



Sunset Review Report 2012

VETERINARY MEDICAL BOARD

Presented to the Senate Committee on
Business, Professions and
Economic Development



Embracing the Past and Looking Toward the Future

VETERINARY MEDICAL BOARD

Sunset Review Report 2012

BOARD MEMBERS

Tom Kendall, DVM, President

Kim Williams, RVT, Vice-President

Patti Aguiar, Public Member

Richard G. Johnson, DVM

Judie Mancuso, Public Member

Linda Starr, Public Member

Dick Sullivan, DVM

Cheryl Waterhouse, DVM

EXECUTIVE OFFICER

Susan M. Geranen

Veterinary Medical Board
2005 Evergreen Street, Suite 2250
Sacramento CA 95815

Phone: 916-263-2610; Fax 916-263-2621

Website: www.vmb.ca.gov

Sunset Review Report 2012

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VETERINARY MEDICAL BOARD

Background Information and Overview of the Current Regulatory Program

SECTION 1

Background and Description of the Board and Regulated Profession

EXECUTIVE SUMMARY

The world of veterinary medicine is constantly advancing. The Veterinary Medical Board (Board) strives to stay in the forefront of these many changes while protecting consumers and animals through the development and maintenance of professional standards along with the licensing of veterinarians, registered veterinary technicians, and veterinary premises. All of this is affirmed through the diligent enforcement of the California Veterinary Medicine Practice Act.

Created in 1893, the Board licenses and regulates veterinarians, registered veterinary technicians (RVTs), RVT schools/programs and veterinary premises/hospitals. The Board is composed of eight members: four veterinarians, one RVT, and three public members. An RVT was added as a full member of the Board in 2010 and the RVT Committee consisting of 5 members was sunsetted as of June 30, 2011. Having an RVT member on the Board provides the Board with a broader knowledge of issues relating to the RVT profession. The Board has one statutorily mandated advisory committee, the Multidisciplinary Advisory Committee (MDC) and several working committees that consist of two board members each. The Board's working committees include Administration/Budget, Enforcement, Examination and Licensure, Legislative/Regulatory, RVT, Consumer Education/Newsletter, Continuing Education, Strategic Planning, and a designated liaison Board member to the MDC.

The Board's MDC was created in 2009 by the Legislature to assist, advise, and make recommendations for the implementation of rules and regulations necessary to ensure proper administration and enforcement of the Board's laws and regulations and to assist the Board in its examination, licensure, and registration programs. The MDC is a seven-member committee comprised of four veterinarians, two RVTs and one public member.

The Board's annual budget is approximately \$2.7 million and its mandated contingency fund is maintained at a level of no more than ten months. The Board balances revenues, expenditures, and its contingency fund while maintaining vital consumer protection services such as complaint review, case investigation, application evaluation, licensing, hospital inspections, and consumer outreach. Revenues are from licensing, examinations, collected fines and penalties, and cost recovery. Expenditures are for enforcement, examination, licensing, administration and the diversion program. In its enforcement cases, the Board orders cost recovery to offset enforcement expenditures and seeks restitution for consumers where applicable.

Working with the Department of Consumer Affairs (DCA), various committees, our State Legislature and the many professional organizations, there have been many accomplishments since 2003. Recent accomplishments include a Hospital Inspection Checklist, updated Disciplinary Guidelines, a Board newsletter, implementation of a one-year Limited Term Eligibility Window for RVTs, an updated Radiation Safety Manual, Customer Satisfaction Surveys of Hospital Inspection, and an Enforcement Training Program.

The MDC, as its first priority, worked for more than a year and a half to update the minimum standards of practice and the hospital inspection program. The MDC worked diligently on the standards and the inspection program and these critical projects have been completed and adopted by the Board — a major accomplishment.

Every day, Californians are protected by the veterinary profession through its responsibilities for food safety and control of zoonotic diseases (diseases spread from animals to people). Early recognition of symptoms, aggressive vaccination campaigns, and accompanying education by veterinarians have significantly reduced the public health threat of rabies, the most well-known disease that is transmitted between animals and people. Although there are fluctuations in number of occurrences of other diseases such as tuberculosis, brucellosis, Eastern and Western encephalomyelitis, and West Nile virus, the overall low incidence rate of these diseases is due to the competency of veterinarians who diagnose and supervise preventive medicine programs. In addition, veterinary medicine is on the front line of defense against bio-terrorism threats such as anthrax, foot and mouth disease, and food and water resource contamination.

The veterinary medical profession provides health care to livestock, poultry, and pets from birds, fish, rabbits, hamsters, and snakes to dogs, cats, goats, pigs, horses, and llamas. The quality of health care is on a par with that of human medicine. Currently there are

36 recognized specialties in veterinary medicine such as surgery, internal medicine, pathology, and ophthalmology. In some cases, drugs and procedures are identical in both human and animal medicine. Frequently, techniques and procedures are developed in veterinary medical research prior to their use in human medicine.

The services veterinarians and registered veterinary technicians provide to the food, agricultural, pharmaceutical, research, horse racing, and pet care industries have a major impact on the State's economy. According to the American Veterinary Medical Association (AVMA), veterinary services are a \$1.2 billion industry in the State. Based on 2010 statistics from the California Department of Food and Agriculture, livestock and poultry products alone generate over \$9.8 billion in sales with dairy being the leading commodity.

On page 41 of its 41st Annual Report for FY 2010-2011, the California Horse Racing Board estimates that the horse racing industry generates revenue in California in excess of \$2.9 billion per year. All of these services are dependent on veterinary services and the figures do not include the revenues generated by support industries such as feeds, equipment, construction, advertising, financial services, real estate, and transportation.

In a recently released pet ownership survey based on data from 2011, the AVMA shows that 56% of all American households own at least one pet. A national average shows that dog owners spend approximately \$19.1 billion and cat owners spend approximately \$7.4 billion for veterinary health care maintenance. Ninety percent of dog owners use veterinary services at least once per year and make 2.2 repeat visits, while 75% of cat owners use veterinary services with 1.2 repeat visits per year.

The pet-owning public expects that the providers of their pet's health care are well-trained and are competent to provide these services. The Board assures the public that veterinarians and RVTs possess the level of competence required to perform these services by developing and enforcing the standards for examinations, licensing, and hospital and school inspection. The Board also conducts regular practice analyses to validate the licensing examinations for both veterinarians and RVTs.

Veterinarians practicing on companion animals, including dogs, cats, horses, pocket pets, exotics, etc., see an average of 3,150 clients per year and pay a biennial licensing fee of only \$290. Therefore, the estimated costs of licensing passed on to the consumer for the benefits and protections provided by the Board are minimal and amount to only about four cents per examination.

The Board requires adherence to strict licensure requirements for California veterinarians and RVTs. Additional eligibility pathways have been approved for licensure of internationally trained veterinary graduates and certification of RVTs to allow qualified applicants from other states in the U.S. and countries around the world to come to California and to improve the provision of veterinary health care for consumers and their animals.

Licensees must complete a certain number of approved continuing education hours in each renewal period in order to renew the license. Continuing education regulations for veterinarians require 36 hours of approved continuing education in the two years preceding license renewal. Mandatory continuing education for RVTs became effective on July 1, 2011; therefore, effective July 1, 2013, RVTs are required to have 20 hours of approved continuing education hours completed in order to renew their license.

Enforcement continues to be the Board's priority for consumer protection. Enforcement activities comprise approximately 60% of the annual expenditure budget. Complaints have increased approximately 32% since 2003, going from 586 to 774 annually. Between 2003 and 2009, the Board successfully obtained authority to increase the enforcement staff through Budget Change Proposals (BCPs). Overall staff increased from 9.9 to 13.4 employees. This initially resulted in a decrease in the complaint processing time; unfortunately in 2009, due to furloughs and budget cuts and the State budget crisis, the Board's staff was reduced, resulting in increased complaint processing timeframes and backlogs.

The Board's advisory committee, the MDC, is in the process of updating the guidelines for the Board's citation and fine program as well as other up-and-coming issues, including animal rehabilitation, telemedicine, RVT issues, and complementary and alternative medicine. Both the Board and the MDC are scheduled to participate in training workshops on the enforcement process in January 2013 and March 2013, respectively, in conjunction with the Office of the Attorney General, as one way to be well informed on consumer issues in California.

The Board is also pursuing a spay/neuter license plate program in California that would provide funding for low- and no-cost spay/neuter procedures for the pet-owning public. The Board is partnering with a non-profit group on this program to create a funding source that can be used to alleviate pet over population, reduce euthanasia numbers in government shelters, reduce disease in communities where there are feral animal colonies and provide consumers with no cost or low cost spay/neuter services for their animals.

The Board's goals as stated in its Strategic Plan include decreased enforcement cycle times, enhanced quality and training of hospital inspectors, inspecting existing hospitals every five years and inspecting new hospitals within one year of licensure, and working with DCA to reduce the amount of unlicensed activity occurring in the marketplace.

The Board and its staff are looking forward to new and revised ways to oversee the protection of consumers and animals in areas that include, but are not limited to:

- Telemedicine/telehealth
- Unlicensed activity
- Faculty licensure for the two veterinary colleges in California
- Animal rehabilitation
- Updated citation and fine regulations
- A spay/neuter license plate
- Consumer notification in veterinary hospitals that provides Board contact information
- Approval of RVT schools and programs
- Fingerprinting of veterinary assistants working in veterinary hospitals who have access to controlled substances
- Notice to consumers of the Board's contact information
- Mandatory reporting requirements of impaired professionals

Despite backlog issues resulting from staff vacancies, furloughs, and staff turnaround; the Board and its staff are resilient and are always exploring new ways to improve and maintain services to the public, to provide protection for consumers and their animals and to keep up with the on-going advancement of science in veterinary medicine.

BACKGROUND AND DESCRIPTION

History of the Board

California is a leader in quality animal health care. Most veterinary services are provided at privately owned veterinary premises, mobile clinics, or by house call practitioners. Overall there are approximately 11,000 California licensed veterinarians (8,500 in California); 5,800 (5,300 in California) registered veterinary technicians, and 3,100 registered veterinary premises in good standing. According to the American Association of Veterinary State Boards (AAVSB), California's professional community represents approximately 11.3% of the national total.

Over the years, the Board has updated its statutes and regulations to keep pace with advances in veterinary medicine, changes in the methods of delivery of veterinary services and changes in consumer demands.

- **In 1974, the Board:**
 - » Established the nation's first premises inspection program to assure sanitary conditions and implemented a registration fee to fund it.
- **In 1975, the Legislature:**
 - » Passed a law creating a new profession — Animal Health Technicians. The title designation changed from Animal Health Technicians to Registered Veterinary Technicians in 1994.
- **In 1979, the Board:**
 - » Adopted minimum standards of veterinary practice in conjunction with establishing the inspection program. The minimum standards include premise requirements, practice management requirements, provision of emergency services, mobile clinic standards, record keeping requirements and anesthetic guidelines.
- **In 1984, the Board:**
 - » Implemented a State-wide Diversion Program for impaired professionals.
- **In 1990, the Board:**
 - » Adopted regulations to create a citation and fine program.
 - » Adopted regulations defining "Dental Operation."

- **In 1996/97, the Board:**
 - » Adopted a rule requiring a veterinarian-client-patient relationship (as defined by the Federal Drug Administration) prior to prescribing, dispensing or furnishing a dangerous drug and outlined the information that must be included on the written prescription.
 - » Completed its first sunset review report for the Legislature.
- **From 1996 to 2000, the Board:**
 - » Worked with the public and professional associations to develop core standards for all practices and specific standards for small animal fixed and mobile practices. The updated standards were adopted into regulations in August 2000.
- **In 1997/98, the Board:**
 - » Supported legislation to give RVTs authority to obtain a license from the Drug Enforcement Agency so they could purchase a controlled substance, sodium pentobarbital, to use for purposes of humane euthanasia in animal shelters.
- **In 2003/04, the Board:**
 - » Approved computerization of the RVT examination to improve the efficiency of administering the State Board Examination and reduce costs associated with managing the examination process.
 - » Worked on legislation to clarify the authority of the Pharmacy Board over Internet pharmacies and veterinary drugs
 - » Updated its Strategic Plan.
 - » Held its annual Inspection Training Workshop — a three-day event that included shadowing the new inspectors on actual inspections, and held a Board member enforcement training session on April 20, 2004.
 - » Adopted regulations to clarify and update the examination requirements and to establish criteria for small animal mobile clinics.
 - » Proposed regulations to increase the fine amounts for citations, but had to postpone action due to the State economy and a statewide directive to not increase any fees.
- **In 2004/05, the Board:**
 - » Adopted regulations to update the Minimum Standards of Practice.
 - » Converted the State Board Exam for veterinarians to a computerized testing format.
 - » Developed protocols for providing veterinary care in a shelter without the presence of a California licensed veterinarian.
- **In 2005/06, the Board:**
 - » Began the process of exploring animal rehabilitation and created a task force to investigate the issue.
 - » Adopted regulations that created a new job task for RVTs — creating a relief hole for purposes of inserting an intravascular catheter.
 - » Began a projected five-year plan to increase licensing and renewal fees for veterinarians and RVTs.
- **In 2006/07, the Board:**
 - » Implemented the DCA Applicant Tracking System (ATS) after working with the DCA's Office of Information Technology for over a year to set up the system.
- **In 2008/09, the Board:**
 - » Adopted regulations to implement a one-year LTEW window of opportunity for persons who had been working in the profession for five years or more and who had at least 24 hours of education to be eligible to sit for the RVT State Board Exam and possibly become RVTs.
 - » Moved the office after 27 years in one location.
 - » Implemented a statutory fee ceiling increase.
 - » Implemented the statutorily mandated new MDC and appointed 7 members.
 - » Conducted a two-day strategic planning session in Southern California and invited members of the veterinarian and RVT professions to participate.
- **In 2009/10, the Board:**
 - » Proposed legislation to require continuing education (20 hours every two years) for RVTs which became effective in 2011.
 - » Held a public hearing on a proposed fee increase.
 - » Implemented the one-year LTEW for RVT candidates who had been working in the profession for at least five years and who had at least 24 hours of education.
- **In 2011/12, the Board:**
 - » Revisited the minimum standards of practice and adopted new standards consistent with changes in the profession.
 - » Published the Hospital Standards Self-Evaluation Checklist.

- » Increased its enforcement of unlicensed activity.
- » Initiated regulations to update the regulations governing RVT schools.
- » Began the process for updating its citation and fine regulations and fine amounts.
- » Updated its disciplinary guidelines and is currently completing the regulatory process to incorporate the updated standards into the Veterinary Medicine Practice Act.

Function of the Board

Provide a short explanation of the history and function of the board. Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment B).

The Board has identified and established committees consisting of two members for the purpose of working with staff to research and gather information on Board issues. When the Board requires additional information from the public, it invites interested parties to either a Board or committee meeting to provide the needed input and information.

In light of the Board's limited resources, these informal meetings are a cost-efficient means of gathering information for discussion by the full Board which enhances the process of the Board's public meetings and addresses the needs of the profession and consumers in California.

BOARD COMMITTEES

The Board has one statutorily mandated advisory committee, the MDC, and a variety of two-member ad hoc committees whose members are selected from the Board members by the Board President. The mission of the various ad hoc committees is to support the Board as a whole and to work with staff to implement issues and projects identified by the Board consistent with its Strategic Plan. The committees meet as necessary and report back to the Board on the work of the committee with decisions made at the direction of the full Board. As a rule, the Chairperson gives the committee report to the Board at its regularly scheduled meetings.

► Multidisciplinary Advisory Committee

The Board's MDC was created in statute in 2009 by the Legislature to assist, advise, and make recommendations to the Board for the implementation of rules and regulations necessary to ensure proper administration and enforcement of the Board's laws and regulations and to assist the Board in its examination, licensure and registration programs. The MDC is a seven-member committee comprised of four veterinarians, two registered veterinary technicians and one public member and it meets three times per year in March, June and November. Members of the MDC are appointed by a majority of the Board.

VARIOUS BOARD APPOINTED COMMITTEES

► Administrative/Budget Committee

This Committee meets to evaluate administrative policies involving physical and personnel resources for the Board and the MDC, budget issues and to review Executive Officer issues. The Committee consists of the Board President and another member who work closely with the Executive Officer on issues related to office operations, Board issues, Sunset Review, strategic planning and budget. The Committee Chairperson gives the report to the Board, including any recommendations from the Committee and takes the lead role in special reports for the Board such as Sunset Review.

► Enforcement Committee

This Committee meets as needed to discuss enforcement issues and assist staff in developing enforcement procedures. This Committee also participates in inspector training workshops, and evaluates the hospital inspection and enforcement programs. The members review closed complaints and cases for purposes of evaluating the complaint review process. The Chairperson gives the report to the Board, including any recommendations from the Committee, and takes the lead role in special reports such as Sunset Review.

► Examination and Licensure Committee

This Committee oversees examination workshops as contracted with DCA's Office of Professional Examination Services (OPES). The Committee Chairperson works closely with Board staff to identify and recruit subject matter experts and gives the Committee Report at Board meetings.

► Legislative/Regulatory Committee

This Committee participates in the Board's legislative/regulatory projects and meets as necessary to review current statutes, rules, and proposed statutory/regulatory changes. The Committee Chairperson works closely with staff on legislative and regulatory issues and may testify at legislative hearings. The Chairperson usually gives the legislative report at Board meetings.

Veterinary Medical Board Member Roster and Attendance - Fiscal Years 2004/2005 - 2012/2013

Name of Board Member (Member type / Appointed by)	FY 04/05				FY 05/06				FY 06/07				FY 07/08				FY 08/09				FY 09/10				FY 10/11				FY 11/12				FY 12/13			
	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4
Troy Roach, DVM (Professional / Governor) Appointed 06/28/2001; 06/01/2003; Term Expires 06/01/2007																																				
Michael Kerfoot, DVM (Professional / Governor) Appointed 07/01/2001; Term Expires 06/01/2004																																				
Greg Ferraro, DVM (Professional / Governor) Appointed 07/01/2001; Term Expires 06/01/2005																																				
Terri Becker, DVM (Professional / Governor) Appointed 09/22/2003; Term Expires 06/01/2006																																				
Stephanie Ferguson, DVM (Professional / Governor) Appointed 03/19/2005; Term Expires 06/01/2008																																				
Linda Starr (Public Member / Senate) Appointed 06/02/2004; 06/10/2008; Term Expires 06/01/2008																																				
Sandra Browning (Public Member / Assembly) Appointed 02/01/2002; Term Expires 06/01/2006																																				
Dawn Arnell (Public Member / Governor) Appointed 01/07/2003; Term Expires 06/01/2006																																				
Lisa Newell, DVM (Professional / Governor) Appointed 09/21/2005; Term Expires 06/01/2009																																				
Tom Kendall, DVM (Professional / Governor) Appointed 02/01/2008; Term Expires 06/01/2011																																				
Richard Johnson, DVM (Professional / Governor) Appointed 12/20/2010; Term Expires 06/01/2013																																				
Kim Williams, RVT (Professional / Governor) Appointed 12/18/2010; Term Expires 06/01/2014																																				
Judie Mancuso (Public Member / Assembly) Appointed 08/02/2010; Term Expires 06/01/2014																																				
Patti Aguiar (Public Member / Governor) Appointed 12/23/2010; Term Expires 06/01/2014																																				
Cheryl Waterhouse, DVM (Professional / Governor) Appointed 06/11/2012; Term Expires 06/01/2016																																				

☎ = teleconference
■ Attended
■ Not in Attendance/Excused Absence
■ Not Applicable

Registered Veterinary Technician Committee Member Roster and Attendance - Fiscal Years 2004/2005 - 2010/2011

Name of Board Member (Member type / Appointed by)	FY 04/05				FY 05/06				FY 06/07				FY 07/08				FY 08/09				FY 09/10				FY 10/11				
	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 5
Nancy Ehrlich, RVT (Professional / VET Med Bd) Appointed 08/05/1998; 1/2003; Term Expires 06/30/2006																													
Alex Henderson, RVT (Professional / VET Med Bd) Appointed 08/05/1998; 1/2003; Term Expires 06/30/2006																													
Kathleen Cicotte, RVT (Professional / VET Med Bd) Appointed 10/2000; 10/2001; Term Expires 06/30/2005																													
Richard G Johnson, DVM (Professional / VET Med Bd) Appointed 01/12/2000; 04/20/2004; Term Expires 06/30/2008																													
Linda Zachritz (Public / VET Med Bd) Appointed 01/1999; 10/2001; Term Expires 06/30/2005																													
Kim E Williams, RVT (Professional / VET Med Bd) Appointed 06/14/2005; Term Expires 06/30/2009																													
Virginia Curtis (Public / VET Med Bd) Appointed 07/19/2005; 10/20/2010; Term Expires 06/30/2013																													
Carol Schumacher, RVT (Professional / VET Med Bd) Appointed 07/10/2007; Term Expires 06/30/2010																													
Craig C Cornell, RVT (Professional / VET Med Bd) Appointed 10/16/2007; Term Expires 06/30/2010																													
Oscar E Chavez, DVM (Professional / VET Med Bd) Appointed 3/11/2010; Term Expires 06/30/2012																													

☎ = teleconference
■ Attended
■ Not in Attendance/Excused Absence
■ Not Applicable

Multidisciplinary Advisory Committee Member Roster and Attendance - Fiscal Years 2009/2010 - 2012/2013

	Meeting 1 05/13/2009 Sacramento	Meeting 2 08/25-26/2009 Sacramento	Meeting 3 11/19/2009 Sacramento	Meeting 4 3/17/2010 Sacramento	Meeting 1 09/01/2010 Sacramento	Meeting 2 11/17/2010 Sacramento	Meeting 3 3/16/2011 Sacramento	Meeting 4 06/15/2011 Sacramento	Meeting 1 11/16/2011 Sacramento	Meeting 2 03/14/2012 Sacramento	Meeting 3 06/13/2012 Sacramento
Name of Board Member (Member type / Appointed by)	FY 09/10				FY 10/11				FY 11/12		
William A Grant II, DVM (Professional / VET Med Bd) Appointed 05/13/2009; Term Expires 06/30/2011											
Richard G Johnson, DVM (Professional / VET Med Bd) Appointed 05/13/2009; Term Expires 06/30/2011											
Jon A Klingborg, DVM (Professional / VET Med Bd) Appointed 08/25/2009; Term Expires 06/30/2011											
Jennifer E Boyle, RVT (Professional / VET Med Bd) Appointed 08/25/2006; Term Expires 06/30/2011											
Diana Woodward Hagle (Public / VET Med Bd) Appointed 05/13/2009; Term Expires 06/30/2011											
Oscar E Chavez, DVM (Professional / VET Med Bd) Appointed 03/15/2011; Term Expires 06/30/2014											
Richard J Sullivan, DVM (Professional / VET Med Bd) Appointed 03/15/2011; Term Expires 06/30/2013											
David F Johnson, RVT (Professional / VET Med Bd) Appointed 03/15/2011; Term Expires 06/30/2014											

☎ = teleconference ■ Attended ■ Not in Attendance/Excused Absence ■ Not Applicable

► **RVT Committee**

This Committee meets as needed to oversee issues pertaining to RVTs and to assist staff with questions regarding examination eligibility, licensing, and enforcement issues pertinent to RVTs. The Committee also provides expertise in areas of enforcement and regulations regarding RVTs.

