

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW**

In re:)	
)	
VETERINARY MEDICAL BOARD)	DECISION OF DISAPPROVAL OF REGULATORY ACTION
)	
Title 16)	(Gov. Code, sec. 11349.3)
Amend Sections 2070, 2071)	
of the California Code of Regulations)	OAL File No. 02-1127-01 S
)	
_____)	

DECISION SUMMARY

This action would increase the registration and renewal fees for Veterinarians and Registered Veterinary Technicians. It would also delete the provision specifying a lower fee for a Registered Veterinary Technician license which will expire within six months from the date of issuance. On January 14, 2003, the Office of Administrative Law (OAL) disapproved this regulatory action for failure to comply with the clarity standard and because the record contains an incomplete Form 399 Fiscal Impact Statement.

DISCUSSION

OAL is mandated to review each regulation adopted by a state agency pursuant to the APA to determine whether the regulation complies with the “clarity” standard, among other standards. (Gov. Code, sec. 11349.1(a)(3).) “Clarity” as defined by Government Code section 11349(c) means “written or displayed so that the meaning or regulations will be easily understood by those persons directly affected by them.”

The existing language in section 2071 of Title 16 of the California Code of Regulations states, in part:

“(b) The registration fee shall be \$25, provided that the registration fee for a license which will expire within six months from the date of issuance shall be \$10.00.

“(c) The annual renewal fee shall be \$25.00.”

Thus, under the current regulation, a registration good for less than six months is \$10.00, and a registration good for a period of 6 months to one year is \$25.00.

The proposed amendment would establish a fee of \$75.00 for a registration good for a period of one year to two years but does not specify a fee for a registration that will expire in less than one year. Business and Professions Code section 4842.5(b) provides,

“The initial registration fee shall be set by the board at not more than one hundred dollars (\$100), except that, *if the license is issued less than one year before the date on which it will expire, then the fee shall be set by the board at not more than fifty dollars (\$50)*. The board may adopt regulations to provide for the waiver or refund of the initial registration fee where the registration is issued less than 45 days before the date on which it will expire.” (Emphasis added.)

A Board staff member has indicated to OAL that there may be initial licenses issued for periods of less than one year, yet the proposed regulation does not set the fee for such licenses. Had the proposed regulation been approved, it would be impossible to ascertain the fee for an initial registration as a Registered Veterinary Technician valid for a period of less than a year. Therefore the proposed amendment of section 2071(b) of Title 16 of the California Code of Regulations is unclear.

OAL also notes that the Form 399 Fiscal Impact Statement is incomplete. The line for Agency Secretary signature is blank.

CONCLUSION

For the reasons set forth above, OAL has disapproved the amendment of sections 2070 and 2071 of Title 16 of the California Code of Regulations. If you have any questions, please contact me at (916) 324-1921.

January 16, 2003

SHERRY KAUFMAN
Staff Counsel

For:

SHEILA R. MOHAN
Acting Director/Chief Counsel

Original: Susan M. Geranen, Executive Officer
Cc: Deanne Pearce