



MEMORANDUM

DATE	April 4, 2023
TO	Veterinary Medical Board (Board)
FROM	Leah Shufelt, RVT, Chair Multidisciplinary Advisory Committee (MDC)
SUBJECT	5.D. Recommendation on Legislative Proposal to Amend Business and Professions Code (BPC) Sections 4841.1, 4841.4, 4841.5, and 4842, and Repeal Sections 4842.1, 4842.1, and Repeal Sections 4842.1 and 4843 Regarding Registered Veterinary Technician (RVT) School Program Approvals and RVT School Program Students

Background

As discussed in more detail [here](#), the MDC was tasked with researching the Veterinary Medicine Practice Act statutes and supporting regulations related to approving RVT educational programs, as well as other RVT educational accreditation/approval bodies, to determine whether the Veterinary Medical Board’s (Board) role in the approval process should be reduced or eliminated.

During the April 2022 meeting ([here](#)), the Subcommittee outlined the specific tasks that needed to be completed, the pending research that was being conducted, and the next steps for the Subcommittee to complete. Below is a list of specific tasks the Board requested and a summary of each task outcome.

- 1. Conduct an in-depth review of pertinent statutes and regulations and whether removing the Board approval requirement would impact out-of-state RVT schools and the alternate pathway for RVT applicants.**

California Code of Regulations (CCR), title 16, section [2066](#), subsection (a), allows for graduates of a school or degree program located outside of California and accredited by the American Veterinary Medical Association (AVMA) to be deemed to have completed the two-year curriculum requirement, which would not be affected if the Board’s role in approving RVT schools was changed or eliminated.

CCR, title 16, section [2066](#), subsection (b), requires graduates of out-of-state, non-AVMA approved schools that are not approved by the Board to demonstrate: (1) the education they have received is equivalent to the regulatory educational requirements, as specified; and (2) that the school or degree program has been approved by a licensing body in the United States (U.S.), Canadian province, or

U.S. or Canadian territory (burden of proof on the student). These graduates would not be affected if the Board removed its approval requirement, since this path is for graduates of schools with no Board approval.

2. Provide a comparison of other states requiring veterinary technician program accreditation.

At the Board Executive Officer's request, the American Association of Veterinary State Boards (AAVSB) queried the 39 state boards that regulate RVTs to determine 1) who accepts non-AVMA/ECFVG (Educational Commission for Foreign Veterinary Graduates) accredited/approved education, 2) if RVT educational programs are required to be approved by the state board, and 3) if they do require board approval, what are the requirements.

Of the 17 states that responded, only four states (AZ, LA, NY, and WA) accept non-AVMA/ECFVG education, one state (LA) requires non-AVMA accredited programs to apply for approval, and no states require the Board to approve AVMA-accredited education programs.

3. Determine what other accrediting bodies exist and compare the accrediting body requirements and ongoing oversight.

Committee on Veterinary Technician Education and Activities (CVTEA)

CVTEA accredits the majority of veterinary technology programs within California. All CVTEA-accredited programs in veterinary technology must meet the Standards of Accreditation of the CVTEA to ensure the quality of the educational experience and the assessment of student knowledge and skills. The CVTEA also performs regular site visits and evaluates annual, biennial, interim, and terminal reports submitted by accredited programs.

During the January 2022 MDC meeting, the CVTEA provided an overview of their accrediting process and answered questions from the MDC members. That presentation and subsequent discussion can be viewed [here](#).

Bureau of Private Postsecondary Education (BPPE)

In addition, all private postsecondary education programs operating in California must be approved by BPPE. BPPE's mission is to protect students and consumers through the oversight of California's private postsecondary educational institutions by conducting qualitative reviews of educational programs and operating standards, proactively combating unlicensed activity, impartially resolving student and consumer complaints, and conducting outreach.

In general, BPPE is responsible for the following:

- Protecting consumers and students against fraud, misrepresentation, or other business practices at private postsecondary institutions that may lead to the loss of students' tuition and related educational funds;

- Establishing and enforcing minimum standards for ethical business practices and the health and safety and fiscal integrity of postsecondary education institutions; and,
- Establishing and enforcing minimum standards for institutional stability for all students in all types of private postsecondary educational and vocational institutions.

During the January 2022 MDC meeting, BPPE provided an overview of their process and oversight. That presentation and subsequent discussion can be viewed [here](#).

Accrediting Commission for Community and Junior Colleges (ACCJC)

ACCJC also accredits veterinary technology education programs. Their mission “supports its member institutions to advance educational quality and student learning and achievement. This collaboration fosters institutional excellence and continuous improvement through innovation, self-analysis, peer review, and application of standards.” (ACCJC, *Mission*, <https://accjc.org/about/> (as of Apr. 4, 2023).) Much like AVMA and BPPE, ACCJC also conducts regular reviews of the programs, including onsite visits, to determine if the programs meet ACCJC’s eligibility requirements, commission policies and accreditation standards.

