



MEMORANDUM

DATE	October 10, 2022
TO	Veterinary Medical Board (Board)
FROM	Richard Sullivan, DVM, Chair Multidisciplinary Advisory Committee (MDC)
SUBJECT	Agenda Item 5.A. Recommendation on Legislative Proposal to Amend Business and Professions Code (BPC) Section 4826.5 Regarding Veterinary Drug Compounding

Background

Business and Professions Code (BPC) section [4826.5](#) authorizes licensed veterinarians and registered veterinary technicians (RVTs) supervised by licensed veterinarians to compound drugs for animal use, as specified. In accordance with BPC section [4826.5](#), the Veterinary Medical Board (Board) promulgated [drug compounding regulations](#), which became effective on April 1, 2022. In addition, the Board amended California Code of Regulations (CCR), title 16, section [2036](#) to authorize RVTs to perform drug compounding from bulk substances under direct supervision of a licensed veterinarian and drug compounding from non-bulk substances under indirect supervision.

During the Board's January 2022 meeting, the Board directed the MDC to create a guidance document to assist licensees and registrants in complying with the new regulations. Dr. Sullivan and Ms. Ussery formed the Drug Compounding Subcommittee to draft the guidance for MDC discussion and consideration.

Need for Additional Drug Compounding Staff

During the development of the guidance document several gaps were discovered in the paper trail that is necessary to document the process of compounding a preparation for a client or for office stock. In addition, the MDC received [comments from stakeholders](#) at the April 2022 meeting that raised concerns about the efficiency of the process, especially during this period of veterinary professional workforce issues. One such issue raised was the workforce issue of not having enough registered veterinary technicians (RVTs), and that the current law does not authorize veterinary assistant controlled substance permit (VACSP) holders to perform drug compounding

During the July 2022 meeting, the Subcommittee recommended a motion to recommend to the Board the legislative proposal to amend BPC section 4826.5 to authorize a VACSP holder to perform drug compounding. During public comment after the motion, a [representative](#) from the California Registered Veterinary Technicians

Association (CaRVTA) expressed shock and outrage at this recommendation and stated, in short, that there should not be VACSP holders because they have no qualifications other than having passed a criminal background check. In addition, the representative expressed concerns that VACSP holders are not qualified to be administering controlled substances, let alone compounding drugs.

The MDC Chair clarified that the ultimate responsibility of the compounding procedure lies with the veterinarian, and there are requirements of the veterinarian to teach both the RVT and the VACSP holder to do the compounding at a level that the veterinarian feels that they are competent, but the ultimate responsibility still falls back onto the veterinarian. He also disagreed with the comment that the individuals are people off the street; they are veterinary assistants who are working within the practice who have helped greatly during these times.

After discussion, the MDC unanimously approved the motion.

Action Requested:

If the Board agrees with the MDC, please entertain a motion to approve the legislative proposal to amend BPC section 4826.5 to authorize a veterinary assistant controlled substance permit holder to perform drug compounding.

Attachments:

1. Legislative Proposal to Amend Business and Professions Code Section 4826.5

**VETERINARY MEDICAL BOARD
LEGISLATIVE PROPOSAL TO AMEND
BUSINESS AND PROFESSIONS CODE SECTION 4826.5**

Additions are indicated in single underline.

Deletions are indicated in ~~single strikethrough~~.

Amend Business and Professions Code section 4826.5 as follows:

4826.5. Notwithstanding any other law, a licensed veterinarian or a registered veterinary technician or veterinary assistant controlled substance permit holder under the supervision of a licensed veterinarian may compound drugs for animal use pursuant to Section 530 of Title 21 of the Code of Federal Regulations and in accordance with regulations promulgated by the board. The regulations promulgated by the board shall, at a minimum, address the storage of drugs, the level and type of supervision required for compounding drugs by a registered veterinary technician or a veterinary assistant controlled substance permit holder, and the equipment necessary for the safe compounding of drugs. Any violation of the regulations adopted by the board pursuant to this section shall constitute grounds for an enforcement or disciplinary action.