► **Consumer Education/Newsletter Committee**

This Committee works with staff in editing, writing, developing, and reviewing the Board’s newsletter and meets as necessary to evaluate the Board’s consumer outreach procedures. The Chairperson generally takes the lead role in such outreach projects.

► **Continuing Education Committee**

This Committee meets as necessary to assist staff in evaluating continuing education courses and providers. The Chair provides staff with expertise in evaluating difficult audit files and Continuing Education waiver requests.

► **Strategic Planning**

This Committee meets as necessary to evaluate and update the Board’s Strategic Plan and the Committee Chairperson takes the lead role in reports to the Board at public meetings.

2. In the past four years, was the board unable to hold any meetings due to lack of quorum?

No, the Board has not had any quorum problems.

3. Describe any major changes to the board since the last Sunset Review, including:

► **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

The Board continually looks for ways to improve its programs and the delivery of consumer protection services. Since the 2003 Sunset Review Report, the Board implemented the following enhancements:

Consumer Outreach Efforts

- Increased consumer awareness by enhancing access to the website and information provided on the website and created an electronic mailing list.
- Created two new consumer brochures with updated information and pictures.
- Participated in consumer events such as pet expos, State and county fairs and other consumer-oriented events.
- Updated the complaint form, information and all complaint-related letters to better explain the process.
- Monitored consumer satisfaction surveys sent to complainants and respondents to continually improve the process.

Enforcement

- Updated Minimum Standards of Practice.
- Updated Disciplinary Guidelines.
- Published the Hospital Standards Self-Evaluation Checklist.
- Reinstated the Board's mandatory continuing education audit program in September 2012.
- Increased enforcement authority over California approved RVT schools.
- Began posting Accusations and Decisions on the Board's website.

Examinations/Licensing

- Conducted job analyses for the Veterinary State Board Examination.
- In the process of transitioning to the National Veterinary Technician Examination and developing a California Law Exam for RVTs.

Administration

- Updated the Board's Administrative Procedures Manual and Strategic Plan
- Updated the radiation safety booklet and exam for non-registered veterinary assistants and made it available on the website.

Current Projects

- Continue to work with the Board of Pharmacy to define jurisdiction over Internet pharmacies and dispensing of dangerous drugs.
- Updating the minimum standards of practice.
- Developing minimum standards for Licensee Managers of veterinary hospitals and for vaccination clinics.
- Developing a hospital inspection self checklist for licensees to use to insure that their establishment meets the minimum standards of practice and made the checklist available to licensees and the public on the Board's website.
- Expanding website information and updated all available forms.
- Updating RVT school approval criteria.
- Creating a Pet Lovers Specialty License Plate for funding low-cost spay and neuters.

Internal Changes

- All Board appointees are new members since 2003.
- Adjusted to a 33% growth in consumer complaints that increased the workload pressure on staff and negatively impacted investigative and response times.
- Created a new Assistant Executive Officer position.
- Moved the Board office location.
- Updated the Board's Strategic Plan in 2007 and 2011.

Strategic Planning

- Effective 2011, held strategic planning meetings in conjunction with regularly scheduled Board meetings as a cost-savings measure.
- In anticipation of ongoing budget constraints, the Board prioritized its enforcement, legislative, examination, and licensing activities.

► All legislation sponsored by the board and affecting the board since the last sunset review.

Since 2003, the Board sponsored and/or was affected by the following legislation:

2004/05

- SB 1548, Chapter 467 — extended the Board's sunset date to July 1, 2009/January 1, 2010; increased the trigger amount for licensees and insurance companies to report liability settlements from \$3,000 to \$10,000; created a mandatory reporting requirement for licensees to report suspected animal cruelty; clarified the authority of the RVT Committee in assisting the Board; created a provision whereby the Board could extend a temporary reciprocity license for one year for reasons of health, military or undue hardship.

2005/06

- AB 2915, Chapter 823 — exempted from the laws regulating the practice of veterinary medicine veterinarians employed by a city, city and county, or county that meets specified criteria and that are conducting activities, under direct supervision, related to pathology and epidemiology on dead animals as part of a specified government program. The bill had a four-year sunset clause to January 1, 2011.
- SB 1476, Chapter 658 — an omnibus bill that, among other items, extended the Board's sunset dates to July 1, 2011/ January 1, 2012.

2006/07

- SB 969, Chapter 83 — created authority for unlicensed persons to administer any drug under either direct or indirect supervision of a licensed veterinarian and regardless of whether the licensee was present in the facility.

2007/08

- AB 2423, Chapter 675 — amended the Board's authority over RVTs to allow the Board to issue a probationary license or registration in certain cases where the application had a conviction but was able to show either rehabilitation or a dismissal of the conviction.

2008/09

- AB 2427, (Eng) — this bill would have created a prohibition for local jurisdictions to segment out legally what tasks could and could not be performed by veterinarians licensed in the State of California, but the bill did not pass.
- SB 475, Chapter 51 — was a fee increase bill for the State Board of Guide Dogs for the Blind.
- SB 1584, Chapter 529 — increased fees across the Board; created the MDC; implemented enforcement priorities; established a practice requirement for Board consultants of no more than four years out of practice; limited the terms for members of the Registered Veterinary Technician Committee (RVTC) to three years and meetings to three times a year; added a fee for RVTs who fail to notify the Board of a change of address within 30 days; and clarified that RVTs are eligible for the Board's Diversion Program.
- AB 1760 (Galgiani) — this bill would have clarified that the State Board Examination for veterinarians be given at least twice a year; and clarified the Board's enforcement authority over registered veterinary technicians, but it was vetoed by the Governor — see AB 107, Chapter 80 in 2009/10.

2009/10

- AB 107, Chapter 80 — clarified the Governor's appointment authority to the Board to encompass four professional members and one public member and created the authority for the Board to transition to the use of the Veterinary Technician National Exam (VTNE).
- SB 762, Chapter 16 — made it unlawful for a city, county, or city and county to prohibit a healing arts licensee from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee.
- SB 1111 (Negrete McLeod) — although this bill ultimately did not become law, the DCA and the Legislature have required that licensing boards move forward with as many regulatory amendments related to the nine provisions of this bill that are possible under each board's existing law. The Board has identified the provisions that are covered in existing law, those that would require additional legislation and those that it can move forward with in regulations and has scheduled a discussion of those provisions for meetings scheduled in September and October 2012.

2010/11

- AB 1980, Chapter 538 — extended the Board's sunset date and added a RVT to the Board; changed the quorum requirements from four to five members; eliminated the sunset date for the MDC; created a term limit of two terms of three years each for the members of the MDC; created an exemption for RVT students to perform the RVT job tasks under supervision while in the final portion of educational program; created title protection for "veterinary technician;" sunsetted the RVTC; required training for unregistered persons operating radiographic equipment and proof of such training must be maintained and provided to the Board upon request; added a reporting requirement for the attending veterinarians at rodeos and a requirement for the Board to post the reporting form on its web site; and created a liability exemption for veterinarians and RVTs during times of a state of war, state of emergency or local emergency.

2011/12

- AB 610, Chapter 9 — extended the deadline for obtaining commitments for 7,500 spay/neuter license plates by one year.

- AB 1839 (Ma) — maintains the authority of veterinarians to delegate administration of any drug to RVTs or laypersons under direct or indirect supervision regardless of whether the licensee is on the premises; changed the terminology for laypersons working in a veterinary hospital from unregistered assistants to veterinary assistants.
- SB 697 (Emmerson) — the bill would have clarified the Board’s authority over unlicensed activity, but it did not pass.
- SB 969 (Vargas) — this bill would have provided a State certification process for persons wishing to become pet groomers, but did not pass.

► **All regulation changes approved by the board the last sunset review. Include the status of each regulatory change approved by the board.**

2004/05

- Criteria for Equivalent RVT Programs (California Code of Regulations (CCR) Sections 2065, 2065.7, 2065.8, 2065.8.1, 2065.8.2, and 2065.8.3) - eff. 8/19/04
New language specified additional requirements for Board approval of equivalent RVT programs such as program director requirements, student ratios, stipulations for RVT program probation and program approval withdrawal.

2006/07

- Anesthesia, RVT and Animal Health Care Tasks (CCR Sections 2032.4, 2034, 2036 and 2036.5) - eff. 5/20/07
New language clarified the administration and monitoring of anesthesia, added an additional RVT job task to create a catheter relief hole and clarified allowable job tasks for unregistered assistants.

2007/08

- Fee Increase (CCR Sections 2070 and 2071) - eff. 7/15/07
New language increased fees in all veterinarian and RVT categories and added an RVT examination and delinquency fee.
- RVT Animal Health Care Tasks (CCR Sections 2036 and 2036.5) - eff. 9/2/07
New language added the authorization for an RVT or unregistered assistant to administer a controlled substance under indirect or direct supervision of a veterinarian, respectively.

2008/09

- Limited Term Eligibility Window (CCR Section 2068.7) - eff. 2/3/09
New language added an additional route to qualify for eligibility for the RVT examination in lieu of a two-year curriculum in animal health technology. By regulation, the language expired on January 1, 2010.

2009/10

- RVT Examination Eligibility (CCR Sections 2021, 2067, 2068, 2068.5 and 2068.6) - eff. 7/12/2009
New language updated reference to the CVMA internship approval program publication, added an additional educational requirement for RVT alternate route eligibility, and amended the required hours/months of directed clinical practice for alternate route and out of state eligibility, and added additional specific knowledge requirements in clinical practice for out of state eligibility.

2010/11

- Examination and Clean Up (CCR Sections 2000, 2010, 2010.1, 2014.5, 2015, 2015.1 2015.2, 2017, 2018, 2023 and 2024) - eff. 3/2/11
New language updated the Board’s address, repealed sections whose reference statutes no longer exist, updated eligibility application form numbers, and added Western University as an exempt California veterinary college.
- RVT Continuing Education (CCR Sections 2086, 2086.1, 2086.2, 2086.3, 2086.4, 2086.5, 2086.6, 2086.7, 2086.8) - eff. 5/14/2011
New language established requirements for RVTs to continue their education beyond what is required for initial licensure and to require RVTs to submit, as a condition of their renewal, assurance that they have completed their continuing education.

2011/12

- Fee Increase (CCR Sections 2070 and 2071) - eff. 7/31/11
New language increased fees in all veterinarian and RVT categories, added diversion program fee, and repealed the continuing education provider fee.
- Fingerprinting (CCR Sections 2007, 2010.05, and 2085.1) - eff. 4/1/2012
New language requires veterinarians and RVTs, as a condition of license renewal, to furnish an electronic set of fingerprints if they have not previously been in receipt by the Board, requires disclosure if the licensee has been convicted of a violation of the law in the last renewal cycle, and requires that an applicant or licensee shall furnish their criminal history within 30 days of request.

- Minimum Standards of Practice (CCR Sections 2030, 2030.05, 2030.1, 2030.2, 2030.3, 2032.1, 2032.15, 2032.2, 2032.25, 2032.3, 2032.35, 2032.4, and 2037) - pending DCA approval
New language will update the minimum standards of practice for veterinarians to current practice standards, specify minimum standards of practice for licensee managers and small animal vaccine clinics, clarify veterinarian veterinary-client-patient relationships in person and in the absence of the originally treating veterinarian, establish standards for handling written prescriptions in the absence of the originally prescribing veterinarian, clarify record keeping requirements, and clarify the definition of dental operation.
Developed a hospital inspection self checklist for licensees to use to insure that their premise meets the minimum standards of practice and made the checklist available to licensees and the public on the Board's web site
- Disciplinary Guidelines (CCR Section 2006 - pending DCA approval)
New language will update the reference to the Disciplinary Guidelines as incorporated by reference in the regulation as well as update the incorporated document. The updated Disciplinary Guidelines document will be updated to educate the public and administrative law judge to the Board's disciplinary laws and its recommended enforcement of the laws as well as adopt specific terms and conditions for violations involving drug and alcohol abuse.
- RVT Approved Schools (CCR Sections 2064, 2065, 2065.5, 2065.6, 2065.7, 2065.8, 2065.8.1, 2065.8.2, 2065.9, 2066, 2066.1 - pending Board hearing)
New language will specifically add AVMA approved schools to those schools that the Board recognizes as California approved schools and add additional provisions to the curriculum requirements as part of current practice standards.

4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).

- ▶ **Succession Planning** - The Board is in the process of developing a succession planning document for the primary leadership positions in the Board office, the Executive Officer, the Assistant Executive Officer and two lead staff positions. This study is anticipated to be completed by the end of Fiscal Year 2012/13.
- ▶ **Transition to Veterinary Technician National Exam** - The Board worked with DCA's OPES beginning in 2010 to do a study on the viability of transitioning from a state to a national licensing examination for veterinary technicians. The study was completed and the transition authorized for January 2014 with the proviso that OPES develop a state law exam related to the California job tasks for RVTs to be offered in addition to the VTNE.
- ▶ **Limited Term Eligibility Window** - In 2009, the Board implemented a LTEW for persons who had been working in the veterinary field for at least five years with some education to become eligible to take the state licensing examination for veterinary technicians. This project resulted in approximately 450 new registered veterinary technicians in California thus offsetting some of the identified shortages of RVTs.
- ▶ **Exam Practice Analysis** - The Board is currently undergoing a practice analysis for its State Board Licensing Examination for veterinarians through OPES. The study is anticipated to be completed by the end of Fiscal Year 2012/2013.

5. List the status of all national associations to which the board belongs.

The Board is a current member of the AAVSB.

▶ Does the board's membership include voting privileges?

The Board's membership in the AAVSB does include voting privileges.

▶ List committees, workshops, working groups, task forces, etc., on which board participates.

The AAVSB is a regulatory association that provides services to the Board and 56 other licensing jurisdictions in the U.S., Canada, and the U.S. territories. The Board has been an active participant in the AAVSB since 1985. Currently, the Board has four members participating on the AAVSB Board of Directors, one of its committees, or as a voting delegate. The Executive Officer participated over the last two years as a member of the Conference planning committee.

- The Board of Directors – one member
- Registry of Approved Continuing Education – one member
- Veterinary Technician National Exam Committee – one member
- Conference Committee - the Executive Officer
- Voting Delegate – one member

► **How many meetings did board representative(s) attend? When and where?**

Since 2003/04, Board representatives have attended the annual regulatory conference:

- **2003 – 2008** - one conference a year – the EO and one delegate member attended each year. From 2003 through 2007, the AAVSB annual conferences were held in Kansas City, MO.
- **2009 – 2010** - one conference a year – the EO and two members. In 2008 and 2009, the annual conference was held in Charleston, SC and Newport Beach, CA, respectively.
- **2010** – the EO and two board members – In 2010, the annual conference was held in Baltimore, MD.
- **2011** – the EO and three board members – In 2011, the annual conference was held in New Orleans, LA.
- **2012** – the EO and four board members – in 2012, the annual conference was held in Seattle, WA.

► **If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?**

The Board participates in this process by establishing criteria for such activities in its annual contract with the National Board of Veterinary Medical Examiners (NBVME) which is reviewed by the Board's legal counsel through the DCA on an annual basis. Also, the AAVSB, which represents 57 licensing jurisdictions in the U.S., Canada, and U.S. territories, has four members on the NBVME and the NBVME annual report is provided to the Boards and licensing jurisdictions at the annual conference.

SECTION 2

Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report as published on the DCA website.

Please see Attachment E.

7. Provide results for each question in the customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

The Board utilized its own customer satisfaction paper and pencil survey tool up until 2010 when it was discontinued due to staffing and workload issues. The Board does not use the DCA customer satisfaction surveys per se; however, it is developing an electronic survey tool based on the questions in the DCA survey and plans to implement its own survey following the Board's conversion to BreZE, DCA's new database system.

SECTION 3

Fiscal and Staff

FISCAL ISSUES

8. Describe the board's current reserve level, spending, and if a statutory reserve level exists.

Business and Professions Code (B&P) Section 4905(l) sets the Board's reserve level to a minimum of three months and a maximum of 10 months of annual Board expenditures. The current reserve level for the Board is approximately nine months of expenditures and is higher than average. The higher reserve level is due to budget reversion resulting from mandated staffing and spending restrictions during the past four years. The impact of the higher reversions amounted to an additional five months of reserve during the past four years totaling approximately \$1.1 million.

9. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

There are no projected deficits or fee increases for the Board at this time.

Table 2. Fund Condition (in thousands)

	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Beginning Balance	1,248	1,411	1,651	1,938	2,320	2,403
Prior Year Adjustments	52	63	31	26	-	-
Revenues and Transfers	2,298	2,519	2,416	2,955	2,910	3,013
Total Revenue	3,598	3,993	4,098	4,919	5,230	5,416
Budget Authority	2,444	2,672	2,619	2,721	2,827	2,905
Expenditures	2,187	2,342	2,160	2,599	2,827	2,905
Loans to General Fund	-	-	-	-	-	-
Accrued Interest, Loans to General Fund	-	-	-	-	-	-
Loans Repaid From General Fund	-	-	-	-	-	-
Fund Balance	\$ 1,411	\$ 1,651	\$ 1,938	\$ 2,320	\$ 2,403	\$ 2,511
Months in Reserve	7.2	9.2	8.9	9.8	9.9	9.1*

*Reflects BCPs to be submitted for FY 14-15.

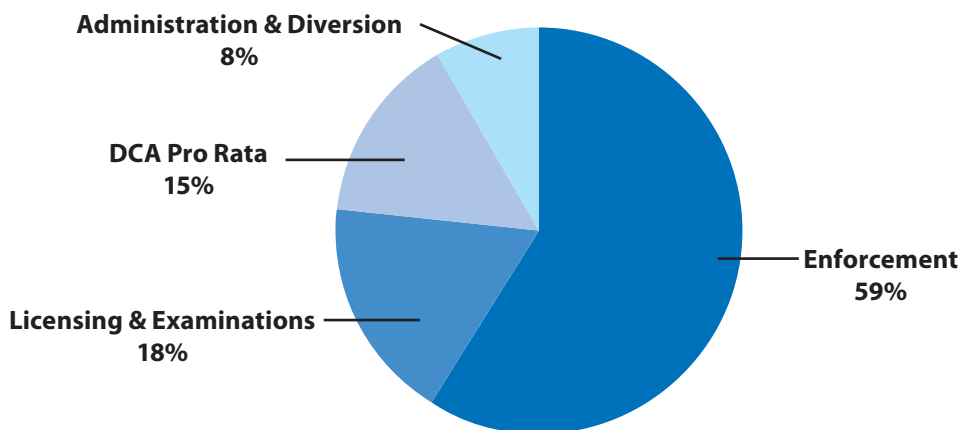
10. Describe history of general fund loans. When were the loans made? When were payments made? What is the remaining balance?

Since 1992, there have been no general fund loans. All funds transferred out of the Board’s Contingent Fund between 1990 to 1992 were returned with interest over a three-year period from 1996 to 1999.

11. Describe the amounts and percentages of expenditures by program component. Use Table 3. Expenditures by Program Component to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

The Board operates on an annual budget of \$2.7 million, with approximately 60% of its budget devoted to enforcement activities, 18% to examination and licensing functions, 15% to DCA pro rata costs, and Administration and Diversion making up the remaining 8% (see chart below).

Veterinary Medical Board Expenditures by Program Component 2008-2012



The Board’s enforcement budget includes significant expenditures for services from other agencies within the disciplinary structure, such as the OAG for attorney services, the Office of Administrative Hearings for administrative law judges, and DCA’s Division of Investigation (DOI) for investigative services. In addition, DCA is paid pro rata to provide support services in areas such as human resources, accounting, information technology, and other administrative services.

Table 3. Expenditures by Program Component (in thousands)

	FY 2008/09		FY 2009/10		FY 2010/11		FY 2011/12	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	314	1,059	330	1,174	393	925	400	1,078
Examination	119	138	110	194	123	132	148	198
Licensing	97	34	89	36	98	29	105	65
Administration *	160	19	147	25	152	18	160	52
DCA Pro Rata	-	333	-	313	-	342	-	453
Diversion (if applicable)	-	18	-	19	-	20	-	21
TOTALS	\$690	\$1,601	\$676	\$1,761	\$766	\$1,466	\$820	\$1,867

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

12. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

(B&P) Section 4905; CCR Sections 2070 and 2071 – Fee Schedule - Attachment F

10/2007 – Fees were increased via regulation to the statutory maximum

1/2010 – Legislation to increase the statutory maximums became effective

3/2012 – Fee increase via regulation became effective

Table 4. Fee Schedule and Revenue

Fee	Current Fee Amount	Statutory Limit	FY 2008/09 Revenue	FY 2009/10 Revenue	FY 2010/11 Revenue	FY 2011/12 Revenue	% of Total Revenue*
VETERINARIANS							
Application for Examination Review	\$125	\$350	\$67,500	\$70,800	\$66,900	\$59,600	2%
California State Board Examination	\$200	\$350	\$82,138	\$87,900	\$81,300	\$89,250	3.1%
Veterinary Law Examination	\$100	\$100	\$18,050	\$17,450	\$18,450	\$27,400	1%
Initial Veterinary License (for one year or more)	\$290	\$500	\$68,000	\$64,250	\$72,500	\$72,645	2.5%
Initial Veterinary License (less than one year)	\$145	\$250	\$26,125	\$27,775	\$33,625	\$33,255	1%
Veterinary License Biennial Renewal	\$290	\$500	\$1,197,621	\$1,249,275	\$1,287,525	\$1,375,230	47.8%
Temporary Veterinary License - Reciprocity	\$150	\$250	\$7,000	\$5,125	\$7,275	\$17,150	.6%
Temporary Veterinary License - Intern	\$150	\$250	\$6,375	\$8,250	\$5,150	\$8,500	.3%
Inactive License Renewal	\$250	\$250	\$38,000	\$83,525	\$34,000	\$36,080	1.25%
VETERINARY PREMISES							
Initial Registration	\$200	\$400	\$14,500	\$12,300	\$16,000	\$31,200	1%
Registration Renewal	\$200	\$400	\$285,400	\$242,300	\$293,900	\$600,710	20.9%
REGISTERED VETERINARY TECHNICIANS							
Examination Application Review	\$125	\$350	\$64,025	\$120,000	\$56,000	\$76,525	2.7%
Examination	\$175	\$300	\$94,950	\$174,950	\$80,400	\$103,100	3.6%
Initial Registration (for one year or more)	\$140	\$350	\$20,600	\$37,350	\$25,200	\$23,340	.8%
Registration (less than one year)	\$70	\$175	\$9,500	\$16,050	\$10,650	\$11,890	.4%
Biennial Registration Renewal	\$140	\$350	\$218,575	\$242,500	\$262,900	\$309,420	10.8%

*Percentages based on revenue in FY 2011/12.

13. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

In the past four years, the Board has submitted BCPs to implement legislation and increase staffing and funding in both Enforcement and Licensing. Even though the Board has been granted legislative BCPs, all other staffing BCPs have been denied. It is imperative that the Board increase staffing levels to address the impact of budget reductions and furloughs, licensee population growth, and the increase in complaints and enforcement cases. Even though the Board is fiscally solvent and maintains a structural balance, the proposals have either been denied at the Agency level or by the Department of Finance because they did not meet the criteria set by the Governor's Administration.

In July 2009, the Governor directed the State and Consumer Services Agency (SCSA) to conduct an internal review of the DOI and health care boards' enforcement programs within DCA. Based on their findings, the Governor charged the DCA Director with reforming the enforcement process for health care boards in California.

DCA reviewed existing enforcement processes and identified systemic problems that were barriers limiting the boards' abilities to investigate and act on cases in a timely manner and inadequate resources such as funding and staff shortages. As a result, the Consumer Protection Enforcement Initiative (CPEI) was launched by DCA. The CPEI included enforcement performance measures and a department-wide BCP that would provide resources to various health care boards with the goal of streamlining enforcement processes, reducing backlogs and achieving the overall goal to process complaints within 12 to 18 months.

With the goals of CPEI in mind, the Board prepared data and analysis that identified the need to increase its enforcement staff by 7.0 positions based on its current workload at the time. On July 1, 2010, the Board received budget approval for 1.0 non-sworn investigator position. Unfortunately for the Board on August 31, 2010, the Governor implemented a State hiring freeze and, as a result, the Board was not able to fill the position. The Board also attempted to reclassify an investigator position to a staff services analyst to help with the enforcement workload; however, due to additional budget cuts in 2010 and 2011, the investigator position has been reduced to only three-tenths (.3) of a position.

With a growing licensee population and a continued annual increase in the number of complaints the Board receives, the caseload and backlogs have grown significantly. The Board has streamlined processes and made every effort to absorb the workload with existing staff and temporary help; unfortunately, these alternatives are not addressing the growing backlog; therefore increasing the Board's enforcement staffing is imperative.

Table 5. Budget Change Proposals (BCPs)

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1110-04L	2009-10	AB-1584	.5 SSA	.5 SSA 2 year limited term	38,000	38,000	26,000	26,000
1110-05L	2009-10	AB-2423	1.0 SSA	1.0 SSA	62,000	62,000	13,000 first year 5,000 ongoing	13,000 first year 5,000 ongoing
1110-39L	2010-11	AB-107	1.0 SSA	1.0 SSA	68,000	68,000	50,000 first year 7,000 ongoing	50,000 first year 7,000 ongoing
1110-1A	2010-11	Consumer Protection Enforcement Initiative	7.1 first year 8.1 ongoing	1.0 Special Investigator	388,000 first year 473,000 ongoing	55,000	75,000	30,000
	2011-12	Veterinary Hospital Inspection Program	.5 SSA .5 OT	0.0	59,000	0	154,000	0
	2011-12	Practice Analysis	0.0	0.0	0	0	99,000	0
	2011-12	Mandatory Continuing Education	2.0 Office Technicians	0.0	107,000	0	18,000	0

14. Describe any staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

Due to the increasing workload in the number of complaints the Board receives annually, additional positions were requested during the past four years through the BCP process. Even though the Board is fiscally solvent and able to support additional positions, the requests have been denied at the Agency level or by the Department of Finance because they did not meet the criteria set by the Governor's Administration.

Staff Reductions and Furloughs

During the past four years, the Board has been severely impacted in the area of personnel due to staffing cuts and furloughs. In addition, the Board has been restricted in filling vacancies which has resulted in a backlog of enforcement cases. During FY 2008–09, the Board's staff was reduced by 43% for six months, losing the work potential of two Enforcement Analysts, one Office Technician (PI), two Student Assistants, and two in-house Veterinary Consultants. During this time the Board was also unable to fully implement its hospital inspection program.

From February 2009 through October 2010, the Board lost 55 work days or 440 hours per employee due to furloughs. The impact to our services was equally damaging as workloads increased along with weekly challenges of trying to tackle new workload in the form of license applications, consumer complaints, or information requests while trying to reduce the backlogs from the prior week's work.

Below is the chronological sequence of events that directly impacted the Board's staffing and operations:

1. On January 10, 2008, Governor Schwarzenegger issued Executive Order S-01-08, which ordered all State agencies to reduce and/or eliminate all non-essential expenditures. This order included a hiring freeze which prevented the Board from obtaining additional staffing to address its increasing workload.
2. On July 31, 2008, Executive Order S-09-08 was issued. This order set in place a freeze for all hiring not considered critical, to immediately reduce expenditures and preserve cash, including the following: (1) halting all hiring, transfers and promotions of employees, and contracting for individuals to perform services; (2) prohibition of overtime; (3) termination of the services of retired annuitants, permanent intermittent employees, seasonal employees, temporary help workers and student assistants; and (4) suspension of personal services contracts.
3. On December 19, 2008, Governor Schwarzenegger issued Executive Order S-16-08, which required State agencies to implement furloughs of State employees for two days per month regardless of funding source, from February 9, 2009, through June 30, 2009.
4. On July 2, 2009, Governor Schwarzenegger issued Executive Order S-09-12, which required State agencies to close their offices for three Fridays every month through June 30, 2010.
5. On August 9, 2010, Governor Schwarzenegger issued Executive Order S-12-10, which required State agencies to close their offices for three Fridays every month until the budget was signed.
6. On August 31, 2010, Governor Schwarzenegger implemented a State Hiring Freeze and one self-directed furlough day.
7. On February 15, 2011, Governor Brown issued Executive Order B-3-11, which implemented a freeze from hiring additional staff and interdepartmental transfers. The order also implemented additional budget reductions that would have to be met to achieve departmental savings in lieu of the hiring freeze.
8. Effective July 1, 2012, the State negotiated the Personal Leave Program 2012 with State employee bargaining units that required employees to take a day off every month for 12 consecutive months and reduced employees' pay equal to eight hours per month.

15. Describe the board's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

Due to staffing shortages during the past four years, staff was not able to take advantage of training opportunities. In addition, Governor Schwarzenegger's Executive Order (S-01-08) mandated the Board to decrease and/or eliminate non-essential expenditures, which included travel and training. In spite of the restrictions, the Board has taken advantage of internal training opportunities provided by DCA's training office, including, but not limited to, courses related to contracts, regulations, analytical development, writing, and the Enforcement Academy. The Board has also maximized its internal resources by cross training staff in administration, licensing, examinations and enforcement. The cross-training efforts have allowed staff to develop skills while attaining experience that has led to six internal and four external staff promotions in the last 4-6 years.

SECTION 4 Licensing Program

16. What are the board's performance targets/expectations for its licensing¹ program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The Board states in its veterinary, RVT, and premise permit eligibility applications/instructions that the application will take up to 30 to 60 days to review. Even with the limitations of staff and resources over the past four years, for applications that are received in complete form, the Board is meeting its prescribed review timeline. The average review time is 30 days or less.

The Board states in its veterinary, RVT, and premise permit initial license applications/instructions that the application will take up to 3 weeks to process. For applications that are received in complete form, the Board is meeting its prescribed review timeline.

17. Describe any increase or decrease in average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

The Board anticipates several future performance barriers that will impact application processing timelines. For example, the Board has recently begun random veterinarian continuing education audits. The Board will also begin auditing registered veterinary technicians in 2013 in accordance with regulations approved in 2011.

Additionally, in accordance with regulations approved in 2012 the Board will roll out its retroactive fingerprint program to those licensees who do not currently have electronic fingerprints on file. The retroactive fingerprint program will be implemented in conjunction with the new DCA licensee database (BreEZe).

In the past four years, the Board has submitted BCPs to increase staffing in Licensing. Even though the Board is fiscally solvent and maintains a structural balance, the proposals have been denied at the Agency level or by the Department of Finance because they did not meet the criteria set by the Governor's Administration. The Board continues to submit BCPs in order to address anticipated performance barriers.

18. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

The Board issues new licenses to approximately 500 veterinarians, 400 RVTs, and 200 premises annually.

Renewals occur biennially for veterinarians and RVTs and annually for veterinary premises. In any given year, the Board renews approximately 5,500 Veterinarians, 2,900 RVTs and 3,100 premises licenses.

¹ The term "license" in this document includes a license certificate or registration.

Table 6. Licensee Population

		FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
Veterinarian	Active*	10,201	10,404	10,671	10,998
	Out-of-State	2,332	2,330	2,388	2,447
	Out-of-Country	87	85	88	90
	Delinquent	3,611	3,864	3,996	4,120
Registered Veterinary Technician	Active*	4,692	5,218	5,601	5,811
	Out-of-State	472	465	491	506
	Out-of-Country	17	16	16	19
	Delinquent	2,312	2,469	2,597	2,774
Veterinary Premise	Active*	2,867	2,916	2,996	3,111
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	189	199	206	220
Veterinary Internship	Active*	40	45	38	34
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	n/a	n/a	n/a	n/a
Veterinary Reciprocity	Active*	55	41	30	20
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	n/a	n/a	n/a	n/a

* Active includes all current California, out-of-state and out-of-country licensees.

Table 7a. Licensing Data by Type - Veterinarian

	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	Combined, if unable to separate out
FY 2009/10	(Exam)	659	585			6	6	-	-	-	26
	(License)	586			491	-	-	-	-	-	178
	(Renewal)	5,154		n/a		-	-	-	-	-	-
FY 2010/11	(Exam)	643	518			34	34	-	-	-	14
	(License)	652			561	-	-	-	-	-	154
	(Renewal)	5,286		n/a		-	-	-	-	-	-
FY 2011/12	(Exam)	696	549			57	57	-	-	-	18
	(License)	584			501	-	-	-	-	-	192
	(Renewal)	5,386		n/a		-	-	-	-	-	-

* Optional. List if tracked by the board.

Table 7a. Licensing Data by Type - Registered Veterinary Technician

	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	Combined, if unable to separate out
FY 2009/10	(Exam)	1,200	1,225			24	24	-	-	-	20
	(License)	695			699	-	-	-	-	-	129
	(Renewal)	2,425		n/a		-	-	-	-	-	-
FY 2010/11	(Exam)	560	551			94	94	-	-	-	23
	(License)	465			461	-	-	-	-	-	145
	(Renewal)	2,629		n/a		-	-	-	-	-	-
FY 2011/12	(Exam)	706	703			122	122	-	-	-	21
	(License)	414			414	-	-	-	-	-	108
	(Renewal)	2,786		n/a		-	-	-	-	-	-

* Optional. List if tracked by the board.

Table 7a. Licensing Data by Type - Veterinary Premise

	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	Combined, if unable to separate out
FY 2009/10	(Exam)	n/a	n/a			n/a	-	-	-	-	n/a
	(License)	123			112	1	1	-	-	-	1
	(Renewal)	2,866		n/a		n/a	-	-	-	-	-
FY 2010/11	(Exam)	n/a	n/a			n/a	-	-	-	-	n/a
	(License)	160			142	1	1	-	-	-	1
	(Renewal)	2,939		n/a		n/a	-	-	-	-	-
FY 2011/12	(Exam)	n/a	n/a			n/a	-	-	-	-	n/a
	(License)	312			193	0	-	-	-	-	14
	(Renewal)	3,044		n/a		n/a	-	-	-	-	-

* Optional. List if tracked by the board.

Table 7b. Total Licensing Data

	FY 2009/10	FY 2010/11	FY 2011/12
Initial Licensing Data:			
Initial License/Initial Exam Applications Received	1,210	1,145	1,126
Initial License/Initial Exam Applications Approved	1,350	1,212	1,091
Initial License/Initial Exam Applications Closed			
License Issued	1,184	1,100	805
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)	31	129	179
Pending Applications (outside of board control)*	31	129	179
Pending Applications (within the board control)*	-	-	-
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)	23/153	17/150	19/200
Average Days to Application Approval (incomplete applications)*	-	-	-
Average Days to Application Approval (complete applications)*	-	-	-
License Renewal Data:			
License Renewed	10,283	10,718	8,675

* Optional. List if tracked by the board.

19. How does the board verify information provided by the applicant?

a. What process is used to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

The Board requires fingerprinting, both State and Federal, prior to licensure. Additionally, the Board uses the AAVSB's national disciplinary database — the Veterinary Information Verifying Agency (VIVA).

b. Does the board fingerprint all applicants?

Yes, every applicant is required to obtain fingerprinting prior to licensure.

c. Have all current licensees been fingerprinted? If not, explain.

All current licensees have been fingerprinted except for RVTs registered between 1979 and 2004. The Board passed regulations in April 2012 that requires all licensees to have electronic fingerprints on file as a condition of their renewal. The Board is currently working on rolling out this program in conjunction with the new DCA licensee database (BreEZe) in June 2013.

d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

The VIVA is the national database relating to disciplinary actions and it is maintained by the AAVSB on behalf of California and 56 other licensing jurisdictions in the United States, Canada, and the U.S. Territories. The Board receives regular reports from the AAVSB and does check prior to issuing a license along with requiring State and Federal LiveScan fingerprinting of veterinarian and veterinary technician applicants. Once licensees have been fingerprinted, the Board receives subsequent arrest and conviction reports.

The Board does not check the database prior to renewing a license; however, if a report is received that indicates that a licensee has been disciplined in another state, the Board takes reciprocal action and that could lead to either sanctions against the license or revocation depending on the type of violations. Additionally, renewal applications include a self certification that inquires whether the licensee has had a conviction or plead no contest since their last license renewal.

e. Does the board require primary source documentation?

The Board utilizes the services of the AAVSB's VIVA to verify source documents such as national examination scores. For applicants applying directly to the Board, primary source documents are required, such as transcripts and letters of good standing.

20. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The Board utilizes the VIVA database, fingerprinting, Program for the Assessment of Veterinary Education Equivalence (PAVE), and Educational Commission for Foreign Veterinary Graduates (ECFVG) to process out-of-state and out-of-country applicants. The PAVE and ECFVG programs assess the educational equivalency of out-of-country degrees in veterinary medicine to those programs that are AVMA approved.

21. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

The Board sends No Longer Interested notifications to the Department of Justice (DOJ) on a regular and ongoing basis. No Longer Interested notifications are faxed or mailed to the DOJ; there is currently no backlog.

EXAMINATIONS

Table 8. Examination Data

California Examination (include multiple language) if any:			
License Type		Veterinarian	Registered Veterinary Technician
Exam Title		California State Board	Registered Veterinary Technician Examination
FY 2008/09	# of 1 st Time Candidates	609	344
	Pass %	84%	77%
	# of Retake Candidates	119	73
	Pass %	79%	60%
FY 2009/10	# of 1 st Time Candidates	651	331
	Pass %	85%	75%
	# of Retake Candidates	133	59
	Pass %	69%	45%
FY 2010/11	# of 1 st Time Candidates	620	262
	Pass %	87%	69%
	# of Retake Candidates	95	81
	Pass %	69%	55%
FY 2011/12	# of 1 st time Candidates	684	370
	Pass %	94%	79%
	# of Retake Candidates	72	98
	Pass %	93%	62%
Date of Last OA		Ongoing	Ongoing
Name of OA Developer		DCA Office of Professional Examination Services	
Target OA Date		n/a	n/a
National Examination (include multiple language) if any:			
License Type		Veterinarian	
Exam Title		North American Veterinary Licensing Examination	
FY 2008/09	# of 1 st Time Candidates	345	
	Pass %	88%	
FY 2009/10	# of 1 st Time Candidates	385	
	Pass %	88%	
FY 2010/11	# of 1 st Time Candidates	378	
	Pass %	88%	
FY 2011/12	# of 1 st time Candidates	339	
	Pass %	88%	
Date of Last OA		2009	
Name of OA Developer		Allied Measurement Professionals	
Target OA Date		unknown	

22. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required?

Currently, applicants wishing to become licensed as a veterinarian must take and pass a national exam, a State-specific examination and a law exam. Applicants wishing to become registered as veterinary technicians must take only the State exam; however, in 2014, the Board will be transitioning to the VTNE and implementing a law exam for RVT candidates.

23. What are pass rates for first time vs. retakes in the past 4 fiscal years?

(Refer to Table 8: Examination Data)

24. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

The Board uses computer-based testing for licensing veterinarians and registered veterinary technicians. The examinations are given six days a week with six-month eligibility windows. Once eligible, candidates may apply on a continuous basis by phone or online through the Board's designated testing vendor, PSI. There are 13 computer testing sites throughout California.

25. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

Currently, there are no existing statutes that hinder the efficient and effective processing of applications and/or examinations.

SCHOOL APPROVALS

26. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

The Board is the approval authority for all schools providing instruction in veterinary medicine and veterinary technology. The Board accepts AVMA accreditation for purposes of California approval of veterinary and veterinary technology.

The Board requires Bureau of Private and Postsecondary Education approval for all private veterinary technology programs that are not approved by a national accredited agency.

27. How many schools are approved by the board? How often are schools reviewed?

The Board currently approves all California veterinary technology programs; some through approval of national accreditation standards and some through California regulatory requirements and physical inspection. School approval is for a period of no more than four years at one time.

28. What are the board's legal requirements regarding approval of international schools?

The Board recognizes the accreditation standards of the AVMA for international schools.

CONTINUING EDUCATION/COMPETENCY REQUIREMENTS

29. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

The California Legislature mandates continuing education for veterinarian and registered veterinary technician license renewal. Veterinarians are required to complete 36 hours of continuing education every two years and RVTs are required to complete 20 hours of continuing education every two years. Both continuing education providers and courses must be "approved" as defined in the California Veterinary Medicine Practice Act and the continuing education must be obtained in subjects related to the practice of veterinary medicine and/or veterinary technology. The continuing education courses must be consistent with current standards and practices beyond the initial academic studies required for initial licensure or registration.

The continuing education requirements have been codified in CCR Sections 2085–2085.13 for veterinarians and Sections 2086–2086.9 for RVTs.

a. How does the board verify continuing education or other competency requirements?

Licensees are required to sign their renewal notice under penalty of perjury stating that they have completed the requisite number of continuing education hours within the last two year renewal period. Licensees are required to maintain completion documentation for no less than four years and, if audited, are required to provide that documentation to the Board upon request.

b. Does the board conduct continuing education audits on its licensees?

The Board does conduct continuing education audits on licensees. Veterinary mandatory continuing education became law in 1998 and the random audit process began in 2000 with a target of 10% of licensees per two-year renewal cycle. In 2002/03 the Board was granted an additional position for its mandatory continuing education program. However, in the following year (2003/04), the Board's budget was cut and 3.0 authorized positions were eliminated. Consequently, the Board was forced to scale back its continuing education audit program due to lack of personnel and funding. With limited resources, the Board focused on licensees who are compelled to do continuing education as a term of their probation and those renewing a delinquent license.

In the past four years, the Board has submitted BCPs to the DCA requesting an augmentation to provide for additional staff to handle the workload of this very valuable consumer protection program. Unfortunately, each year the Board's requests have been denied.

In FY 2012/13 the Board was able to fill two of its staff vacancies and is attempting to absorb this additional workload in order to fulfill its mandate to ensure that veterinarians meet their continuing education requirement through random Board audits. The Board is considering an RVT audit program once a full continuing education mandated renewal cycle has completed in July 2013; however, without additional personnel the Board's ability to perform audits is severely limited.

c. What are consequences for failing a continuing education audit?

The Board conducts audits prior to renewal; the consequences for failing a continuing education audit is that the license is renewed as inactive and the licensee cannot continue practicing past their renewal date. The licensee must cease practicing until the required number of hours are completed and approved. If the failure to complete the required hours is discovered after a licensee has renewed, the consequences could be more severe such as a citation and fine or formal action.

d. How many continuing education audits were conducted in the past four fiscal years?

Despite staff reductions and limitations of personnel resources over the past four years, the Board has conducted approximately 50 audits each year for probationers and for those licensees who wished to renew a delinquent license.

e. What is the board's course approval policy?

The course approval criteria is outlined in regulation (CCR Sections 2085.3, 2085.6 and 2086.5). Based on the approval criteria outlined in regulations, the Board delegates course approval to its national regulatory agency, the AAVSB, RACE for all non statutorily approved providers and courses. AAVSB evaluates courses and providers based on the regulatory criteria and either approves or disapproves the application. Approved providers are listed on the AAVSB web site at aavsb.org.

f. Who approves continuing education providers?

AAVSB, through its RACE program, approves all non-statutorily approved continuing education providers and courses.

The Board also recognizes certain continuing education providers, such as AVMA and government sponsored courses, spelled out in B&P Section 4846.5.

g. How many applications for continuing education providers and continuing education courses were received? How many were approved?

Numbers provided by the agency that does the approvals, the AAVSB, are as follows:

Continuing Education Programs			
	FY 2009/10	FY 2010/11	FY 2011/12
Programs			
Submitted*	1,349	1,341	1,586
Denied	12	16	5
Approved	1,286	1,256	1,502
Providers			
Submitted*	171	177	206
Denied	0	0	1
Approved	161	161	181

* Table does not include applications that are pending.

h. Does the board audit continuing education providers?

The Board audits statutorily approved providers on a case-by-case basis. If documentation for the licensee is not complete due to an issue with the provider, the Board will contact the provider and ask for proof of compliance. Providers that go through the AAVSB - RACE approval process are audited and reviewed during each two-year renewal period and during individual audits of licensees.

i. Describe the board’s effort, if any, to review its continuing education policy for purpose of moving toward performance based assessments of the licensees’ continuing competence.

The Board, in its first sunset review report, recommended retesting for licensure in lieu of mandatory continuing education as a way to ensure true continued competency. At this point in time, the Board has not discussed a different model but is willing to consider its options in this area.

**SECTION 5
Enforcement Program**

30. What are the board’s performance targets/expectations for its enforcement program?

In July 2009, the Governor directed the SCSA to conduct an internal review of the DOI and health care boards’ enforcement programs within the DCA. Based on SCSA’s findings, the Governor charged the DCA Director with reforming the enforcement process for health care boards in California.

