

Reg/Leg Report  
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February 23, 2018

MDC - The VMB's Multidisciplinary Advisory Committee (MDC) met on February 20 in Sacramento. The MDC has been charged with creating Minimum Standards for Shelters. CVMA created a Task Force with representatives of the shelter community to try to come up with standards. The MDC was presented with proposals from the Task Force. However, the shelter community and CVMA were unable to agree on most issues, so the MDC created a sub-committee to consider:

1. Minimum Standards for shelters
2. Premise Permit & who may be Licensee Manager
3. Define Animal Shelter
4. Authorize RVTs and shelter staff to perform tasks with DVM order

Dr. Richard Sullivan presented a proposal for updated Minimum Standards for

1. Small Animal Fixed Facility
2. Large Animal Fixed Facility
3. Small Animal Mobile Clinic
4. Animal Vaccination Practice
5. Small Animal House Call Practice
6. Large Animal Ambulatory Practice

The MDC accepted the report, which will be reviewed by the VMB in May.

The MDC reviewed proposals to amend Sec. 2035 Duties of a Supervising Veterinarian. The committee could not agree on new language and asked the legal counsel to present new language in May. The decision to enhance 2035 resulted from the discussion of Extended Duties for RVTs. The MDC had decided that it was too difficult to create a list of tasks, but that it should be up to the supervising veterinarian to ensure that the RVT or VA to whom (s)he delegates the task possesses the requisite training and clinical skill as well as demonstrated competency.

The MDC will discuss standards for animal ambulances at the May meeting.

The next meeting of the MDC will be on May 22 in Sacramento

VMB - The Veterinary Medical Board (VMB) met on February 21-22 in Sacramento. Dr. Cheryl Waterhouse was re-elected as President and Dr. Richard Sullivan was re-elected Vice-President. Kathy Bowler, Public Member, was re-elected as the VMB's representative to the AAVSB committee that creates the National Veterinary Licensing Exam (NAVLE).

The VMB reviewed pending regulations.

1. The RVT Education regulation is next in line and is expected to take 12-18 months to go into effect. (It was approved in 2015!)
2. The CA Dept. of Food & Agriculture (CDFA) has a regulation pending concerning the use of medically important antimicrobial drugs. The VMB was very concerned that the proposed regulation defeats the purpose of legislation to limit access to antibiotics in food animals by allowing lay people to fill prescriptions written by DVMs. The VMB will submit additional comments to the CDFA.
3. The VMB reviewed a proposed regulation that would allow RVTs to euthanize terminal patients at a rodeo or other sporting event according to protocol if the veterinarian is not present. Legal counsel will research the difference between "pharmacological agents" and "drugs" and report back in May.
4. The VMB previously approved moving Casting & Splinting to Indirect Supervision for RVTs only. This initiated discussion about how tasks under Indirect Supervision for RVTs should be listed in the Practice Act without causing confusion. Sec 2036(b) lists tasks that an RVT may perform only under Direct Supervision. Sec. 2036 (c) lists tasks that an RVT may perform under Indirect Supervision. Currently, there is only 1 task listed - Administer controlled substances. The VMB wanted to add casting & splinting to the list. Nancy Ehrlich brought up the point that by placing only 2 tasks on the list, it appears that these are the only tasks that an RVT may perform under Indirect Supervision. The VMB agreed that this could lead to confusion. Legal counsel will review the language of Secs. 2036 (c) and 2036.5 to insure clarity.

The VMB took the following action on pending legislation.

1. A motion to Watch AB1776, which would allow for the use of ambulances to transport injured police/fire dogs.
2. A motion to Watch AB1753, which will restrict the number of printers who can produce controlled substance Rx pads.

