

INITIAL STATEMENT OF REASONS

RULE 1840. VETERINARY PRACTICES AND TREATMENTS RESTRICTED.
RULE 1890. POSSESSION OF CONTRABAND

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulatory action will amend California Horse Racing Board (Board) Rules 1840, Veterinary Practices and Treatments Restricted, and 1890, Possession of Contraband to define “endoscopy” and provide that only a Board-licensed veterinarian or registered veterinary technician (RVT) may perform an endoscopy within an inclosure or administer any veterinary treatment or medicine to a horse via a hypodermic needle or nasogastric tube within an inclosure. Additionally, the proposed amendments will clarify that Board-licensed veterinarians, RVTs, and veterinary assistants are authorized to possess these items within an inclosure.

PROBLEM

As endoscopy has become a more common procedure in evaluating upper respiratory function, the Board is concerned about unqualified individuals attempting to perform the procedure, which could cause serious harm to a horse as it involves the insertion of an endoscope directly into an organ. Therefore, the Board seeks to allow only Board-licensed veterinarians and RVTs to perform an endoscopy within an inclosure. The term “endoscopy” would be defined in regulation. Additionally, although Board Rule 1840, Veterinary Practices and Treatments Restricted, currently allows only Board-licensed veterinarians to administer a veterinary treatment or medication to a horse within an inclosure, with certain exceptions, the rule does not specifically address such treatment administered via a hypodermic needle or nasogastric tube, and the Board understands that an RVT may at times employ a hypodermic needle or nasogastric tube in treating a horse under the direction of a Board-licensed veterinarian. Thus, the Board seeks to amend the rule to accommodate this accepted practice. Additionally, the Board seeks to amend Board Rule 1890, Possession of Contraband, to clarify that Board-licensed veterinarians, RVTs, and veterinary assistants can have within their possession endoscopes and nasogastric tubes to clarify that they can possess these items within the enclosure to perform authorized procedures.

NECESSITY

The proposed regulatory action will provide numbering to Board Rule 1840 and add subsection (a) to accommodate the addition of subsections (b), (b)(1), and (c). Non-substantive edits will be made to subsection (a) to make the language more concise.

Subsection (b) will be added to Board Rule 1840 to provide that only a Board-licensed veterinarian or RVT may perform an endoscopy within an inclosure to evaluate upper respiratory function or structure, determine pathology, or make a diagnosis. This is necessary because an endoscopy involves the insertion of an endoscope directly into an

organ, which could pose a risk of harm to the horse if performed improperly. Therefore, only qualified individuals should be allowed to perform the procedure.

Subsection (b)(1) will be added to Board Rule 1840 to define “endoscopy.” This is necessary because the term has not yet been defined in the Board’s regulations, and its definition will aid those who reference the rule.

Subsection (c) will be added to Board Rule 1840 to provide that only Board-licensed veterinarians and RVTs may administer any veterinary treatment or medication to a horse via a hypodermic needle or nasogastric tube within an inclosure. This is necessary because subsection (a) allows only Board-licensed veterinarians to administer a veterinary treatment or medicine to a horse within an inclosure. However, RVTs may at times administer such treatment via a hypodermic needle or nasogastric tube under the direction of a Board-licensed veterinarian, and the Board recognizes this as an accepted practice. Therefore, the Board seeks to amend the rule to allow for this accepted practice.

Finally, authority and reference citations will be added to Board Rule 1840 to aid those who refer to the rule and to provide for consistency with regulatory convention, as citations were not included when the rule was implemented.

The proposed regulatory action will amend subsection (a) to Board Rule 1890 to add registered veterinary technician or licensed veterinary assistant to subsection (a), to clarify that RVTs and veterinary assistants are authorized to have within their possession hypodermic needles and syringes to be utilized within a CHRB inclosure.

