

18 (c) (1) (A) A pharmacy inspector employed by the board or in
19 the department's Division of Investigation shall have the authority,
20 as a public officer, to arrest, without warrant, any person whenever
21 the officer has reasonable cause to believe that the person to be
22 arrested has, in his or her presence, violated a provision of this
23 chapter or of Division 10 (commencing with Section 11000) of
24 the Health and Safety Code.

25 (B) If the violation is a felony, or if the arresting officer has
26 reasonable cause to believe that the person to be arrested has
27 violated any provision that is declared to be a felony, although no
28 felony has in fact been committed, he or she may make an arrest
29 although the violation or suspected violation did not occur in his
30 or her presence.

31 (2) In any case in which an arrest authorized by this subdivision
32 is made for an offense declared to be a misdemeanor, and the
33 person arrested does not demand to be taken before a magistrate,
34 the arresting inspector may, instead of taking the person before a
35 magistrate, follow the procedure prescribed by Chapter 5C
36 (commencing with Section 853.5) of Title 3 of Part 2 of the Penal
37 Code. That chapter shall thereafter apply with reference to any
38 proceeding based upon the issuance of a citation pursuant to this
39 authority.

1 (d) There shall be no civil liability on the part of, and no cause
2 of action shall arise against, a person, acting pursuant to subdivision
3 (a) within the scope of his or her authority, for false arrest or false
4 imprisonment arising out of an arrest that is lawful, or that the
5 arresting officer, at the time of the arrest, had reasonable cause to
6 believe was lawful. An inspector shall not be deemed an aggressor
7 or lose his or her right to self-defense by the use of reasonable
8 force to effect the arrest, to prevent escape, or to overcome
9 resistance.

10 (e) Any inspector may serve all processes and notices throughout
11 the state.

12 (f) A pharmacy inspector employed by the board may enter a
13 facility licensed pursuant to subdivision (c) or (d) of Section 1250
14 of the Health and Safety Code to inspect an automated drug
15 delivery system operated pursuant to Section 4119 or 4119.1.

16 *SEC. 8. Section 4887 of the Business and Professions Code is*
17 *amended to read:*

18 4887. (a) (1) A person whose license or registration has been
19 revoked or who has been placed on probation may petition the
20 board for reinstatement or modification of penalty including
21 modification or termination of probation after ~~a~~ *the period of not*
22 ~~less than one year as described below in subparagraphs (A) to (C),~~
23 *inclusive*, has elapsed from the effective date of the decision
24 ordering the disciplinary action. The petition shall state ~~such~~ facts
25 as ~~may be~~ required by the board. *The period shall be as follows:*

26 (A) *At least three years for reinstatement of a surrendered or*
27 *revoked license.*

28 (B) *At least two years for early termination or modification of*
29 *probation of three years or more.*

30 (C) *At least one year for modification of a condition or*
31 *termination of probation of less than three years.*

32 (2) *Notwithstanding paragraph (1), the board may, upon a*
33 *showing of good cause, specify in a revocation order, a surrender*
34 *order, or an order imposing probation of more than three years*
35 *that the person may petition the board for reinstatement or*
36 *modification or termination of probation after one year.*

37 (b) The petition shall be accompanied by at least two verified
38 recommendations from veterinarians licensed by the board who
39 have personal knowledge of the activities of the petitioner since
40 the disciplinary penalty was imposed. The petition shall be heard

1 by the board. The board may consider all activities of the petitioner
2 since the disciplinary action was taken, the offense for which the
3 petitioner was disciplined, the petitioner's activities since the
4 license or registration was in good standing, and the petitioner's
5 rehabilitation efforts, general reputation for truth, and professional
6 ability. The hearing may be continued from time to time as the
7 board finds necessary.

8 (c) The board reinstating the license or registration or modifying
9 a penalty may impose terms and conditions as it determines
10 necessary. To reinstate a revoked license or registration or to
11 otherwise reduce a penalty or modify probation shall require a
12 vote of five of the members of the board.

13 (d) The petition shall not be considered while the petitioner is
14 under sentence for any criminal offense, including any period
15 during which the petitioner is on court-imposed probation or parole.
16 The board may deny without a hearing or argument any petition
17 filed pursuant to this section within a period of two years from the
18 effective date of the prior decision following a hearing under this
19 section.

20 **SECTION 1.**

21 *SEC. 9.* Section 5063.3 of the Business and Professions Code
22 is amended to read:

23 5063.3. (a) No confidential information obtained by a licensee,
24 in his or her professional capacity, concerning a client or a
25 prospective client shall be disclosed by the licensee without the
26 written permission of the client or prospective client, except the
27 following:

28 (1) Disclosures made by a licensee in compliance with a
29 subpoena or a summons enforceable by order of a court.

30 (2) Disclosures made by a licensee regarding a client or
31 prospective client to the extent the licensee reasonably believes it
32 is necessary to maintain or defend himself or herself in a legal
33 proceeding initiated by the client or prospective client.

34 (3) Disclosures made by a licensee in response to an official
35 inquiry from a federal or state government regulatory agency.

36 (4) Disclosures made by a licensee or a licensee's duly
37 authorized representative to another licensee or person in
38 connection with a proposed sale or merger of the licensee's
39 professional practice, provided the parties enter into a written

1 nondisclosure agreement with regard to all client information
2 shared between the parties.

3 (5) Disclosures made by a licensee to either of the following:

4 (A) Another licensee to the extent necessary for purposes of
5 professional consultation.

6 (B) Organizations that provide professional standards review
7 and ethics or quality control peer review.

8 (6) Disclosures made when specifically required by law.

9 (7) Disclosures specified by the board in regulation.

10 (b) In the event that confidential client information may be
11 disclosed to persons or entities outside the United States of America
12 in connection with the services provided, the licensee shall inform
13 the client in writing and obtain the client's written permission for
14 the disclosure.

15 ~~SEC. 2.~~

16 *SEC. 10.* Section 5096.9 of the Business and Professions Code
17 is amended to read:

18 5096.9. (a) The board is authorized to adopt regulations to
19 implement, interpret, or make specific the provisions of this article.

20 (b) The board shall adopt emergency regulations in accordance
21 with the Administrative Procedure Act (Chapter 3.5 (commencing
22 with Section 11340) of Part 1 of Division 3 of Title 2 of the
23 Government Code) to establish policies, guidelines, and procedures
24 to initially implement this article as it goes into effect on July 1,
25 2013. The adoption of the regulations shall be considered by the
26 Office of Administrative Law to be necessary for the immediate
27 preservation of the public peace, health and safety, or general
28 welfare. The emergency regulations shall be submitted to the Office
29 of Administrative Law for filing with the Secretary of State in
30 accordance with the Administrative Procedure Act.

31 (c) (1) Notwithstanding any other law, to ensure uninterrupted
32 implementation of this article, the board may adopt or amend
33 regulations consistent with Section 100 of Title 1 of the California
34 Code of Regulations to remove or extend the inoperative date of
35 its regulations in Article 3 (commencing with Section 18) of
36 Division 1 of Title 16 of the California Code of Regulations, or to
37 remove the inoperative dates for the regulations in Article 4
38 (commencing with Section 26) of Division 1 of Title 16 of the
39 California Code of Regulations.

1 (2) Notwithstanding any other law, the Office of Administrative
2 Law shall consider the board's action to remove or extend the
3 inoperative dates of these regulations as a change without
4 regulatory effect as described in Section 100 of Title 1 of the
5 California Code of Regulations that exempts the board from
6 complying with the rulemaking procedure specified in the
7 Administrative Procedure Act (Article 5 (commencing with Section
8 11346) of Chapter 3.5 Part 1 of Division 3 of Title 2 of the
9 Government Code).

10 ~~SEC. 3.~~

11 *SEC. 11.* Section 5810 of the Business and Professions Code
12 is amended to read:

13 5810. (a) This chapter shall be subject to review by the
14 appropriate policy committees of the Legislature.

15 (b) This chapter shall remain in effect only until January 1,
16 2022, and as of that date is repealed.

17 ~~SEC. 4.~~

18 *SEC. 12.* Section 7332 of the Business and Professions Code
19 is amended to read:

20 7332. (a) An apprentice is any person who is licensed by the
21 board to engage in learning or acquiring a knowledge of barbering,
22 cosmetology, skin care, nail care, or electrology, in a licensed
23 establishment under the supervision of a licensee approved by the
24 board.

25 (b) For purposes of this section, "under the supervision of a
26 licensee" means that the apprentice shall be supervised at all times
27 by a licensee approved by the board while performing services in
28 a licensed establishment. At no time shall an apprentice be the
29 only individual working in the establishment. An apprentice that
30 is not being supervised by a licensee, that has been approved by
31 the board to supervise an apprentice, shall be deemed to be
32 practicing unlicensed under this chapter.

