



MEMORANDUM

DATE	April 3, 2024
TO	Multidisciplinary Advisory Committee (MDC)
FROM	<u>Alternate Veterinary Premises Subcommittee</u> (Subcommittee) Richard Sullivan, DVM Marie Ussey, RVT
SUBJECT	5. Discussion and Potential Recommendation on Proposal to Initiate a Rulemaking to Amend CCR, Title 24, Section 1251 (Veterinary Facilities)

Background

As discussed in Agenda Item 4, it was recently discovered that building standards are currently contained within existing and proposed amendments to the California Code of Regulations (CCR), title 16, sections 2030 through 2030.3. Similarly, CCR, title 24, section 1251 contains veterinary “Practice Management” requirements that are not considered building standards.

Broad Definition of Building Standard

Health and Safety Code (HSC) section [18909](#), states, in part, the following:

(a) “Building standard” means any rule, regulation, order, or other requirement, including any amendment or repeal of that requirement, that specifically regulates, requires, or forbids the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building, structure, factory-built housing, or other improvement to real property, including fixtures therein, and as determined by the commission.

(b) Except as provided in subdivision (d), “building standard” includes architectural and design functions of a building or structure, including, but not limited to, number and location of doors, windows, and other openings, stress or loading characteristics of materials, and methods of fabrication, clearances, and other functions.

[...]

The California Building Standards Commission (CBSC) oversees development, adoption, approval, publication and implementation of all California’s building standards. Building standards can only be contained within CCR, title 24 and can only be approved by the

CBSC. While most of the Board's rulemaking proposals are reviewed by the Office of Administrative Law (OAL), OAL cannot review or approve any building standard regulations (HSC §§ [18938](#), subd. (a), [18940](#), and [18942.1](#), subd. (a)). This includes any exemptions to building standards.

CBSC's Triennial Code Adoption Cycle

Unlike OAL's quarterly schedule, CBSC has a Triennial Code Adoption Cycle. According to the 2024 Triennial Code Adoption Cycle, any final proposals submitted to and approved by the CBSC will not be effective until January 2026.

Subcommittee Recommendations

The Subcommittee recommends a regulatory proposal moving the building standards and related exemptions from existing law and the previously Board approved Alternate Veterinary Premises regulatory proposal, which would amend CCR, title 16, sections 2030 through 2030.3, to CCR, title 24, section 1251 and remove any practice management standards from section 1251 (attached).

Specifically, the Subcommittee recommends the following:

Proposed Amendments to CCR, Title 24, Section 1251.

Change all instances of "facility" to "veterinary premises".

Rationale: In accordance with the Veterinary Medicine Practice Act (Bus. & Prof. Code, § 4800 et seq.), the Board registers veterinary premises, not facilities. For consistency with the Practice Act, the Subcommittee recommends the title of CCR, title 24, section 1251 and all subsequent references to veterinary facilities be amended to reflect veterinary premises.

CCR, title 24, section 1251.1. - Strike "All premises where veterinary medicine, veterinary dentistry or veterinary surgery is being practiced and all instruments, apparatus and apparel used in connection with those practices, shall be kept clean and sanitary at all times and shall conform to the standards of this section."

Rationale: This is a practice standard and not a building standard. This practice standard is also duplicative of CCR, title 16, section 2030, subsection (a)(1).

CCR, title 24, section 1251.1. - Add "Unless otherwise specified in this section, all veterinary premises shall contain the following:"

Rationale: This provides a clear statement that all veterinary premises must contain everything within the list, unless specified.

Re-number CCR, title 24, section 1251.2 as item 1 within section 1251.1, remove references to "halls, wards, reception areas and examining and surgical rooms, and add "with a viable power source."

Rationale: All areas of the premises should have adequately lighting, not just specified areas. The requirement for a viable power source is proposed to be removed from CCR, title 16, section 2030, subsection (g)(6), since that is considered a building standard.

Move CCR, title 24, section 1251.3 to section 1251.1, item 7., move section 1251.3, item 3., to section 1251.1, item 8.A., move section 1251.3, item 4.1., to section 1251.1, item 7.A., and move section 1251.3, item 4.2., to section 1251.1, item 7.B.

Rationale: These sections are proposed to be reorganized under CCR, title 24, section 1251.1 for ease of reference and improved readability.

Repeal CCR, title 24, section 1251.3, item 4.3.

Rationale: This is a practice standard that is proposed to be added to CCR, title 16, section 2030, subsection (a)(3), in a separate regulatory proposal, and currently exists in CCR, title 16, section 2030.1, subsection (a).

