



# MEMORANDUM

<b>DATE</b>	March 28, 2022
<b>TO</b>	Multidisciplinary Advisory Committee (MDC)
<b>FROM</b>	Richard Sullivan, DVM Jamie Peyton, DVM
<b>SUBJECT</b>	<b>Agenda Item 8. Discussion and Potential Recommendation to the Board to Consider Potential Amendments to the Veterinarian-Client-Patient-Relationship Frequently Asked Questions and CCR, Title 16, Section 2030.3, Small Animal Vaccination Clinic, and 2032.1, Veterinarian-Client-Patient Relationship, in Pending Alternate Premises Rulemaking</b>

## **Background**

In November 2018, the Board approved a regulatory proposal on minimum standards for alternate veterinary premises that, among other things, would amend California Code of Regulations (CCR), title 16, section [2030.3](#) regarding small animal vaccination clinics. During the January 2022 Board meeting, concerns were raised with the pending rulemaking language specific to vaccinations and when a veterinarian-client-patient relationship (VCPR) must be established.

The Board’s alternate premises rulemaking proposes amendments to CCR, title 16, section 2030.3, in part, as follows (proposed additions in single underline; proposed deletions in single strikethrough):

~~(a) The term~~For purposes of these regulations, an “small-animal vaccination clinic location” shall mean a location established for a scheduled vaccination event a-  
~~privately or publicly supported vaccination clinic where a veterinarian performs~~  
~~vaccinations and/or immunizations against disease on multiple animals, and where the~~  
~~veterinarian may also perform~~that is limited to only providing to the public vaccinations  
and preventative procedures for parasite control. An animal vaccination location shall  
meet the following minimum standards:

[...]

(b) Diagnostic tests shall not be performed, and dangerous drugs shall not be prescribed, dispensed, or administered.

[...]

(e) For rabies vaccinations, the record of the vaccinated animal shall include, in addition to the requirements under subsection (d), the following:

- (1) The type of rabies vaccine administered.
- (2) The name of the manufacturer of the rabies vaccine.
- (3) The lot number of the rabies vaccine.

[...]

(k) Notwithstanding subsection (b), the location shall have the appropriate drugs and equipment to provide immediate emergency care at a level commensurate with the specific veterinary medical services provided.

[...]

~~(l) If any diagnostic tests are performed or dangerous drugs are provided, administered, prescribed or dispensed, then a valid veterinary-client-patient relationship must be established, including a complete physical exam and Medical Records as set forth in section 2032.3.~~

[...]

(q) Pursuant to subsection (k), if any diagnostic tests are performed or dangerous drugs are provided, administered, prescribed or dispensed, then a valid veterinary-client-patient relationship must be established, including a complete physical exam and Medical Records as set forth in section 2032.3.

With respect to the removal, insertion, and renumbering of subsection (l) as new subsection (q), above, “dangerous drugs” means any drug requiring a prescription or being restricted to sale or order of a health care professional. (Business and Professions Code (BPC), § [4022](#).) Since a rabies vaccine is restricted for use by or under the order of a veterinarian, a rabies vaccine is a dangerous drug, and a VCPR must be established before administering a rabies vaccination to the animal patient.

Concerns have been raised that limiting rabies vaccination administration to veterinarians with established VCPRs may pose a public health and safety risk due to the veterinarian shortage and the inability of the lower-income population to afford a full examination.

Recently, Assembly Bill (AB) [1535](#) (Committee on Business and Professions, Chapter 631, Statutes of 2021) amended BPC section [4827](#) to, among other things, exempt individuals from the Veterinary Medicine Practice Act when the animal has been lawfully deposited with or impounded by a shelter not registered with the Board, and the individual is administering non-prescription vaccinations or medications, such as a rabies vaccination, prescribed by a licensed veterinarian to that animal without the presence of a veterinarian when the shelter has received a written treatment plan from the licensed veterinarian for that specific animal, the shelter has a dispensing protocol in place for tracking dispensed prescribed medications, and the person has received proper training in the administration of prescription medications. (BPC, § [4827](#), subd. (a)(5)(A) – (C).)

However, those exemptions do not cover prescription or veterinarian-use only vaccinations administered outside of shelters. In addition, the Board's alternate premises proposed rulemaking would not address so called "tech appointments," when consumers are able to set appointments with RVTs to provide the rabies vaccination to their animals.