33 *SEC. 13.* *Section 7635 of the Business and Professions Code*
34 *is amended to read:*

35 7635. (a) Any person employed by, or an agent of, a licensed
36 funeral establishment, who consults with the family or
37 representatives of a family of a deceased person for the purpose
38 of arranging for services as set forth in subdivision (a) of Section
39 7615, shall receive documented training and ~~instruction which~~
40 *instruction, at least once every three years, that results in a*

1 demonstrated knowledge of all applicable federal and state laws,
2 rules, and regulations including those provisions dealing with vital
3 statistics, the coroner, anatomical gifts, and other laws, rules, and
4 regulations pertaining to the duties of a funeral director. A written
5 outline of the training program, including documented evidence
6 of the training time, place, and participants, shall be maintained
7 in the funeral establishment and shall be available for inspection
8 and comment by an inspector of the bureau.

9 (b) This section shall not apply to anyone who has successfully
10 passed the funeral director’s examination pursuant to Section 7622.

11 ~~SEC. 5.~~

12 *SEC. 14.* Section 11302 of the Business and Professions Code
13 is amended to read:

14 11302. For the purpose of applying this part, the following
15 terms, unless otherwise expressly indicated, shall mean and have
16 the following definitions:

17 (a) “Affiliate” means any entity that controls, is controlled by,
18 or is under common control with another entity.

19 (b) “Appraisal” means the act or process of developing an
20 opinion of value for real property.

21 The term “appraisal” does not include an opinion given by a real
22 estate licensee or engineer or land surveyor in the ordinary course
23 of his or her business in connection with a function for which a
24 license is required under Chapter 7 (commencing with Section
25 6700) or Chapter 15 (commencing with Section 8700) of Division
26 3, or Chapter 3 (commencing with Section 10130) or Chapter 7
27 (commencing with Section 10500) and the opinion shall not be
28 referred to as an appraisal. This part does not apply to a probate
29 referee acting pursuant to Sections 400 to 408, inclusive, of the
30 Probate Code unless the appraised transaction is federally related.

31 (c) “Appraisal Foundation” means the Appraisal Foundation
32 that was incorporated as an Illinois not-for-profit corporation on
33 November 30, 1987.

34 (d) (1) “Appraisal management company” means any person
35 or entity that satisfies all of the following conditions:

36 (A) Provides appraisal management services to creditors or to
37 secondary mortgage market participants, including affiliates.

38 (B) Provides those services in connection with valuing a
39 consumer’s principal dwelling as security for a consumer credit
40 transaction or incorporating such transactions into securitizations.

1 (C) Within a given 12 calendar month period oversees an
2 appraiser panel of more than 15 State-certified or State-licensed
3 appraisers in a state or 25 or more State-certified or State-licensed
4 appraisers in two or more States, as described in Section 11345.5.

5 (2) An appraisal management company does not include a
6 department or division of an entity that provides appraisal
7 management services only to that entity.

8 (3) An appraisal management company that is a subsidiary of
9 an insured depository institution and regulated by a federal
10 financial institution is not required to register with the bureau.

11 (e) “Appraisal management services” means one or more of the
12 following:

13 (1) Recruiting, selecting, and retaining appraisers.

14 (2) Contracting with state-certified or state-licensed appraisers
15 to perform appraisal assignments.

16 (3) Managing the process of having an appraisal performed,
17 including providing administrative services such as receiving
18 appraisal orders and appraisal reports, submitting completed
19 appraisal reports to creditors and secondary market participants,
20 collecting fees from creditors and secondary market participants
21 for services provided, and paying appraisers for services performed.

22 (4) Reviewing and verifying the work of appraisers.

23 (f) “Appraiser panel” means a network, list, or roster of licensed
24 or certified appraisers approved by an appraisal management
25 company to perform appraisals as independent contractors for the
26 appraisal management company. Appraisers on an appraisal
27 management company’s “appraiser panel” under this part include
28 both appraisers accepted by the appraisal management company
29 for consideration for future appraisal assignments in covered
30 transactions or for secondary mortgage market participants in
31 connection with covered transactions, and appraisers engaged by
32 the appraisal management company to perform one or more
33 appraisals in covered transactions or for secondary mortgage
34 market participants in connection with covered transactions. An
35 appraiser is an independent contractor for purposes of this part if
36 the appraiser is treated as an independent contractor by the
37 appraisal management company for purposes of federal income
38 taxation.

1 (g) “Appraisal Subcommittee” means the Appraisal
2 Subcommittee of the Federal Financial Institutions Examination
3 Council.

4 (h) “Consumer credit” means credit offered or extended to a
5 consumer primarily for personal, family, or household purposes.

6 (i) “Controlling person” means one or more of the following:

7 (1) An officer or director of an appraisal management company,
8 or an individual who holds a 10 percent or greater ownership
9 interest in an appraisal management company.

10 (2) An individual employed, appointed, or authorized by an
11 appraisal management company that has the authority to enter into
12 a contractual relationship with clients for the performance of
13 appraisal services and that has the authority to enter into
14 agreements with independent appraisers for the completion of
15 appraisals.

16 (3) An individual who possesses the power to direct or cause
17 the direction of the management or policies of an appraisal
18 management company.

19 (j) “Course provider” means a person or entity that provides
20 educational courses related to professional appraisal practice.

21 (k) “Covered transaction” means any consumer credit transaction
22 secured by the consumer’s principal dwelling.

23 (l) “Creditor” means:

24 (1) A person who regularly extends consumer credit that is
25 subject to a finance charge or is payable by written agreement in
26 more than four installments, not including a down payment, and
27 to whom the obligation is initially payable, either on the face of
28 the note or contract, or by agreement when there is no note or
29 contract.

30 (2) A person regularly extends consumer credit if, in any
31 12-month period, the person originates more than one credit
32 extension for transactions secured by a dwelling.

33 (m) “Department” means the Department of Consumer Affairs.

34 (n) “Director” or “chief” means the Chief of the Bureau of Real
35 Estate Appraisers.

36 (o) “Dwelling” means:

37 (1) A residential structure that contains one to four units,
38 whether or not that structure is attached to real property. The term
39 includes an individual condominium unit, cooperative unit, mobile
40 home, and trailer, if it is used as a residence.

1 (2) A consumer can have only one “principal” dwelling at a
2 time. Thus, a vacation or other second home is not a principal
3 dwelling. However, if a consumer buys or builds a new dwelling
4 that will become the consumer’s principal dwelling within a year
5 or upon the completion of construction, the new dwelling is
6 considered the principal dwelling for purposes of this section.

7 (p) “Federal financial institutions regulatory agency” means the
8 Federal Reserve Board, Federal Deposit Insurance Corporation,
9 Office of the Comptroller of the Currency, Federal Home Loan
10 Bank System, National Credit Union Administration, and any other
11 agency determined by the director to have jurisdiction over
12 transactions subject to this part.

13 (q) “Federally regulated appraisal management company” means
14 an appraisal management company that is owned and controlled
15 by an insured depository institution, as defined in Section 1813 of
16 Title 12 of the United States Code and regulated by the Office of
17 the Comptroller of the Currency, the Board of Governors of the
18 Federal Reserve System, or the Federal Deposit Insurance
19 Corporation.

20 (r) “Federally related real estate appraisal activity” means the
21 act or process of making or performing an appraisal on real estate
22 or real property in a federally related transaction and preparing an
23 appraisal as a result of that activity.

24 (s) “Federally related transaction” means any real estate-related
25 financial transaction which a federal financial institutions
26 regulatory agency engages in, contracts for or regulates and which
27 requires the services of a state licensed real estate appraiser
28 regulated by this part. This term also includes any transaction
29 identified as such by a federal financial institutions regulatory
30 agency.

31 (t) “License” means any license, certificate, permit, registration,
32 or other means issued by the bureau authorizing the person to
33 whom it is issued to act pursuant to this part within this state.

34 (u) “Licensure” means the procedures and requirements a person
35 shall comply with in order to qualify for issuance of a license and
36 includes the issuance of the license.

37 (v) “Office” or “bureau” means the Bureau of Real Estate
38 Appraisers.

1 (w) “Registration” means the procedures and requirements with
2 which a person or entity shall comply in order to qualify to conduct
3 business as an appraisal management company.

4 (x) “Secondary mortgage participant” means a guarantor or
5 insurer of mortgage-backed securities, or an underwriter or issuer
6 of mortgage-backed securities. Secondary mortgage market
7 participant only includes an individual investor in a
8 mortgage-backed security if that investor also serves in the capacity
9 of a guarantor, insurer, underwriter, or issuer for the
10 mortgage-backed security.

11 (y) “State licensed real estate appraiser” is a person who is
12 issued and holds a current valid license under this part.

13 (z) “Uniform Standards of Professional Appraisal Practice” are
14 the standards of professional appraisal practice established by the
15 Appraisal Foundation.

16 *SEC. 15. Section 11320.5 of the Business and Professions Code*
17 *is amended to read:*

18 11320.5. No person or entity shall act in the capacity of an
19 appraisal management company *or represent itself to the public*
20 *as an appraisal management company, either in its advertising or*
21 *through its business name, without first obtaining* a certificate of
22 registration from the office.

