

**Reg/Leg Report**  
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**MULTIDISCIPLINARY ADVISORY COMMITTEE (MDC) -**

The Veterinary Medical Board's MDC met on April 19 in Sacramento.

**The MDC has been working on defining Minimum Standards for Alternate Premises.** Drs. Jon Klingborg and Richard Sullivan participated in a CVMA Task Force on the subject. They reported that there was some confusion on the role of the VMB and the CVMA within the shelter community.

The Task Force is, among other things, looking to clarify the role of the RVT in a shelter environment and potentially recommend that RVTs be able to perform more services without the presence of a veterinarian. The CVMA Board of Governors will be reviewing their Task Force's recommendations and will present their final recommendations once the Board of Governors has approved them.

During the discussion it became clear that there are at least 4 different types of shelters, each with their own issues that may require a different type of regulation:

1. Public, government animal control/shelter
2. Private, humane society type shelter
3. Hybrid, where private group contracts to perform animal control services at shelter
4. Veterinary hospital that houses a shelter

Legal Counsel will be researching if the standards of medicine that are applied to private practice are the same that should be applied to the shelter environment.

The MDC approved a motion to direct their sub-committee to reach out to stakeholders with a list of questions including the number of impounds, the number & type of staff, whether a DVM is on-premise or on-call, so they can get a handle on the various shelter environments. The data will be reviewed at the July meeting in preparation for an "open meeting" in October with the stakeholders.

**David Johnson, RVT reported on his sub-committee's work on Extended Duties for RVTs.** Mr. Johnson reported that while he received a lot of positive comments, he needed more input from stakeholders on just what types of duties they would like to see RVTs be able to perform that they can't now. Some suggestions included cat castration in shelters; RVTs administering rabies vaccines at public clinics without a veterinarian present; update RVT emergency tasks; review dental procedures; home care; RVT hold a Premise Permit for a shelter; RVTs at rodeos. Mr. Johnson will be reaching out to stakeholders for their input prior to the next meeting.

**The MDC discussed the Sunset Hearing held by the legislature on March 14.** The members of the MDC stated that they felt that the MDC has been spending a significant amount of time addressing RVT issues and therefore, there was no need to reconstitute the RVT Committee as suggested by CaRVTA. They were also surprised by comments from members of the public at the hearing who stated that they felt that the VMB was too influenced by CVMA. Annemarie DelMugnaio, the Executive Officer of the VMB, commented that the VMB's role is the protection of the consumer, not the profession.

It was also reported that SB 1195, the legislation that will reapprove the Veterinary Medical Board after Sunset Review, had some difficulty in the Senate Business and Professions Committee when it was heard

on April 18. The difficulty was apparently based on the inclusion of new language that gives the Director of Consumer Affairs veto power over regulations he considers to be anti-competitive. This new language was inserted in reaction to a Supreme Court decision that requires boards to have non-licensee oversight.

**There was considerable discussion about Sec. 4830 (a)(5) of the Veterinary Practice Act, a statute that exempts veterinary students in their junior and senior years from having to have a license as long as they are performing veterinary job tasks as part of their educational experience under the Direct Supervision of a licensed veterinarian, both on and off campus.**

**Also discussed was Sec. 2027, a regulation that allows veterinary students who are in their junior and senior year and graduates of veterinary school to perform RVT job tasks.** At first, the discussion centered on the fact that allowing graduates of veterinary schools to perform as RVTs in perpetuity was probably not the intention of the regulation. After further review it became clear that there is probably no statutory authority to allow veterinary students or graduates to perform RVT job tasks at all. Nancy Ehrlich, RVT, CaRVTA's Regulatory Advocate, suggested that the MDC consider recommending that junior veterinary students be allowed to sit for the RVT exams. The MDC will consider whether creating a new exemption or a new RVT eligibility category is appropriate.

The MDC approved a motion to direct staff to review the language of 4830 (a)(5) and suggest improved language so that it's intention is clear. Since 4830 is a statute, any changes will have to be made by the legislature.

**The next meeting of the MDC will be on July 19. The location has not been determined.** Agenda items for the next meeting include: Expert Witnesses; Shelter Medicine; Minimum Standards; Veterinary Student Exemption; Extended Duties for RVTs.

## **VETERINARY MEDICAL BOARD (VMB) –**

The VMB met on April 22-23 in Sacramento. New Public Member, Lee Heller, PhD, JD, was sworn in. Dr. Allan Drusys was reappointed to a second term on the MDC. Mr. Justin Johnson was appointed as a Public Member to the Diversion Evaluation Committee.

**The VMB staff reported that the Veterinary Assistant Controlled Substance Permit (VACSP) program was still waiting for final approval from the Department of Finance and the Office of Administrative Law (OAL).** Staff is now in place to administer the program and is just waiting for final approval before the program is launched, presumably this summer. Once the regulation goes into effect, all veterinary assistants who access controlled drugs will need to hold a VACSP. Until that time, those assistants need to pass a background check.

**The RVT Alternate Route School Approval regulation (approved in July, 2015) as well as the RVT Student Exemption regulation (approved in October, 2015) are still in the pipeline waiting for a public hearing.** The regulations will move forward as the VMB's schedule permits.

