



MEMORANDUM

DATE	October 4, 2024
TO	Veterinary Medical Board (Board)
FROM	Justin Sotelo, Policy Specialist
SUBJECT	Agenda Item 7. Update, Discussion, and Possible Action on Pending Regulations

The Board currently has seven rulemaking packages pending in various stages of the initial phase of the rulemaking process, as described below.

Updates or changes in the status of rulemaking packages since July 2024 are provided below:

Drug Compounding—California Code of Regulations (CCR), Title 16, Sections 2036.5, 2090, 2091, 2092, 2093, & 2094: IN PROCESS

Update: This regulatory package is being prepared by staff for the initial phase of the rulemaking process.

Summary of Proposed Changes: This regulatory proposal would: (1) make technical revisions regarding animal health care tasks performed by permit holders and veterinary assistants (CCR, tit. 16, § 2036.5); (2) make technical revisions regarding Registered Veterinary Technician (RVT) drug compounding under the supervision of a veterinarian in a registered veterinary premises (CCR, tit. 16, §§ 2090, subs. (a), (b), 2091, subs. (b), (c)); (3) add a definition for “immediate use” (CCR, tit. 16, § 2090, subs. (e)); (4) clarify the definition of “office stock” regarding administration and dispensing of the office stock (CCR, tit. 16, § 2090, subs. (f)); (5) clarify the policy and procedure and master formula document requirements and documentation requirements for animal patient specific compounded drug preparations (CCR, tit. 16, § 2092, subs. (a)-(d)); (6) establish documentation requirements for immediate use compounded drug preparations (CCR, tit. 16, § 2092, subs. (e)); (7) clarify compounded drug preparation documentation requirements in animal patient medical records (CCR, tit. 16, § 2092, subs. (f)); (8) make technical corrections regarding drug compounding training requirements (CCR, tit. 16, § 2092, subs. (g)); (9) establish expiration of non-immediate use intravenous (IV) or subcutaneous (SQ) compounded drug preparations (CCR, tit. 16, § 2093, subs. (c)); and (10) clarify drug compounding labeling requirements for office stock, establish labeling requirements for IV, intramuscular, and SQ drug preparations, and establishing labeling requirements for compounded drugs requiring refrigeration (CCR, tit. 16, § 2094).

VCPR, Definitions, and RVT Tasks Updates (RVT Vaccine Administration)—CCR, Title 16, Sections 2032.1, ~~2034~~2032.25, and ~~2036~~2038.5 (Section 100 Rulemaking): REEVALUATED; IN PROCESS

Update: As a result of Senate Bill (SB) 669 (Cortese, Chapter 882, Statutes of 2023) and Assembly Bill (AB) 1399 (Friedman, Chapter 475, Statutes of 2023), staff met with Regulations Counsel and Board Counsel on August 16 to reevaluate this regulatory proposal, which had been pulled from Business, Consumer Services, and Housing Agency (Agency) review last year. The two bills either covered the same subject matter as the regulatory proposal or duplicated existing veterinarian-client-patient relationship (VCPR) provisions in CCR section 2032.1. At the conclusion of the meeting, it was determined that, due to the statutory changes that resulted from the two bills, CCR section 2032.1 and the proposed regulatory text were no longer necessary. Instead, a Section 100 regulatory package will now be pursued to repeal CCR section 2032.1 and amend CCR sections 2032.25 and 2038.5 to update references to the VCPR provisions under new Business and Professions Code (BPC) section 4826.6.

Summary of Proposed Changes: The previous proposed regulatory text would have authorized RVTs to act as an agent of the supervising veterinarian to establish the VCPR for purposes of administering preventative or prophylactic vaccinations or medications for the control or eradication of apparent or anticipated internal or external parasites to animal patients. To establish the VCPR, the proposal would have required RVTs, under direct veterinarian supervision, to examine the animal patient and administer the vaccines/medications according to written protocols and procedures, as specified. The proposal would have also required the supervising veterinarian and RVT to sign and date a statement whereby the supervising veterinarian would remain responsible for the acts of the RVT, and authorizing the RVT to act as the veterinarian's agent only for administering the vaccines/medications. Finally, the proposal would have required RVT disclosure to the client and required the supervising veterinarian to review the required documentation prior to prescribing or dispensing vaccines/medications.