23 ~~SEC. 6.~~

24 *SEC. 16. Section 11321 of the Business and Professions Code*
25 *is amended to read:*

26 11321. (a) No person other than a state licensed real estate
27 appraiser may assume or use that title or any title, designation, or
28 abbreviation likely to create the impression of state licensure as a
29 real estate appraiser in this state.

30 (b) No person other than a licensee may sign an appraisal in a
31 federally related transaction. A trainee licensed pursuant to Section
32 11327 may sign an appraisal in a federally related transaction if it
33 is also signed by a licensee.

34 (c) No person other than a licensee holding a current valid
35 license at the residential level issued under this part to perform,
36 make, or approve and sign an appraisal may use the abbreviation
37 SLREA in his or her real property appraisal business.

38 (d) No person other than a licensee holding a current valid
39 license at a certified level issued under this part to perform, make,
40 or approve and sign an appraisal may use the term “state certified

1 real estate appraiser” or the abbreviation SCREA in his or her real
2 property appraisal business.

3 ~~SEC. 7.~~

4 *SEC. 17.* Section 11323 of the Business and Professions Code
5 is amended to read:

6 11323. No licensee shall engage in any appraisal activity if his
7 or her compensation is dependent on or affected by the value
8 conclusion generated by the appraisal.

9 ~~SEC. 8.~~

10 *SEC. 18.* Section 11324 of the Business and Professions Code
11 is amended to read:

12 11324. An individual who is not a licensee may assist in the
13 preparation of an appraisal in a federally related transaction under
14 the following conditions:

15 (a) The assistance is under the direct supervision of an individual
16 who is a licensed appraiser and the final conclusion as to value is
17 made by a licensed appraiser.

18 (b) The final appraisal document in a federally related
19 transaction is approved and signed, with acceptance of full
20 responsibility, by the supervising individual who is licensed by
21 the state pursuant to this part, identifies the assisting individual,
22 and identifies the scope of work performed by the individual who
23 assisted in preparation of the appraisal in a federally related
24 transaction.

25 ~~SEC. 9.~~

26 *SEC. 19.* Section 11345 of the Business and Professions Code
27 is amended to read:

28 11345. The director shall adopt regulations governing the
29 process and procedure of applying for registration as an appraisal
30 management company. Applications for a certificate of registration
31 shall require, at a minimum, all of the following:

32 (a) The name of the person or entity seeking registration.

33 (b) The business address and telephone number of the person
34 or entity seeking registration.

35 (c) If the applicant is not a person or entity domiciled in this
36 state, the name and contact number of a person or entity acting as
37 agent for service of process in this state, along with an irrevocable
38 consent to service of process in favor of the office.

39 (d) The name, address, and contact information for each
40 controlling person—~~associated with~~ *of* the applicant who has

1 operational authority to direct the management of, and establish
2 policies for, the applicant. ~~If the applicant employs more than 10~~
3 ~~individuals meeting the criteria of this subdivision, the applicant~~
4 ~~may list the names, addresses, and contact information for the 10~~
5 ~~individuals meeting the criteria who hold the greatest level of~~
6 ~~management responsibility within its organization.~~

7 *SEC. 20. Section 11345.2 of the Business and Professions Code*
8 *is amended to read:*

9 11345.2. (a) ~~No individual may~~ *An individual shall not act as*
10 *a controlling person for a registrant if any of the following apply:*

11 (1) The individual has entered a plea of guilty or no contest to,
12 or been convicted of, a felony. *Notwithstanding subdivision (c) of*
13 *Section 480, if the individual's felony conviction has been dismissed*
14 *pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code,*
15 *the bureau may allow the individual to act as a controlling person.*

16 (2) The individual has had a license or certificate to act as an
17 appraiser or to engage in activities related to the transfer of real
18 property refused, denied, canceled, or revoked in this state or any
19 other state.

20 (b) Any individual who acts as a controlling person of an
21 appraisal management company and who enters a plea of guilty
22 or no contest to, or is convicted of, a felony, or who has a license
23 or certificate as an appraiser refused, denied, canceled, or revoked
24 in any other state shall report that fact or cause that fact to be
25 reported to the office, in writing, within 10 days of the date he or
26 she has knowledge of that fact.

27 ~~SEC. 10.~~

28 *SEC. 21. Section 11345.3 of the Business and Professions Code*
29 *is repealed.*

30 ~~SEC. 11.~~

31 *SEC. 22. Section 11345.3 is added to the Business and*
32 *Professions Code, to read:*

33 11345.3. All appraisal management companies shall do all of
34 the following:

35 (a) Ensure that all contracted appraisal panel members possess
36 all required licenses and certificates from the office.

37 (b) Establish and comply with processes and controls reasonably
38 designed to ensure that the appraisal management company, in
39 engaging an appraiser, selects an appraiser who is independent of
40 the transaction and who has the requisite license, education,

1 expertise, and experience necessary to competently complete the
2 appraisal assignment for the particular market and property type.

3 (c) Direct the appraiser to perform the assignment in accordance
4 with the Uniform Standards of Professional Appraisal Activity.

5 (d) Establish and comply with processes and controls reasonably
6 designed to ensure that the appraisal management company
7 conducts its appraisal management services in accordance with
8 the requirements of Section 129E(a) through (i) of the Truth in
9 Lending Act, 15 U.S.C. 1639e(a) through (i), and regulations
10 thereunder.

11 (e) Engage appraisal panel members with an engagement letter
12 that shall include terms of payment.

13 (f) *Appraisal management companies shall maintain all of the*
14 *following records for each service request:*

15 (1) *Date of receipt of the request.*

16 (2) *Name of the person from whom the request was received.*

17 (3) *Name of the client for whom the request was made, if*
18 *different from the name of the person from whom the request was*
19 *received.*

20 (4) *The appraiser or appraisers assigned to perform the*
21 *requested service.*

22 (5) *Date of delivery of the appraisal product to the client.*

23 (6) *Client contract.*

24 (7) *Engagement letter.*

25 (8) *The appraisal report.*

26 ~~SEC. 12.~~

27 *SEC. 23.* Section 11345.5 is added to the Business and
28 Professions Code, to read:

29 11345.5. For purposes of subdivision (d) of Section 11302 and
30 determining whether, within a 12-month period, an appraisal
31 management company oversees an appraiser panel of more than
32 15 State-certified or State-licensed appraisers in a State or 25 or
33 more State certified or State licensed appraisers in two or more
34 States:

35 (a) An appraiser is deemed part of the appraisal management
36 company's appraiser panel as of the earliest date on which the
37 appraisal management company does either of the following:

38 (1) Accepts the appraiser for the appraisal management
39 company's consideration for future appraisal assignments in

1 covered transactions or for secondary mortgage market participants
2 in connection with covered transactions.

3 (2) Engages the appraiser to perform one or more appraisals on
4 behalf of a creditor for a covered transaction or secondary mortgage
5 market participant in connection with covered transactions.

6 (b) An appraiser who is deemed part of the appraisal
7 management company's appraiser panel pursuant to subdivision
8 (a) is deemed to remain on the panel until the date on which the
9 appraisal management company does either of the following:

10 (1) Sends written notice to the appraiser removing the appraiser
11 from the appraiser panel, with an explanation of its action.

12 (2) Receives written notice from the appraiser asking to be
13 removed from the appraiser panel or notice of the death or
14 incapacity of the appraiser.

15 (c) If an appraiser is removed from an appraisal management
16 company's appraiser panel pursuant to subdivision (b), but the
17 appraisal management company subsequently accepts the appraiser
18 for consideration for future assignments or engages the appraiser
19 at any time during the 12 months after the appraisal management
20 company's removal, the removal will be deemed not to have
21 occurred, and the appraiser will be deemed to have been part of
22 the appraisal management company's appraiser panel without
23 interruption.

24 ~~SEC. 13.~~

25 *SEC. 24.* Section 11345.6 of the Business and Professions Code
26 is amended to read:

27 11345.6. (a) No appraisal management company may alter,
28 modify, or otherwise change a completed appraisal report submitted
29 by an appraiser.

30 (b) No appraisal management company may require an appraiser
31 to provide it with the appraiser's digital signature or seal. However,
32 nothing in this subdivision shall be deemed to prohibit an appraiser
33 from voluntarily providing his or her digital signature or seal to
34 another person, to the extent permissible under the Uniform
35 Standards of Professional Appraisal Practice.

36 ~~SEC. 14.~~

37 *SEC. 25.* Section 11345.8 is added to the Business and
38 Professions Code, to read:

39 11345.8. A federally regulated appraisal management company
40 operating in California shall report to the bureau the information

1 the bureau is required to submit to the Appraisal Subcommittee,
2 pursuant to the Appraisal Subcommittee's policies regarding the
3 determination of the Appraisal Management Company Registry
4 fee. The bureau may charge the federally regulated appraisal
5 management company a state fee in an amount not exceed the
6 reasonable regulatory cost to the board for processing and
7 submitting the information. This fee shall be deposited in the Real
8 Estate Appraisers Regulation Fund.