Add CCR, title 24, section 1251.1, item 4.: “All floors, doors, table tops, counter tops, and window coverings shall be non-porous”

Rationale: This provision was determined to be a building standard currently contained within CCR, title 16, section 2030, subsection (g)(7). The proposal would amend the existing regulatory text to add “window coverings” to ensure they are able to be properly sanitized, and would remove “material suitable for regular disinfecting, and cleaning, and shall be cleaned and disinfected regularly” since that specificity is duplicative of introductory language in CCR, title 16, section 2030, and not a building standard. The amended language would then be added to the building standards as section 1251.1, item 4.

Repeal CCR, title 24, sections 1251.4, 1251.4.1, 1251.4.4, and 1251.4.5

Rationale: These are practice standards contained within existing CCR, title 16, section 2030, introductory text, and subsection (f)(3), (5), and (7), respectively.

Add CCR, title 24, section 1251.1, item 8.A.-C.

Rationale: This section contains building standards for veterinary premises providing aseptic surgical services that currently exist under but are proposed to be removed from CCR, title 16, section 2030, subsection (g)(1), (4), and (5), respectively.

Add new CCR title 24, section 1251.2, subsection (a), to exempt animal vaccination veterinary premises from requiring them to have a reception room and office and a separate examination room of sufficient size to accommodate the doctor, assistant, patient, and client.

Rationale: Animal vaccination veterinary premises are tied to scheduled vaccination

events that may occur in a building, park, parking lot, or other location. It would be overly costly, unnecessary, and burdensome to require these scheduled events to have a reception room and office and a separate examination room of sufficient size to accommodate the doctor, assistant, patient, and client. Such a requirement also would decrease client and animal patient access to critical vaccination services.

Add new CCR, title 24, section 1251.2, subsection (b), to define “large animal fixed veterinary premises” and exempt this premises type from the requirements of section 1251.1, item 6.

Rationale: Large animal fixed veterinary premises are often outdoor in pastures or barns. Veterinarians have no control over the outside temperature or ventilation. As such, it is largely impossible for a large animal fixed veterinary premises to comply with temperature or ventilation regulations, and the regulatory proposal would exempt these premises from these requirements.

Add new CCR, title 24, section 1251.2, subsection (c) to define “animal shelter premises” and exempt that premises type from being required to provide a reception room and office and a separate examination room of sufficient size to accommodate the doctor, assistant, patient, and client.

Rationale: Veterinary professionals at animal shelter premises provide veterinary services solely to impounded animals and do not interact with the public. Therefore, requiring a reception room and office and separate examination room to accommodate the doctor, assistant, patient, and client is unnecessary. Accordingly, the regulatory proposal would exempt animal shelter premises from this requirement.

Action Requested:

If the MDC agrees with the Subcommittee recommendations, please entertain a motion to recommend the Board take the following actions:

Approve the regulatory text for CCR, title 24, section 1251.

Direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the text and the package, and set the matter for a hearing if requested.

If after the 45-day public comment period, no adverse comments are received, and no public hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt the proposed regulations as described in the text notice for CCR, title 24, section 1251.

Attachment

1. Proposed Regulatory Language to Amend CCR, Title 24, Section 1251 (Veterinary Premises)

California Code of Regulations
Title 24.
SECTION 1251 [CA]
VETERINARY FACILITIES PREMISES

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Amend sections 1251.1 and 1251.2 and repeal sections 1251.3, 1251.4.1, 1251.4.2, 1251.4.3, 1251.4.4, and 1251.4.5 in Chapter 12 of Part 2 of Title 24 of the California Code of Regulations to read as follows:

1251.1

~~All premises where veterinary medicine, veterinary dentistry or veterinary surgery is being practiced and all instruments, apparatus and apparel used in connection with these practices, shall be kept clean and sanitary at all times and shall conform to the standards of this section. [Practice Standard: CCR § 2030(a)(1)]~~ Unless otherwise specified in this section, all veterinary premises shall contain the following:

~~1251.21. Indoor lighting for halls, wards, reception areas and examining and surgical rooms shall be adequate for their its intended purpose. All surgical rooms shall be provided with emergency lighting with a viable power source.~~

~~1251.3 A veterinary facility where animals are housed shall contained the following: [moved to section 1251.1 item 7.]~~

~~12. A reception room and office, or a combination of the two.~~

~~23. An examination room separate from other areas of the facility veterinary premises and of sufficient size to accommodate the doctor, assistant, patient, and client.~~

~~3. A surgery room separate and distinct from all other rooms. [Amended and moved to section 1251.1 item 8.A.]~~

~~4. Housing In those veterinary hospitals where animals are retained for treatment or hospitalization, the following shall be provided:~~

~~4.1. Separate compartments, one for each animal, maintained in a sanitary manner so as to assure comfort. [Moved to section 1251.1 item 7.A.; no changes.]~~

