

VMB July 2015

July 20, 2015 - Regulating The RVT Student Exemption, As Mandated By 2011 Law

The MDC discussed proposed language for a regulation defining the terms of the RVT Student Exemption that was provided for in a law that went into effect on January 1, 2011.

The law provides an exemption for RVT students in their “final year” of study, which allows them to perform the restricted RVT tasks as part of their educational experience both on and off campus. The VMB is required by that law to define the parameters of supervision for these students.

At this meeting, the MDC decided that the regulations should apply only to students in approved RVT programs. Once Alternate Route programs are approved, those students would also be provided the exemption, although the MDC was having some difficulty determining just what constituted the “final year” in programs that are shorter than 2 years. The MDC agreed that RVT students should be under the “Immediate Supervision” of a DVM or RVT when performing these tasks, although it was unclear if the law allows RVTs to be the supervisor. For the purposes of this regulation, “Immediate Supervision” means that the supervisor maintains a one to one relationship, is directly engaged and is in the physical presence of the student. The MDC approved the amended proposed regulation and sent it on the VMB for their review.

The VMB approved a proposed change in the law to require faculty at the 2 veterinary schools in California who are involved in the practice of veterinary medicine to be licensed in California or to hold a University License. Since the law currently exempts faculty at the veterinary schools from licensure, this change will require the approval of the state legislature and the governor.

The VMB also approved multiple changes in the Disciplinary Guidelines, the rules used to guide the VMB and administrative law judges when disciplining licensees. The VMB will be publishing a 45-day notice allowing interested parties to comment on the proposed changes. If no one requests one, there will not be a public hearing.

The VMB held a public hearing on September 10 on a proposed regulation for Animal Rehabilitation (AR), the term used for physical therapy when performed on animals. 60 individuals testified at the public hearing. There were hundreds of letters and thousands of signatures on petitions also submitted to the VMB at the hearing. In a very unusual format, more than half of the VMB members did not attend the Public Hearing.

The public testimony and written comments were summarized by VMB staff. Most of the comments from the public suggested that the proposal was too restrictive and would lead to an increase in the cost and a lack of access to AR. Annemarie DeMugnaio, Executive Officer of the VMB, stated that they had determined that the VMB did not have the authority to single out licensed Physical Therapists (PT) as distinct from others not licensed by the VMB. This determination left the VMB with 2 options – pursue a statutory change that would give the VMB the authority to regulate Physical Therapists, or not pursue a new regulation on AR but use existing regulatory authority to enforce the Practice Act.

The VMB voted to send the subject of AR back to the Multidisciplinary Advisory Committee (MDC) with the goal of redefining AR to make the definition less broad, add training requirements for practitioners of AR, reconsidering the requirement for Direct Supervision, reviewing authority of the VMB over PTs and the requirement for Premise Permits. This motion was given a high priority. They also approved a motion withdrawing the previous AR proposal from the regulatory process.

The VMB voted to approve the proposed regulation defining the terms of the RVT Student Exemption. The new regulation, Section 2036.6, will be published for a 45-day comment period. No public hearing will be held unless requested by the public. The

VMB July 2015

regulation on approving Alternate Route schools and eliminating the “ad hoc” option that was approved at the July VMB meeting has been placed in the “pipeline” for regulatory packages and most likely not move forward for at least several months, or as long as a year.

Dr. Jon Klingborg, Chair of the MDC, reported on the activities of his committee. The MDC meeting that had been scheduled for October 22 was cancelled. Dr. Klingborg listed the pending priorities of the MDC: AR; Minimum Standards for Alternate Practice; Sub-Committee on Shelter Medicine (what can an RVT or assistant do when no veterinarian is present); Complaint Process Task Force; Compounding; Veterinary Student Exemption. The next meeting of the MDC will be on January 19.

The VMB discussed the upcoming Sunset Review process where the VMB must report on its activities to the legislature. The VMB must provide the legislature with their report by December 1, so they voted to give a sub-committee consisting of Dr. Mark Nunez and Kathy Bowler, Public Member, the authority to work with Ms. DelMugnaio to finalize the report.

The Veterinary Assistant Controlled Substance Permit(VACSP) program is scheduled to go into effect in January once the new computer system goes live. Once the program is in effect, all assistants who obtain or administer controlled drugs will be required to have a VACSP. In order to obtain a VACSP, the assistant will need to be fingerprinted and found to be free of drug related convictions. Until the VACSP program goes into effect, assistants are required to have been background checked by their employers and found to be free of drug convictions.

The VMB announced that they will begin regularly auditing CE starting in early 2016. They plan to start auditing about 2% of all licensees with an ultimate goal of auditing 5-10% of licensees per month. Licensees will be expected to provide CE Certificates and logs for multi-speaker events. Veterinarians and RVTs must be sure to obtain the certificates and create the logs when they attend CE.

The VMB decided that the following issues will be on the agenda for their next meeting: Election of Officers; possibility of requiring veterinarians to scan patients for microchips; significance of Section 2064, which outlines the exemptions AVMA approved RV T schools have when applying for California approval; the complaint review process/in-house consultants; regulatory update.

The VMB decided their schedule for 2016. They will be meeting on 1/20-22 (Sacramento), 4/20,21 (LA), 7/20/21, 10/19-20. The MDC will be meeting on 1/19. Future meeting dates for the MDC were not determined.