9 ~~SEC. 15.~~

10 *SEC. 26.* Section 11422 of the Business and Professions Code
11 is amended to read:

12 11422. The office shall, on or before February 1, 1994, and at
13 least annually thereafter, transmit to the appraisal subcommittee
14 specified in subdivision (g) of Section 11302 a roster of persons
15 licensed pursuant to this part.

16 ~~SEC. 16.~~

17 *SEC. 27.* Section 12241 of the Business and Professions Code
18 is amended to read:

19 12241. The secretary shall establish by regulation an annual
20 administrative fee to recover reasonable administrative and
21 enforcement costs incurred by the department for exercising
22 supervision over and performing investigations in connection with
23 the activities performed pursuant to Sections 12210 and 12211
24 and to recover reasonable costs incurred by the department for the
25 safekeeping and certification of the state standards pursuant to
26 Section 12304 and for certification services provided pursuant to
27 Sections 12305 and 12310. This administrative fee shall be
28 collected for every device registered with each county office of
29 weights and measures, and paid to the Department of Food and
30 Agriculture Fund.

31 ~~SEC. 17.~~

32 *SEC. 28.* Section 12304 of the Business and Professions Code
33 is amended to read:

34 12304. The department shall keep the standards of the state in
35 a suitable laboratory location or, if transportable, shall maintain
36 the standards under environmental conditions appropriate for
37 maintaining the integrity of the unit of measure represented by the
38 standard. The department shall have the standards directly certified
39 by the National Institute of Standards and Technology or by any

1 measurement assurance procedures approved by the National
2 Institute of Standards and Technology.

3 ~~SEC. 18.~~

4 *SEC. 29.* Section 12305 of the Business and Professions Code
5 is amended to read:

6 12305. The department shall use the standards of the state to
7 certify similar standards and any dissimilar standards that are
8 dependent on the values represented by the state standards. Copies
9 of the standards that have been compared and certified against the
10 state standards shall become working standards that shall be used
11 in the certification, calibration, and sealing of county field
12 standards, and in the certification, calibration, and sealing of
13 measurement devices submitted by state and local government
14 agencies or by industry.

15 ~~SEC. 19.~~

16 *SEC. 30.* Section 12310 of the Business and Professions Code
17 is amended to read:

18 12310. The department, or a laboratory designated by the
19 department that has been certified pursuant to Section 12314, shall
20 certify the standards of the county sealers as often as may be
21 deemed by the secretary to be necessary, based upon a review of
22 statistical data resulting from previous certifications, but in no
23 event shall the period of time between certifications exceed 10
24 years. In the absence of statistical data, standards shall be certified
25 at least every two years. Sealers shall, upon the request of the
26 department, deliver for testing those standards in their possession
27 that are used in the discharge of their duties. Direct expenses
28 incurred in the certification process shall be borne by the state or
29 recovered pursuant to Section 12241, while any incidental expense,
30 such as the cost of transportation, shall be borne by the county
31 whose standards have been certified.

32 ~~SEC. 20.~~

33 *SEC. 31.* Section 12500 of the Business and Professions Code
34 is amended to read:

35 12500. As used in this chapter the following terms mean:

36 (a) "Weighing instrument" means any device, contrivance,
37 apparatus, or instrument used, or designed to be used, for
38 ascertaining weight and includes any tool, appliance, or accessory
39 used or connected therewith.

1 (b) “Measuring instrument” means any device, contrivance,
 2 apparatus, or instrument used, or designed to be used, for
 3 ascertaining measure and includes any tool, appliance, or accessory
 4 used or connected therewith.

5 (c) “Correct” means any weight or measure or weighing,
 6 measuring, or counting instrument which meet all of the tolerance
 7 and specification requirements established by the director pursuant
 8 to Section 12107.

9 (d) “Incorrect” means any instrument which fails to meet all of
 10 the requirements of Section 12107.

11 (e) “Commercial purposes” include the determination of the
 12 weight, measure, or count of any commodity or thing which is
 13 sold on the basis of weight, measure, or count; or the determination
 14 of the weight, measure, or count of any commodity or thing upon
 15 which determination a charge for service is based. Devices used
 16 in a determination upon which a charge for service is based include,
 17 but are not limited to, taximeters, odometers, timing devices, parcel
 18 scales, shipping scales, and scales used in the payment of
 19 agricultural workers.

20 “Commercial purposes” do not include the determination of the
 21 weight, measure, or count of any commodity or thing which is
 22 performed within a plant or business as a part of the manufacturing,
 23 processing, or preparing for market of that commodity or thing,
 24 or the determination of charges for the transmission of letters or
 25 parcels of less than 150 pounds, except when that determination
 26 is made in the presence of the customer charged for the service,
 27 or the determination of the weight of any animal or human by a
 28 ~~healing arts licensee~~ *qualified health provider, licensed doctor of*
 29 *veterinary medicine, licensed physician and surgeon, or staff*
 30 *members within the business operations of, and under the*
 31 *supervision of, a licensed doctor of veterinary medicine or licensed*
 32 *physician and surgeon for the purposes of determining the*
 33 *appropriate dosage of any medication or medical treatment of or*
 34 *the volume, duration, or application of any medical procedure.*

35 ~~SEC. 21.~~

36 *SEC. 32.* No reimbursement is required by this act pursuant to
 37 Section 6 of Article XIII B of the California Constitution because
 38 the only costs that may be incurred by a local agency or school
 39 district will be incurred because this act creates a new crime or
 40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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AMENDED IN SENATE JUNE 27, 2017

AMENDED IN SENATE JUNE 19, 2017

AMENDED IN ASSEMBLY MARCH 28, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 485

**Introduced by Assembly Members O'Donnell and Dababneh
(Coauthors: Assembly Members Cervantes, Chávez, and Friedman)
(Coauthors: Senators Galgiani and Monning)**

February 13, 2017

An act to amend Section 31753 of the Food and Agricultural Code, and to amend Section 122357 of, and to add Section 122354.5 to, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 485, as amended, O'Donnell. Pet store operators: dogs, cats, and rabbits.

Existing law requires pet store operators, as defined, to comply with laws governing, among other things, the care of animals in pet stores. Existing law makes a pet store operator who violates these provisions guilty of a misdemeanor, under certain conditions. Existing law also regulates the retail sale of dogs and cats.

Existing law requires an animal control officer, a humane officer, or a peace officer who detects any of certain violations of the laws governing pet store operators to issue a single notice to correct the violation, except as specified. Existing law makes a pet store operator who fails to comply with a notice to correct, or who violates the laws regulating pet store operators, as specified, guilty of a crime.

This bill would prohibit, on and after July 1, 2018, a pet store operator from selling a live dog, cat, or rabbit in a pet store unless the dog, cat, or rabbit was obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or ~~nonprofit rescue or adoption organization~~ *rescue group, as defined*, that is in a cooperative agreement with at least one private or public shelter, as specified. *The bill would require all sales of dogs and cats authorized by this provision to be in compliance with laws requiring the spaying or neutering of animals, as specified.* The bill would require each pet store to maintain records sufficient to document the source of each dog, cat, or rabbit the pet store sells or provides space for, for at least one year, and to post, in a conspicuous location on the cage or enclosure of each animal, a sign listing the name of the entity from which each dog, cat, or rabbit was ~~obtained~~. *obtained, and would authorize public animal control agencies or shelters to periodically require pet stores engaged in sales of dogs to provide access to those records.* The bill would make a pet store operator who violates these provisions subject to a civil penalty of \$500, as specified.

Existing law authorizes a public or private shelter to enter into cooperative agreements with animal rescue or adoption organizations regarding dogs and cats.

This bill would authorize a public or private shelter to enter into cooperative agreements with animal rescue or adoption organizations regarding rabbits that are equivalent to the cooperative agreements authorized regarding dogs and cats described above.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31753 of the Food and Agricultural Code
2 is amended to read:
3 31753. A rabbit, guinea pig, hamster, potbellied pig, bird,
4 lizard, snake, turtle, or tortoise that is legally allowed as personal
5 property and that is impounded in a public or private shelter shall
6 be held for the same period of time, under the same requirements
7 of care, and with the same opportunities for redemption and
8 adoption by new owners or nonprofit, as defined in Section
9 501(c)(3) of the Internal Revenue Code, animal rescue or adoption
10 organizations as provided for cats and dogs. The public or private

1 shelter may enter into cooperative agreements with animal rescue
2 or adoption organizations regarding rabbits that are equivalent to
3 those cooperative agreements authorized in Section 31108
4 regarding dogs and Section 31752 regarding cats. Section 17006
5 shall also apply to these animals. In addition to any required spay
6 or neuter deposit, the public or private shelter, at its discretion,
7 may assess a fee, not to exceed the standard adoption fee, for
8 animals adopted by new owners or released to nonprofit animal
9 rescue or adoption organizations pursuant to this section.

10 SEC. 2. Section 122354.5 is added to the Health and Safety
11 Code, to read:

12 122354.5. (a) A pet store operator shall not sell a live dog, cat,
13 or rabbit in a pet store unless the dog, cat, or rabbit was obtained
14 from a public animal control agency or shelter, society for the
15 prevention of cruelty to animals shelter, humane society shelter,
16 or nonprofit, as defined in Section 501(e)(3) of the Internal
17 Revenue Code, animal rescue or adoption organization *rescue*
18 *group* that is in a cooperative agreement with at least one private
19 or public shelter pursuant to Section 31108, 31752, or 31753 of
20 the Food and Agricultural Code.