**There was considerable discussion about Sec. 2064, a regulation that went into effect in January, 2015, that clarifies how AVMA approved RVT Schools can apply for California approval.** There had been some confusion at the VMB whether AVMA approved RVT Schools were automatically approved and whether 2064 includes some requirements that are duplicative. Legal Counsel requested more time to review the regulation before considering any amendments. **After considerable urging by CaRVTA, the VMB agreed to send a letter to all AVMA approved RVT Schools in California informing them that they must apply for California approval, since there are multiple statutes and regulations that**

**require the schools to be approved by California and for applicants for the RVT exam to be graduates of approved programs.**

**The VMB staff reported that the OAL had rejected amendments to 2043, the regulation concerning Cite and Fine, because it lacked clarity.** The VMB approved a new amended version and will resubmit the new language to the OAL.

**In response to CaRVTA's concern at the Sunset Hearings that RVT issues were not being given sufficient attention, Ms. DelMugnaio reported that the VMB will start having an RVT Report as a regular part of its meetings.** The RVT on the VMB will report on any issues pertaining to RVTs that are in process, which will not only give interested parties information but an opportunity to ask questions and make comments. Any items needing action will be placed on the next meeting's agenda. The VMB members agreed that they did not feel that a new RVT Committee was necessary as RVT issues are being handled by the MDC.

**CaRVTA had requested during Sunset Review that the Law Exam be administered as a mail-out exam just as the veterinary law exam is.** The VMB's response was that veterinarians also take a State Board exam that includes regulatory issues. They also responded that the Office of Professional Exam Services (OPES) said that in order to transition to the VTNE, a valid exam, not a mail-out exam, had to be administered on those issues not included on the VTNE. Ms. DelMugnaio also stated that the cost of the current Law Exam may actually exceed the \$175 current fee and that she needs to bring in an outside auditor to determine the appropriate cost. CaRVTA had requested that the fee be lowered as had been anticipated when the transition occurred.

**As part of SB 1195, the Sunrise legislation, new language is being added to the Veterinary Practice Act that will allow veterinarians to compound drugs and RVTs to compound under the Direct Supervision of a veterinarian. This will be the first new job task for RVTs since 2007.** California veterinarians have been compounding drugs for years, but it turned out that they did not have the statutory authority required by the FDA to do so.

**The VMB is establishing a Task Force of stakeholders to come up with language for a regulation on Animal Rehabilitation.** The VMB has made several attempts to come up with acceptable language, but has had to withdraw previous recommendations due to a great deal of controversy around this subject. The VMB hopes that by including all of the possible stakeholders on the Task Force that the final product will be workable. CaRVTA and CVMA will each have a representative on the Task Force. It is anticipated that the Task Force will meet twice in Sacramento with Dr. Mark Nunez chairing, Lee Heller representing the VMB and Dr. Jon Klingborg representing the MDC.

**The VMB approved a motion to refer to the MDC the issue of RVTs at rodeos.** Currently, rodeos are required to have a veterinarian on-call, with the veterinarian reporting injuries to the VMB. Since very few injury reports have been filed with the VMB, it is clear that animal injuries at rodeos are not receiving appropriate attention. The legislature is suggesting that requiring a veterinarian be on-site, or an RVT on-site with a veterinarian on-call, would improve the situation for the animals. RVTs are already permitted under Sec. 2069 to provide Emergency Care when a veterinarian is not present. The MDC will review in implications of 2069 for rodeos as a priority.

**Starting on January 1, 2018, veterinarians will be required to attend at least 1 hour of CE on Medically important Antimicrobials every 4 years.** This CE applies to both large and small animal practitioners in an attempt to educate veterinarians about the importance of reserving certain important antibiotics for human use.

**SB 1195 will also include language to require veterinarians who work on patients at the 2 veterinary schools in California to obtain a University License.** Until now, these veterinarians have been exempt from obtaining a license, which has caused problems for clients who made complaints to the VMB. Without requiring a license, the VMB has no authority to discipline. University veterinarians will not be required to take the national licensing exam, but will be required to pass the law exam and the exam on regional diseases.

**Staff reported that in most cases, they are now offering RVTs a probationary license rather than denying a license based on previous convictions.** The VMB has found that since the vast majority of RVTs whose licenses were denied ended up appealing the denial and were granted a probationary license anyway. The VMB reserves the right to deny a license in very serious cases, but stated that most cases were convictions long past and the candidate was rehabilitated. The new protocol will save both the RVT and the VMB money and time.

**An inspection Team is being assembled to inspect San Diego Mesa College's RVT program. Mesa College is currently the only RVT School approved by the State of California.**

**Starting in May, the VMB will be holding a series of workshops to review the Occupational Analysis of the RVT Exam and compare it to the VTNE, write new exam items and develop the passing score.** The workshops will be held through October with the new exam questions making their appearance on the exam starting next January. It was reported that for the period of 1-6/15, the pass rate on the Law Exam was 96% (358 candidates). The pass rate for the 7-12/15 period was 94% (366 candidates). So far, for the period of 1-6/16, the pass rate is 81% (165 candidates).

**The pass rate for the VTNE for the 7-8/15 administration was 58% (400 candidates), and 11-12/15 administration was 59% (420 candidates).** Figures are not yet available for the 3-4/16 administration. The VMB will start reporting the exam statistics by school for the VTNE at their next meeting.

**The next meeting will be on July 20-21. The location has not been determined.** The following items will be on the agenda along with any new items developed by the Board President: Sec. 2064; Report on responses to letter to RVT Schools; Animal Rehab Task Force; Update on Cite & Fine; First Aid for Working Dogs; Legislation of Interest.