DCA reviewed existing enforcement processes and identified systemic problems that were barriers limiting the boards’ abilities to investigate and act on cases in a timely manner. The barriers identified ranged from legal and procedural challenges to inadequate resources such as funding and staff shortages. In response, DCA launched the CPEI. As part of the CPEI, enforcement performance measures were developed by DCA to monitor and assist in determining the effectiveness of efforts to streamline enforcement processes, reduce backlogs and achieve the overall goal to process complaints within 12-18 months. The Board’s program included a review, comparison, and evaluation of best practices with DCA and working collaboratively with DCA to establish targets for the Board’s enforcement program.

As a part of DCA’s CPEI, the Board prepared data analysis which was included in a BCP for additional enforcement positions. The request was to increase enforcement staff by 7.0 positions based on current workload. On July 1, 2010, the Board received budget approval for 1.0 non-sworn investigator. However, on August 31, 2010, the Governor implemented a statewide hiring freeze and, as a result, the Board was not able to fill the position. The Board also attempted to reclassify an investigator position to a staff services analyst to help with the enforcement workload; however, due to additional budget cuts in 2010 and 2011, the investigator position has been reduced to only three-tenths (.3) of a position.

The enforcement process is monitored by the Board’s Executive Officer and Enforcement Program Manager at many phases and intervals. Performance targets serve as a tool to improve case management at each interval of the enforcement process. These targets are listed below. Comments on the Board’s performance to these targets are noted after each section:

1. **Intake:** This is the time from complaint receipt until the complaint is assigned to an analyst/investigator. Complaints are received by telephone, in writing, or via e-mail.

Target: Target for intake is 10 days.

Performance: This goal was not met by the Board in FY 2011/12.

Comment: This goal was not met by the Board due to an increase in complaints received, staffing shortages, and hiring restrictions. Complaints at intake are processed by a part-time Office Technician who also has a variety of other duties. In fiscal year 2011/12 the Board received a total of 770 complaints.

Intake Process Target Performance			
FY 2011/12	Average Days	Target # of Days	Target Met
1 st Quarter	13	10	No
2 nd Quarter	33	10	No
3 rd Quarter	23	10	No
4 th Quarter	19	10	No

2. **Intake and Investigation:** This is the average time from complaint receipt to closure of the investigation process. The investigative process includes desk investigations conducted by the analyst, and/or sending the complaint information to the Division of Investigation (DOI) for a formal investigation. Cases sent to the OAG for formal discipline are not included in this measure.

Target: Target for intake and investigation is 365 days.

Performance: This goal was met by the Board in FY 2011/12.

Comment: Analysts constantly monitor their cases by sending status request to the appropriate person at every level of the process. This may include an expert consultant, DOI investigator or other persons.

Intake and Investigation Target Performance			
FY 2011/12	Average Days	Target # of Days	Target Met
1st Quarter	336	365	Yes
2nd Quarter	306	365	Yes
3rd Quarter	307	365	Yes
4th Quarter	309	365	Yes

3. **Formal Discipline:** This is the average number of days to complete the entire enforcement process for cases resulting in formal discipline. This includes intake, investigation by the Board and/or DOI and prosecution by the OAG.

Target: Target for Formal Discipline is 740 days.

Performance: This goal was not met by the Board in FY 2011/12.

Comment: This goal was not met by the Board due to an increase in complaints received, staffing shortages, and hiring restrictions. This goal is also affected by factors outside the Board's control such as document preparation by OAG and delays in setting hearing dates through the Office of Administrative Hearings.

Formal Discipline Target Performance			
FY 2011/12	Average Days	Target # of Days	Target Met
1 st Quarter	739	740	Yes
2 nd Quarter	1,385	740	No
3 rd Quarter	913	740	No
4 th Quarter	1,155	740	No

4. Probation Intake: This is the average number of days from probation monitor assignment to the date the probation monitor makes the first contact with the probationer by phone or letter.

Target: Target for Probation Intake is 10 days.

Performance: This goal was met by the Board in FY 2011/12.

Comment: There were no probationers assigned in the 3rd Quarter 2011/12.

Probation Intake Target Performance			
FY 2011/12	Average Days	Target # of Days	Target Met
1st Quarter	10	10	Yes
2nd Quarter	1	10	Yes
3rd Quarter	0	10	N/A
4th Quarter	1	10	Yes

5. Probation Violation Response: This is the average number of days from the date a violation of probation is reported to the date the probation monitor initiates action.

Target: Target for Probation Violation response is 5 days.

Performance: This goal was met by the Board in FY 2011/12 except in the 4th Quarter.

Comment: The Board is meeting its target performance numbers.

Probation Violation Response Performance			
FY 2011/12	Average Days	Target # of Days	Target Met
1st Quarter	5	5	Yes
2nd Quarter	4	5	Yes
3rd Quarter	0	5	NA
4th Quarter	10	5	No

31. Explain trends in enforcement data and the board’s efforts to address any increase in volume, timeframes, ratio of closure to pending, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

The Board utilizes its authority to issue citations and fines to address less egregious violations in an expedient manner. The Board finds this process to be an efficient mechanism for resolving minor violations. The Board directed its MDC to work on developing citation and fine guidelines to define the process and make the program even more viable and transparent to the licensees and the public. The Board asked the MDC to update the citation and fine regulations to clarify the process and increase the fines up to the \$5,000 statutory maximum.

Since the evidentiary standard for a citation is preponderance of evidence as opposed to the standard for formal discipline, clear and convincing to a reasonable certainty, these cases are handled primarily by desk investigations. While the issuance of citations and fines requires a substantial amount of staff time, there are usually no investigative or prosecutorial expenditures. Therefore, citations and fines can be a cost effective and relatively quick means to address minor violations.

PERFORMANCE BARRIERS.

There are two major performance barriers in the enforcement process: 1) the length of time required for an investigation through DCA’s DOI six to 18 months; and 2) the length of time necessary for processing through the OAG and the Office of Administrative Hearings. Investigations through DOI range from six to 18 months. Once a case is transferred to the OAG for preparation of an accusation, it can take anywhere from six months to one year to prepare an accusation and one year to administrative hearing. These timelines are outside the Board’s control, but add greatly to the overall length of time it takes from receipt of a complaint to ultimate resolution.

Other performance barriers include staffing shortages as well as the lack of timely responses from outside agencies and licensees. In many cases, to determine if a violation exists, the Board must obtain various documents such as court reports, arrest records and written responses related to each case. Responses to requests for documents can vary greatly. In many cases, multiple documents are needed from other agencies and sometimes repeated requests are required. Further delays can be caused when processing fees are required by courts and arresting agencies.

The staffing shortages are a significant barrier to improved performance in processing consumer complaints. The consequences of delayed processing are that public safety is compromised, animals are harmed, consumer remedies are delayed, and negligent and/or incompetent licensees continue to practice without restrictions. A summary of the circumstances surrounding the staffing shortages is listed below:

1. On January 10, 2008, Governor Schwarzenegger issued Executive Order S-01-08, which ordered all State agencies to reduce and/or eliminate all non-essential expenditures. This order included a hiring freeze which prevented the Board from obtaining additional staffing to address its increasing workload.
2. On July 31, 2008, Executive Order S-09-08 was issued. This order set in place a freeze for all non-critical hiring, to immediately reduce expenditures and preserve cash, including the following: (1) halting all hiring, transfers, and promotions of employees, and contracting for individuals to perform services; (2) prohibition of overtime; (3) termination of the services of retired annuitants, permanent intermittent employees, seasonal employees, temporary help workers and student assistants; and (4) suspension of personal services contracts.
3. On December 19, 2008, Governor Schwarzenegger issued Executive Order S-16-08, which required State agencies to implement furloughs of State employees for two days per month regardless of funding source, from February 9, 2009, through June 30, 2009.
4. On July 2, 2009, Governor Schwarzenegger issued Executive Order S-09-12, which required State agencies to close their offices for three Fridays every month through June 30, 2010.
5. On August 9, 2010, Governor Schwarzenegger issued Executive Order S-12-10, which required State agencies to close their offices for three Fridays every month until the budget was signed.
6. On August 31, 2010, Governor Schwarzenegger implemented a state hiring freeze and one self-directed furlough day.
7. On February 15, 2011, Governor Brown issued Executive Order B-3-11, which implemented a freeze from hiring additional staff and interdepartmental transfers. The order also implemented additional budget reductions that would have to be met to achieve departmental savings in lieu of the hiring freeze.
8. Effective July 1, 2012, the State negotiated the Personal Leave Program 2012 with State employee bargaining units that required employees to take a day off every month for 12 consecutive months and reduced employees' pay equal to eight hours per month.

The reduction in staffing through furlough and hiring restrictions has had a significant impact on the Board's ability to process complaints in a timely manner. For example, from February 2009 through October 2010, the Board lost 55 work days per staff member or 440 hours due to furloughs. If you multiply 440 hours by the three existing full-time positions, this equates to 1,320 hours of lost work time. This lost time is equivalent to a .74 of an annual full-time employee equivalent of position or a 20% reduction in enforcement staff over that time period. Over the last three years, the number of cases enforcement staff was able to process was reduced and case backlogs and processing delays increased.

In an attempt to offset the impact of the reduction in staffing levels through furlough and the hiring freeze, the Board hired temporary help, utilized the services American Association of Retired Persons (AARP) volunteers, and authorized overtime for enforcement staff in February and March of 2012.

In an effort to streamline the processing time for unlicensed activity complaints, the Board recently eliminated one step in a three-step process; 1.) a cease and desist letter, 2.) a preliminary letter for citations, and 3.) then the citation if a violation is established. Unlicensed activity cases are now handled in two steps; 1.) the cease and desist letter was combined with the preliminary letter so that a failure to respond or if it is established that there is unlicensed activity and, 2.) issue a citation. This was implemented within the last six months so there is insufficient data to track the effect, but the Board is hopeful that small changes such as this will help alleviate the existing workload backlogs.

Table 9a. Enforcement Statistics

	FY 2009/10	FY 2010/11	FY 2011/12
COMPLAINT			
Intake ¹ (Use CAS Report EM 10)			
Received (not including convictions/arrests)	580	714	774
Closed	143	31	10
Referred to INV	490	654	669
Average Time to Close	97	33	27
Pending (close of FY)	38	22	33
Source of Complaint (Use CAS Report 091)			
Public	337	449	423
Licensee/Professional Groups	58	63	48
Governmental Agencies	41	6	5
Other	144	196	188
Conviction/Arrest (Use CAS Report EM 10)			
CONV Received	57	45	48
CONV Closed	63	48	48
Average Time to Close	71	22	12
CONV Pending (close of FY)	3	0	0
LICENSE DENIAL (Use CAS Reports EM 10 and 095)			
License Applications Denied	8	11	8
SOIs Filed	4	6	7
SOIs Withdrawn	1	1	0
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	370	523	534
ACCUSATION (Use CAS Report EM 10)			
Accusations Filed	12	8	26
Accusations Withdrawn	2	3	1
Accusations Dismissed	1	2	0
Accusations Declined	6	2	0
Average Days Accusations ²	1260	1523	1153
Pending (close of FY)	36	28	23

1 Intake-The Board receives complaints that allege negligence, incompetence, unprofessional conduct, fraud, deception, convictions, unlicensed activity, and substance/drug-related abuse.

2 Average Days Accusations-When a case is referred to the Office of the Attorney General for formal discipline, typically a hearing is scheduled through the Office of Administrative Hearings. Scheduling an administrative hearing can take up to 12 months depending on the availability of the presiding administrative law judge.

Table 9b. Enforcement Statistics (continued)

	FY 2009/10	FY 2010/11	FY 2011/12
DISCIPLINE			
Disciplinary Actions (Use CAS Report EM 10)			
Proposed/Default Decisions	6/2 8	9/2 11	2/4 6
Stipulations	9	3	10
Average Days to Complete ¹	1,280	1,380	937
AG Cases Initiated	32	40	55
AG Cases Pending (close of FY)	37	48	72
Disciplinary Outcomes (Use CAS Report 096)			
Revocation	6	6	9
Voluntary Surrender	2	1	3
Suspension	0	0	0
Probation with Suspension	1	2	3
Probation	7	7	10
Probationary License Issued	0	0	5
Other			
PROBATION			
New Probationers	8	7	7
Probations Successfully Completed	10	7	3
Probationers (close of FY)	38	32	38
Petitions to Revoke Probation	3	4	5
Probations Revoked	3	3	2
Probations Modified	1	0	0
Probations Extended	0	1	0
Probationers Subject to Drug Testing	16	12	10
Drug Tests Ordered	-	10	16
Positive Drug Tests	-	4	4
Petition for Reinstatement Granted	1	0	0
DIVERSION			
New Participants	2	0	1
Successful Completions	0	0	0
Participants (close of FY)	5	2	3
Terminations	2	2	0
Terminations for Public Threat	0	1	0
Drug Tests Ordered	143	11	57
Positive Drug Tests	3	3	0

¹ Average Days to Complete-This is the average number of days to complete the entire enforcement process for formal discipline. The average includes intake, desk investigation, formal investigation through the Division of Investigation, and prosecution through the Attorney General.

Table 9c. Enforcement Statistics (continued)

	FY 2009/10	FY 2010/11	FY 2011/12
INVESTIGATION			
All Investigations (Use CAS Report EM 10)			
First Assigned	522	698	692
Closed	367	478	665
Average days to close	276	292	341
Pending (close of FY)	389	660	702
Desk Investigations (Use CAS Report EM 10)			
Closed	33	442	591
Average days to close	160	243	307
Pending (close of FY)	393	556	595
Non-Sworn Investigation (Use CAS Report EM 10)			
Closed	NA	NA	NA
Average days to close	-	-	-
Pending (close of FY)	-	-	-
Sworn Investigation	29	32	74
Closed (Use CAS Report EM 10)	1016	942	610
Average days to close	57	119	107
Pending (close of FY)			
COMPLIANCE ACTION (Use CAS Report 096)			
ISO & TRO Issued	0	0	0
PC 23 Orders Requested	0	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	0	0	0
Cease & Desist/Warning	23/91 114	52/47 99	80/3 83
Referred for Diversion	0	0	0
Compel Examination	0	0	0
CITATION AND FINE (Use CAS Report EM 10 and 095)			
Citations Issued	41	37	53
Average Days to Complete	320	532	509
Amount of Fines Assessed	\$19,407	\$13,502	\$25,750
Reduced, Withdrawn, Dismissed	2/3/3	0/3/10	0/1/0
Amount Collected	\$20,406	\$11,502	\$19,750
CRIMINAL ACTION			
Referred for Criminal Prosecution	1	2	10

1 Non-Sworn Investigation-All investigations were conducted by Board staff as desk investigations or DOI as sworn investigations. The Board does not have a non-sworn investigator position due to budget cuts.

Table 10. Enforcement Aging

	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
1 Year	1	3	3	2	9	2.25%
2 Years	4	0	2	3	9	2.25%
3 Years	0	1	0	0	1	0.25%
4 Years	0	0	0	1	1	0.25%
Over 4 Years	0	0	0	1	1	0.25%
Total Cases Closed	5	4	5	7	21	5.25%
Investigations (Average %)						
Closed Within:						
90 Days	15	12	10	33	70	17.5%
180 Days	25	31	10	24	90	22.5%
1 Year	5	7	27	18	57	14.25%
2 Years	6	7	24	2	39	9.75%
3 Years	3	2	0	0	5	1.25%
Over 3 Years	0	0	0	0	0	0
Total Cases Closed	54	59	71	77	261	65.25%

Case aging occurs at every phase of the Board’s enforcement process. Table 10 above illustrates the OAG and DOI phases of the enforcement process. Over the last three years, the processing timelines for cases increased beyond acceptable levels. Because delays compromise evidence and witness availability, the extended aging times affects the overall integrity of the Board’s enforcement efforts.

32. What do overall statistics show as to increases or decreases in disciplinary action since last review.

In 2010/11 fewer accusations were filed than in the previous year (8 down from 14 the previous year) due to staffing shortages at the Board; however, in 2011/12, due to a lessening of the hiring freeze and an end to furlough days, the numbers are on the rise (up from 8 to 26 total accusations filed). Also, average processing days were significantly up in 2010/11 and are now coming back down as evidenced by the total average processing days in 2011/12.

33. How are cases prioritized? 4875.1 What is the board’s compliant prioritization policy? Is it different from DCA’s Complaint Prioritization Guidelines for Health Care Agencies (August 31, 2009)? If so, explain why.

The Board’s priorities for enforcement are listed in the B&P Section 4875.1 with negligence being the highest priority.

4875.1. (a) In order to ensure that its resources are maximized for the protection of the public, the board shall prioritize its investigative and prosecutorial resources to ensure that veterinarians and registered veterinary technicians representing the greatest threat of harm are identified and disciplined expeditiously. Cases involving any of the following allegations shall be handled on a priority basis, as follows, with the highest priority being given to cases in paragraph (1):

- (1) Negligence or incompetence that involves death or serious bodily injury to an animal patient, such that the veterinarian or registered veterinary technician represents a danger to the public.
- (2) Cruelty to animals.
- (3) A conviction or convictions for a criminal charge or charges or being subject to a felony criminal proceeding without consideration of the outcome of the proceeding.

- (4) Practicing veterinary medicine while under the influence of drugs or alcohol.
- (5) Drug or alcohol abuse by a veterinarian or registered veterinary technician involving death or serious bodily injury to an animal patient or to the public.
- (6) Self-prescribing of any dangerous drug, as defined in Section 4022, or any controlled substance, as defined in Section 4021.
- (7) Repeated acts of excessive prescribing, furnishing, or administering of controlled substances, as defined in Section 4021, or repeated acts of prescribing, dispensing, or furnishing of controlled substances, as defined in Section 4021, without having first established a veterinarian-client-patient relationship pursuant to Section 2032.1 of Title 16 of the California Code of Regulations.
- (8) Extreme departures from minimum sanitary conditions such that there is a threat to an animal patient or the public and animal health and safety, only if the case has already been subject to Section 494 and board action.
- (b) The board may prioritize cases involving an allegation of conduct that is not described in subdivision (a). Those cases prioritized shall not be assigned a priority equal to or higher than the priorities established in subdivision (a).
- (c) The board shall annually report and make publicly available the number of disciplinary actions that are taken in each priority category specified in subdivisions (a) and (b).

34. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report actions taken against a licensee. Are there problems with receiving the required reports? If so, what could be done to correct the problems?

Licensees of the Board are required to report animal cruelty, animal fighting, and injuries that occur at rodeos. Insurance companies and licensees are required to report complaints that result in a settlement to the consumer in excess of \$10,000 (B&P Sections 801 and 801.01). Licensees and applicants are required to be fingerprinted via LiveScan for DOJ and the Federal Bureau of Investigation; subsequently, the Board receives licensees' arrest and conviction notifications. Furthermore, licensees are required to disclose whether or not they have had any convictions since their last renewal. In addition, the AAVSB provides discipline notifications to the Board if a licensee is disciplined in another state.

35. Does the board operate with a statute of limitations? Please describe and provide citation. If so, how many cases were lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

The Board does not have a statute of limitations per se; however, licensees are legally required to maintain the medical records for three years after the date of the last visit; so if a consumer waits to file a complaint more than 3 years after the date of the last visit, then the records or evidence in the case may not be available and the Board may be unable to take action on the complaint. Regardless, the Board investigates every case and determines whether or not there is sufficient evidence to move forward.

36. Describe the board's efforts to address unlicensed activity and the underground economy.

In unlicensed activity cases involving laypersons, the Board has authority to issue cease and desist letters or citations and fines. For complaints involving laypersons where it is a first time offense of unlicensed activity, the Board will usually issue a cease and desist letter to notify the layperson of the law and order them to discontinue the unlicensed activity and submit written acknowledgement.

If the cease and desist letter does not resolve the unlicensed activity, the Board may issue a citation and fine. The responding party could then request an informal conference with the Board's staff and ultimately could appeal the citation which would be handled through the OAG.

In complaints against lay persons involving more egregious allegations, or multiple complaints or harm to the animal patient, the Board may refer the case to the DOI for further investigation and possible filing of criminal charges. The ultimate recourse for these types of complaints would be through the local District Attorney's (DA) office. In the past, local DAs have been reluctant to prosecute such cases due to a lack of resources and a higher priority on harm to humans but, in the past few years the Board has seen an increase in unlicensed cases being accepted by the local DAs.

37. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and last time regulations were updated. Has the board increased its maximum fines to the \$5,000 statutory limit?

The Board has the authority to issue citation and fines pursuant to B&P Section 4875.2, and CCR Section 2043. Pursuant to CCR Section 2043, fines range from \$50 to \$1,500. Citations are issued for minor violations that would not warrant formal discipline. Citations can be issued to veterinarians, RVTs, or unlicensed persons who commit any act that violates the Veterinary Medicine Practice Act. The Board supports increased fine amounts for its citations and has referred proposed regulations to increase the limit to its MDC. It is anticipated that draft regulations will be adopted by the MDC at its November 2012 meeting and will go to the Board for discussion and consideration for adoption at its January 2013 meeting.

38. How is cite and fine used? What types of violations are the basis for citation and fine?

Citation and fines are issued for minor violations that would not warrant formal discipline. Examples of minor violations are practicing without a valid license, aiding and abetting unlicensed activity, failure to report a current address of record, record-keeping violations, unprofessional conduct, and negligence. Citations include a description of the violation(s), an Order of Abatement directing the subject to correct the violation(s), and fine. Subjects who have been issued a citation can request an informal conference or a formal administrative hearing. Citation fines range from \$50 to \$1,500. Payment of any fine does not constitute an admission of the violation charged. Citations are public record for five years from date of issue.

39. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals in the last 4 fiscal years?

The Board does not have a Disciplinary Review Committee.

In the last four years, the Board held 22 informal conferences and 8 administrative procedure act appeals. The majority of citations are paid without being contested.

40. What are the 5 most common violations for which citations are issued?

Negligence, unprofessional conduct, aiding and abetting unlicensed activity, unlicensed activity, and recordkeeping.

41. What is average fine pre and post appeal?

The average citation fine pre-appeal and post-appeal is \$500.

42. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

The Board uses the Franchise Tax Board intercepts program to collect outstanding fines for non-licensees. Three letters are sent to the individual for payment. If no payment is received, the Board sends the individuals information to the accounting office, with copies of the three letters, to forward to the Franchise Tax Board intercepts program. To date, the Board has sent one case to the Franchise Tax Board for collection.

COST RECOVERY AND RESTITUTION

43. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

All accusations filed by the Board seek cost recovery pursuant to B&P Code Section 125.3. Although the Board seeks cost recovery, oftentimes administrative law judges will reduce the amount owed to the Board due to respondent's financial hardship. In cases settled prior to a hearing by Stipulated Settlements, the Board may also reduce cost recovery due to the respondent's financial hardship and for settlement purposes. In probationary cases, cost recovery is due before the end of the probationary term. Failure to pay cost recovery could result in an extension of probation or revocation. Cost recovery ordered in revocation cases is usually not collected unless the respondent petitions for reinstatement.