21 (b) *All sales of dogs and cats authorized by this section shall*
22 *be in compliance with paragraph (1) of subdivision (a) of Section*
23 *30503 of, subdivision (b) of Section 30520 of, paragraph (1) of*
24 *subdivision (a) of Section 31751.3 of, and subdivision (b) of Section*
25 *31760 of, the Food and Agricultural Code.*

26 ~~(b)~~

27 (c) Each pet store shall maintain records sufficient to document
28 the source of each dog, cat, or rabbit the pet store sells or provides
29 space for, for at least one year. Additionally, each pet store shall
30 post, in a conspicuous location on the cage or enclosure of each
31 animal, a sign listing the name of the public animal control agency
32 or shelter, society for the prevention of cruelty to animals shelter,
33 humane society shelter, or nonprofit from which each dog, cat, or
34 rabbit was obtained. *Public animal control agencies or shelters*
35 *may periodically require pet stores engaged in sales of dogs to*
36 *provide access to these records.*

37 ~~(e)~~

38 (d) A pet store operator who violates this section shall be subject
39 to a civil penalty of five hundred dollars (\$500). Each animal

1 offered for sale in violation of this section shall constitute a
2 separate violation.

3 (e) For purposes of this section, a “rescue group” is an
4 organization that is tax exempt under Section 501(c)(3) of the
5 Internal Revenue Code, and that does not obtain animals from
6 breeders or brokers for compensation.

7 ~~(d)~~

8 (f) This section does not prohibit a local governing body from
9 adopting requirements that are more protective of animal welfare
10 than those set forth in this section.

11 ~~(e)~~

12 (g) This section shall become operative on July 1, 2018.

13 SEC. 3. Section 122357 of the Health and Safety Code is
14 amended to read:

15 122357. A pet store operator who violates any provision of
16 this chapter that is not specified in subdivision (a) of Section
17 122356 and is not proscribed by Section 122354.5 is guilty of a
18 misdemeanor.

AMENDED IN ASSEMBLY APRIL 4, 2017
AMENDED IN ASSEMBLY MARCH 21, 2017
CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 942

Introduced by Assembly Member Mathis
(Coauthor: Assembly Member Gloria)

February 16, 2017

An act to add and repeal Section 17052.4 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 942, as amended, Mathis. Personal income taxes: credit: veterinary costs.

The Personal Income Tax Law allows various credits against the taxes imposed by that law.

This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2017, and before January 1, 2023, in an amount equal to 50% of the amount paid or incurred during the taxable year by a taxpayer for qualified veterinary costs, as defined, for a taxpayer's pets, as defined, not to exceed \$2,000 per taxable year.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17052.4 is added to the Revenue and
- 2 Taxation Code, to read:

1 17052.4. (a) For each taxable year beginning on or after
2 January 1, 2017, and before January 1, 2023, there shall be allowed
3 as a credit against the “net tax,” as defined in Section 17039, an
4 amount equal to 50 percent of the amount paid or incurred during
5 the taxable year by a taxpayer for qualified veterinary costs for a
6 taxpayer’s pets, not to exceed two thousand dollars (\$2,000) per
7 taxable year.

8 (b) For purposes of this section:

9 (1) “Pet” means a domesticated cat or dog owned by the
10 taxpayer.

11 (2) “Qualified veterinary costs” means the amount paid or
12 incurred for ~~medical-related~~ *medically necessary* expenses paid
13 to a licensed veterinarian, including, but not limited to,
14 vaccinations, annual checkups, surgeries, and drug prescriptions.
15 Qualified veterinary costs does not include expenses reimbursed
16 by pet insurance.

17 ~~(c) In the case where the credit allowed by this section exceeds
18 the “net tax,” the excess may be carried over to reduce the “net
19 tax” in the following taxable year, and succeeding six years if
20 necessary, until the credit is exhausted.~~

21 ~~(d)~~

22 (c) This section shall remain in effect only until December 1,
23 2023, and as of that date is repealed. ~~However, any unused credit
24 may continue to be carried forward, as provided in subdivision
25 (e), until the credit is exhausted.~~

26 ~~(e)~~

27 (d) Section 41 does not apply to the credit allowed by this
28 section.

29 SEC. 2. This act provides for a tax levy within the meaning of
30 Article IV of the California Constitution and shall go into
31 immediate effect.

32

33

34 REVISIONS:

35 Heading—Line 2.

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From: NAVTA <director@navta.net>

Date: March 6, 2017 at 5:05:44 AM PST

To: [REDACTED]

Subject: NAVTA Announces Recognition of 15th Veterinary Technician Specialty!

Reply-To: director@navta.net

For Immediate Release

Academy of Physical Rehabilitation Veterinary Technicians is Recognized as NAVTA's 15th Veterinary Technician Specialty

February 17th, 2017 - Albert Lea, Minnesota: The National Association of Veterinary Technicians in America (NAVTA) announces the fifteenth veterinary technician specialty academy to the veterinary technology profession. The Academy of Physical Rehabilitation Veterinary Technicians (APRVT) has been provisionally recognized as an official specialty by NAVTA. The APRVT joins the existing fourteen NAVTA recognized veterinary technician specialties: dentistry, anesthesia/analgesia, internal medicine, emergency & critical care, surgery, equine, zoology, behavior, clinical practice, nutrition, clinical pathology, dermatology, ophthalmology, and laboratory animal.

"The NAVTA Veterinary Technician Specialties give veterinary technicians an option for career advancement by taking their skill set to a veterinary technician specialist level by mastering an advanced skills and education in a specific area driven by their passion," stated Ann Wortinger, BIS, LVT, VTS (ECC, SAIM, Nutrition), Chairperson of the NAVTA Committee on Veterinary Technician Specialties (CVTS). "We are thrilled to have an increasing number of veterinary technicians seeking this level of specialization, as well as an increasing interest in recognition in various areas of veterinary medicine."

"It is the Mission of the Academy of Physical Rehabilitation Veterinary Technicians (APRVT) to provide assistance in veterinary physical rehabilitation, encouraging veterinary professionals and colleagues to further their education, while improving the quality of animals' lives." stated Kristen Hagler, BS(An.Phys), RVT, CCRP, CVPP, COCM, CBW. "We are excited to have achieved this recognition."

The NAVTA Committee on Veterinary Technician Specialists was formed in 1994 and is recognized by the American Veterinary Medical Association

(AVMA). The Committee provides guidelines to the veterinary technician organizations to facilitate the formation of a specialty and assists the Academies throughout their years while in existence. Academies develop pathways and advanced standards that candidates must complete and maintain in order to be awarded the designation of Veterinary Technician Specialist (VTS) in their specific discipline.

The National Association of Veterinary Technicians in America (NAVTA), is a non-profit organization that represents and promotes the profession of Veterinary Technology. NAVTA provides direction, education, support and coordination for its members. Incorporated in 1981, NAVTA is the national organization devoted exclusively to developing and enhancing the profession of veterinary technology. For more information about NAVTA and the Veterinary Technician Specialties, visit their website at www.navta.net.

Media Contact:

Julie Legred, CVT - NAVTA Executive Director
888-99-NAVTA (office phone)
director@navta.net (email)



SPECIALTY UPDATES

Academy of Physical Rehabilitation Veterinary Technicians (APRVT)

The Academy of Physical Rehabilitation Veterinary Technicians (APRVT) is the 15th approved Academy from the Committee on Veterinary Technician Specialties. We have had 15 applicants this far for the first credentialing process. Our first applicants must submit all their materials for the application process by January 1, 2018 in order to sit for the exam Aug 9, 2018 at the Oquendo Center in Las Vegas, NV, courtesy of WVC. For details about the application process, please visit www.aprvt.org. If you have questions about subsequent applications for the 2019 calendar year, please email vetrehabtechs@gmail.com.

It is the mission of the Academy of Physical Rehabilitation Veterinary Technicians (APRVT) to aid in physical rehabilitation, encouraging veterinary professionals and colleagues to further their education while improving the quality of animals' lives.

The purpose of the APRVT is to increase public awareness of the role of veterinary rehabilitation in advanced medicine; to promote the advancement of credentialed rehabilitation veterinary technicians in veterinary medicine; to further the professional development of its members by encouraging the education of credentialed veterinary technicians in Veterinary Rehabilitation; to provide the leadership and

resources in the United States of America for the advancement of Veterinary Rehabilitation; or any other lawful purpose not otherwise inconsistent with the Articles of Incorporation.

Code of Ethics for APRVT

The veterinary technician credentialed in veterinary physical rehabilitation should strive to promote the advancement of rehabilitation in veterinary medicine, increase public awareness regarding veterinary rehabilitation, promote the development of credentialed rehabilitation veterinary technicians in veterinary medicine and further the professional growth of credentialed rehabilitation veterinary technicians by encouraging education focused on veterinary rehabilitation.

