

MEMORANDUM

DATE	April 2, 2020
TO	Veterinary Medical Board (Board)
FROM	Justin Sotelo, Lead Administrative & Policy Analyst
SUBJECT	Agenda Item 8.A. Status Update on Pending Regulations

Since the Board's January 2021 meeting, three rulemaking packages have been approved by the Office of Administrative Law (OAL). The effective dates for those three packages are listed below, along with a brief discussion of the one package that has been withdrawn. Currently, besides those four packages, there are 16 packages that are pending in the rulemaking process. Five of those packages are in various stages of the initial or final phase of the process, as described below and identified in the attached document. The remaining eleven packages are pending preparation by Board staff for submission to the Department of Consumer Affairs (DCA).

Updates or changes in the status of rulemaking packages since January 2021 are provided below:

Registered Veterinary Technician (RVT) Emergency Animal Care – California Code of Regulations (CCR), Title 16, Section: [2069](#)

Update: On March 2, 2021, the final rulemaking package was approved by OAL. The regulatory changes become effective on July 1, 2021.

Summary of Changes: This regulatory proposal: 1) makes minor and technical revisions and authorizes an RVT to provide either lifesaving aid or emergency treatment to an animal; 2) strikes the terms for administration of pharmacological agents and, instead, provides that an RVT may only perform administration of a drug or controlled substance after direct communication with a veterinarian licensed or otherwise authorized to practice in this state to prevent or control shock, manage pain or sedate an animal for examination or to prevent further injury, and to prevent suffering of an animal, up to and including euthanasia; and 3) adds language to address circumstances when an RVT cannot establish direct communication with a licensed or authorized veterinarian, and authorizes the RVT to administer the drug or controlled substance in accordance with written instructions established by the supervising veterinarian or, in the case of a sanctioned rodeo or other sporting event, the veterinarian charged with the responsibility to provide treatment to the animals at the rodeo or event.

Veterinarian-Client-Patient Relationships (VCPRs) – CCR, Title 16, Sections: [2032.15](#), [2032.25](#)

Update: On February 11, 2021, the final rulemaking package was approved by OAL. The regulatory changes become effective on April 1, 2021.

Summary of Changes: This regulatory proposal: 1) clarifies the VCPR established by an original veterinarian may continue in the absence of client communication when the designated veterinarian serves in the same location as the medical records are kept; 2) clarifies that absent establishing a VCPR, prescribing, dispensing, or furnishing dangerous drugs constitutes unprofessional conduct; 3) strikes the existing 72-hour limitation on prescribing, dispensing, or furnishing a drug on an emergency basis for a traveling patient and clarifies that in the absence of the treating veterinarian, a veterinarian may prescribe, dispense, or furnish drugs on an emergency basis for a traveling patient only as necessary to maintain the health of the animal patient until the animal can return to the originally treating veterinarian, and the veterinarian makes a reasonable effort to contact the original prescribing veterinarian prior to providing a prescription refill and documents in the medical record the communication or his or her attempt to contact the original prescribing veterinarian; and 4) for prescription refills in the absence of the original prescribing veterinarian, clarifies the requirements for a veterinarian working in the same practice as the original prescribing veterinarian to refill a prescription.

RVT Job Tasks – CCR, Title 16, Section: [2036](#)

Update: On February 9, 2021, the final rulemaking package was approved by OAL. The regulatory changes become effective on April 1, 2021.

Summary of Changes: This regulatory proposal: 1) strikes direct veterinarian supervision of an RVT applying casts and splints and instead authorizes the RVT to apply casts and splints under indirect supervision; 2) authorizes an RVT to compound drugs under indirect supervision; and 3) makes other minor, technical, and nonsubstantive changes.

Fee Schedule (Certificate of Compliance) – CCR, Title 16, Sections: [2070](#), [2071](#)

Update: On January 28, 2021, the Board approved responses to comments received during the 45-day public comment period and during the public hearing and directed staff to incorporate the responses into the final statement of reasons. On February 18, 2021, the final Certificate of Compliance rulemaking package was submitted to DCA for final review. On March 6, 2021, the package was approved by the DCA Director. On March 10, 2021, the package was submitted to the Business, Consumer Services and Housing Agency for final review. The package is due to OAL no later than June 25, 2021.

Summary of Proposed Changes: This package is required in response to the Board's Fee Schedule - Emergency Filing and Re-Adoption of Emergency Filing.

The proposed changes increase certain fees associated with veterinarian and university licensure, and veterinary technician registration, and add a new fee associated with the approval of schools and institutions offering a curriculum for training registered veterinary technicians.

Animal Physical Rehabilitation (APR) – CCR, Title 16, Section: 2038.5

Update: On January 28, 2021, the Board approved responses to written and oral comments on the Modified Text that was noticed for 15 days and directed staff to incorporate the responses into the final statement of reasons. On March 5, 2021, the final rulemaking package was submitted to DCA for final review, and on March 30, 2021, submitted to the DCA Director for review.