44. How many and how much is ordered for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

All cost recovery is collectable.

45. Are there cases for which the board does not seek cost recovery? Why?

The Board cannot seek cost recovery for default decisions. A default decision occurs when a subject does not file a Notice of Defense within 15 days of receiving the Accusation or the subject fails to appear at their scheduled administrative hearing.

46. Describe the board’s use of Franchise Tax Board intercepts to collect cost recovery.

So far, the Board has collected all cost recovery and has not used the Franchise Tax Board intercepts program to collect cost recovery.

47. Describe the board’s efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

The Board has the authority to order restitution as an optional term of probation. The Board has not exercised this right but encourages consumers to seek restitution through their local court.

Table 11. Cost Recovery				
	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
Total Enforcement Expenditures	\$1,059,000	\$1,174,000	\$925,000	\$1,078,000
Potential Cases for Recovery *	13	14	8	26
Cases Recovery Ordered	13	14	8	26
Amount of Cost Recovery Ordered	\$147,042	\$149,879	\$82,135	\$142,813
Amount Collected	\$97,749	\$85,444	\$60,028	\$79,394

*"Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the Veterinary License Practice Act.

Table 12. Restitution				
	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
Amount Ordered	0	0	0	0
Amount Collected	0	0	0	0

48. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The Board posts disciplinary actions on its website and that information is maintained indefinitely. Board meeting agendas and final minutes are posted online. Draft minutes are posted as a part of the agenda meeting materials for the next regularly scheduled Board meeting approximately two weeks prior to the meeting. Copies of approved minutes are posted within approximately two weeks of the meeting and remain on the website indefinitely. The Board has an electronic mailing list for public notices and distribution of its newsletter as well as a variety of Frequently Asked Questions and Answers throughout its programs that are also available on the website.

49. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings?

The Board does not webcast its meetings; however, it is considering implementing this function in the Spring of 2013 when the Board moves to its new location.

50. Does the board establish an annual meeting calendar, and post it on the board's web site?

Yes.

51. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions (May 21, 2010)*?

The Board's complaint disclosure policy is substantially consistent with DCA's standards. The Board has been posting its accusations and disciplinary actions on the website since 2011. The Board is currently utilizing the services of an AARP volunteer to scan accusations and disciplinary documents retroactively so they can be posted on the website. The Board also publishes a summary list of enforcement actions by year with links to the actual documents.

52. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

Under current law, the Board provides the public with the licensees' name and address of record, issue and expiration dates, and any enforcement action history.

53. What methods are used by the board to provide consumer outreach and education?

The Board has been very restricted in its efforts to provide consumer outreach and education due to staffing issues, furloughs, and travel restrictions over the last few years. However, the Board does strive to provide as much up-to-date information to consumers as possible via its website. Many informational items are posted online, including its newsletter, a hospital inspection self checklist that outlines the minimum standards requirements, and consumer brochures. The Board provides consumer information on how to file a complaint and how to apply for a license. The Board also has a sign-up for its online mailing list, Frequently Asked Questions and Answers, Board policies and a list of "What's New" on its home page.

When the DCA sends representatives to the State fair or local county fairs, the Board participates by sending consumer information brochures and application information for distribution.

SECTION 7

Online Practice Issues

54. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate Internet business practices or believe there is a need to do so?

The most prevalent cases that the Board has observed involve illegal online pharmacies. The Board is working with the State Board of Pharmacy to pursue action in these cases.

In addition to online practice, the Board has seen a dramatic increase in the use of the Internet by unlicensed persons to advertise illegal services. The websites have a professional appearance and are exceptionally deceptive to the unwary public, creating the impression of professional services at a dramatically reduced cost. The actual cost to the public down the road is increased costs for veterinary care to correct problems caused by the unlicensed persons and sometimes it is the loss of life of a beloved pet. The Board recently transferred one case involving unlicensed activity to the Franchise Tax Board and recommends amending B&P Section 149 – telephone disconnect authority – to include Internet and other electronic advertising.

SECTION 8

Workforce Development and Job Creation

55. What actions has the board taken in terms of workforce development?

The Board regularly reviews its laws and regulations to identify any potential artificial barriers that could delay licensure. In 2009, the Board developed regulations to create a new one-year pathway to eligibility to take the Veterinary Technician State Board Examination and become registered. Eligibility was based on a combination of five years of directed clinical experience under the supervision of a licensed California veterinarian and the equivalent of three years of experience completed in no less than two years (4,416 hours). That project was successful and approximately 450 persons became registered as a result. Also, the licensure requirements for reciprocity for veterinarians was changed from four years to two and for persons completing work experience the timeframe in which to complete the total required hours was shortened from three to two years to allow for time worked over a regular 8-5 work schedule.

The Board is also transitioning in January 2014 from a California-specific RVT State Board Examination to the VTNE, which will enhance workforce development in California by facilitating the ability of RVTs to move to California to practice.

56. Describe any assessment the board has conducted on the impact of licensing delays.

Currently, there are no delays in issuing licenses. Since 2003, the Board implemented streamlined licensure for reciprocity, residents, and interns and changed the practice requirement for reciprocity from 4 years of practice to 2 years. The Board is also looking at ways in which it can recognize military experience as a pathway for eligibility to take the RVT licensing examination.

57. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The Board regularly reviews its laws and regulations to identify any potential artificial barriers that could delay licensure and participates in presentations on the law and licensing requirements held at the two veterinary colleges in California, Western University in Pomona and the University of California, at Davis, in Davis, California.

58. Provide any workforce development data collected by the board, such as:

- a. Workforce shortages
- b. Successful training programs.

The professional associations regularly compile workforce shortage information and information on training programs. The Board does not have the resources to do independent studies on workforce shortages and training programs and has not collected such data. However, the workforce and training program data is available to the Board if needed and the Board did participate in a DCA survey that collected data regarding eligibility of military personnel for various licenses.

SECTION 9 Current Issues

59. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

Proposed regulations regarding the Uniform Standards are scheduled for discussion at the Board's October 2012 meeting.

60. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

Proposed regulations regarding the CPEI are scheduled for discussion at the Board's October 2012 meeting.

61. Describe how the board is participating in development of BreZE and any other secondary IT issues affecting the board.

The Board is participating in the BreZE project by attending meetings, identifying training needs and cleaning up existing data in Consumer Affairs System and ATS databases. The Board is transitioning to BreZE in the second phase which is scheduled to begin around May 2013. The retroactive fingerprinting of RVTs registered between 1980 and 2004 is a project that will move forward as soon as the Board is up and running on the new BreZE program.

SECTION 10 Board Action and Responses to Prior Issues

Include the following:

1. Background information concerning the issue as it pertains to the board.
2. Short discussion of recommendations made by the Committee/Joint Committee during prior sunset review.
3. What action the board took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the board has for dealing with the issue, if appropriate.

In the sections below, the Board has included the specific issues, recommendations, comments and the Board's responses from the 2003 Sunset Review Report. Following the information for 2003, the Board has listed its current 2012 update response on what has been done since 2003 on each specific issue.

2003 ISSUE #1

(CONTINUE REGULATION OF THE PROFESSION AND THE BOARD?) Should the licensing and regulation of the veterinary profession be continued, and be regulated by an independent board rather than by a bureau under the Department?

Recommendation #1: *The Joint Committee and the Department recommend that the practice of veterinary medicine should continue to be regulated and that the Board has proven to be an effective structure for regulation of the profession and should be continued.*

Comments: The technical and highly specialized practice of veterinary medicine lends itself to government regulation. Without the presence of a license, consumers would have little ability to determine if a veterinarian has the requisite knowledge, skills, and abilities needed to practice.

Board Response: Support

► 2012 – BOARD UPDATE

The Board supported the 2003 recommendation and the technical and highly specialized practice of veterinary medicine and veterinary technology lends itself to government regulation. Without the presence of a license or registration, consumers would have little ability to determine if a veterinarian or RVT has the requisite knowledge, skills, and abilities needed to practice. The Board continues to support this recommendation and respectfully requests a legislative extension of its sunset date.

2003 ISSUE #2

(GIVE RVT COMMITTEE SPECIFIC INDEPENDENT AUTHORITY?) Currently there exists a Registered Veterinary Technicians Committee (RVTC) which acts as an advisory committee to the Board, however, they have no independent authority from the Board regarding decisions that impact their own profession.

Recommendation #2: *The Joint Committee recommends that the Registered Veterinary Technicians Committee be given independent statutory authority over issues within its jurisdiction, e.g., examinations, eligibility categories, establishing criteria for and approving RVT school programs, etc.*

Comments: At the January 7, 2004, Joint Committee hearing, there were concerns expressed regarding the lack of RVT representation on policy matters approved by the Board that impact the RVT population. Providing independent statutory authority in a number of areas handled currently by the Board will help resolve concerns that RVTs have in assuring they have a voice in decisions that impact the RVT profession.

Board Response: Support

► **2012 – BOARD UPDATE**

The Board supported the 2003 recommendation and took the following action:

▪ **In 2005/06, the Board:**

- Supported legislation to expand the authority of the RVTC beyond assisting the Board with examination duties and included authority for the RVTC to assist the Board in developing regulations to define procedures for citation and fines.

▪ **In 2008/09, the Board:**

- Supported legislation that sunsetted the RVT Committee and added an RVT to the Board giving RVTs a representative on the Board.
- Supported legislation that amended the composition of the MDC to include two RVTs, giving RVTs more of a voice in the decision making process.

▪ **In 2011/12, the Board:**

- Created a two-member Board RVT Sub Committee to assist staff with RVT issues.

2003 ISSUE #3

(CLARIFY DUTIES OF UNREGISTERED ASSISTANTS?) Concern has been raised that unregistered assistants may be performing activities that only veterinarians or registered veterinary technicians (RVTs) are licensed and/or qualified to perform.

Recommendation #3: *The Joint Committee and the Department recommend that the Board report to the Joint Committee and the Department with recommendations on ways to clarify and delineate veterinary and RVT duties.*

Comments: At the January 7, 2004, Joint Committee hearing, RVTs and consumers expressed concerns regarding unregistered assistants performing duties normally completed by veterinarians or RVTs. The RVTC is working with the Department's Office of Examination Resources to conduct a statewide practice analysis that is scheduled for completion in May 2004. The practice analysis will provide the Board and the RVTC with updated information as to the application of the current RVT-only tasks and the level of harm associated with each task.

Board Response: Support

► **2012 – BOARD UPDATE**

The Board supported the 2003 recommendation and, in addition to the practice analysis, in 2011 the Board implemented title protection for "Veterinary Technician." A bill in process this year will create the title "Veterinary Assistant" for all other persons working in a veterinary hospital.

2003 ISSUE #4

(CONTINUE PROVIDING BOTH NATIONAL AND STATE EXAMINATIONS FOR VETERINARIANS AND RVTs?) California requires three examinations for licensure of veterinarians including a national and state examination, and requires a state examination for RVTs rather than the national exam.

Recommendation #4: *The Joint Committee and the Department recommend that the Board pursue the validity of requiring the administration of national and state examinations for veterinarians and RVTs.*

Comments: Since legislative proposals to increase fees have not been successful in the past couple of years, it would be more prudent to pursue the need to administer national and state examinations for veterinarians and RVTs as a means of consumer protection.

Board Response: Support

► **2012 – BOARD UPDATE**

The Board supported the 2003 recommendation and was successful in increasing the fees for examinations and for licensure in 2012 so that they are now self-supporting. The Board is currently in the process of transitioning the RVT State Board Examination to the VTNE in 2014 and, because there are five RVT-only job tasks in California, is developing a supplemental RVT law examination to augment the VTNE.

2003 ISSUE #5

(DEFINE SPECIALTY AREAS OF VETERINARY MEDICINE?) The Practice Act does not define what constitutes a veterinary medicine specialty, and consumers and other veterinarians may be misled about the qualifications of veterinarians who use specialty titles.

Recommendation #5: *The Joint Committee and the Department recommend that the Board establish regulations incorporating the American Veterinary Medical Association (AVMA) guidelines for the use of specialty titles used by veterinarians. They should also develop a plan to educate consumers on specialty titles.*

Comments: Currently, the Board uses the AVMA guidelines as a basis to determine if disciplinary action is warranted. Establishing regulations will educate licensees on the legal appropriateness of use of specialty titles.

Board Response: Support

► **2012 – BOARD UPDATE**

The Board supported the 2003 recommendation and explored the feasibility of implementing regulations to define the use of specialty titles used by veterinarians. Some of the obstacles that surfaced in those discussions were the fact that the Board issues a general license and does not specifically regulate specialty licensure. In discussing the AVMA guidelines, it was discovered that there are some specialty organizations that are recognized on a national scale, but are not “accredited” by the AVMA. Based on advice from legal counsel that excluding such organizations could amount to a restraint of trade issue, the Board did not pursue this project any further and recommended that the profession consider an educational message to licensees in California.

Recently, the Board posted information on its consumer and licensee info pages on the website that was obtained from the AVMA on the guidelines for the use of the title “Board Certified” since the misuse of such titles, if proven, could result in false advertising and unprofessional conduct violations under California laws.

2003 ISSUE #6

(CONTINUE THE DIVERSION PROGRAM AND MAKE IT SELF-SUPPORTING?) Over the past four years the Board has spent over \$40,000 on its Diversion Program, had nineteen participants, two successful completions, and two unsuccessful completions. There has not been a single successful completion during the past two years.

Recommendation #6: *The Joint Committee and the Department recommend that the Board should prepare a follow-up report with recommendations on the feasibility of continuing the diversion program and other options for the program to be self-supporting.*

Board Response: Support

► **2012 – BOARD UPDATE**

The Board supported the 2003 recommendation and since 2003, the Board revised its contract for its Diversion Program and the costs are approximately \$13,500 a year for the Diversion Evaluation Committee (DEC) meetings. The Board believes that its Diversion Program is an excellent option for licensees who are battling addictions and is working with the contract vendor, Maximus, to increase the advertising about the program and get the word out into the profession that it is available. The actual cost for participants is \$2,800 annually and the fee charged by the Board to licensee participants was increased in 2012 from \$1,600 to \$2,000.

The Board supported this proposal and supports its Diversion program, but has been unable to achieve direct cost savings that would make the program self-supporting.

2003 ISSUE #7

(INSPECT MORE VETERINARY FACILITIES?) Over the past seven years, the Board has inspected an average of only 13 percent of veterinary facilities a year. Once a facility has been inspected, it generally is not inspected again until other facilities have been inspected -- perhaps as long as six or more years later. These inspections have been performed by licensed veterinarians.

Recommendation #7: *The Joint Committee recommends that the Board should attempt to increase the number of veterinary facilities inspected, as staff is made available, and these inspections should be done on a "random basis." Priority should be given to those veterinarian facilities in which complaints have been filed with the Board.*

Comments: California Code of Regulations Section 2030 sets the minimum standards for fixed veterinary premises where veterinary medicine is practiced, as well as all instruments, apparatus, and apparel used in connection with those practices. The method the Board has selected to enforce such standards is premise inspections. Each year, the Board inspects an average of 300 registered veterinary facilities that are selected from a master list, and an average of 31 facilities in response to complaints it receives. The vast majority of these inspections are unannounced. During the past seven Fiscal Years (since 1996/97), the Board has completed 2,616 inspections, including 211 complaint-related ones. The average rate for annual routine hospital inspections during the past seven years has been 13 percent, with a slight improvement during the past two fiscal years: 18 percent in 2001/02 and 16 percent in 2002/03. In its report to the Joint Committee, the Board indicated that all new veterinary premises are now inspected within the first six to 12 months of operation. In subsequent oral communications with the Joint Committee, the Board stated that its goal is to have all premises inspected within a five-year period.

The Board further indicated to the Joint Committee that when it "randomly" selects premises to inspect, it eliminates from selection those premises with the most recent inspection dates. Thus, it appears that once facilities are inspected, they enjoy "safe harbors" from random inspections for an extended period of time, perhaps as long as six years or more years. To accomplish these inspections, the Board has contracted with private veterinarians who hold current California licenses and have at least five years of clinical practice experience. However, the Board is considering expanding the pool of prospective inspectors to include RVTs as well.

Board Response: Support

► **2012 – BOARD UPDATE**

The Board supported the 2003 recommendation and has tried to increase the expenditure authority and add one personnel year to its inspection program every year since this report was completed and has been denied each year. Despite the lack of funding and staff, the Board is working within its existing resources to improve the program and although the number of inspections annually have not increased, the Board:

1. Opened up the annual inspection program to RVTs.

2. Improved the inspector training and implemented a “shadowing” program whereby the Enforcement Program Manager and Assistant Program Manager go out with the new inspector to monitor and train.
3. Hired three new inspectors for the 2012/13 fiscal year to begin in September 2012 with a goal of increasing the actual number of inspections each year to 500, or 16%. The Board also changed the method of hiring inspectors from the Request for Proposal process to establishing a pool of qualified experts and hiring via the streamlined contract process implemented by DCA last year. This has greatly improved the pool of qualified applicants.

2003 ISSUE #8

(INCREASE THE FINE AUTHORITY OF THE BOARD?) The current self-imposed maximum cite and fine authority of \$1,500 may not be high enough to deter illegal activity and unprofessional conduct and is inconsistent with other boards under the Department.

Recommendation #8: *The Joint Committee recommends that the Board’s cite and fine authority should be consistent with authority granted to other boards under Section 125.9 of the Business and Professions Code.*

Comments: The Board implemented the citation and fine program in 1990 to augment its complaint review process. It uses the program to address violations of the law that do not warrant revocation or suspension of a license or criminal prosecution. In the Board’s report, it indicates that it established regulations that provide a flexible guide to determine an appropriate civil penalty related to the nature and gravity of each violation as it affects the health, safety, and welfare of the public. The number of citation and fines issued has grown from 10 in 1996/97 to 87 citation and fines in 2002/03. The Board developed the violation guidelines to outline the criteria for issuing a citation and fine. The following fine guidelines are divided into three categories based on degree of harm and history for previous citations:

Class “A” violations – most serious violations – with fines from \$1,001 to \$1,500.

Class “B” violations – serious violations – with fines from \$501 to \$1,000.

Class “C” violations – minor violations – with fines from \$50 to \$500.

Under Business and Professions code Section 125.9, the maximum statutory level for these administrative fines is currently \$5,000, effective January 1, 2004, as a result of recently enacted legislation (SB 362, Figueroa; Chapter 788, Statutes of 2003).

Board Response: Support

► **2012 – BOARD UPDATE**

The Board supported the 2003 recommendation and within the Board citation and fine authority, the Board developed ranges of fines to impose at different levels depending on the violation or pattern of violations. The Board supports increasing fine amounts for its citations up to the current statutory limit of \$5,000 and has referred proposed regulations to increase the limit to its MDC. It is anticipated that draft regulations will be adopted by the MDC at its November 2012 meeting and will go to the Board for discussion and consideration of adoption at the Board’s January 2013 meeting.

2003 ISSUE #9

(ASSURE CONSISTENT APPLICATION OF DISCIPLINARY GUIDELINES?) It has been argued that the Board is ignoring its own disciplinary guidelines regarding the mandatory revocation (no stay) of licenses in cases involving cruelty to animals.

Recommendation #9: *The Joint Committee recommends that the Board should assure that disciplinary guidelines are consistently applied to disciplinary cases which are decided upon by the Administrative Law Judge and the Board.*

Comments: The Board’s disciplinary guidelines state that animal cruelty “is considered by the Board to be so severe that revocation is the only appropriate penalty, together with a \$5,000 fine.” It was argued during the January 7, 2004, Joint Committee hearing that the Board has been ignoring this policy by staying revocation in at least one case where a veterinarian was found to have committed animal cruelty.

Board Response: The Board supports the concept of consistent application of the disciplinary guidelines, but has little to no control over the application of such guidelines by an administrative law judge. Each case and the resulting fact pattern is unique and administrative law judges must have the latitude to apply the guidelines uniquely to each case.

The Board reviews the guidelines regularly to insure that they are current and relevant. It is currently in the process of updating the guidelines to be as consistent as possible with the laws governing veterinary medicine in California.

► **2012 – BOARD UPDATE**

Since 2008, the Board has been severely impacted by vacancies on the Board, hiring freezes, furloughs, and layoffs. However, in spite of the Board's limitations, in 2009 the Board held a workshop to review and update its Disciplinary Guidelines, but, due to workload factors, was unable to bring those changes forward until October 2011 during a Strategic Planning workshop held in conjunction with a regularly scheduled Board meeting. The guidelines were updated and brought back to the Board in January 2012 for discussion and again in June 2012 for a public regulatory hearing. The Guidelines are now going through the rulemaking process and the Board hopes to have them in effect in April 2013.

2003 ISSUE #10

(ASSURE EXAMINATIONS PROVIDED BY THE BOARD ARE SELF-SUPPORTING?) During the last review of the Board, the Joint Committee recommended that the Board make examinations self-supporting so that funds that could otherwise be spent on enforcement are not used to subsidize them. However, the Board's current report indicates that it continues to lose money on the State Board Exam.

Recommendation #10: *The Joint Committee recommends that the Board should raise fees to be paid by applicants for licensure to assure that licensing fees are not subsidizing the costs of the development and administration of examinations provided by the Board.*

Comments: During the Board's previous Sunset Review, the Joint Committee recommended that application and license fees should not be used to subsidize the costs of examinations. It noted that the Board was using license fees to subsidize the national, and perhaps state examination, thereby limiting the amount that could be spent on enforcement. Since the Joint Committee made those recommendations seven years ago, the Board has explored ways to reduce its costs for the national and California State Board examinations without compromising their integrity. In conjunction with the Department's Office of Professional Examination Services, the Board took several actions, including streamlining its state exam testing format to focus on issues specific to the western states regions and reducing the total number of questions from 240 to 100. However, while these actions initially reduced the Board's costs, higher increased examination preparation and validation costs have caused the Board to lose money on the State Exam. And, despite the \$325 statutory ceiling on State Board fee, the Board has not raised the fee (currently \$140) to make the State Exam self-supporting.

Board Response: Support

► **2012 – BOARD UPDATE**

The Board supported the 2003 recommendation and in 2005, the Board voted to initiate a five-year plan to increase fees so that all of its programs were self-supporting, including the examination program. The Board implemented a regulatory fee increase to its statutory maximum in October 2007, but that was not sufficient to correct the deficiencies. In 2008, the Board sponsored a bill to increase fees, but, due to political factors, the bill did not pass. The Board again sought a fee increase in 2009 and this time the bill passed and the statutory fee ceilings were increased. In 2010, the Board again sought a regulatory fee increase, but by then the economy was in a downturn and it was difficult to consider an increase in any fees. The Board compromised the amount of the fees and delayed implementation of the increases until March 2012 so that the regulations would be supported. The increased fees are now in place and all of the Board's programs are self-supporting.