The veterinary technician credentialed in veterinary physical rehabilitation will make every effort to work under the supervision of a credentialed rehabilitation veterinarian. In those states or regions where no credentialed rehabilitation veterinarian is readily available for consultation, the rehabilitation credentialed veterinary technician will, in accordance with individual state practice acts, work under the direct supervision of a state licensed veterinarian who has an established veterinarian-client-patient relationship (VCPR) and has seen the patient recently. In addition, the rehabilitation credentialed veterinary technician shall consult with a veterinarian who has a VCPR regarding therapeutic rehabilitation protocols.

Patient care standards should model those described by the American Academy of Rehabilitation Veterinarians (AARV) and credentialed rehabilitation veterinary technicians shall strive to follow those standards by documenting patient trends, including pain scores, at each visit. Any changes in patient pain scoring shall immediately be communicated to the veterinarian with the VCPR.

Under direction of the rehabilitation veterinarian or the veterinarian with the VCPR, the credentialed rehabilitation veterinary technician will teach the client how to assess their pet's pain. Credentialed rehabilitation veterinary technicians are not to diagnose, prescribe, or perform procedures that are considered to be the practice of veterinary medicine, and will obey all individual state and regional laws and regulations pertaining to the field of veterinary physical rehabilitation. In addition, credentialed veterinary technicians shall participate in annual continuing education in the field of veterinary physical rehabilitation or pain management. In those states or regions where continuing education is mandatory for veterinary technician state licensure, at least half of the hours required by the state shall be in veterinary physical rehabilitation or pain management.

— *Mary Ellen Goldberg BS, LVT, CVT, SRA, CCRA, CVPP; APRVT Exam Chair*

From: Kristen Hagler RVT CCRP [REDACTED]
Sent: Friday, July 07, 2017 12:50 PM
To: Loreda, Jennifer
Cc: Stephen Cital
Subject: Re: Question about upcoming VMB meeting

Here is a quick and dirty with links

1. Applicant submits Letter of Intent with Recc Letters <http://www.aprvt.com/pre-application.html>

2. Applicant submits application with all materials/requirements <http://www.aprvt.com/application-instructions.html>

- Mentor Packet and Mentor requirements (THIS is an important component, a PT cannot Mentor a tech and a tech MUST work under supervision of a DVM just like any other specialty) <http://www.aprvt.com/mentor-packet.html>
- Eligibility checklist important notes <http://www.aprvt.com/eligibility-checklist.html>
 1. Minimum of **five (5) years** as a credentialed veterinary technician (10,000 hours working 40 hours a week, 50 weeks a year) with two (2) of those years with experience as a credentialed veterinary technician (4,000 hours) AND three (3) of those years containing at least 4,500 hours (75% of 6,000 hours, 3 years- 40-hour work week) of work as a credentialed rehabilitation veterinary technician in veterinary physical rehabilitation experience. Verification of experience required.
 2. Meet Education requirements after graduation from a recognized school of Veterinary technology and/or becoming credentialed to practice as a Veterinary Technician. Continuing Education accounting for a minimum of forty (40) qualifying hours of advanced continuing education (CE) within the last 5 years prior to application pertaining to veterinary physical rehabilitation or associated topics that can be directly correlated to any of the APRVT Advanced Skills Checklist
- The skills list is very comprehensive and is attached but here are the domains for required core categories

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Canine Behavior and Handling
Small Animal Anatomy, Physiology and Directional Terms
Responses of Musculoskeletal Tissues to Disuse and Remobilization
Patient Assessment and Management
Physical Modalities, Manual Techniques and Adjunctive Treatments -
Common Conditions and Surgical Procedures in Veterinary Physical Rehabilitation

Client Communication
Nutrition

-Kristen

Kristen L. Hagler BS RVT VTS (Physical Rehabilitation) CCRP CVPP OACM CBW

Academy of Physical Rehabilitation Veterinary Technicians

CEO & President

Organizing Committee Credentialing and Case Review Chair



MEMORANDUM

DATE	July 2017
TO	Veterinary Medical Board
FROM	Ethan Mathes. Operations Manager
SUBJECT	Administrative/Budget Report

Expenditure Report and Fund Condition Status

The current Expenditure Report is attached; the Report goes through Fiscal Month 11 of Fiscal Year (FY) 2016-17.

Staff continues to closely monitor the Board's expenditures as projections based on the current Expenditure Report show a 0.3% surplus.

Expenditures of particular focus are Attorney General (AG), Office of Administrative Hearings (OAH) and Veterinary Premises Inspections expenditures. AG and OAH expenditures are capped for FY 2016-17 at their appropriation of \$645,000 and \$198,000 respectively.

Inspection costs have been capped at approximately \$185,000 which will limit premises inspected to less than 20% of total licensed premises inspected for FY 2016-17.

The FM11 Fund Condition Status is also attached reflecting the long-term outlook of the Board's current and projected revenue, expenditures, Fund Balance, and Months in Reserve. In accordance with Business and Professions Code Section 4905(o) the Board shall maintain no less than three months and not more than 10 months reserve.

At the direction of the Board, staff initiated a fee audit in order to address its declining Fund Balance and has presented proposed fee increase scenarios under separate Agenda Item cover.

Budget Activities

The Board request to augment the AG and OAH appropriation was approved for a one-time augmentation in FY 2016-17 (as noted above) increasing the AG augmentation by \$185,000 and the OAH augmentation by \$139,000. These increases in spending authority are a result of the Board's historical growth in expenditures to these line items.

Additionally, the Board has been approved for a permanent ongoing augmentation to its AG and OAH appropriation beginning with FY 2017-18 via the Budget Change Proposal (BCP) process that increases the AG augmentation by \$100,000 and the OAH augmentation by \$76,000.

Note the approved permanent ongoing augmentation is less than the one-time augmentation due to the timing of the requests as permanent augmentation BCPs are due for submittal six months prior to a one-time AG and OAH augmentation request. The request for permanent ongoing augmentation to the Board's AG and OAH expenditures were in line with projections at the time of the request. Staff will continue to monitor AG and OAH expenditures and will make requests for additional funds as appropriate through one-time and/or permanent augmentation request(s) as any reduction in the augmentations may impact the Fund reserve and the Board's ability to meet enforcement demands.

Staff submitted a FY 2018-19 BCP request in June to make its 4.0 Veterinary Assistant Controlled Substances Permit Program staff permanently funded. Prior VACSP BCPs gave the Board authority to hire staff on a 2-year temporary basis, with the most recent VACSP BCP giving the Board permanently tenured staff with 2-year temporary funding. The current VACSP BCP seeks to permanently fund its authorized 4.0 VACSP staff.

The proposed BCP, as reported at the Board's April meeting, requesting a permanent increase to the Board's expenditure authority for veterinary premises inspections has been pulled due to lack of a legislative mandate to fund the program.

Fee Audit

The Board contracted with Capitol Accounting Partners (CAP) to conduct a review of the Board's fee revenue structure and determine appropriate fee levels to cover ongoing Board expenditures.

Since March, Board management has held meetings with Dan Edds from CAP to discuss the project outline, deliverables and ongoing concerns with the current fee structure.

CAP's findings are detailed in their Report to the Board under separate Agenda Item cover.

Attachments

- Expenditure Report for Fiscal Year 2016-17, Fiscal Month 11 (May 2017)
- Summary of Expenditures for FY 2016-17
- Fund Condition Status for Fiscal Year 2016-17, Fiscal Month 11 (May 2017)