However, as noted above, due to the statutory changes that resulted from SB 669 and AB 1399, CCR section 2032.1 and the previous proposed regulatory text are no longer necessary. A Section 100 regulatory package (repealing CCR section 2032.1 and amending CCR sections 2032.25 and 2038.5) will now be pursued and submitted to the Office of Administrative Law (OAL).

Minimum Standards for Alternate Veterinary Premises—CCR, Title 16, Sections 2030, 2030.05, 2030.1, 2030.2, and 2030.3: IN PROCESS

Update: Board staff prepared the regulatory package for the initial phase of the rulemaking process, and it was submitted to the Department of Consumer Affairs (DCA) Budget Office and Regulations Counsel for pre-review in July. On August 1, the Budget Office approved the package. Staff is working with Regulations Counsel to finalize the package for DCA Director review and approval.

Summary of Proposed Changes: The amendments will standardize language utilized in modern veterinary practice and update the requirements for fixed veterinary premises, mobile veterinary premises, vaccination veterinary premises, and shelter premises. Additionally, the amendments will remove all apparent building standards, including any exemptions to those standards, from title 16. The proposed language: (1) provides for the needs of large animal practitioners and limitations they have for equipment or movement of large animals; (2) provides for the various mobile veterinary premises types, including house calls and services for equines or food animals/livestock; (3) clarifies personnel authorized to provide vaccinations at a veterinary premises and the veterinarian's responsibilities; and (4) sets specified requirements for animal shelters.

Veterinary Facilities—CCR, Title 24, Section 1251: IN PROCESS

Update: On August 2, the regulatory package was submitted to DCA, the California Building Standards Commission (CBSC), and Agency for initial review. On the same date, the package was approved by the DCA Director, and on August 21, the package was approved by Agency. On August 23, the Notice of Proposed Action was published with OAL, which initiated the 45-day comment period. The 45-day comment period concludes on October 7. If no comments are received, staff will proceed with submitting the package to DCA and CBSC for final phase review.

Summary of Proposed Changes: This building standards proposal would move existing building standards and related exemptions from the Alternate Veterinary Premises proposal to CCR, title 24, section 1251 and move from that section any practice management standards to title 16.

Veterinarian Graduate Student Exemption / RVT Examination Eligibility—CCR, Title 16, Sections 2027 and 2027.5: REEVALUATED; WILL BE PURSUED VIA LEGISLATIVE PROPOSAL

Update: On August 23, staff met with Regulations Counsel and Board Counsel to reevaluate this proposal. After a discussion with the American Association of Veterinary State Boards in September and further consideration, it was determined that a better and quicker solution would be to amend BPC section 4841.5. Specifically, this legislative amendment would allow accredited veterinary graduates to sit for the Veterinary Technician National Exam (VTNE), thus creating a pathway to RVT registration for those individuals. This proposed amendment is included in the legislative proposal being considered by the Multidisciplinary Advisory Committee and Board in October.

Summary of Proposed Changes: This proposed legislative amendment would allow accredited veterinary graduates to sit for the VTNE, thus creating a pathway to RVT registration for those individuals.

Records—CCR, Title 16, Section 2032.3: IN PROCESS

Update: At the July 2024 meetings, the MDC and Board reviewed and approved the updated regulatory proposal. The proposal had been updated after meetings with

the California Veterinary Medical Association and the California Horse Racing Board to address concerns. The previous proposed provision to add client payment records to the record keeping requirement was removed (after considering the totality of concerns raised by stakeholders). At the July 2024 meeting, the Board also approved corresponding legislative amendments to BPC sections 4826.6 and 4855. Once these amendments are enacted, staff can proceed with the initial phase of the rulemaking process.