2003 ISSUE #11

(IMPROVE INFORMATION PROVIDED ON BOARD'S WEB SITE?) The Board's Web site does not disclose any cite and fine information nor does it provide detailed information about a licensee's disciplinary record.

Recommendation #11: *The Joint Committee recommends that the Board should work with the Department to improve the information provided on its Web site and to assure that all disciplinary actions taken against a licensee are made available to the consumer.*

Comments: Consumers who log on to the Board's Website to obtain information about veterinarians or veterinary hospitals may currently obtain only general information about the licensee, such as license status, address, and whether disciplinary actions have been taken. However, if disciplinary action has been taken, the consumer must contact the Board to obtain more detailed information. The Board has indicated that DCA possesses a software program, currently used by the Board of Behavioral Sciences (BBS), that it would like to use to make more useful information available online to consumers. BBS' website users have direct consumer access to a summary of disciplinary action against a licensee. According to the Board, the reason such information is

not available on its website is because DCA does not have staff available to “patch” the current database that the Board uses. With respect to a licensee’s cite and fine history, the only way that consumers may obtain such information is by contacting the Board.

Board Response: Support

► **2012 – BOARD UPDATE**

The Board supported the 2003 recommendation and the Board’s website has been updated since 2003 and it is being improved on a continual basis. In 2010, the Board obtained scanning equipment and, in addition to a summary, is now posting enforcement documents to the website. The Board is current for the past two years with such documents. Utilizing AARP-funded temporary help, the Board is going back and retroactively posting actual documents from the previous five years. Currently, for disciplinary actions prior to 2010 the Board has updated its disciplinary summary information and consumers can still request the actual documents from the Board. The Board does not post citation and fine documents on its website; however, it does notify consumers that a citation has been issued and that the documents are available upon request.

2003 ISSUE #12

(BAN THE PRACTICE OF EAR CROPPING ON DOGS?) The practice of ear cropping in dogs -- cosmetic surgery performed on dog ears to give them a pointed appearance -- is practiced by few veterinarians and illegally by people involved in dog fighting.

Recommendation #12: *The Joint Committee recommends that the ear cropping of dogs should be prohibited unless for therapeutic purposes or injury to the dog, and only for that purpose if performed by a licensed veterinarian.*

Comments: Ear cropping is sometimes performed by those who breed certain types of dogs for cosmetic reasons only. The American Medical Veterinarian Association, as well as state veterinary organizations, including the California Veterinary Medical Association, discourage ear cropping and state that the surgery is medically unnecessary and can cause pain and distress in the dog. The World Small Animal Veterinary Association, which represents the veterinary associations in at least 26 countries on this issue, opposes the practice and believes ear cropping in dogs should be illegal. Ear cropping is prohibited in Australia, Great Britain, Austria, Belgium, Denmark, Finland, Greece, Luxembourg, Norway, Portugal, Sweden, Switzerland, Cyprus, Czechoslovakia, Norway, Israel, and in the Canadian provinces of Newfoundland and Labrador. Further, the American Kennel Club states that, “There is nothing in AKC rules or in any breed standard that compels an owner to have this procedure performed as a prerequisite to entry at a dog show.”

Ear cropping is also performed on dogs used in dog fighting activities. In this situation, the dog’s ear is almost cut off entirely. This “battle cropping” has been performed legally by veterinarians and illegally by people involved in dog fighting activities. If prohibited by law, law enforcement could potentially have another tool to use for closing down illegal dog fighting operations. A poll was recently conducted to query California Veterinary Medical Association members about ear cropping. Only about 10 percent of its members practice ear cropping for cosmetic reasons. Seventy-four percent think that veterinarians should not do ear cropping unless it is for the health and well-being of the dog. Eighty-six percent think that ear cropping is painful during the post-operative period, including anesthetic recovery and aftercare. And 56 percent of small animal practitioners would support legislation to prohibit ear cropping, unless for therapeutic purposes.

Board Response: The issue of whether or not to allow veterinarians to perform ear cropping procedures appears to be a societal issue that should be referred to the veterinary profession or the state association. Should a law be developed in this area that fell within the Board’s jurisdiction, it would be enforced.

► **2012 – BOARD UPDATE**

The Board supports its response from 2003.

(SHOULD VETERINARIANS AND RVTs REPORT ANIMAL ABUSE?) Veterinarians and RVTs have no duty to report animal abuse or cruelty for animals under their care or treatment. However, other like health care professionals, including physicians, dentists, nurses, and chiropractors, are required to report child abuse.

Recommendation #13: *The Joint Committee recommends that licensed veterinarians and RVTs should report incidents of animal abuse or cruelty about which they know or have reasonable suspicion regarding such abuse or cruelty to animals under their care or treatment. However, legal immunity should be provided to veterinarians and RVTs who report such abuse or cruelty to the proper authorities.*

Comments: The Child Abuse and Neglect Reporting Act (California Penal Code Section 11164, et seq.) designates professions and occupations whose members, while acting in their professional capacity or within the scope of their employment, must report incidents of child abuse and neglect about which they know or have reasonable suspicion. The list of “mandated reporters” include health professionals, such as physicians, surgeons, psychiatrists, dentists, podiatrists, chiropractors, licensed nurses, dental hygienists, and optometrists. No mandated reporter shall be civilly liable for any report required or authorized by the Act. Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of \$1,000 or both.

The lack of legal immunity for reports of animal cruelty was the subject of recently enacted legislation in the state of New York. Under this new law, a veterinarian who reasonably and in good faith suspects that a companion animal’s injury, illness, or condition is the result of animal cruelty or a violation of any law pertaining to the care, treatment, abuse, or neglect of a companion animal, or believes that disclosure of certain records is necessary to protect the health or welfare of a companion animal, a person, or the public, may report the incident and disclose records concerning the companion animal’s condition and treatment to the law enforcement agencies and others. Veterinarians who make such reports are immune from liability in the form of damages in any civil or criminal proceeding on account of such reporting or disclosure.

Board response: The Board believes that animal cruelty is the worst offense for a veterinarian and is no less serious when done by the animal’s owner. There is an existing mandated reporting requirement for a veterinarian who suspects that an animal’s injuries were sustained in a staged dog fight. The Board supports any efforts to report animal abuse, but believes that this issue should be discussed with the profession and the public to explore factors including, but not limited to, the reporting process, definitions of abuse and/or cruelty, enforcement, and liability.

► **2012 – BOARD UPDATE**

The Board implemented mandatory reporting of animal cruelty in B&P Section 4830.5 in 2004/05 following the adoption of SB 1584, Chapter 467.

(IMPROVE REPORTING OF RODEO-RELATED ANIMAL INJURIES?) There appears to be general non-compliance with the California law that requires rodeo veterinarians to report rodeo-related animal injuries to the Board.

Recommendation #14: *The Joint Committee recommends that the Board should attempt to assure veterinarians are aware of the reporting requirements regarding any rodeo-related animal injury for which they provide care or treatment, and should consider whether an injury form could be provided over the Board’s Website. It should also be made clear that all rodeo events in California should be subject to the reporting requirements under Section 596.7 of the Penal Code.*

Comments: California Penal Code Section 596.7 (SB 1462, Perata; Chapter 992, Statutes of 2000), which became effective on January 1, 2001, requires, among other things, that: (a) rodeos have attending or on-call veterinarians at all times, (b) that any animal that is injured during, or due to, a rodeo event shall receive immediate examination and appropriate treatment by the attending veterinarian or shall begin receiving examination and appropriate treatment by a veterinarian within one hour after the determination of the injury requiring veterinary treatment, and (c) that such veterinarians must submit brief reports of any animal injury to the Board within 48 hours of the injury. The Board has received only three reports since January 2001, all within the past year.

Board Response: The Board does not have jurisdiction over the operation of livestock events such as rodeos and believes that the reporting of injuries should be done to the California Department of Food and Agriculture (CDFA). Most of the animals used in rodeos are privately owned by individuals or by stock contractors. When they are injured, the owners take them home to their own veterinarian for treatment.

One reason for the low number of reports may be that the law does not require reporting of all animal injuries, it only requires reporting of the injuries that were treated on the site of the rodeo by the designated event veterinarian.

Veterinarians are subject to the Board and the record keeping laws. If a consumer complained about the veterinary treatment provided, the Board would contact the veterinarian directly and investigate the complaint.

► **2012 – BOARD UPDATE**

The Board updated its law regarding mandatory reporting of animal injuries at rodeos in Section 4830.8 in 2010 to make reporting requirements more specific. The Board also created a reporting form that is now posted on the Board's website along with the information on the law and the reporting requirements.

2003 ISSUE #15

(INCREASE SETTLEMENT AMOUNT REPORTED TO THE BOARD?) The amount of claim or action for damages reported to the Board is currently \$3,000, while the amount for other health related professions is \$10,000 or greater.

Recommendation #15: *The Joint Committee recommends that the amount of any settlement or arbitration award reported to the Board by insurers be raised to \$10,000.*

Comments: The California Veterinary Medical Association (CVMA) has expressed an interest in increasing the reporting limits for professional liability settlement for veterinarians that has been reported to the Board from \$3,000 to \$10,000. State law requires any professional liability settlement over \$3,000 to be reported to the Board by the insurance carrier. Over the last few years, several of the medical professions have increased their minimum reporting threshold. Veterinarians have not had a change in the minimum threshold for more than 15 years. The increase to \$10,000 would not only bring veterinarians into more appropriate parity with their medical colleagues in similar professions, but CVMA believes it would be a cost savings for the Board as they would not need to process the data on these smaller cases.

Board Response: Support

► **2012 – BOARD UPDATE**

The Board supported the 2003 recommendation and in 2004/05, the Board supported a legislative change, SB 1548, Chapter 467, that increased the reporting levels in Section 801(d) from \$3,000 to \$10,000.

2003 ISSUE #16

(CLARIFY DEFINITION OF “DENTAL OPERATION?”) The CVMA has indicated that there are some that are practicing illegal animal dentistry because the definition of “dental operation” is unclear.

Recommendation #16: *The Joint Committee recommends that the Board review whether changes are necessary to the definition of “dental operation” in the Business and Profession Code and make recommendations to the Legislature if necessary.*

Comments: According to CVMA, current law makes reference to “or similar items to clean an animal’s teeth.” This vague reference to “similar items” has been interpreted by those looking to practice illegal animal dentistry as permission to use metal or hard plastic scalers on an animal’s tooth, which is a violation of the Veterinary Practice Act.

Board Response: Support

► **2012 – BOARD UPDATE**

The Board supported the 2003 proposal and proposed regulatory amendments are pending at the DCA. The Board anticipates that the regulations will be in effect in mid-2013.

(PROHIBIT LOCAL PREEMPTION OF THE VETERINARY PRACTICE ACT?) The CVMA has indicated that cities have passed local ordinances that prohibit veterinarians from performing certain procedures that would be permissible under the Veterinary Practice Act.

Recommendation #17: *The Joint Committee recommends that the Board review whether local cities or counties can or should be prevented from passing local rules, regulations or ordinances regarding the practice of veterinary medicine within their jurisdictions.*

Comments: According to CVMA, several cities have passed ordinances or considered ordinances that would strictly prohibit veterinarians from performing certain procedures such as cat declawing in their city. Not only does CVMA believe that these type of ordinances challenge the State-defined Veterinary Practice Act, but it also creates an unfair business practice environment for those practicing in the jurisdiction affected.

Board Response: The issue of whether or not local cities or counties can or should be prevented from passing local rules, regulations, or ordinances regarding the practice of veterinary medicine within their jurisdictions appears to be outside the Board's jurisdiction. Should a law be developed in this area that fell within the Board's jurisdiction, it would be enforced.

► **2012 – BOARD UPDATE**

B 762, Chapter 16, was passed to assist in this endeavor in 2010, but at least five local jurisdictions were allowed to change their laws to prohibit declaw procedures prior to the effective date of the law.

SECTION 11
New Issues

This is the opportunity for the board to inform the Committee of solutions to issues identified by the board and by the Committee. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., legislative changes, policy direction, budget changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed .

The Board has addressed all issues raised under the prior Sunset Review.

2. New issues that are identified by the board in this report .

The Board and its staff are looking forward to new and revised ways to oversee the protection of consumers and animals in areas that include, but are not limited to:

- Telemedicine/telehealth
- Unlicensed activity
- Faculty licensure for the two veterinary colleges in California
- Animal rehabilitation
- Updated citation and fine regulations
- A spay/neuter license plate
- Consumer notification in veterinary hospitals that provides Board contact information
- Approval of RVT schools and programs
- Fingerprinting of veterinary assistants working in veterinary hospitals who have access to controlled substances
- Notice to consumers of the Board's contact information
- Mandatory reporting requirements for impaired professionals

3. New issues not previously discussed in this report .

All new issues are listed above (Section 11 - 2.)

4. New issues raised by the Committee .

The Board will address any concerns raised by the Business and Professions Committee, the public, or the profession.

SECTION 12 Attachments

Please provide the following attachments:

- A. Board's administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Major studies, if any (cf., Section 1, Question 4).
- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).

SECTION 13 Board Specific Issues

DIVERSION

Discuss the board's diversion program, the extent to which it is used, the outcomes of those who participate, the overall costs of the program compared with its successes

Diversion Evaluation Committees (DEC) (for BRN, Dental, Osteo and VET only)

1. DCA contracts with a vendor to perform probation monitoring services for licensees with substance abuse problems, why does the board use DEC? What is the value of a DEC?

The Board works with seven other DCA licensing boards to contact with a vendor that has expertise in addiction recovery. The Board does its own probation monitoring, but utilized the services of the DCA drug testing vendor for probationers who are not in the formal addiction program. The value of the DEC is that the members are all recovering addicts who have a long history of recovery and who know the nuances of addiction intimately and can confront persons who are trying to deceive the committee.

2. What is the membership/makeup composition?

The Board's DEC is comprised of five members, four veterinarians and one marriage family counselor.

3. Did the board have any difficulties with scheduling DEC meetings? If so, describe why and how the difficulties were addressed.

The Board has not experienced any difficulties scheduling DEC meetings.

4. Does the DEC comply with the Open Meetings Act?

Yes. All DEC meetings are noticed, but noticed as closed session meetings.

5. How many meetings held in each of the last three fiscal years?

Three meetings are held each year.

6. Who appoints the members?

The Board appoints DEC members.

7. How many cases (average) at each meeting?

Three to six cases are reviewed at each meeting

8. How many pending? Are there backlogs?

There are no cases pending and no backlogs.

9. What is the cost per meeting? Annual cost?

The cost is approximately \$4,550 per meeting with an annual cost of \$13,650.

10. How is DEC used? What types of cases are seen by the DEC?

The DEC reviews the files of all persons in the Board's Diversion Program and makes recommendations for treatment for addiction recovery.

11. How many DEC recommendations have been rejected by the board in the past four fiscal years (broken down by year)?

None.

Index of Attachments

Attachment A

Veterinary Medical Board Administrative and Procedure Manual

Attachment B

Veterinary Medical Board and Committees Organizational Chart

Attachment C

Major Studies

 Limited-Term Eligibility Window

 Evaluation of the Veterinary Technician National Examination

Attachment D

Veterinary Medical Board Organizational Charts

Attachment E

Performance Measures

Attachment F

Fee Schedule

Veterinary Medical Board Administrative and Procedure Manual

Veterinary Medical Board

State Of California



Board and Committee Member

Administrative Procedure Manual

(Rev 10/2012)

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CHAPTER 1**Introduction****Mission**

The mission of the Veterinary Medical Board (VMB) is to protect consumers and animals through the development and maintenance of professional standards; the licensing of veterinarians and registered veterinary technicians, and through diligent enforcement of the California Veterinary Medicine Practice Act.

Vision

The vision of the California Veterinary Medical Board is that all animals receive professional and high quality veterinary health care.

Overview

The VMB was created in 1893 as a licensing program. Licensing is used to regulate veterinarians and protect the public in all fifty states, territories, and Canada.

The Veterinary Medical Board is one of a number of boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), part of the State and Consumer Services Agency under the auspices of the Governor. The Department is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services. While the DCA provides administrative oversight and support services, the VMB sets its own policies, procedures, and regulations.

The VMB is comprised of eight members. Four veterinarians, three public members and one registered veterinary technician (RVT). The Governor appoints four veterinarian members, one RVT and one public member. The Senate Rules Committee and the Speaker of the Assembly each appoint one public member. Board members may serve up to two full four-year terms. In addition to the two full four-year terms, Board members may serve the partial term of the vacant position to which they are appointed and up to a one year grace period after a term expires. Board members fill non-salaried positions but are paid per diem for each Board meeting, committee meeting and other meetings approved by the President of the Board. Travel expenses are also reimbursed.

This procedure manual is updated as necessary and provided to VMB board and committee members as a ready reference of important laws, regulations, DCA policies and VMB policies. It is designed to help guide the actions of the Board and committee members and ensure effectiveness and efficiency.

CHAPTER 2

Board Meeting Procedures

Business and Professions (B&P)
Code section 4808
Board policy - The requirement to meet is in the B&P code. The frequency of the meetings is determined by the Board.

Frequency of Meetings

The Board meets at least four times annually to make policy decisions and review committee recommendations. Special meetings may be called at any time by the President or by any four members of the Board, upon notice of such time and in such manner as the Board may provide.

The Board endeavors to hold meetings in different geographic locations throughout the state when possible as a convenience to the public and licensees.

Board Policy

Board Member Attendance at Board Meetings

Board members must attend each meeting of the Board. If a member is unable to attend he/she is asked to contact the Board President or the Executive Officer and ask to be excused from the meeting for a specific reason.

Board Policy

Board Member Participation

The Board President may contact members who have missed three consecutive meetings to determine the reason they have been absent and whether or not the member is able to continue serving as an active member of the Board. In some cases, the President may suggest that the member consider resigning.

The Board, by resolution, may request in writing to the appointing authority that a member be replaced. The member shall be notified in writing of such proposed action and be given the opportunity to present to the Board his/her written or oral arguments against such action prior to the Board adopting the resolution.

Government Code section 11120 et. Seq.

Public Notice/Information at Board Meetings

Meetings are subject to all provisions of the Bagley-Keene Open Meetings Act. This act governs meetings of the State regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda. Any general discussion of exams or disciplinary procedures shall be held in public.

The Board may meet in closed session to discuss examinations, deliberate on enforcement cases, and review personnel issues where a public discussion would compromise the integrity of the examination, a disciplinary case, or a personnel issue. If the agenda contains matters that, on advice of legal counsel, are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

Quorum

B & P Code section 4807

Five members of the Board constitute a quorum for transaction of business at any meeting of the board. At a meeting duly held at which a quorum of five members is present, a concurrence of three members of the Board present shall be necessary to constitute an act or decision of the Board. When six or more members of the Board are present at a meeting duly held, the concurrence of five members is necessary to constitute an act or decision of the Board.

Agenda Items

Board Policy

Agenda items are generally discussed and agreed upon at a full board meeting. Additional agenda items for a Board meeting from any source, including Board members, must be submitted to the Executive Officer at least 21 days prior to the meeting. The Executive Officer may confer with the Board President prior to adding items to the meeting agenda.

Notice of Meetings

Government Code section 11120 ET seq.

According to the Open Meeting Act, meeting notices (including agendas for Board meetings) must be sent to persons on the Board's mailing list and posted on the Board's web site at least ten (10) calendar days in advance. The notice must include a staff person's name, work address and work telephone number to provide further information prior to the meeting.

Record of Board Meetings

Board Policy

The minutes are a detailed summary of each Board meeting, not a transcript. The minutes must be prepared and submitted for review by Board members within 30 working days of the meeting. Board minutes must be approved at the next scheduled meeting of the Board. Once approved, the minutes serve as the official record of the meeting.

Tape Recording

Government Code section 11124.1 et. seq.

Board meetings are to be tape-recorded. Tape recordings must not be disposed of until the Board approves the minutes at its next meeting.

Meetings Rules

Board Policy

The Board will use Robert's Rules of Order to the extent that it does not conflict with State law (e.g., Bagley-Keene Open Meeting Act), as a guide when conducting the meetings.

The Vice President of the Board may serve as meeting parliamentarian.

CHAPTER 3

Travel & Salary Policies/Procedures

Travel Approval

DCA Memorandum 91-26

Board members must have Board President approval for all travel, including out of state travel, except for regularly scheduled Board and Committee meetings to which the Board member is assigned.

The Board President and the Executive Officer must use the Board’s annual budget and DCA Travel Guidelines when considering travel requests.

Travel Arrangements

Board Policy

Board members should attempt to make their own travel arrangements, including airfare, lodging, and rental cars. Board members should use the State contract airline, Southwest, whenever possible. On the Southwest web site you can set up a state travel account under the “SWABIZ” acronym and then use that account to make all of your board-related airfare arrangements.

Out-of-State Travel

SAM section 700 et seq.

All out of state travel for all persons representing the State of California must be approved by the Board President and is ultimately controlled and approved by the Governor. Once approved for out of state travel, Board members will be reimbursed actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Travel prior to approval by the Governor is at the individual Board member’s own risk and reimbursement may be denied.

Travel Claims

SAM section 700 et seq.
DCA memorandum 91-26

Rules governing reimbursement of travel expenses for Board members are the same as for management level State staff. All expenses are claimed on the appropriate travel expense claim forms. The Executive Officer’s secretary maintains these forms and completes them as needed. It is advisable for Board members to submit their travel expense forms within two to four weeks immediately after returning from a trip. Expenses for trips submitted after the close of a fiscal year may not be reimbursed.

The DCA travel unit uses the Internet at Yahoo.com to calculate standard mileage reimbursement. If travel includes side trips other than traveling direct from one point to another and returning, each stop must be itemized and an address included. Additional mileage is calculated via the maps at Yahoo.com and included in the claim.

Salary Per Diem

B & P Code section 103

Compensation, salary per diem and reimbursement of travel and other related expenses for Board members is regulated by Business and Professions Code Section 103.

In relevant part, this section provides for the payment of salary per diem for Board members "for each day actually spent in the discharge of official duties," and provides that the Board member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

Travel Reimbursement and Payment of Salary Per Diem

Board Policy

Accordingly, the following general guidelines must be adhered to in the payment of salary per diem or reimbursement for travel:

Board members attending meetings or events to perform a substantial official service are paid per diem and reimbursed for travel-related expenses. Attendance at gatherings, events, hearings, conferences or meetings other than official Board or Committee meetings are to be approved in advance by the Board President and the Executive Officer.

The term "day actually spent in the discharge of official duties" means such time as is expended from the commencement of a Board meeting or Committee meeting to the conclusion of that meeting. Where it is necessary for a Board member to leave early from a meeting, the Board President shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

Unless it is an unanticipated emergency, Board members must get prior approval from the Board President to leave a meeting early. Because the Board only meets four times a year, Board members are expected to make every effort to stay for the duration of the meeting and make their travel arrangements accordingly.