**VETERINARY MEDICAL BOARD - 0777
BUDGET REPORT
FY 2016-17 EXPENDITURE PROJECTION
May-2017**

OBJECT DESCRIPTION	FY 2015-16		FY 2016-17				
	ACTUAL EXPENDITURES	PRIOR YEAR EXPENDITURES	BUDGET Allotment	CURRENT YEAR EXPENDITURES	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
	(MONTH 13)	5/31/2016	2016-17	5/31/2017			
PERSONNEL SERVICES							
Salary & Wages (Staff)	993,433	914,132	1,064,000	935,727	88%	1,020,793	43,207
Statutory Exempt (EO)	90,636	83,083	82,000	86,838	106%	94,732	(12,732)
Temp Help Reg (Seasonals)			33,000	19,943	60%	23,643	9,357
BL 12-03 Blanket							
Temp Help (Exam Proctors)							
Board Member Per Diem	6,900	4,900	14,000	0		6,900	7,100
Committee Members (DEC)	5,700	4,300	11,000	0		5,700	5,300
Overtime	1,995	1,559	0	129		129	(129)
Staff Benefits	610,044	559,401	627,000	608,001	97%	663,274	(36,274)
TOTALS, PERSONNEL SVC	1,708,708	1,567,375	1,831,000	1,650,638	90%	1,815,171	15,829
OPERATING EXPENSE AND EQUIPMENT							
General Expense	39,907	37,007	26,000	31,707	122%	34,589	(8,589)
Fingerprint Reports	520	324	6,000	512	9%	559	5,441
Minor Equipment	6,919	6,919	2,000	124	0%	124	1,876
Printing	19,795	13,100	18,000	26,831	149%	29,270	(11,270)
Communication	5,416	2,451	18,000	1,230	7%	1,342	16,658
Postage	28,278	23,360	26,000	19,549	75%	21,326	4,674
Insurance				20			
Travel In State	70,768	55,467	148,000	63,228	43%	68,976	79,024
Travel, Out-of-State		5,824					
Training	6,244		17,000	68	0%	74	16,926
Facilities Operations	114,242	113,854	102,000	117,135	115%	117,135	(15,135)
Utilities							
C & P Services - Interdept.	2						
C & P Services - External	227,251	228,251	136,000	243,812	179%	255,000	(119,000)
DEPARTMENTAL SERVICES:							
OIS Pro Rata	453,708	458,000	503,000	461,087	92%	503,000	0
Admin/Exec	286,698	287,000	263,000	231,000	88%	263,000	0
Interagency Services			50,000				50,000
IA w/ OPES	72,166	72,116		75,210		75,210	(75,210)
DOI-ProRata Internal	6,882	7,000	11,000	6,413	58%	11,000	0
Communications	19,000	19,000	42,000	46,750	111%	42,000	0
PPRD Pro Rata			12,000	1,837	15%	12,000	0
INTERAGENCY SERVICES:							
Consolidated Data Center	2,230	2,227	8,000	23	0%	25	7,975
Information Technology			5,000				5,000
DP Maintenance & Supply	10,884			3,369		3,675	
EXAM EXPENSES:							
Exam Supplies			1,000				1,000
Exam Freight			5,000				5,000
Exam Site Rental							
C/P Svcs-External Expert Administrative	26,988	42,900		40,686		27,000	(27,000)
C/P Svcs-External Expert Examiners		30,744	31,000				31,000
C/P Svcs-External Subject Matter	55,341			34,688		37,841	(37,841)
ENFORCEMENT:							
Attorney General	510,785	486,835	645,000	589,657	91%	643,262	1,738
Office Admin. Hearings	105,233	80,463	198,000	142,646	72%	155,614	42,386
Court Reporters	6,043	4,175		8,523	0%	9,298	(9,298)
Evidence/Witness Fees	173,628	116,998	163,000	128,405	79%	140,078	22,922
DOI - Investigations	617,594	628,000	884,000	807,587	91%	884,000	0
Major Equipment			10,000				10,000
Special Items of Expense							
Other (Vehicle Operations)			3,000				3,000
TOTALS, OE&E	3,023,921	2,886,720	3,333,000	3,082,097	92%	3,335,399	1,276
TOTAL EXPENSE	4,732,629	4,454,095	5,164,000	4,732,735	92%	5,150,570	17,105
Sched. Reimb. - External/Private			(11,000)			(11,000)	
Sched. Reimb. - Fingerprints			(15,000)	(4,465)		(15,000)	
Sched. Reimb. - Other	(3,525)	(3,290)					
Unsched. Reimb. - Other	(158,407)	(143,775)		(168,767)			
NET APPROPRIATION	4,570,697	4,307,030	5,138,000	4,559,503	89%	5,124,570	17,105
SURPLUS/(DEFICIT):							0.3%

**Veterinary Medical Board
Summary of Expenditures - 2016/2017**

Line Item	Appropriation	Summary of Expenses
Personal Services:		
Salary & Wages (Staff)	1,064,000	Board staff salaries
Statutory Exempt (EO)	82,000	Executive Officer salary
Temp Help Reg (Seasonals)	33,000	Wages for temporary help such as a permanent-intermittent employees, students, seasonal employees, etc.
Temp Help Reg (Exam Proctors)		Examination Proctors
Board Member Per Diem	14,000	Board members' per-diem
Committee Members (DEC)	11,000	Committee members' per-diem
Overtime		Staff Overtime
Staff Benefits	627,000	OASDI, Dental, health, retirement, life, vision, Medicare
Total Personal Services	1,831,000	
Operating Expenses & Equipment:		
General Expense	26,000	Office supplies, freight
Fingerprint Reports	6,000	Fingerprint expenses – reimbursed by candidate
Minor Equipment	2,000	Equipment less than \$5K per unit
Printing	18,000	Printed forms, office copier, copying service
Communication	18,000	Phones, cellular phones
Postage	26,000	Stamps, DCA and EDD facility mailed postage
Insurance		Insurance coverage for department owned vehicles.
Travel In-State	148,000	Board, Committee, and Staff Air, car, bus, taxi, incidentals, service fees
Travel Out-of-State		Same as above - out-of-State
Training	17,000	Registration fees, subscriptions
Facilities Operations	102,000	Rent, storage, security
Utilities		Electricity, Natural Gas (P.G.& E.), water, sewer, and regular waste removal service.
C&P Services Interdept.		Services provided by other state agencies or Interagency Agreement within the Department of Consumer Affairs.
C&P Services External	136,000	Outside DCA contracts - incl. MAXIMUS and Credit Card processing
Departmental Services		
OIS Prorata	503,000	DCA Svcs: Info systems (incl. BreZE)
Admin/Exec	263,000	Pro-rata assessments to support DCA Administrative Services (HR, Accounting, Budgets, etc.), Legal, Publications
Interagency Services	50,000	Services provided to one board by another board within the Department
IA w/OPES		Services provided by OPES to Board to develop examinations
DOI-Pro Rata Internal	11,000	Services provided by Division of Investigation Pro Rata
Communications	42,000	Services provided by DCA Public Affairs
PPRD Pro Rata	12,000	Pro-rata Consumer and Community Empowerment Division
Interagency Services		
Consolidated Data Centers	8,000	CAS/Teale Data Center
Information Technology	5,000	State services pro-rata (DGS, DOF, etc)
DP Maintenance & Supply		Data processing supplies and maintenance
Exam Expenses		
Exam supplies	1,000	Examination materials, supplies not covered by contract
Exam freight		Freight, shipping and storage of examination material
Exam site rental	5,000	Facility rental charge for vet exams administration
C/P Svcs-External Expert Administrative		National exam contracts - includes PSI contract
C/P Svcs-External Expert Examiners	31,000	Wages for services provided by expert examiners in the oral/written examination process
C/P Svcs-External Subject Matter		Services provided by subject matter experts in the oral/written examination process, VET and RVT
Enforcement		
Attorney General	645,000	Office of the Attorney General/DAG legal services
Office of Admin Hearings	198,000	Office of Administrative Hearings, Admin. Law Judge and court reporter services
Court Reporters		
Evidence/Witness Fees	163,000	Expert Witness and In-house Consultants enforcement case review
DOI - Investigations	884,000	DCA Division of Investigation services
Major Equipment	10,000	Equipment more than \$5k per unit
Special Items of Expense		
Vehicle Operations	3,000	Leasing & maintenance of State vehicle (CPEI BCP)
Total OE&E	3,333,000	
Total Personal Services (above)	1,831,000	
Totals, Expenditures	5,164,000	
Sched. Reimb. - External		Reimbursements for OIS Public Sales
Sched. Reimb. - Fingerprints	(11,000)	Reimbursements for assessment of fingerprint processing fees
Sched. Reimb. - Other	(15,000)	Reimbursements from private individuals, firms, institutions or corporations
Unscheduled Reimbursement		
Net Appropriation	5,138,000	

0777 - Veterinary Medical Board Analysis of Fund Condition

Prepared 6/22/17

2017-18 Budget Act

	PY 2015-16	CY 2016-17	Budget Act BY 2017-18	BY+1 2018-19
BEGINNING BALANCE	\$ 3,562	\$ 2,874	\$ 1,857	\$ 1,467
Prior Year Adjustment	\$ 46	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 3,608	\$ 2,874	\$ 1,857	\$ 1,467
REVENUES AND TRANSFERS				
Revenues:				
125600 Other regulatory fees	\$ 86	\$ 146	\$ 94	\$ 94
125700 Other regulatory licenses and permits	\$ 865	\$ 1,296	\$ 1,515	\$ 1,515
125800 Renewal fees	\$ 2,851	\$ 2,928	\$ 2,904	\$ 2,904
125900 Delinquent fees	\$ 13	\$ 11	\$ 19	\$ 19
141200 Sales of documents	\$ 9	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 16	\$ 2	\$ 2	\$ 3
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 3	\$ 2	\$ -	\$ -
161400 Miscellaneous revenues	\$ 1	\$ -	\$ -	\$ -
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 3,844	\$ 4,385	\$ 4,534	\$ 4,535
Totals, Revenues and Transfers	\$ 3,844	\$ 4,385	\$ 4,534	\$ 4,535
Totals, Resources	\$ 7,452	\$ 7,259	\$ 6,391	\$ 6,002
EXPENDITURES				
Disbursements:				
1110 Program Expenditures (S/O)	\$ 4,570	\$ -	\$ -	\$ -
1111 Program Expenditures (S/O)	\$ -	\$ 5,098	\$ 4,562	\$ 4,653
8880 Financial Information System for California (S/O)	\$ 8	\$ 5	\$ 6	\$ -
9990 Statewide Pro Rata	\$ -	\$ 299	\$ 356	\$ 356
Total Disbursements	\$ 4,578	\$ 5,402	\$ 4,924	\$ 5,009
FUND BALANCE				
Reserve for economic uncertainties	\$ 2,874	\$ 1,857	\$ 1,467	\$ 993
Months in Reserve	6.4	4.5	3.5	2.5

