



MEMORANDUM

DATE	July 15, 2020
TO	Veterinary Medical Board
FROM	Justin Sotelo, Lead Administrative & Policy Analyst
SUBJECT	Agenda Item 9B. Section 2036, Article 4, Division 20, Title 16 of the CCR Regarding Animal Health Care Tasks for RVT

The Veterinary Medical Board (Board) is currently near the end of the initial phase of the regulatory process for its Registered Veterinary Technician (RVT) Job Tasks proposal to amend California Code of Regulations (CCR), title 16, section 2036. The rulemaking package was filed with the Office of Administrative Law (OAL) on May 26, 2020, and published on [June 5, 2020](#).

This proposal originated from a strategic planning objective, which directed the Board to research and recommend possible “extended duties” for RVTs. The task was originally delegated to the Multidisciplinary Advisory Committee (MDC) and discussed at numerous meetings with participation from various stakeholders. Proposed language was recommended by the MDC and presented to the Board for approval in 2018 (originally in May 2018; and amended language was approved in November 2018). Ultimately, the proposed [amendments](#) to CCR section 2036 would authorize an RVT to apply casts and splints and perform drug compounding under the indirect supervision of a licensed veterinarian.

Separate from this proposal, the Board is pursuing new drug compounding regulations in response to [Senate Bill \(SB\) 1193](#) (Hill, Chapter 484, Statutes of 2016), which enacted Business and Professions Code (BPC), section [4826.5](#). Proposed language was originally approved by the Board in October 2017, and revised language was approved on [October 10, 2019](#). In [January 2020](#), the Board was asked to consider an additional revision to the proposed language in response to the “[Draft Guidance on Compounding Animal Drugs from Bulk Drug Substances](#)”, which was released by the U.S. Department of Health and Human Services, Food and Drug Administration (FDA), Center for Veterinary Medicine in November 2019. More specifically, the Board was asked to consider the following:

“...For consistency with the FDA guidance, the Board may want to review the drug compounding proposal to authorize drug compounding from a bulk substance only when performed by a veterinarian or the registered veterinary technician (RVT) under direct supervision of the veterinarian. The current proposal would authorize bulk substance compounding by an RVT under direct or indirect supervision.”

The Board's legal counsel prepared a redline of proposed text...to incorporate the bulk substance compounding provision in accordance with the FDA guidance (see pages 9 and 11)..."

The Board approved this revision to the Drug Compounding regulatory language on January 30, 2020, and that rulemaking package has since moved forward through the regulatory process (submitted to OAL on June 30, 2020, and will be published on July 17, 2020).

In an effort to align the drug compounding provision in the RVT Job Tasks proposal with the revised language in the Drug Compounding proposal (in response to the FDA guidance), legal counsel has prepared the attached proposed modified text (see modifications in double underline).

The initial 45-day public comment period ends on July 20, 2020. If the modified text is approved, it will be noticed for another 15 days for public comment.

Recommendation

The Board is asked to review and consider a motion to approve the proposed modified text for a 15-day comment period and, if there are no adverse comments received during that 15-day public comment period, delegate to the Executive Officer the authority to adopt the proposed regulatory changes, as modified, and also delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.

Attachment:

1. Proposed Modified Text

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

RVT JOB TASKS

MODIFIED TEXT

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text.

Amend Section 2036 of Article 4 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

2036. Animal Health Care Tasks for R.V.T.

(a) Unless specifically so provided by regulation, an R.V.T. shall not perform the following functions or any other activity which represents the practice of veterinary medicine or requires the knowledge, skill, and training of a licensed veterinarian:

- (1) Surgery;
- (2) Diagnosis and prognosis of animal diseases;
- (3) Prescription of drugs, medicines, or appliances.

(b) An R.V.T. may perform the following procedures only under the direct supervision of a licensed veterinarian:

- (1) Induce anesthesia;
- (2) ~~Apply casts and splints;~~
- (3) ~~Perform dental extractions;~~
- (4) Suture cutaneous and subcutaneous tissues, gingiva, and oral mucous membranes;
- (5) ~~Create a relief hole in the skin to facilitate placement of an intravascular catheter;~~
- (5) Drug compounding from bulk substances.

(c) An R.V.T. may perform the following procedures under indirect supervision of a licensed veterinarian:

- (1) Administer controlled substances;
- (2) Apply casts and splints;

(3) Drug compounding from non-bulk substances.

(d) Subject to the provisions of subsection(s) (a), (b), and (c) of this section, an R.V.T. may perform animal health care tasks under the direct or indirect supervision of a licensed veterinarian. The degree of supervision by a licensed veterinarian over an R.V.T. shall be consistent with standards of good veterinary medical practices.

Authority cited: Sections 4808, 4826 and 4836, Business and Professions Code.

Reference: Sections 4826.5, 4836, 4840 and 4840.2, Business and Professions Code.