3. Decided to work with the author of a potential bill sponsored by CVMA that would allow veterinarians to “discuss and recommend” the use of cannabis. There was much discussion about how far the language should go to protect veterinarians from losing their DEA licenses if they recommend cannabis in the absence of research.
4. The VMB agreed to work with CVMA to improve a proposal that allows veterinarians to provide services to animals during a declared emergency.
5. Agreed to support new language to deal with Premise Permits after the discipline of a licensee manager or owner of the premise.
6. A motion to Watch AB2300, which would allow veterinarians to use 6 hours of self-study CE to perform pro-bono low-income spay & neuter.
7. Supported amending Sec. 4848 to allow the Veterinary Law Exam to be administered electronically as well as by regular mail.
8. Discussed the need to be able to offer probationary VACSPs as they can with DVM & RVT licenses.

The VMB discussed the issue of corporations that own veterinary practices making medical decisions. Some corporations have employment contracts that require certain services. Legal counsel does not approve of “packages” or flow charts prescribed by the corporation. The issue was put on the agenda for more discussion with stakeholders at the August meeting.

**President’s Report** - Dr. Waterhouse reported that the DCA is studying all Board sizes. Board budgets are related to their size. She also noted that the AAVSB has language for telehealth.

**RVT Report** – Jennifer Loreda, RVT reported that there is a lot of misconception in the RVT community about the proposed fee increases and about costs in general. She encouraged RVTs to use reliable sources for their information, like CaRVTA, CVMA and the VMB.

**Consumer Protection Enforcement Initiative (CPEI)** – Approved adding US military and foreign countries to the list of agencies that applicants must report previous disciplinary action when applying for licensure in CA.

**Telehealth** – The VMB decided to create a sub-committee to work on the issue of where a DVM or RVT need to be licensed in order to provide veterinary care through telemedicine. It has been assumed that they need to be licensed in the state where the patient lives. It was suggested that states could form compacts to allow DVMs to continue to serve their clients that move to another state. Legal counsel also opined that telephone calls do not constitute telemedicine. The VMB also approved a motion to remove “diagnosis” from allowable procedures during telemedicine as they believe that a veterinarian may only continue treatment, not initiate treatment without a physical exam.

A representative of Maximus, the preferred diversion program used by the VMB, made a presentation about their program. They reported that there are currently 5 licensees in the program.

**Admin/Budget Report** - Ethan Mathes reported that the VMB is seeking to make permanent 4 positions handling VACSPs. It was also reported that 85% of all initial denials of applications (for all licensees) is for VACSPs due to this population having a lot of criminal convictions. No figures were available for how many of those initially denied end up getting a permit.

**Exam Licensing Report** – The OPES will be presenting its report on the comparison of the VTNE Exam Plan to the CA Occupational Analysis. Nancy Ehrlich asked about the low VTNE passing scores. She also asked why VTNE passing score by school has not been available. Ethan Mathes responded that the AAVSB has not been able to provide the reports for technical reasons. Kathy Bowler, Public Member, agreed to ask the AAVSB to provide passing scores by school as well as state and overall pass rates so we can compare CA pass rates to other states.

The VMB reported that they are currently able to inspect only 12% of Hospitals, not 20% as suggested due to budget concerns.

The VMB decided to send the issue of RVTs performing dental extraction to the MDC on the urging of CVMA, after receiving a letter from a veterinarian who complained that an RVT was exceeding their legal authority.

The next meeting of the VMB will be on May 23-24 in Sacramento.

**Emergency Fee Increase Filing:** The VMB filed an Emergency Fee Increase with the Office of Administrative Law on 2/21/18. [CaRVTA filed a comment opposing increases to the RVT application and exam fees.](#) On 2/23/18. If the OAL moves forward, the fee increases could go into effect in 10 days from the date of filing.

The Physical Therapy Association has sponsored a bill, AB 3013, that would allow licensed PTs with specific training in Animal Rehab to treat animal patients under Indirect Supervision of a veterinarian. The bill would also allow them to set up their own AR premise and receive a special Premise Permit. CVMA is definitely opposed. There was no discussion of the bill at the VMB meeting.