For Board specified work, Board members are compensated for actual time spent performing work authorized by the Board President. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences; exam item writing, exam grading; and travel time on non-meeting days. That work includes preparation time for Board or Committee meetings. Compensation for preparatory time is paid when eight hours is accrued.

Members must submit time sheet summary forms for actual work performed outside a Board meeting in order to be compensated.

CHAPTER 4

Other Policies/Procedures

Board Member Disciplinary Actions

Board Policy

A member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The President of the Board shall sit as chair of the hearing unless the censure involves the President's own actions, in which case the Vice President of the Board shall sit as chair. In accordance with the Public Meeting Act, the censure hearing shall be conducted in open session.

Removal of Board Members

B & P Code sections 106 and 106.5

The Governor has the power to remove from office at any time any member of any board appointed by him/her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct.

The Governor may also remove from office a board member who directly or indirectly discloses examination questions to an applicant for examination for licensure.

Resignation of Board Members

Government Code section 1750

In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the director of the Department, the Board President, and the Executive Officer.

Officers of the Board

B & P Code section 4804

The Board shall elect from its members a President, and a Vice President, to hold office for one or two years, or until their successors are duly elected and qualified.

Election of Officers

Board Policy

The Board may elect the officers at its fall meeting on seniority or other basis to serve a term of one or two years, beginning on January 1. In the normal course of events, Board officers should be prepared to serve first as Vice President, then as President and finally, as Immediate Past President for the length of term decided by the Board. All officers may be elected on one motion or ballot as a slate of officers unless objected to by a Board member. Elections are usually scheduled for the October meeting with the new officers assuming office in January at the next regularly scheduled board meeting.

Officer Vacancies

Board Policy

If the Office of the President becomes vacant, the Vice President assumes the office of the President and the Board holds an election for Vice President to fulfill current term of vacancy

Access to Board Files and Records

Board Policy

No Board member may access a licensee, applicant or complaint file without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records must not be removed from the Board's office.

Communications with Other Organizations/Individuals

Board Policy

The Executive Officer, his or her designee, or the Board President serve as spokesperson to the media on Board actions, policies, or any communications that is deemed sensitive or controversial, to any individual or organization. Any Board member who is contacted by any of the above should terminate the contact and inform the Executive Officer or the Board President.

Legal Opinions – Requests from Outside Parties

Board Policy-draft

The Board does not provide legal services for persons or entities outside the Board staff. Requests for legal opinions from outside entities are to be discussed with the Board President and Legal Counsel to determine whether it is an issue over which the Board has jurisdiction and the opinion, if prepared, could be posted on the Board's web site and benefit the general public rather than one individual. Persons making such requests would be notified that the Board will not be responding directly to their request, but will post the opinion on line when it is final.

Board Staff

DCA Reference Manual

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil service staff to the Executive Officer.

Board Administration

DCA Reference Manual

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer under the supervision of the Board President.

Examination Preparation

Each person having access to examination content shall sign a security agreement. Examination banks shall not be removed from the Board's office. Final revisions to examinations and revisions to examination banks shall be done at the Board's office.

B & P section 110

Correspondence

Originals of all correspondence received must be maintained in the Board's office files. Copies of such correspondence must be given to the Executive Officer and/or Board members as required.

CGC section 11146 et seq.
Board Policy

Ethics Training

Ethics training for continuing and new Board members will be accomplished in accordance with the law and DCA procedures.

Board Policy

Contact with Licensees

Board members must not intervene on behalf of a licensee for any reason. They should forward all contacts or inquiries to the Executive Officer.

DCA Reference Manual

Contact with Complainant/Respondent

Board members should not directly participate in complaint handling and resolution or investigations. To do so would subject the Board member to disqualification in any future disciplinary action against the licensee. If a Board member is contacted by a complainant/respondent or his/her attorney they should refer the individual to the Executive Officer or Board staff.

Board Policy

Gifts from Candidates

Gifts of any kind to Board or Committee members or the staff from candidates for licensure with the Board are not permitted.

Government Code section 87100

Conflict of Interest

No Board member may make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board member who has a financial interest shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or Board President.

CHAPTER 5

Board President

The duties of the Board President include, but are not limited to:

B&P section 4804.5 and
Board Policy

Supervision of Executive Officer

The Board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

The incoming Board President assumes all delegated duties at the next quarterly meeting, including supervision of the Executive Officer.

The Board President is the immediate supervisor of the Executive Officer. Specific instructions for work on Board policy matters by the Executive Officer from board members shall be coordinated through the Board President.

It is critical that individual Board members not intervene or become involved in specific the day-to-day board office operations. However, it is also critical that the board hold the Executive Officer accountable for supervising these operations, including workload issues, staff vacation and sick leave balances, labor/personnel disputes, personal actions, etc.

Tracking the Executive Officer’s performance and accountability throughout the year is accomplished by direct and frequent oral, written, and in person communications between the Executive Officer and the Board President. In addition, the Executive Officer is responsible for keeping the full board informed throughout the year (when appropriate) as to occurrences and information that come to the office in between meetings.

Performance Appraisal of Executive Officer

CGC section 11126(a)(4)
Board Policy

The Board evaluates its Executive Officer on an annual basis. At the April Board meeting, the Board President, or his/her designee, requests that each Board member complete and submit an “Executive Management Appraisal” document as input to the Executive Officer’s annual performance appraisal. The completed forms shall be mailed directly back to the Board President or his/her designee. The input from individual members shall be used to prepare a draft appraisal for review at the first meeting of the new year.

The written summary performance appraisal is presented to the Board and the Executive Officer at its July Board meeting. Following review and discussion by the full Board, the appraisal shall be discussed with the Executive Officer. Actions requiring corrective measures shall include specific remedies and reporting timeframes.

Matters relating to the performance of the Executive Officer are discussed by the Board in closed session unless the Executive Officer requests that it be discussed in open session.

CHAPTER 6

Executive Officer

B&P section 4804.5

Appointment

The Board appoints an Executive Officer who is exempt from civil service and serves at the pleasure of the Board.

California Code of Regulations (CCR) section 2003

Role

The Executive Officer is the Board’s chief executive officer. He or she implements the policies developed by the Board.

Board Policy

Recruitment

The Board may institute an open recruitment plan to obtain a pool of qualified Executive Officer candidates. It may also utilize proven equal employment opportunity and personnel recruitment procedures.

CGC section 11125)

Board Policy

Selection

A qualified candidate for Executive Officer must demonstrate the ability to supervise employees, handle conflict resolution and complaint mediation, conduct public speaking. The Executive Officer must also demonstrate effective written and verbal communication skills and knowledge and expertise in the areas of legislation, regulations, administration, examination, licensing, enforcement, legislation and budgets.

The selection of a new Executive Officer is included as an item of business, which must be included in a written agenda and transacted at a public meeting.

CHAPTER 7

Board Committees

Board Policy

Standing Committees

The Board has four standing committees:

- Administrative/Executive Committee
- Legislative Committee
- Enforcement Oversight Committee
- Examination Committee
- RVT Committee

Internal organization of each committee is at the Board President’s discretion, except as specified in this manual.

The Board has identified and established two-member subcommittees for the purpose of working with staff to research and gather information on Board issues. These committees meet on an as needed basis to discuss issues

consistent with the Board’s mission and stated goals and objectives in its Strategic Plan. Information gathered at these meetings is brought back to the Board for full discussion and possible action at its regularly scheduled and publically noticed quarterly Board meetings.

The committee meetings are held as needed and are fully within the scope of the open meeting act. In light of the Board’s limited resources, these meetings are a cost-efficient and legal means of gathering information for discussion by the full Board which enhances the process of the Board’s public meetings and addresses the needs of the profession and consumers in California.

Committee Appointments

Board Policy

The Board President may establish committees, whether standing or special, as he or she deems necessary. The Board President determines committee composition and member appointments, including, but not limited to liaison appointments. When necessary, committee members may make recommendations for new members.

Ad hoc committees may include the appointment of non-Board members. When appointing non-Board members, all impacted parties should be represented.

Attendance at Committee Meetings

Board Policy

If a Board member wishes to attend a meeting of a committee of which he/she is not a member that Board member shall obtain permission from the Board President to attend and shall notify the committee staff.

Non-committee Board members may sit in the audience and participate in meeting discussions, unless there is a quorum of Board members in the room. If there is a quorum present (5), non-committee Board members may sit in the audience, but not participate in the meeting discussions.

Meeting Rules

Board Policy

Committee meetings are conducted under Robert’s Rules of Order to the extent that it does not conflict with the Bagley-Keene Open Meeting Act.

Committees with two members can meet as necessary without a public notice and can hold teleconference call meetings with the designated staff person participating on the call as necessary.

Committee meetings involving three or more members are subject the Open Meeting Act Requirement and must be noticed as a public meeting.

Committee Meeting Agendas/Public Notice (3 mbrs)

Board Policy

Agendas should focus on the specific tasks assigned by the Board and include:

- Public comment
- Time for committee members to recommend new areas of study to be brought to the Board’s attention for possible assignment.
- Only those information items dealing with subjects assigned to the respective committee.

Committee chairs confer with the Board President prior to including any agenda item that is not clearly within that committee’s assigned purview.

If more than two Board members attend a Committee meeting, the agenda shall contain the statement:

“Notice of a Board meeting indicates that three or more members of the Board are present. While the law requires the Board to notice this meeting as a Board meeting, it is not the intent to take action as a Board at this meeting.”

Record of Committee Meetings

Board Policy

As with the Board meetings, the minutes are a summary, not a transcript, of each committee meeting. The minutes shall be prepared by Board staff and submitted for review by Committee members within approximately 30 working days of the meeting.

Committee minutes may be approved at the next scheduled Board meeting and serve as the official record of the meeting.

Approved minutes of the open session are available for distribution to the public and shall be posted on the Board’s web site.

Recruitment

Board Policy

The Board members may assist staff to recruit interested persons to serve on appropriate task force committees, e.g., examination item writing, item reviewing, and Angoff workshops.

Staff Participation

Board Policy

Board staff provides advice, consultation and support to Committees.

Recording

Board Policy

Public committee meetings are recorded. Recordings shall be disposed of upon approval of the minutes, but not less than 30 days following the meeting date on which the minutes were approved.

Enforcement Committee

Board Policy

The purpose of the Enforcement Committee is to continually seek ways to improve the Board’s enforcement activities and to review closed cases to assist in identifying trends in enforcement activities or situations where enforcement procedures might be improved. The committee also assists staff in establishing and maintaining a pool of qualified expert witnesses and consultants to review cases and assist the Board in determining violations of the CA Practice Act.

Examination Committee – DVM and RVT

Board Policy

The purpose of the Examination Committee is to provide support, advice and expertise to the Board and to staff regarding examination of eligible applicants for licensure as a veterinarian or registration as a veterinary technician.

The Committee’s goals are to:

- Oversee the periodic external review of examination validity by qualified psychometricians. The purpose of the external examination validation process is to assure that examinations are relevant to the current professional practice of veterinary medicine and veterinary technology in the public interest and are at an appropriate level of complexity.
- Assist in establishing and maintaining a pool of qualified and available examination graders and subject matter experts.
- Provide guidance and suggestions for the improvement of regulations, guidelines and operations impacting the examination process.
- Assist staff by providing expertise in the application of examination eligibility criteria and in the determination of eligibility, e.g., assist in establishing criteria for evaluating applications from candidates for the RVT exam who are utilizing the “alternate route” eligibility category in CCR Section 2068.5.
- Develop California RVT school standards and regulations and assist staff with RVT school inspections and enforcement issues related to RVTs.

Administrative/Executive Committee

Board Policy

The Administrative/Executive Committee usually consists of the President and one other member; often times the other member is the Vice President.

The Administrative Committee reviews budget, personnel, accounting, and departmental issues. This committee oversees the VMB’s Diversion Program and assists in

selecting members for the Diversion Evaluation Committee (DEC).

The Administrative Committee works directly with the Executive Officer and staff to monitor budget expenditures, trends, and the Contingent Fund levels.

The Committee monitors individual line item expenditure and look for anomalies with a three year pattern for purposes of preparing a budget change proposal to correct either an under or over expenditure.

Legislative Committee

The purpose of the Legislative Committee is to provide information and/or make recommendations to the Board and Committees of the Board on matters relating to legislation affecting the regulation of veterinarians and veterinary technicians in the public interest.

The Committee's goals and objectives are to:

- Monitor current legislation on behalf of the Board and make position recommendations to the Board at each Board meeting.
- Serve as a resource to other Board committees on legislative and regulatory matters.
- Serve as a resource for the Board to implement proposed revisions to the Act and Board regulations.

The classification system to be used by the Legislative Committee in recommending Board positions is:

- Support:
The Board supports the current version of the bill. This designation commits the Board to full involvement in the legislative process including sending letters to key people, conferring with key people prior to committee hearings and testifying at hearings by Board members, Legislative Committee members or senior staff.
- Support if Amended:
The Board generally supports the concept or intent of the bill. Technical flaws need to be corrected before the Board will fully support the bill. The Board identifies the amendments or requirements that must be met in order for support to be obtained. Should the requested amendments or requirements be accepted, the Board's position will change to support. This designation commits the Board to full involvement in the legislative process as discussed above.

Board Policy

**Legislative Committee
(Cont.)**

- **Oppose:**
The Board is opposed to the current version of the bill. This designation commits the Board to involvement in the legislative process as discussed above.
- **Oppose Unless Amended:**
The Board is opposed to the bill but is willing to work with the author and sponsor of the bill to resolve the Board’s concerns about the bill. The Board identifies the amendments or requirements that must be met to remove the Board’s opposition. Should the requested amendments or requirements be accepted, the Board will adopt a support position.
- **Watch**
The Board has some interest in the bill because it potentially may affect the work of the Board. This designation requires careful tracking through the legislative process.

Advisory and Ad Hoc Board Committees

Board committees are advisory in nature and recommend actions to the Board and are established by the Board as needed. Committee recommendations and reports shall be submitted to the Board for consideration and possible action.

Multidisciplinary Advisory Committee (MDC)

Business and Professions Code
Article 2.5, Section 4809.8

The Multidisciplinary Advisory Committee (MDC) is a statutory committee that was created to advise the Board on issues relating to enforcement, hospital inspections, citations and other issues relating to the profession as a whole.

The MDC consists of seven (7) members, four licensed veterinarians, two registered veterinary technicians and one public member. The public member shall not be a licentiate of the Board or of any other board under this division or of any board referred to in Sections 1000 and 3600.

The members of the MDC hold office for a term of three years. Committee members may serve up to two full three-year terms. In addition to the two full three year terms, Committee members may serve the partial term of the vacant position to which they are appointed and up to a one year grace period after a term expires. Committee members fill non-salaried positions but are paid per diem and travel expenses for each committee meeting and other meetings approved by the President of the Board.

The Committee meets three times per year unless otherwise approved by the Board.

Vacancies occurring are filled by appointment by the Board. The Board will remove from office at any time any member of the MDC for continued neglect of any duty, conflict of interest, incompetence, or unprofessional conduct.

CHAPTER 8

Association Membership

AAVSB

Board policy

The Board maintains membership in the American Association of Veterinary State Boards (AAVSB). The Board also strives to maintain representation on the Executive Board of the AAVSB by supporting members interested in participating as an AAVSB board member.

Board policy

NBVME

The Board strives to maintain representation on the National Board of Veterinary Medical Examiners. Membership on this board is critical to California since it provides representation in the development and administration of the North American Veterinary Licensing Examination (NAVLE).

CHAPTER 9

Enforcement and Information

Complaint Disclosure

Board Policy

General complaints are not subject to disclosure. In a citation and fine action, the Board shall provide the public, upon request, with a copy of a final Citation and Fine document. Citations are public information for five years from the issue date and are then destroyed and the record of the action expunged as per the Board’s Records Retention Schedule.

The Board only provides citation and fine information in response to specific, individual written requests. The Board does not publish individual names of licensees or registrants and does not report such actions to the National Disciplinary Database.

Disciplinary Actions

Board policy

The Board provides information regarding formal discipline/accusations only after the case has been transferred to the Office of the Attorney General.

Board staff makes the following disclosure statement: ““An investigation has been conducted and the case has been forwarded to the Attorney General’s Office for consideration of possible action. At this time, there has been no determination of wrong-doing.”

An “accusation” is the first public document in any case. The accusation is prepared and filed by the Deputy Attorney General (DAG). Once the accusation is filed, it is a public

document and available on written request. If the accusation results in a final order/decision, once the decision is final, it is also available to the public upon written request.

All final decisions by the Board following formal disciplinary proceedings of alleged violations of the Act shall be published on the Board’s web site and in its newsletter after the effective date of the decision. Final decisions shall be reported to the National Disciplinary Database within 30 days of the effective date.

Directory of Licensees

DCA/Board Policy – Adopted

A directory of all licensees containing, name, address, type of license, license number, expiration date shall be published on the Board’s web site.

Licensee Disciplined in Other States

Board Policy

The Board considers enforcement action against California licensees who have been disciplined in other states in accordance with B&P section 4883 (n).

The Board’s enforcement staff determines if there are grounds for disciplinary action in California and take appropriate action.

CHAPTER 10

Continuing Education

CE Course Evaluation/Waiver Requests

Board policy

Board and/or committee members may assist staff in evaluating the information provided for CE courses and for a waiver request for purposes of possible denial of license or disciplinary action.

Board members who assist staff in reviewing CE information may need to recuse from voting on any case they reviewed that results in discipline. The information in waiver requests is confidential and care must be taken to return all documentation to the Board office.

CHAPTER 11

Abbreviations and Acronyms

VMB
RVTC
MDC
DCA
OAH
OAL
OPES

Agencies

Veterinary Medical Board
Registered Veterinary Technician Committee
Multidisciplinary Advisory Committee
Department of Consumer Affairs
Office of Administrative Hearings
Office of Administrative Law
DCA Office of Professional Examination Resources

B&P
CAC
CCR
CGC

Codes

Business and Professions Code
California Administrative Code
California Code of Regulations
California Government Code

AAVSB
AVMA
CVMA
CPIL
CLEAR
NBVME
RACE
VIVA

Organizations

American Association of Veterinary State Boards
American Veterinary Medical Association
California Veterinary Medical Association
Center for Public Interest Law
Council on Licensure, Enforcement and Regulation
National Board of Veterinary Medical Examiners
Registry of Accredited Continuing Education
Veterinary Information Verifying Agency

CHAPTER 12

Conclusion

The Board Member Administrative Procedure Manual serves as a reference for important laws, regulations, Department of Consumer Affairs policies and Board policies. Its function is to guide the actions of the Board members and ensure Board effectiveness, efficiency, and consistency. Although reviewed by legal counsel, it is not a legal opinion.

CHAPTER 13

References

Many of the procedures in this manual are specific to the Board. Others are generic for all boards and bureaus in the Department of Consumer Affairs consistent with State law. References for additional information are:

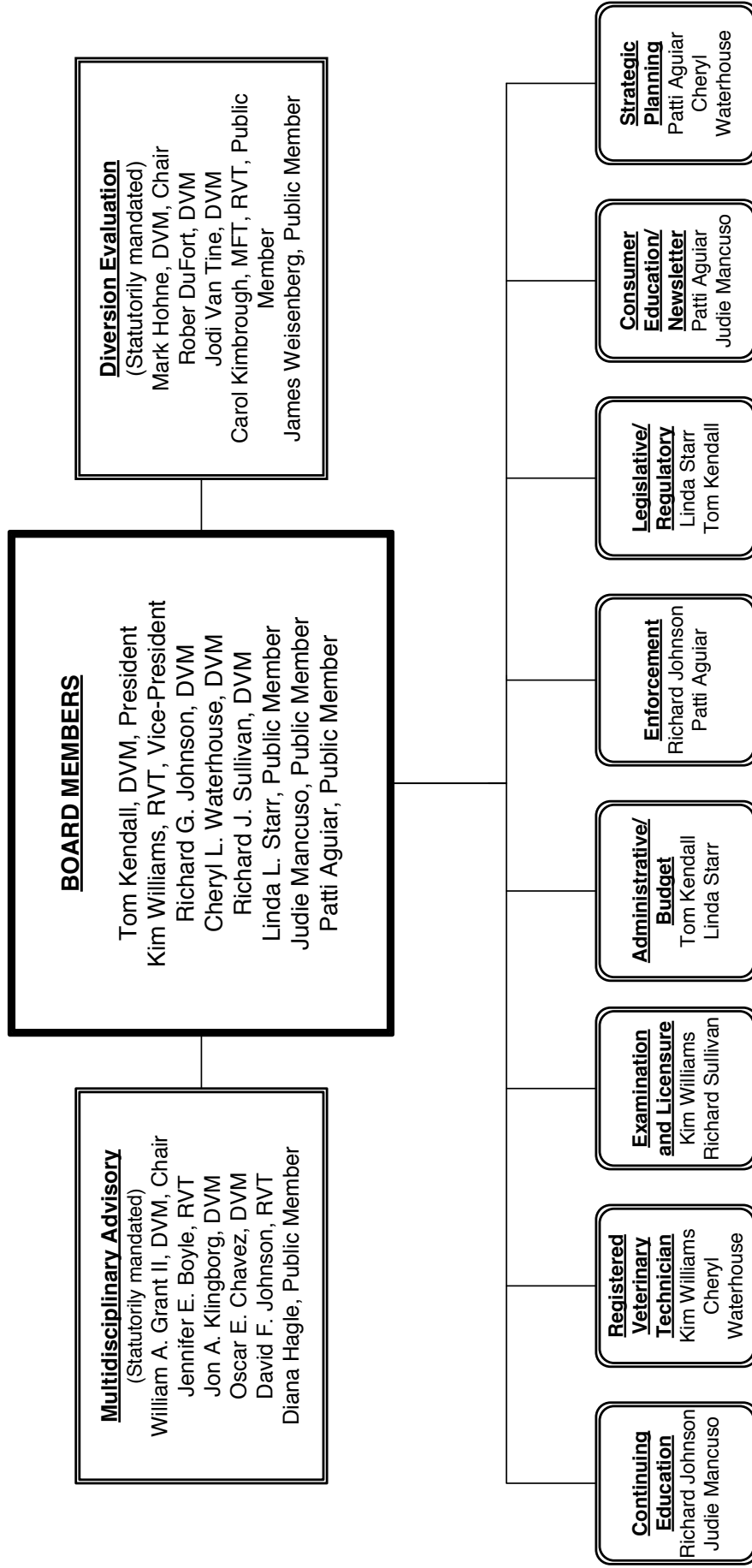
Board Member Orientation and Reference Manual, DCA

Business and Professions Code, sections 4800-4917 and California Code of Regulations, sections 2000-2082 of the California Veterinary Medicine Practice Act – 2002. California Government Code, sections 1750, 11120 et seq., 11146 et seq. State Administrative Procedures Act, section 700 et seq.