Subsection (b) of Board Rule 1890 will be amended to add registered veterinary technician or licensed veterinary assistant to subsection (b) to clarify that RVTs and veterinary assistants are authorized to have within their possession any veterinary treatment or medication to be utilized within a CHRB inclosure.

BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

By allowing only Board-licensed veterinarians and RVTs to perform an endoscopy within the inclosure, the proposed regulatory action will help protect the safety and welfare of horses. An endoscopy involves the insertion of an endoscope directly into an organ, which poses a risk to the horse if performed improperly. Thus, it is essential that the procedure be performed only by qualified individuals. Additionally, the proposed amendments will provide clarification that only Board-licensed veterinarians, RVTs, and veterinary assistants can have, within their possession, endoscopes and nasogastric tubes.

TECHNICAL, THEORETICAL, OR EMPIRICAL STUDIES, REPORTS, OR OTHER DOCUMENTS

The Board did not rely on an technical, theoretical, or empirical studies, reports, or other documents in proposing this regulatory action.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The results of the Board's Economic Impact Assessment as required by Government Code (GC) section 11346.3(b) are as follows:

- The proposed regulation will not affect the creation or elimination of jobs within the state.
- The proposed regulation will not affect the creation of new businesses or the elimination of existing businesses within the state.
- The proposed regulation will not affect the expansion of businesses currently doing business within the state.
- The proposed regulation will not benefit the health and welfare of California residents, worker safety, or the state's environment.

The Board has made an initial determination that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulatory action will define "endoscopy" and provide that only a Board-licensed veterinarian or RVT may perform an endoscopy within an inclosure or administer any veterinary treatment or medicine to a horse via a hypodermic needle or nasogastric tube within an inclosure.

CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

The proposed regulatory action will define "endoscopy" and provide that only a Board-licensed veterinarian or RVT may perform an endoscopy within an inclosure or administer any veterinary treatment or medicine to a horse via a hypodermic needle or nasogastric tube within an inclosure. As such, the proposed regulatory action will not result in the creation or elimination of jobs within the state.

CREATION OF NEW BUSINESSES OR THE ELIMINATION OF EXISTING BUSINESSES WITHIN THE STATE OF CALIFORNIA

The proposed regulatory action will define "endoscopy" and provide that only a Board-licensed veterinarian or RVT may perform an endoscopy within an inclosure or administer any veterinary treatment or medicine to a horse via a hypodermic needle or nasogastric tube within an inclosure. As such, the proposed regulatory action will not result in the creation of new businesses or the elimination of existing businesses within the state.

EXPANSION OF BUSINESSES CURRENTLY DOING BUSINESS WITHIN THE STATE OF CALIFORNIA

The proposed regulatory action will define "endoscopy" and provide that only a Board-licensed veterinarian or RVT may perform an endoscopy within an inclosure or administer any veterinary treatment or medicine to a horse via a hypodermic needle or nasogastric

tube within an inclosure. As such, the proposed regulatory action will not result in the expansion of businesses currently doing business within the state.

BENEFITS OF THE REGULATIONS TO THE HEALTH AND WELFARE OF CALIFORNIA RESIDENTS, WORKER SAFETY, AND THE STATE'S ENVIRONMENT

The proposed regulatory action define "endoscopy" and provide that only a Board-licensed veterinarian or RVT may perform an endoscopy within an inclosure or administer any veterinary treatment or medicine to a horse via a hypodermic needle or nasogastric tube within an inclosure. As such, the proposed regulatory action will not benefit the health and welfare of California residents, worker safety, or the state's environment.

ALTERNATIVES TO THE PROPOSED REGULATION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR BUSINESSES

The Board has determined that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATION

The proposed regulatory action was discussed at the September 21, 2023 Board meeting. No alternatives to the regulation were proposed by the Board or by any other individual or entity at the meeting. No subsequent alternative recommendations were made prior to the notice. The Board invites any interested party to submit comments that offer any alternative proposal.

CALIFORNIA HORSE RACING BOARD
February 9, 2024