Summary of Proposed Changes: This proposal would: 1) establish APR as the proper term for corrective physical treatment on an animal; 2) define APR to mean the treatment of injury or illness to address pain and improve function by means of corrective treatment; 3) provide that APR does not include relaxation, recreational or wellness modalities, including but not limited to, massage, athletic training, or exercise; 4) require a veterinarian to establish a valid VCPR, as defined, before performing or authorizing APR; 5) authorize RVTs to perform APR under the degree of supervision to be determined by the veterinarian who has established the VCPR; 6) authorize veterinary assistants to perform APR under the direct supervision of a veterinarian; 7) specify that it does not restrict or amend the existing regulation regarding the performance of musculoskeletal manipulation on an animal patient; and 8) clarify that the regulation does not apply to wildlife rehabilitation.

Drug Compounding – CCR, Title 16, Sections: 2090-2095

Update: On January 28, 2021, the Board approved proposed responses to written comments with recommendations received during the 15-day public comment period and directed staff to incorporate the responses into the final statement of reasons. Staff is preparing the final rulemaking package for submittal to DCA for final review.

Summary of Proposed Changes: This proposal would: 1) define drug compounding in veterinary premises, expiration date, and office stock, and establish parameters for veterinarian and RVT drug compounding; 2) require veterinary premises engaging in compounding drug preparations to develop specified policies and procedures and maintain formula documents; 3) require specified information to be recorded in the animal patient's medical record; (4) establish requirements for drug compounding training, veterinarian supervision, and drug storage, (5) specify expiration dates for sterile and non-sterile drugs; 4) establish specified compounded drug preparation labeling requirements; 4) require quality assurance protocols for drug compounding.

Duties of a Supervising Veterinarian – CCR, Title 16, Section: [2035](#)

Update: On January 28, 2021, the Board approved the Multidisciplinary Advisory Committee's recommendation to withdraw the previously approved rulemaking package, as it was determined that the proposed amendments were not necessary for consumer protection. On March 19, 2021, the Notice of Decision Not to Proceed was published by OAL and posted on the Board's website.

Disciplinary Guidelines – CCR, Title 16, Section: [2006](#)

Update: On January 28, 2021, the Board approved text modifications for a 15-day public comment period. Staff is preparing documents to notice the modifications for 15 days.

Summary of Proposed Changes: This proposal would update the Board's Disciplinary Guidelines, which are incorporated by reference under regulation, to conform the Disciplinary Guidelines to recent statutory changes and provide clarity to probation terms and conditions.

Elimination of California State Board Examination (CSBE) and Temporary Licensee Requirements – CCR, Title 16, Sections: [2010](#), [2014](#), [2015](#), [2015.1](#), [2015.2](#), [2016](#), [2020](#), [2021](#), [2021.1](#), [2021.3](#), [2021.4](#), [2021.5](#), [2021.6](#), [2021.7](#), [2021.8](#), [2021.8a](#), [2021.9](#), [2021.10](#), [2070](#)

Update: On January 28, 2021, the Board approved legislative and regulatory proposals recommended by the CSBE workgroup, in response to the Board voting to eliminate the CSBE. The regulatory proposal to amend five regulations and repeal 14 will be pursued through the section 100 rulemaking process once the related legislative proposal takes effect.

Attachment:

1. Status of Pending VMB Regulations – Updated March 29, 2021

Status of Pending VMB Regulations
Updated 3/29/21

Rulemaking Title	Current Status	INITIAL PHASE										FINAL PHASE					
		Concept Date(s)	Board Approval	Submitted to DCA for PRE-Review	Submitted to DCA for INITIAL Review	DCA Director Approval	Submitted to Agency/ Agency Approval	Notice Submitted to OAL/ Notice Published by OAL	45-Day Comment Period	Public Hearing (Optional)	15-Day Comment Period (Modified Text), if applicable	Submitted to DCA for FINAL Review	FINAL DCA Director Approval	Submitted to Agency/ FINAL Agency Approval	Submitted to DOF/ DOF Approval	Submitted to OAL/ OAL Approval	Effective Date
RVT Emergency Animal Care	Approved by OAL; effective 7/1/21	4/19/2016	5/23/2018	-	3/28/2019	2/14/2020	2/14/20 5/18/20	5/26/20 6/5/20	6/5/20 - 7/20/20	N/A	N/A	11/24/2020	12/5/2020	12/14/20 (Submitted) 12/18/21 (Approved)	N/A	1/19/21 (Submitted) 3/2/21 (Approved)	7/1/2021
RVT Job Tasks	Approved by OAL; effective 4/1/21	2/21/2018	5/23/2018 7/23/20 (Modified Text)	-	4/4/2019	2/10/2020	2/12/20 5/18/20	5/26/20 6/5/20	6/5/20 - 7/20/20	N/A	8/12/20 - 8/27/20	11/25/2020	12/9/2020	12/14/20 (Submitted) 12/22/20 (Approved)	N/A	12/24/20 (Submitted) 2/9/21 (Approved)	4/1/2021
VCPRs	Approved by OAL; effective 4/1/21	4/28/2015	8/29/2018	-	4/5/2019	4/1/2020	4/2/20 5/18/20	5/26/20 6/5/20	6/5/20 - 7/20/20	N/A	N/A	11/24/2020	12/12/2020	12/16/2020 (Submitted) 12/28/20 (Approved)	N/A	12/30/20 (Submitted) 2/11/21 (Approved)	4/1/2021
Fee Schedule (Certificate of Compliance)	On 3/10/21, final package submitted to Agency for FINAL approval		4/23/20 (Revised Text)	3/12/2020	6/16/20 7/9/20	8/1/2020	8/5/20 9/14/20	9/15/20 9/25/20	9/25/20 - 11/9/20	11/10/2020	N/A	On 1/28/21, Board approved responses to 45-day and hearing comments 2/18/21	3/6/2021	3/10/2021 (Submitted)			
Animal Physical Rehabilitation	On 3/5/21, final package submitted to DCA for FINAL approval	Beginning in 2011	10/18/2017 10/22/20 (Modified Text)	-	3/27/2019	1/21/2020	1/23/20 3/2/20	3/3/20 3/13/20	3/13/20 - 4/27/20	8/13/2020	11/19/20 - 12/4/20 On 1/28/21, Board approved responses to 15-day comments	3/5/2021					
Drug Compounding	Staff preparing final package for submittal to DCA	10/20/2014	10/18/17 10/10/19 1/30/20 10/22/20 (Modified Text)	-	3/27/2019	3/22/2020	4/20/20 6/23/20	6/30/20 7/17/20	7/17/20 - 8/31/20	N/A	11/19/20 - 12/4/20 On 1/28/21, Board approved responses to 15-day comments	Pending (Staff preparing final package for submittal to DCA)					
Duties of a Supervising Veterinarian	Withdrawn On 1/28/21, Board approved MDC recommendation to withdraw On 3/19/21, Notice of Decision Not to Proceed was published	2/20/2018	5/23/2018 10/21/20 (MDC recommended withdrawal) 1/28/21 (Board approved MDC recommendation to withdraw)	-	4/3/2019	2/15/2020	2/20/20 5/27/20	6/9/20 6/19/20	6/19/20 - 8/3/20	N/A	N/A						
Disciplinary Guidelines	On 1/28/21, Board approved text for a 15-day public comment period; staff preparing documents to notice modifications	1/20/2015	7/2015 10/2015 1/2017 4/2017 11/2018 1/28/21 (15-day modifications)	-	3/26/2019	4/20/2020	4/27/20 6/30/20	7/6/20 7/17/20	7/17/20 - 8/31/20	N/A	On 1/28/21, Board approved text for a 15-day public comment period Staff preparing documents to notice modifications						

Red Text = Updates since last meeting

= Completed

= Current Status/ Pending

Status of Pending VMB Regulations
Updated 3/29/21

Rulemaking Title	Current Status	INITIAL PHASE										FINAL PHASE					
		Concept Date(s)	Board Approval	Submitted to DCA for PRE-Review	Submitted to DCA for INITIAL Review	DCA Director Approval	Submitted to Agency/ Agency Approval	Notice Submitted to OAL/ Notice Published by OAL	45-Day Comment Period	Public Hearing (Optional)	15-Day Comment Period (Modified Text), if applicable	Submitted to DCA for FINAL Review	FINAL DCA Director Approval	Submitted to Agency/ FINAL Agency Approval	Submitted to DOF/ DOF Approval	Submitted to OAL/ OAL Approval	Effective Date
RVT Education	Board staff revising regulatory docs for Agency reapproval	10/20/2014	7/26/17 8/29/18 7/23/20 (Revised Text)	-	3/26/2019	5/30/2020	6/5/20 7/6/20 Pending staff revisions for resubmittal to Agency										
VCPR/Informed Client Consent	Pending further development from staff	11/14/2018	1/23/19 1/30/20	Pending													
Civil Penalties for Citations	Pending further development from staff	1/8/2020	1/30/2020	Pending													
License Applications (AB 2138 Revisions)	Pending further development from staff	1/31/2020	Pending														
Minimum Standards for Alternate Veterinary Premises	Pending further development from staff	4/23/2014	11/14/2018	Pending													
Shelter Minimum Standards	Pending further development from staff	2/19/2015	4/17/19	Pending													
Veterinary Student Exemption/RVT Exam Eligibility	Pending further development from staff	4/23/2014	4/2017 7/17/19	Pending													
Uniform Standards for Substance-Abusing Licensees	Pending further development from staff	4/23/2014	10/9/2019	Pending													
Application After Failing Examination	Pending further development from staff	-	7/23/2020	Pending													
Limited Term RVT Examination Eligibility Window (Section 100)	Pending further development from staff	-	7/23/2020	Pending													
Eligibility Evaluation - National Veterinarian Examination	Pending further development from staff	-	10/22/2020	Pending													
Elimination of CSBE and Temporary Licensee Requirements (Section 100)	On 1/28/21, approved by Board; will be pursued once legislative changes take effect	-	1/28/2021	Pending													