Further, due to the many questions the Board receives regarding the VCPR and vaccinations, the Subcommittee recommends updating the Board's [VCPR FAQs](#) to include the following question/answer:

6. Is a VCPR required to administer vaccinations?

General Vaccination Practice

Generally, a vaccination is a treatment administered for the prevention of disease in an animal and requires a VCPR. (CCR, tit. 16, § 2032.1, subs. (a).)

However, there are statutory and regulatory exemptions from this general requirement, as follows.

Animal with Unknown Owner

If the animal patient is a wild animal or the owner is unknown, a vaccination can be administered without first establishing a VCPR. (CCR, tit. 16, § 2032.1, subs. (a).)

Shelter Setting

As of January 1, 2022, shelter staff can administer preventative or prophylactic nonprescription vaccinations to animals deposited with or impounded by a shelter without a veterinarian first establishing a VCPR. (BPC, § 4827, subd. (a)(5)(A).) To do so, shelter staff must follow written California-licensed veterinarian protocols and receive proper training, as specified, in the administration of the nonprescription preventative or prophylactic vaccinations. (*Id.*)

Small Animal Vaccination Clinic

A veterinarian onsite at a small animal vaccination clinic and veterinary staff supervised by the veterinarian can administer vaccinations without first establishing a VCPR. (CCR, tit. 16, § 2030.3.) However, administration of a vaccination that is a dangerous drug (defined under BPC, § 4022) requires a VCPR to be established prior to administering that vaccination. (CCR, tit. 16, § 2030.3, subs. (l).)

**Subcommittee Research and Recommendations**

Low-cost public vaccination clinics were started in the 1960s in Los Angeles County by the Southern California Veterinary Medical Association (SCVMA) working with the county public health department to address the public health issue of stray dogs with rabies biting children on their way to school. Each year a number of children would have to go through the rabies treatment.

To reduce the incidence of rabies, each SCVMA chapter would put on the clinics, staffed by volunteer veterinarians and clinic staff, throughout the county to cover all areas. Dog licenses, issued with proof of rabies vaccination, were also required in each jurisdiction. Within a few

years, the number of canine rabies bite cases dropped to zero and have remained there, except for an occasional case of a dog coming into the county from a different country.<sup>1</sup> To continue the success of rabies vaccination clinics and ensure public protection, public vaccination clinics need to be able to provide rabies vaccinations without the obligation of establishing a VCPR.

To better resolve the confusion over the requirement of a VCPR to administer rabies vaccinations, this Subcommittee recommends adding the following to the pending alternate premises rulemaking language (recommended additions in double underline; recommended deletions in double strikethrough):

**2030.3 Minimum Standards – ~~Small Animal Vaccination Clinic~~Location.**

[...]

(b) Diagnostic tests shall not be performed, and dangerous drugs, other than rabies vaccines, shall not be prescribed, dispensed, or administered.

[...]

(q) Pursuant to subsection (k), if any diagnostic tests are performed or dangerous drugs are provided, administered, prescribed, or dispensed, then a valid ~~veterinarian-veterinary~~ veterinarian-client-patient relationship must be established, including a complete physical exam and Medical Records as set forth in section 2032.3.

(r) Notwithstanding subsection (q), if a rabies vaccination is administered, then only a visual examination of the patient shall be required to ensure that the patient is bright, alert, and ambulatory. If the patient is not bright, alert, and ambulatory, then the patient must be evaluated by the veterinarian to be healthy enough to receive the rabies vaccination.

**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,~~ or rabies vaccinations are given in the interest of protecting public health.

[...]

**Action Requested**

1. VCPR FAQs

If the MDC agrees with the Subcommittee to add the drafted vaccination question and answer to the Board’s Frequently Asked Questions, please entertain a motion to

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<sup>1</sup> From conversations with Mr. Don Mahon, who was the Executive Director of SCVMA during that time.

recommend the Board approve the addition and update the document on its website.

2. Additional Amendments to Alternate Premises Rulemaking Regarding CCR, Title 16, Sections 2030.3 and 2032.1

If the MDC agrees with the Subcommittee on the additional proposed amendments, please entertain a motion to recommend the Board approve and adopt the additions and proceed with the rulemaking process.