4. Determine how many veterinary technician programs accredited by the American Veterinary Medical Association (AVMA) are in California.

There are currently [24 AVMA-accredited schools](#) and [53 BPPE approved schools](#) operating in California.

5. Review the pending RVT education rulemaking to see if additional amendments should be made, as it does not appear this type of research was considered for the RVT program accreditation/Board approval issue.

During the July 2022 MDC meeting, the Subcommittee reported that it did not believe the rulemaking package should proceed through the rulemaking process as is, since much of it proposed amendments to existing RVT educational program regulations (CCR, title 16, sections 2064, 2065, 2065.6, 2065.7, 2065.8, and 2066) and added new RVT education program regulations CCR, title 16, sections 2065.1 and 2065.2) that may need to drastically change after the Subcommittee completes all the necessary research.

However, the Subcommittee believed the amendments defining the parameters of supervision required for RVT students should move forward in the rulemaking process, as the Board has been required to adopt those regulations since BPC section 4841.1 became effective on January 1, 2011. In addition, the Subcommittee believed the additional amendments to CCR, title 16, section 2068.5 approved at the Board’s July 2020 meeting should continue, because the current requirements in that section serve as a significant barrier for RVT applicants and are no longer necessary for consumer protection.

Rather than hold the entire rulemaking package while the Subcommittee completed its review of the RVT educational program approval process, the Subcommittee recommended the Board remove all Article 6 proposed amendments (except for striking the language in CCR, title 16 section 2068.5 that expired the educational and clinical experience and prohibited the educational experience from being completed in no less than 24 months) from the RVT Education rulemaking package. This allowed the remaining amendments to continue through the process. The Subcommittee would then continue to reassess the RVT educational program approval process and make any recommended changes to the Board's statutes and regulations.

The MDC agreed with the Subcommittee's recommendation, and that recommendation was submitted to the Board at its January 2023 meeting. During that meeting, concerns were raised regarding the amendments defining the parameters of supervision required for RVT students. Therefore, the Board ultimately approved a motion to only proceed with the amendments related to striking the expiration of the RVT education and experience.

Additional Research

Timeline

In 1995, the Board approved the very first RVT school program, San Diego – Mesa College. From 1997-2017, oversight included renewing approvals for one to five years, which is inconsistent with the current statute that approvals are only good for two years. From 2012-2017, letters and certificates were sent to the program renewing the approval, but it does not appear any formal renewal process, including a renewal application or renewal fees, occurred. Inspections occurred in 2002, 2006, and 2007. While the program was responsible for covering the costs of the inspections, the Board recovered nominal travel reimbursements in 2002 and 2006.

In 2014, a school administrator wanted to be approved by the Board, but they were told the Board no longer approved schools. The school administrator raised his request and concerns to the Board during a subsequent Board meeting. At that time, a representative from the California Registered Veterinary Technicians Association (CaRVTA) reminded the Board it was required by statute to approve *all* RVT schools operating in California.

From 2014-2018, the Board worked on the above-mentioned rulemaking package clarifying requirements and adding more requirements to the programs. The rulemaking package also transitioned from the alternate route model to strictly alternate route programs. When the rulemaking package was approved in 2018, 20 other rulemaking packages were already pending.

In 2020, the Board's current Executive Officer requested the Board consider striking the provisions that expired the experience and education of an RVT applicant after five years had elapsed. The Board agreed and added that amendment to the existing RVT education rulemaking package.

In 2021, the Board's Executive Officer raised concerns that the requirement for Board approval of RVT education programs may serve as a redundant and overly burdensome requirement for the programs with little, if any, consumer protection benefit. In addition, the Board had yet to create and implement an RVT approval program pursuant to the existing regulations. At the Executive Officer's request, the Board created the Subcommittee.

Review of Previous Meetings

The Subcommittee watched multiple webcasts and reviewed meeting minutes spanning back to 2014, when the Board initially began discussing the original rulemaking package. From that review, the Subcommittee noted the following:

- While it was known other oversight bodies (CVTEA and BPPE) accredited/approved the schools, there were no discussions related to whether the Board *should* approve RVT schools or how approving schools served a consumer protection purpose.
- Concerns related to the cost of implementing a school approval program were briefly raised a few times, but Board members were told incorrectly that identifying costs in a Form 399 would result in a successful Budget Change Proposal (BCP) and that the BCP would provide the Board increased funds to support the program. While a BCP does increase the allocated budget amount, the only way to increase the Board's fund is to increase licensing fees. Increasing fees was not discussed.
- Concerns related to the Board's existing resources and inability to inspect premises also were raised, and some Board members questioned how the Board would be able to provide additional onsite inspections to all RVT schools. Again, the members were told a BCP would solve this concern.

