



MEMORANDUM

DATE	October 5, 2022
TO	Veterinary Medical Board (Board)
FROM	Jeffrey Olguin, Lead Administrative & Policy Analyst
SUBJECT	Agenda Item 10.A. Status Update on Pending Regulations

The Board currently has eleven rulemaking packages pending in the rulemaking process. Four packages are in various stages of the pre-review or initial phase of the rulemaking process and one package has entered into the final phase, as described below and identified in the attached chart ([see attachment 1](#)). The remaining six packages are pending preparation by Board staff for submission to the Department of Consumer Affairs (DCA) for review and approval.

Updates or changes in the status of rulemaking packages since July 2022 are provided below:

Civil Penalties for Citations—CCR, Title 16, Section 2043

Update: The Board’s 45-Day Public Comment Period concluded on October 4, 2022. The Board received four comments ([see Agenda Item 10.B.](#)). The Board is asked to review the comments and proposed responses prior to the package moving its way to the final phase of the regulatory process.

Summary of Proposed Changes: This proposal would permit the Board to issue citations and assess fines for violations that do not occur “while engaged in the practice of veterinary medicine.” Such violations include failing to complete continuing education, criminal convictions, and failing to respond to the Board’s request for medical records. This proposal enhances the Board’s ability to encourage compliance with the Veterinary Medicine Practice Act.

RVT Education (Split into Two Regulation Packages)—CCR, Title 16, Sections 2036.1, 2064, 2065, 2065.1, 2065.2, 2065.6, 2065.7, 2065.8, 2066, & 2068.5

Update: In the July 2022 MDC meeting, the committee approved a motion to split the RVT education package into two regulation packages for the Board to consider and approve. The goal of splitting the packages was to move forward with what regulatory changes can be made quickly and separately from the package as a whole. With the larger package, the Board received concerns from the public about

schools having sufficient time to implement the changes, and those concerns and other issues are being reviewed.

The smaller RVT package titled “RVT Student Job Tasks & Equivalent Experience and Education (Sections 2036.1 and 2068.5)” is intended to include the already approved language of proposed new Section 2036.1 regarding RVT Student Job Tasks and amendments to Section 2068.5 regarding Equivalent Experience and Education.

Since the larger RVT Education package is still in the staff review process., references in the smaller package to the new regulation “Section 2065.1” had to be temporarily removed. References to that not-yet-adopted section were made in Section 2036.1(b) at in Section 2068.5(i) ([see agenda 5.B](#)). The smaller RVT package cannot move forward with references to Section 2065.1 which does not yet exist. These two references to Section 2065.1 will be re-added back in as a part of the larger RVT education package which will include the new Section 2065.1.

Summary of Proposed Changes: This proposal in new Section 2036.1 will adopt parameters for supervision for RVT students in their final year of study and under the supervision of an RVT or veterinarian. In amendments to Section 2068.5, the changes remove barriers to licensure by: (1) removing the requirement that an applicant for an RVT license have completed all the education requirements within five years prior to the date of the examination for registration, and (2) removing the timeframe for when RVT students to complete the required 4,416 hours of direct clinical practice.

Minimum Standards for Alternative Premises—CCR, Title 16, Sections 2030, 2030.05, 2030.1, 2030.15, 2030.2, 2030.3, 2030.4, and 2030.5

Update: This package is pending further revisions of the regulatory language from staff and the Multi-Disciplinary Advisory Committee of the Board as DCA’s Legal Affairs Division and the Board’s Executive Officer have raised concerns over challenges that may arise from the review process and OAL approval.

Summary of Proposed Changes: This proposal would update the Board’s standards for various fixed premises and mobile clinics. The updates are intended to address concerns currently not addressed in the Practice Act, including:

- Updates to temporary animal boarding requirements while the animal is receiving treatment
- Animal records requirements for animal vaccination locations
- Communication & contact information updates
- Diagnostic services requirements
- Equipment storage & maintenance requirements
- Separate area requirements
- Surgery room & supplies requirements
- Waste material requirements

In addition, the updates clarify concerns not currently addressed in the Practice Act, including small animal house call location services and large animal ambulatory location requirements.

Uniform Standards for Substance-Abusing Licensees—CCR, Title 16, Sections 2006, 2006.5–2006.56

Update: This package is pending with DCA Budgets for their review. Once they approve the language and budget calculations and any requested changes to the production documents are made, the regulation package goes back to DCA for submission to the Director and Agency for review and approval.

Summary of Proposed Changes: This proposal would establish standards adopted by DCA’s Substance Abuse Coordination Committee (SACC). The SACC was established to develop consistent and uniform standards for dealing with substance-abusing licensees. The Board has adopted standards to be in alignment with other DCA healing arts entities and to implement [Business and Professions Code Article 3.6 \(315–315.4\) Uniform Standards Regarding Substance-Abusing Healing Arts Licensees](#).

Elimination of the California State Board Examination (CSBE), Temporary License, California Curriculum, and Appeals Process of Examination Results—CCR, Title 16, Sections 2010, 2014, 2014.1, 2015, 2015.1, 2015.2, 2016, 2020, Article 2.5 (2021–2021.10) and 2068.6, Section 100 rulemaking

Update: This Section 100 is currently with DCA’s Executive Office pending review. The Board expects the DCA’s Executive Office to approve the language and then Board staff will submit documentation to OAL for their review and approval.

Summary of Proposed Changes: This Section 100 package is intended to reflect non-substantive, cleanup amendments necessary to align with Assembly Bill (AB) 1535. Specifically, it removes regulatory language related to the CSBE, temporary licenses, California curriculum, and appeals of examination results.


Attachments


1. Status of Pending VMB Regulations – Updated October 5, 2022

Status of Pending VMB Regulations
Updated 10/8/21

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	DCA Director FINAL Approval	Submitted to Agency/ FINAL Agency Approval	Submitted to DOF/ DOF Approval	Submitted to OAL/ OAL Approval
Civil Penalties for Citations	Pending Board Approval of Responses to Public Comment	01/08/2020	01/30/2020	02/23/2022	03/25/2022 06/28/2022	07/03/2022	08/04/2022	Submitted 08/09/2022 Posted 08/19/2022	08/19/2022 - 10/04/2022							
RVT Student Job Tasks & Equivalent Experience and Education (RVT Education) (§§ 2036.1 and 2068.5)	Pending 10.19.22 Board Approval of Revised Proposal	07/26/2017	07/26/2017 8/20/2018 07/13/2020 (Revised Text)	-	03/26/2019	05/30/2020	06/05/2020 07/06/2020 06/29/2022									
Uniform Standards for Substance-Abusing Licensees	Pending Budget input, Legal re-review, before submit to DCA & Agency	04/23/2014	10/09/2019 01/19/2022	04/01/2022 06/03/2022 Budget Review and Clarification 06/13/2022 06/23/2022	06/30/2022											
Shelter Minimum Standards	Pending further development from staff	02/19/2015	04/17/2019	Pending												
Veterinary Student Exemption/RVT Examination Eligibility	Pending further development from staff	04/23/2014	04/2017 07/17/2019	Pending												
Minimum Standards for Alternate Veterinary Premises	Pending Re-structuring with MDC	04/23/2014	11/14/2018	Pending												

Red Text = Updates since last meeting

 = Completed

 = Current Status/ Pending