VMB Agenda Item #23b

HAND CARRY



MEMORANDUM

DATE	July 2017
TO	Veterinary Medical Board
FROM	Ethan Mathes. Operations Manager
SUBJECT	Administration/Examination/Licensing Report

Applications

Applications Received		
	<i>as of June 2017</i>	
	<i>Jan. 2016 - Dec. 2016</i>	<i>Jan. 2017 - Dec. 2017*</i>
Veterinarian	671	511
Veterinary Technician	927	358
Veterinary Premises	290	124
Veterinary Asst. Cont. Sub. Permit	1,507	1,466
<i>*partial year data</i>		

Examinations

CALIFORNIA STATE BOARD EXAMINATION			
November 2016 – April 2017		May 2016 – October 2017*	
Candidates	Pass Pct.	Candidates	Pass Pct.
386	83%	126	65%
<i>*partial year data</i>			

NORTH AMERICAN VETERINARY LICENSING EXAMINATION			
Nov./Dec. 2016		Mar./Apr. 2017	
Candidates	Pass Pct.	Candidates	Pass Pct.
405	82%	87	68%

CALIFORNIA VETERINARY TECHNICIAN EXAMINATION					
Jan. – Jun. 2016		Jul. – Dec. 2016		Jan. – Jun. 2017	
Candidates	Pass Pct.	Candidates	Pass Pct.	Candidates	Pass Pct.
300	80%	268	60%	251	88%

VETERINARY TECHNICIAN NATIONAL EXAMINATION					
Jul./Aug. 2016		Nov./Dec. 2016		Mar./Apr. 2017	
Candidates	Pass Pct.	Candidates	Pass Pct.	Candidates	Pass Pct.
350	63%	340	63%	315	52%

Licensing

Licensees	
as of June 30, 2017	
Veterinarian Licenses*/**	14,223/12,283
Veterinarian Licenses – California**	9,888***
Veterinarian – Internship**	19
Veterinarian – Reciprocity**	40
Registered Veterinary Technician Licenses*/**	8,578/6,496
Registered Veterinary Technician Licenses – California**	6,087***
Premise Permits*/**	3,971/3,473
Premise Permits – Exempt**	146
Veterinary Asst. Cont. Sub. Permit	2,713
<i>*includes delinquent, inactive, and clear licensees; **clear licensees; ***these figures are updated from previous reports due to BreZE Reports inaccuracies</i>	

Licenses Issued		
as of March 15, 2017		
	Jan. 2016 - Dec. 2016	Jan. 2017 - Dec. 2017*
Veterinarian	630	435
Reciprocity	47	38
Intern	27	7
Registered Veterinary Technician	518	391
Premises	312	152
Veterinary Asst. Cont. Sub. Permit	314	2,391
<i>*partial year data</i>		

Examination Development and Workshops

Examination Development Workshops: Workshops include Item Writing, Item Review, Examination Construction, and Pass Score Setting. Staff recruits and contracts with licensees to serve as Workshop Subject Matter Experts (SME); approximately 6-8 SMEs participate in each Workshop.

For each yearly series of Workshops the Board acquires two new examination forms for the State veterinary and veterinary technician examinations.

The following are scheduled Workshops for 2017:

Veterinarian Examination Workshops 2017	
May 24-25	Exam Item Writing
June 6-8	VET Law Exam Development
June 21-22	Exam Review
July 11-13	Exam Construction
August 9-10	Exam Passing Score
Registered Veterinary Technician Examination Workshops 2017	
July 26-27	Exam Item Writing
August 16-17	Exam Item Review
September 26-28	Exam Construction/Passing Score

Veterinary Technician Occupational Analysis: The Department's Office of Professional Examination Services (OPES) has recently completed its Occupational Analysis (OA) of the California Registered Veterinary Technician Profession. The document is on the Board's website.

Moving forward, the California OA will be used by OPES to compare it to the VTNE Job Analysis (JA) in order to identify possible practice gaps in the National versus the State examination. Any gaps between the OA and JA would be used as a basis for continued development and administration of a California Veterinary Technician Examination.

The Board and OPES have been updated that the VTNE Job Analysis is due for completion in October 2017. Once completed, OPES will immediately conduct comparison study workshops with planned completion and presentation before the Board in January 2018.

Veterinary Occupational Analysis: OPES will initiate an OA of the veterinary profession in January 2019 as the last OA of the profession was completed in December 2013. The veterinary OA is scheduled for completion in December 2019.

Similar to the California RVT examination development process, OPES will work cooperatively with the International Council for Veterinary Assessment (ICVA; formerly known as the National Board of Veterinary Medical Examiners) to compare the national JA to the California OA for the purpose of developing California State Board Examinations. The ICVA JA is due for completion sometime in 2017.

Veterinary Law Examination Analysis: The Board reviewed OPES's Veterinary Law Examination (VLE) recommendation at its January 2017 meeting and agreed to consider a statutory amendment to eliminate the VLE based on OPES's study findings.

Staff has prepared additional information for the Board to consider this issue under separate Agenda Item cover.

Diversions Program

The next Diversion Evaluation Committee (DEC) meeting is scheduled for October 2017.

The DEC meets every January, June, and October. There are currently four participants in the Diversion Program.

BreEZe

Update [July 2017] – Due to statutory updates in SB 1193 (2016), staff initiated a Work Authorization (WA) with the Department's Change Control Board (CCB) in preparation for the implementation of the University License. At the October 2016 CCB meeting, the Board was approved for full Impact Analysis that includes initiating system design for the University License. Staff continues its work with the BreEZe team to design specifications for the new license and to provide information as the new license type undergoes formal system design.

The CCB approved the WA for full implementation at its January 2017 meeting. The Board's WA has been given high-priority in relation to all total WAs that have been approved by the CCB and has been advised an implementation target date will be late-2017 or early-2018.

Staff has begun preliminary work to initiate retroactive fingerprinting in accordance with California Code of Regulations section 2010.05 for those licensees who do not have electronic fingerprint records on file. Staff is in the process of determining the number of affected licensees in order to notify those individuals of their requirement to obtain fingerprints at time of license renewal.

Outreach

Website: Updates to the new California State Template offered by the California Office of Technology Services has been delayed due to redirection of staff to rulemaking backlog.

Personnel

Long-time Licensing Analyst Michelle Rose has recently moved on to employment outside of State service. Michelle joined the Board as its part-time cashier in December 2013 and worked her way up to her present position as the lead in the Licensing unit and BreEZe Single Point of Contact. Her experience, tenacity, and excellent customer service will be missed; staff is currently recruiting to fill behind the vacancy.

Hospital Inspection Program Update – July 2017

Staffing

On May 8 we welcomed Ms. Olisa Johnson to the Inspection/Premises staff. Olisa comes to us from the Department of Justice where she analyzed criminal records for over three years. Prior to that, she was an account clerk for the Department of Corrections and Rehabilitation. Olisa has been with the State in various capacities since 2005. She also has a background in graphic design and illustration and will be working on updating various Inspection resources.

Inspector recruitment has come to a close for the new fiscal year. We will have 17 inspectors this year including four new Inspectors who will be attending the annual Inspector Training session. We are also welcoming back Dr. Robert Hagler from the Contra Costa area.

Annual Training

The annual inspector training session is scheduled for August 1-4; this is our intense two-day training for returning Inspectors and four-day training for new Inspectors. This year's training will include a DEA presentation regarding the use of marijuana in the treatment of animals. We also have plans to reproduce the updated Self-Evaluation Checklist in order to provide each practice a copy at the time of inspection. Additionally, we will be creating a training assessment (performance evaluation process) for inspectors to ensure consistent application of minimum standards.

Outreach

Staff will be working on Inspection FAQ's for the website as well as creating an Inspection webinar to educate the licensees on minimum standards and provide examples of compliance for those practices that have been inspected. Additionally, we will be working on articles for our social media outlets based on our Top Ten deficiency list to encourage self-evaluations of minimum standards.

Statistics (as of 6/30/17)

Unfortunately due to budget constraints, we were unable to meet our 20% inspection goal (700 inspections) this year. I'm hopeful we will not face the same budget issues this year and optimistic that we will reach our goal in FY 17-18.

- Inspections Assigned: 595 (approximately 16% of hospitals)
- Routine Inspections Performed: 526
- Complaint/Probation Related Inspections Performed: 54
- Complaint/Probation Related Inspections Pending: 29
- Document Review Status: reviewing compliance documents from November 2016 inspections
- Compliance Rate: approximately 35% after initial inspection
- Expenditures: \$178,600

The Board continues to receive feedback from hospitals subject to inspection. The feedback remains extremely positive overall with 99% rating the experience satisfactory or above.