March 2023 Stakeholder Meeting

On March 14, 2023, the Subcommittee held an RVT Education Programs Stakeholder Meeting. The announcement recruiting interested stakeholders informed individuals that the Board was considering removing the requirement for the Board to approve all RVT education programs. The announcement further specified that the Board was seeking input from all interested stakeholders, including the public, education program administrators, other education program oversight agencies, and professional associations.

Over 50 participants attended the meeting. These participants included RVT school administrators, RVTs, CaRVTA, and representatives from BPPE and AAVSB. The Executive Officer and Subcommittee provided an overview of the issue, discussed the Board's consumer protection mission and the student protection mission of the other oversight agencies. The overall consensus from the participants was that the Board should not require RVT school and degree programs to be Board approved. The oversight provided by BPPE, CVTEA, and ACCJC appeared to provide adequate protections for students, and requiring the programs to be approved by the Board was a redundant and costly endeavor.

Minor disagreements regarding the benefits of the alternate route pathway were briefly raised by participants through the chat feature, but those were not discussed by the Subcommittee, as that was outside the scope of the meeting.

New RVT Issue Identified Related to Out-of-State Applicants

Throughout the course of its review, Board staff identified an issue related to out-of-state RVT

applicants. BPC section [4841.5](#)¹ provides three education pathways for RVTs to obtain registration: through an accredited or approved two-year program; through education or a combination of education and clinical experience; or through AAVSB's education equivalency certification program.

The statute does not authorize any individual to obtain an RVT registration without completing education. However, CCR, title 16, section [2068.6](#) provides a pathway for RVTs licensed, certified, or registered in another state to obtain RVT registration in California solely through clinical experience. To maintain out-of-state license reciprocity, the Subcommittee recommends placing the regulation in statute and clearly identifying the experience-only pathway for RVT applicants licensed in another state.

Subcommittee Recommendations

Based on all above-mentioned research, the Subcommittee recommends the MDC and the Board approve the attached legislative proposal to remove the requirement for all RVT school and degree programs to be Board approved and codify the existing out-of-state RVT pathway.

Action Requested

Please review and discuss the attached legislative proposal. The MDC will discuss the proposal at its April meeting. If the MDC agrees with the proposal during its meeting, the MDC will request that the Board entertain a motion to approve the legislative proposal to amend BPC sections 4841.1, 4841.4, 4841.5, and 4842, and repeal sections 4842.1 and 4843 regarding RVT registration requirements and RVT school or degree program approvals.

Attachment

1. Legislative Proposal Regarding RVT Registration Requirements and RVT School or Degree Program Approvals

¹ The Board's Sunset Bill (AB 1535 (Committee on Business and Professions, Ch. 631, Stats. of 2021)) removed the eligibility requirements to take the RVT examination and moved the eligibility requirements to become registration requirements. This amendments were intended to streamline the licensing process, since the Board does not administer the national examination. However, the educational requirements inadvertently remained the same. A Section 100 rulemaking package still needs to be submitted to the Office of Administrative Law to make the same shift of eligibility requirements from the examination to the registration.

**VETERINARY MEDICAL BOARD
LEGISLATIVE PROPOSAL REGARDING
REGISTERED VETERINARY TECHNICIAN (RVT) REGISTRATION REQUIREMENTS
AND RVT SCHOOL OR DEGREE PROGRAM APPROVALS**

Additions are indicated in single underline.

Deletions are indicated in ~~single strikethrough~~.

Amend sections 4841.1, 4841.4, 4841.5, and 4842, and repeal sections 4842.1 and 4843 of Article 2.5 of Chapter 11, Division 2 of the Business and Professions Code as follows:

4841.1. ~~(a)~~ This article shall not apply to students ~~in the clinical portion of their final year of study~~ in a board-approved California veterinary technology program who perform the job tasks for registered veterinary technicians as part of their educational experience, including students both on and off campus acting under the direct supervision of a California licensed veterinarian in good standing, as defined in paragraph (1) of subdivision (b) of Section 4848.

~~(b) The board shall adopt regulations defining the parameters of supervision required for the students described in subdivision (a).~~

4841.4. (a) The board, by means of examination, shall determine the professional qualifications of all applicants who wish to register as veterinary technicians in California. A registration shall not be issued to anyone who has not demonstrated their competency by examination.