Summary of Proposed Changes: This regulatory proposal addresses the following: (1) changes the logical order of the required information that makes up an animal patient record to follow a SOAP (Subjective, Objective, Assessment, and Plan) format for recording patient medical encounters and medical record documentation, which is taught in the majority of veterinary schools; (2) addresses animal patient record keeping requirements for single patient records and group records; (3) makes animal patient record keeping requirements less prescriptive; and (4) addresses when a copy or a summary of records must be provided to the client, or the client's authorized agent.

California Examinations, 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, 2021-2021.10, 2068.6, and 2086.4 (Section 100 Rulemaking): IN PROCESS

Update: This Section 100 regulatory package is being prepared by staff for review by the DCA regulations unit.

Summary of Proposed Changes: This Section 100 regulatory package is intended to conform the regulations to recent changes in statute related to California state board and veterinary technician examinations, temporary licenses, California curriculum, appeals of examination results, and RVT continuing education credit.

Location of Office / Wellness Evaluation Committee Name Update—CCR, Title 16, Sections 2000, 2070, 2075, 2076, 2077, 2079, 2080, 2081, and 2082 (Section 100 Rulemaking): IN PROCESS

Update: This Section 100 regulatory package is being prepared by staff for review by the DCA regulations unit.

Summary of Proposed Changes: This Section 100 regulatory package is intended to update the Board's physical address in regulation and update references of the Diversion Committee to refer to the retitled Wellness Evaluation Committee.

Attachment

1. Attachment No. 1: Status of Pending VMB Regulations – Updated October 4, 2024

Status of Pending VMB Regulations

Rulemaking Title	Current Status	INITIAL PHASE										FINAL PHASE					Effective Date
		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	
Drug Compounding	Staff preparing regulatory package for initial phase	4/19/2022 10/18/2023 01/16/2024	01/25/2023 Re-Approved on 04/17/2024														
VCPR, Definitions, and RVT Tasks Updates (RVT Vaccine Administration)	Pulled from Agency Review at Board's Request due to enactment of SB 669; Reevaluated with Regulations/Board Counsel on 08/16/2024; original proposal no longer necessary; a Section 100 regulatory package will now be pursued	10/18/2022	01/25/2023	04/13/2023	10/05/2023	10/11/2023	10/13/2023 Submitted 10/24/2023 Pulled from Review										
Minimum Standards for Alternate Veterinary Premises	Regulatory package submitted to DCA for pre-review; Staff working with Regulations Counsel to move package forward for DCA Initial Review	2017-2024	11/14/2018 04/19/2023 10/18/2023 Combined with the Minimum Standards for Shelter Premises Package Re-Approved on 04/17/2024	7/11/2024 Re-Approved by Budget Office on 08/01/2024													
Veterinary Facilities	45-Day Comment Period (concludes on 10/07/2024)	12/08/2023	04/17/2024	07/08/2024	08/02/2024	08/02/2024	08/02/2024 Submitted to Agency/CBSC 08/21/2024 Approved	08/09/2024 Submitted 08/23/2024 Published	08/23/2024 through 10/07/2024	N/A							
Veterinary Graduate Student Exemption / RVT Examination Eligibility	Reevaluted with Regulations/Board Counsel on 08/23/2024; a legislative amendment will instead be pursued	04/23/2014	07/17/2019	04/06/2023													
Records	Approved by MDC & Board on 07/23&24/2024; once legislative amendments are enacted, staff can proceed with initial phase of the rulemaking process	06/26/2023 08/29/2023	07/24/2024														

Red Text = Updates since last meeting

= Completed

= Current Status/ Pending

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		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	Effective Date
California Examinations, Temporary License, California Curriculum, and Appeals Process of Examination Results (Section 100)	Section 100 regulatory package being prepared by staff	N/A	01/28/2021														
Location of Office/Wellness Evaluation Committee Name Update (Section 100)	Section 100 regulatory package being prepared by staff	N/A	N/A														