~~4.2 Facilities allowing for the effective separation of contagious and noncontagious cases. [Amended and moved to section 1251.1 item 7.B.]~~

~~4.3 Exercise runs which provide and allow effective separation of animals and their waste products. [Practice Standard CCR § 2030 (a)(3)]~~

~~Note: Where animals are kept in clinics for 24 hours or more, walking the animal meets this requirement. [Practice Standard CCR § 2030 (a)(3)]~~

4. All floors, doors, table tops, counter tops, and window coverings shall be non-porous. [Amended and moved from CCR § 2030(g)(7)]

~~1251.4 Practice Management.~~

~~1251.4.1~~

~~Veterinary facilities shall maintain a sanitary environment to avoid sources and transmission of infection. This is to include the proper routine of disposal of waste materials and proper sterilization or sanitation of all equipment used in diagnosis or treatment. [Practice Standard CCR § 2030 (a)(1)]~~

~~1251.4.2-5. Fire precautions shall meet the requirements of local and state fire prevention codes.~~

~~1251.4.36. The temperature and ventilation of the facility veterinary premises shall be maintained so as to assure the comfort of all patients.~~

~~1251.4.4~~

~~The veterinary facility must have the capacity to render adequate diagnostic radiological services, either in the hospital or through other commercial facilities. Radiological procedures shall be in accordance with state public health standards. [Practice Standard CCR § 2030 (a)(7)]~~

~~1251.4.5~~

~~Sanitary methods for the disposal of deceased animals shall be provided and maintained. Where the owner of a deceased animal has not given the veterinarian authorization to dispose of the animal, the veterinarian shall be required to retain the carcass in a freezer for at least 14 days. [Practice Standard CCR §§ 2030 (a)(10), 2030.1(a)]~~

7. A veterinary facility where if animals are housed or retained for treatment, the following shall contain the following be provided: [Amended and moved from 1251.3]

A. Separate compartments, one for each animal, maintained in a sanitary manner so as to assure comfort. [Moved from section 1251.3 item 4.1; no changes.]

B. ~~Facilities allowing for the e~~Effective separation of known or suspected contagious and noncontagious cases animals. [Amended and moved from section 1251.3 item 4.2.]

8. A veterinary premises that provides aseptic surgical services shall comply with the following: [Moved from CCR § 2030(g)]

A. A surgery room, separate and distinct from all other rooms shall be reserved for aseptic surgical procedures that require aseptic preparation. A veterinarian may perform emergency aseptic surgical procedures in another room when the room designated for aseptic surgery is occupied or temporarily unavailable. [Amended and moved from section 1251.3 item 3 and CCR § 2030(g)(1).]

1. The Veterinary Medical Board (Board) may exempt a fixed veterinary premises that is currently registered with the Board, but does not have a separate aseptic surgery room, where it determines that it would be a hardship for the veterinary premises to comply with the provisions of paragraph A. In determining whether a hardship exists, the Board shall give due consideration to the following factors: [Amended and moved from 2030(g)(1)(B)]

(i) Zoning limitations.

(ii) Whether the premises constitutes a historical building.

(iii) Whether compliance with this requirement would compel the veterinary premises to relocate to a new location.

B. The surgery room shall not contain a functional sink with an open drain. [Moved from CCR § 2030(g)(4)]

C. The doors into the surgery room must be able to be fully closed, fill the entire door space, be made of non-porous material and not provide access from outside the veterinary premises. In cases where the size of the animal prevents entry to a fixed veterinary premises via a regularly-sized door, doors for outside access are permitted as long as such doors are able to be fully closed, fill the entire door space and be made of non-porous material. [Moved from CCR § 2030(g)(5)]

1251.2

(a) An animal vaccination veterinary premises, as defined in section 2030.3 of Article 4 of Division 20 of Title 16 of the California Code of Regulations, shall meet all minimum standards specified in section 1251.1 except for items 2 and 3 of that section.

(b) For purposes of this section, a “large animal fixed veterinary premises” shall mean a building where veterinary services are being provided to equines or food animals and livestock, as defined in section 4825.1 of the Business and Professions Code. A large animal fixed veterinary premises shall meet all minimum standards specified in section 1251.1 except for item 6 of that section.

(c) For purposes of this section, “animal shelter premises” shall mean a building or portion(s) thereof where veterinary services are being provided to animals impounded by a privately or publicly operated agency or organization and does not meet the exception criteria pursuant to paragraphs (4) and (5) of subdivision (a) of 4827 of the Business and Professions Code. An animal shelter premises providing veterinary services solely to impounded animals shall meet all minimum standards specified in section 1251.1 except for items 2 and 3 of that section. This includes post adoption veterinary services to animals adopted from the same premises within thirty days of adoption.