(b) ~~Subject to subdivision (d),~~ The examination for veterinary technicians shall consist of a national licensing examination.

(c) For examination purposes, the board may make contractual arrangements on a sole source basis with organizations furnishing examination material as it may deem desirable and shall be exempt from Section 10115 of the Public Contract Code.

~~(d) The national licensing examination shall be implemented upon availability of the computerized examination on or after January 1, 2011.~~

4841.5. To obtain registration as a registered veterinary technician, the applicant shall furnish satisfactory evidence of one of the following:

(a) Graduation from, at minimum, a two-year curriculum in veterinary technology, in a college or other postsecondary institution accredited by the American Veterinary Medical Association ~~approved by the board~~, or the equivalent thereof, as determined by the board. In the case of a private postsecondary institution, the institution shall also be approved by the Bureau for Private Postsecondary Education. Proof of graduation shall

Commented [WT1]: CCR, tit. 16, sec. 2036, subs. (b), (c), establish RVT tasks that VAs cannot perform. Subs. (b) requires direct supervision, and subs. (c) requires indirect supervision. Since these are students performing tasks as part of their curriculum, it seems appropriate to require direct veterinarian supervision to perform all tasks that would otherwise require RVT registration under statutes. The student otherwise would be able to perform non-RVT tasks under CCR, tit. 16, sec. 2036.5.

One issue to review is whether RVT students should be able to access or administer controlled substances since the Board (and DEA) would not be able to track the individual like under the VACSP provisions. Excluding controlled substance administration may problematic from an experience standpoint – this issue should be reviewed and discussed.

The other issue is drug compounding. The drug compounding regs rely on the supervising veterinarian training the RVT to perform drug compounding. Seems appropriate to exclude from the RVT registration exemption drug compounding duties, which the student would learn once they are registered and working under a compounding supervising veterinarian.

Commented [SJ2]: obsolete

be submitted directly to the board by the college, other postsecondary institution, or American Association of Veterinary State Boards.

(b) Education or a combination of education and clinical practice experience, as determined by the board.

(c) Education equivalency certified by the American Association of Veterinary State Boards Program for the Assessment of Veterinary Education Equivalence for Veterinary Technicians. The certificate of education equivalence shall be submitted directly to the board by the American Association of Veterinary State Boards.

(d) An applicant who does not qualify for registration eligibility under subdivisions (a) through (c) and has a valid license, certificate, or registration as a veterinary technician

eligibility to obtain registration by submitting proof of all of the following:

- (1) An active and unrestricted license, certificate, or registration issued by another veterinary technician that is not subject to any current or pending disciplinary action, such as revocation, suspension, or probation.
- (2) Successful completion of at least 4,416 hours, completed in no less than 24 months, of directed clinical practice, under the direct supervision of a veterinarian licensed in another state, district, or territory of the United States or Canada.
- (3) The directed clinical practice shall have provided the applicant with knowledge, skills and abilities in the areas of communication with clients, patient examinations, emergency procedures, laboratory procedures, diagnostic imaging, surgical assisting, anesthesia, animal nursing, nutrition, dentistry, animal behavior and pharmacology. The supervising veterinarian(s) shall complete a check list attesting to proficiency in specific skill areas within the preceding categories.

4842. The board may deny an registered veterinary technician application to take a

(a) Committed any act which would be grounds for the suspension or revocation of registration under this chapter.

(b) While unregistered, committed, or aided and abetted the commission of, any act for which a certificate of registration is required by this chapter.

(c) Knowingly made any false statement in the application.

(d) Been convicted of a crime substantially related to the qualifications, functions and duties of a registered veterinary technician.

Commented [WT3]: To replace the out-of-state registration regulation, CCR, tit. 16, 2068.6.

Commented [WT4]: CCR, tit. 16, sec. 2068.6, subs. (a) requires the applicant to pass the NVTE. Since 4841.4 requires all applicants to take the national exam, I deleted the exam requirements from this subdivision so it is focused on the education/experience otherwise required under this statute.

Commented [SJ5]: Obsolete. There's no longer an application for examination.

(e) Committed any act that resulted in a revocation by another state of his or her license, registration, or other procedure by virtue of which one is licensed or allowed to practice veterinary technology in that state.

~~4842.1. The board shall issue a certificate of registration to each applicant who passes the examination. The form of the certificate shall be determined by the board.~~

Commented [SJ6]: Unnecessary

~~4843. The board shall approve all schools or institutions offering a curriculum for training registered veterinary technicians. Application forms for schools requesting approval shall be furnished by the board. Approval by the board shall be for a two year period. Reapplication for approval by the board shall be made at the end of the expiration date.~~