Veterinary Medical Board and Committees Organizational Chart

Veterinary Medical Board and Committees

October 1, 2012



Major Studies

- ▶ **Limited-Term Eligibility Window**
- ▶ **Evaluation of the Veterinary Technician National Examination**

**Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board**

2068.7. Limited Term RVT Examination Eligibility Window.

(a) A person who applies to take the RVT State Board Examination from January 1, 2009 through December 31, 2009 may qualify for that examination if the applicant, in lieu of a two-year curriculum in animal health technology, meets the criteria set forth below, which are deemed to be "equivalent" to the two-year curriculum in animal health technology pursuant to Section 4841.5 of the code.

(1) The applicant has at least 7360 hours of directed clinical practice, completed in no less than five years within the six years immediately preceding application and no less than 24 hours of education in fundamentals of veterinary technology. The directed clinical practice shall have been under the direct supervision of a California-licensed veterinarian who shall attest to the completion of that experience and the competency of the applicant at the time of application to the Board for the registered veterinary technician examination.

(2) The directed clinical practice required in subsection (a) shall have provided the applicant with knowledge, skills and abilities in the areas of communication with clients, patient examinations, emergency procedures, laboratory procedures, diagnostic imaging, surgical assisting, anesthesia, animal nursing, nutrition, dentistry, animal behavior and pharmacology. The supervising veterinarian(s) shall complete a checklist approved by the Board (Form 26A-2 (9/08)), attesting to proficiency in specific skill areas within the preceding categories.

(b) The education required in paragraph (a)(1) may have been completed within the 7360 hours of clinical directed practice and must be from a postsecondary academic institution or a qualified instructor as defined by Section 2068.5 subsections (e-f). The education shall be accumulated in the fundamentals and principles of all of the following subjects:

(1) Dental prophylaxis and extraction;

(2) Anesthetic instrumentation, induction and monitoring;

(3) Surgical nursing and assisting, including instrumentation, suturing techniques, and application of casts and splints;

(4) Radiology and radiation safety; and

(5) Diseases and nursing of animals, including zoonotic diseases and emergency veterinary care.

The candidate is required to provide the Board with a proof of completion of each course or instruction and documentation of attendance in the form of a certificate of attendance, official transcript or letter on official stationary signed by the course instructor documenting the candidate attended the particular course.

(c) This section shall become inoperative on January 1, 2010.

VETERINARY MEDICAL BOARD {PRIVATE }

INITIAL STATEMENT OF REASONS

Hearing Date: January 16, 2007

Subject Matter of Proposed Regulations:

To create a limited term eligibility window for unregistered assistant with a minimum of 5-years of directed clinical experience to take the state licensing examination for registered veterinary technicians (RVT).

Section(s) Affected: 2068.7

Specific Purpose of each adoption, amendment, or repeal:

Section 2068.7

Adopt Section 2068.7

The specific purpose of this regulatory proposal is to adopt a new regulation that would, in lieu of a prescribed education and training program, allow unregistered assistants with at least 5 years of work experience eligibility to apply to sit for the exam during a limited window of time (12 months), provided that their supervising veterinarian(s) certify to their acquisition of specific entry-level skills necessary to perform as Registered Veterinary Technicians.

Factual Basis/Rationale

Section 2068.7

In April 2006, the Veterinary Medical Board held a public hearing on proposed RVT Job Tasks. Due to the potential for harm to pets and humans in the use of chemotherapy drugs and the potential for diversion of controlled substances, the Board was proposing to restrict access to these drugs by limiting the administration of chemotherapy drugs and controlled substances to licensees, e.g., veterinarians and/or registered veterinary technicians (RVT). At the hearing, there were a significant number of veterinarians who testified that the insufficient number of RVTs in California would result in more harm than good for animals and consumers because there were not enough RVTs to administer pain medication (controlled substances) to animals as needed including after hours and on weekends.

Shortly after this hearing, the Board discovered that there was an existing restriction in the Health and Safety Code that limited the delegation of the administration of all controlled substances to immediate supervision. A veterinarian could delegate such administration only if the task was performed in the "immediate physical presence" of the licensee. Although the Board believes that access to controlled substances should be limited to licensed personnel, it felt that the "immediate" supervision was too restrictive on veterinarians and it promulgated regulations to allow direct and indirect supervision for RVTs and direct supervision for lay staff. Subsequent to the Board's action, the California Veterinary Medical Association (CVMA), based on input from its members outlining the shortage of RVTs, sponsored a bill that becomes effective January 1, 2008, that permits access to controlled substances by lay staff, under "indirect" supervision (when there are no licensees on the premise). The fact that controlled substances can be dangerous and are highly susceptible to diversion was not debated in the Legislative committees. The rationale for allowing access to lay staff when there is no veterinarian on the premises was solely based on the current shortage of RVTs. The law has a "sunset" clause so is in effect only until 2012.

The question is what better protects consumers and their pets – allowing access to all levels of controlled substances to lay staff when there may be no supervising licensees on the hospital premises or being proactive in creating a way for veterinarians to work with their lay staff so they can take the State Board Exam for RVTs, complete a background check, become registered and accountable and be able to fully participate in the professional animal health care team.

The U.S. Drug Enforcement Administrations (DEA) regulation, under the Controlled Substances Act, outline the many restrictions related to dispensing and administration of controlled substances. One of these restrictions is related to employees who have had a felony drug conviction.

Title 21 of the Code of Federal Regulations, Part 1300, section 1301.76(a) states: “The registrant (licensees with a DEA registration) shall not employ, as an agent or employee who has access to controlled substances, any person who has been convicted of a felony offense relating to controlled substances or who, at any time, had an application for registration with the DEA denied, had a DEA registration revoked or has surrendered a DEA registration for cause. For purposes of this subsection, the term “for cause” means surrender in lieu of, or a consequence of, any Federal or State administrative, civil or criminal action resulting from an investigation of the individual’s handling of controlled substances.”

The law that will be effective from January 1, 2008 through December 31, 2011, may be a good short-term solution of a current shortage of RVTs in veterinary medicine. As a long term solution, the Board believes that it is in the consumers’ and the animals’ best interest, to streamline the eligibility categories for registration of a veterinary technician and create a one time, 12 month, pathway for lay staff to apply for the state RVT exam, undergo a full State and Federal background check and become registered, rather than permanently allow full access to all levels of controlled substances to lay staff when there is no supervising licensee on the hospital premises.

The Board is proposing a one-time, limited term eligibility window (no more than 12 months) during which, in lieu of formal education, the Board would accept certification by supervising veterinarians as to the competency of those lay staff persons who had completed five (5) years of clinical experience and who, in the opinion of the veterinarian, were competent to sit for the California RVT exam. The primary motivation for proposing such a category is the Board’s high level of concern regarding the delegation of the administration of controlled substances to lay staff, who may not have undergone a fingerprint clearance, under indirect supervision, i.e., when there is no supervising licensee on the premises.

Underlying Data

RVT Committee meeting minutes, April 2006 – October 2007
Veterinary Medical Board meeting minutes, April 2006 – October 2007

Business Impact

This regulation will not have a significant adverse economic impact on businesses because it increases the authority of veterinarians.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Evaluation of the Veterinary Technician National Examination

This evaluation was conducted by the
Office of Professional Examination Services (OPES)
for the Registered Veterinary Technician Committee

Prepared by

Devika Tandan, MA, Testing Specialist
Nancy Linn, MA, Testing Specialist
Sonja Merold, Chief, OPES

July 12, 2010



PROFESSIONAL EXAMINATION SERVICES

Department of Consumer Affairs
2420 Del Paso Road, Suite 265
Sacramento, CA 95834
(916) 575-7240

EVALUATION OF THE VETERINARY TECHNICIAN NATIONAL EXAMINATION

Purpose

Licensing boards, bureaus, and committees within the California Department of Consumer Affairs are required to ensure that examination programs being used in the California licensure process comply with psychometric and legal standards.

The Registered Veterinary Technician Committee (Committee) contracted with the Department of Consumer Affairs' Office of Professional Examination Services (OPES) to conduct two independent focus group workshops for the purpose of evaluating the Veterinary Technician National Examination (National exam) to determine if it meets professional psychometric standards and content acceptable for California licensure.

Introduction

The American Association of Veterinary State Boards (National Association) contracts with Professional Examination Services (PES), a private company, to conduct their occupational analysis, ongoing examination development and administration services for the National exam. OPES, in collaboration with the Committee, requested documentation of the entire examination development process from the National Association to compare it with the current California examination development process. This documentation was gathered to determine whether the (a) occupational analysis¹, (b) examination development, (c) passing scores², (d) test administration, (e) examination performance, (f) information available to candidates, and (g) test security procedures meet professional guidelines and technical standards outlined in the Standards for Educational and Psychological Testing (APA Standards)³ and California Business and Professions (B&P) Code section 139.

Psychometric Standards and Findings

Prior to convening the focus group workshops, OPES used the following testing standards to evaluate the National exam according to the above seven criteria (a-g).

(a) Occupational Analysis – The most relevant Standard from the *APA Standards* relating to job analyses, as applied to credentialing or licensing examinations, is:

¹ An occupational analysis is also known as a job analysis, a practice analysis, or a task analysis.

² A passing score is also known as a pass point, cut score, or standard score.

³ American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, *Standards for Educational and Psychological Testing*, Washington, DC, American Educational Research Association, 1999.

Standard 14.14

The content domain to be covered by a credentialing test should be defined clearly and justified in terms of the importance of the content for credential-worthy performance in an occupation or profession. A rationale should be provided to support a claim that the knowledge or skills being assessed are required for credential-worthy performance in an occupation and are consistent with the purpose for which the licensing or certification program was instituted. (p. 161)

The comment following Standard 14.14 emphasizes its relevance:

Comment: Some form of job or practice analysis provides the primary basis for defining the content domain. If the same examination is used in the licensure or certification of people employed in a variety of settings and specialties, a number of different job settings may need to be analyzed. Although the job analysis techniques may be similar to those used in employment testing, the emphasis for licensure is limited appropriately to knowledge and skills necessary for effective practice... In tests used for licensure, skills that may be important to success but are not directly related to the purpose of licensure (e.g., protecting the public) should not be included. (p. 161)

Findings: PES conducted an occupational analysis in January 2007 for the National exam. The 2007 National exam occupational analysis has been documented in a report⁴ that OPES found to be consistent with professional guidelines and technical standards.

- (b) Examination Development – The most relevant standards from the *APA Standards* relating to examination development, as applied to credentialing or licensing examinations, are:

Standard 3.6

The type of items, the response formats, scoring procedures, and test administration procedures should be selected based on the purposes of the test . . . The qualifications, relevant experiences, and demographic characteristics of expert judges should also be documented. (p. 44)

Standard 3.7

The procedures used to develop, review, and try out items, and to select items from the item pool should be documented. If the items were classified into different categories or subtests according to the test specifications, the procedures used for the classification and the appropriateness and accuracy of the classification should be documented. (p. 44)

⁴ Report of the Job Analysis of Veterinary Technicians – Confidential document 1 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

Standard 3.9

“When a test developer evaluates the psychometric properties of items, the classical or item response theory (IRT) model used for evaluating the psychometric properties of items should be documented. The sample used for estimating item properties should be described and should be of adequate size and diversity for the procedure. The process by which items are selected and the data used for item selection . . . should also be documented” (p. 44-45)

Standard 3.11

Test developers should document the extent to which the content domain of a test represents the defined domain and test specifications. (p. 45)

Findings: The information regarding the National examination development⁵ was obtained through direct correspondence with the National Association. OPES found that the criteria used to develop the National exam is consistent with professional guidelines and technical standards.

- (c) Passing Scores – The passing score of an examination is the score that represents the cut-off that divides those candidates for licensure who are minimally competent and those who are incompetent. The most relevant standards from the *APA Standards* relating to passing scores, points, cut scores, or standard scores as applied to credentialing or licensing examinations, are:

Standard 4.21

When cut scores defining pass-fail or proficiency categories are based on direct judgments about the adequacy of item or test performance or performance levels, the judgmental process should be designed so that judges can bring their knowledge and experience to bear in a reasonable way. (p. 60)

Standard 14.17

The level of performance required for passing a credentialing test should depend on the knowledge and skills necessary for acceptable performance in the occupation or profession and should not be adjusted to regulate the number or proportion of persons passing the test. (p. 162)

The supporting commentary on passing or cut scores in the *APA Standards*, Chapter 4 – Scales, Norms, and Score Comparability, states that there can be no single method for determining cut scores for all tests and all purposes. The process used should be clearly documented and defensible. The qualifications of the judges involved, and the process of selection should be part of the documentation. A sufficiently large and representative group of judges should be involved, and care must be taken to assure that judges understand what they are to do.

⁵ National exam development information – Confidential document 2 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

In addition, the supporting commentary in the *APA Standards*, Chapter 14 – Testing in Employment and Credentialing, states that the focus of credentialing standards is on “levels of knowledge and performance necessary for safe and appropriate practice” (p. 156). “Standards must be high enough to protect the public, as well as the practitioner, but not so high as to be unreasonably limiting.” (p. 157)

Findings: OPES found that the passing score process⁶ conducted by PES demonstrates a sufficient degree of validity, meeting professional guidelines and technical standards.

(d) Test administration - The most relevant standards from the *APA Standards* relating to test administration, as applied to credentialing or licensing examinations, are:

Standard 5.1

Test administrators should follow carefully the standardized procedures for administration and scoring specified by the test developer, unless the situation or a test taker’s disability dictates that an exception should be made. (p. 63)

Standard 5.2

Modifications or disruptions of standardized test administration procedures or scoring should be documented. (p. 63)

Standard 5.5

Instructions to test takers should clearly indicate how to make responses. Instructions should also be given in the use of any equipment likely to be unfamiliar to test takers. Opportunity to practice responding should be given when equipment is involved, unless use of the equipment is being assessed. (p. 63)

Findings: OPES found that the test administration protocols⁷ in place by the National Association appear to meet professional guidelines and technical standards.

(e) Examination Performance - The most relevant standards from the *APA Standards* relating to examination performance, as applied to credentialing or licensing examinations, are:

Standard 2.1

For each total score, subscore, or combination of scores that is to be interpreted, estimates of relevant reliabilities and standard errors of measurement or test information functions should be reported. (p. 31)

⁶ National passing score development - Confidential document 2 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

⁷ National test administration information - Confidential document 2 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

Standard 3.9

When a test developer evaluates the psychometric properties of items, the classical or item response theory (IRT) model used for evaluating the psychometric properties of items should be documented. The sample used for estimating item properties should be described and should be of adequate size and diversity for the procedure. The process by which items are selected and the data used for item selection, such as item difficulty, item discrimination, and/or item information, should also be documented. When IRT is used to estimate item parameters in test development, the item response model, estimation procedures, and evidence of model fit should be documented. (pp. 44-45)

Findings: OPES found that the steps taken by the National Association to evaluate examination performance⁸ are valid and legally defensible, meeting professional guidelines and technical standards.

- (f) Information available to candidates - The most relevant standards from the *APA Standards* relating to candidate information, as applied to credentialing or licensing examinations, are:

Standard 8.1

Any information about test content and purposes that is available to any test taker prior to testing should be available to *all* test takers. Important information should be available free of charge and in accessible formats. (p. 86)

Standard 8.2

Where appropriate, test takers should be provided, in advance, as much information about the test, the testing process, the intended test use, test scoring criteria, testing policy, and confidentiality protection as is consistent with valid responses. (p. 86)

Findings: The National Association Web site is located at www.aavsb.org. It provides extensive information about the National exam as a central resource for information. OPES found that the information provided to candidates about the National exam is comprehensive, meeting professional guidelines.

- (g) Test Security - The most relevant standards from the *APA Standards* relating to test security, as applied to credentialing or licensing examinations, are:

Standard 5.6

Reasonable efforts should be made to assure the integrity of test scores by eliminating opportunities for test takers to attain scores by fraudulent means. (p. 64)

⁸ National exam performance information - Confidential document 2 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

Standard 5.7

Test users have the responsibility of protecting the security of test materials at all times. (p. 64)

Findings: OPES found that the policies and procedures used for test security⁹ meet professional guidelines and technical standards.

Workshop Participants

The Committee convened two workshops that consisted of independent panels of California licensees representing diverse geographic locations and years of experience serving as subject matter experts (SMEs). The first workshop was conducted on March 25-26, 2010 by two OPES facilitators. The group consisted of nine SMEs; two were Doctors of Veterinary Medicine (DVMs), and seven were Registered Veterinary Technicians (RVTs). The second workshop was conducted on April 29-30, 2010 by the same OPES facilitators. The group consisted of eight SMEs; two were DVMs and six were RVTs.

Workshop Process and Results

The two workshops were conducted independently of one another, held at different times with different SMEs, and were jointly facilitated by two OPES testing specialists. The materials, the process and the procedures were the same for both the workshops.

Both the workshops began by having the SMEs complete OPES' licensure examination security agreement, self-certification, secure area agreement, and personal data (demographic) forms. The OPES facilitators explained the importance of and guidelines for the security and confidentiality of materials and information both during and outside the workshop. The SMEs were then asked to identify and introduce themselves to the facilitators and the group.

The OPES facilitators explained the goals of the workshops, which were to explain the psychometric standards and findings, determine if the National exam is acceptable for California licensure, and make recommendations to the Committee for future licensure examinations based on OPES findings and workshop results.

Both groups of SMEs were presented with an explanation regarding the purpose and importance of an occupational analysis, examination development process, validity, content validation, reliability, and psychometric standards. These topics were discussed in detail to ensure the SMEs understood these concepts and their importance to the process.

⁹ National test security information - Confidential document 2 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

An occupational analysis based on task and knowledge statements typically includes a survey distributed to the licensees of the profession to determine the specifications of an examination plan (content domains and content weightings) for that profession. The two groups were presented with the occupational analysis respondent demographics¹⁰ information in the form of a comparison table. The groups independently compared the 2007 National survey demographics with the 2004 California survey demographics. All nine SMEs from the first workshop, as well as the eight SMEs from the second workshop, agreed that the respondent demographics comparison was sufficiently equivalent in respondent years of licensure, number of hours worked, and type of animal practice to be deemed the same.

Both groups were then presented with the 2007 National and the 2004 California (CA) examination plan or test specifications¹¹ in the form of a comparison table. The group compared content domain categories, their respective examination weightings, and the total number of test questions. The examination plan categories, ratings, and total number of test questions were determined to be sufficiently equivalent.

Both groups were then asked to compare the tasks and knowledges of the National examination plan¹² with the CA examination plan. The level of specificity (the amount of detail) was significantly different in the two examination plans. The CA examination plan task and knowledge statements were written in much greater detail compared to the broader scope task and knowledges in the National examination plan. Therefore, to determine if the National examination covered the same content as the CA examination, the SMEs were asked if they could link each CA task to a task and knowledge that covered the same content as in the National examination plan. The first half of the CA tasks were linked in the first workshop and the second half of the CA tasks were linked in the second workshop. By the time each group completed their assigned task linkage, they were familiar with the examination plan and were asked to identify any remaining tasks they believed did not link to the National. The combined effort of both workshops officially linked each CA task with the exception of those pertaining to CA law and regulations.

Both groups reviewed the California B&P and California Code of Regulations (CCR) codes relating to the CA RVT scope of practice and licensure qualifications. Both groups of SMEs were told that the purpose of reviewing these documents was to obtain an understanding of California's examination requirements, and to use this information when assessing the National examination specifications.

¹⁰ Respondent Demographics Table – Confidential document 3 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

¹¹ Test Specifications Table – Confidential document 4 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

¹² National Exam Plan - Confidential document 5 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

After linking each CA task and knowledge statement to the National exam plan, all nine SMEs from the first workshop, as well as the eight SMEs from the second workshop, found the exam plans to be sufficiently equivalent to be acceptable for California licensure except for law and regulations. The results of the SME's linkage indicated that the competencies assessed in the National exam are relevant to veterinary technician practice in California with the exception of task and knowledge statements related to California laws and regulations.

National and California licensure candidates are provided with a candidate handbook at the time they register to take the licensing examination. The National handbook is available on the National Association Web site located at www.aavsb.org. Both groups of SMEs were asked to review the National and the CA candidate handbooks. The SMEs were asked to take the sample test from both the handbooks. The purpose of taking the test was two-fold; to evaluate the type of questions on the exams and to look at the quality of test questions on the exam. After reviewing the National and the CA handbooks, both groups found the National handbook to be acceptable.

The SMEs then discussed the National exam development procedures, SME selection criteria, exam reviewers, test administration procedures, scoring procedures that included establishment of passing scores, and test security procedures at length. All SMEs found these procedures and criteria acceptable.

The group then reviewed the examination statistics¹³ including passing score data for two administrations of the National exam (based on the 2007 National exam plan) and the CA exams (based on the 2004 exam plans) in the form of a comparison table. This included information regarding the total number of candidates taking the examinations, total number of questions on the examinations, candidate mean score, standard deviation, range of raw scores, reliability, standard error of measurement and the passing rates. Both groups of SMEs agreed that the examination statistics were sufficiently equivalent to be acceptable for California licensure.

Conclusions and Recommendations

OPES completed a comprehensive analysis and evaluation of the National examination related documents provided by National Association; specifically; the current (a) occupational analysis, (b) examination development, (c) passing scores, (d) test administration, (e) examination performance, (f) information available to candidates, and (g) test security procedures. OPES found that the procedures used to establish and support the validity and defensibility of the National exam components listed above meet professional guidelines and technical standards outlined in the *Standards for Educational and Psychological Testing (APA Standards)* and B&P Code section 139.

¹³ Examination Statistics Table - Confidential document 6 is held at OPES according to a confidentiality agreement signed between the National Association, California Veterinary Medical Board, and OPES.

Both groups of SMEs unanimously agreed that the occupational analysis survey respondent demographics, exam development procedures, SME selection criteria, test administration procedures, scoring procedures that included establishment of passing scores, and test security procedures comparisons were sufficiently equivalent. The results of the SME's linkage indicated that the competencies assessed in the National exams are relevant and comprehensive to veterinary technician practice in California with the exception of task and knowledge statements related to California laws and regulations.

All SMEs from both groups were unanimous in their recommendation to the Committee to accept the National exam for California licensure, but only under the condition that a supplemental examination of RVT-related California Law and Regulations be administered to each candidate for licensure.

Veterinary Medical Board Organizational Charts

**Department of Consumer Affairs
Veterinary Medical Board**
Current Organizational Chart
June 30, 2009

2008-2009 FY
9.9 PY

SUSAN M. GERANEN
Executive Officer
635-110-8879-003

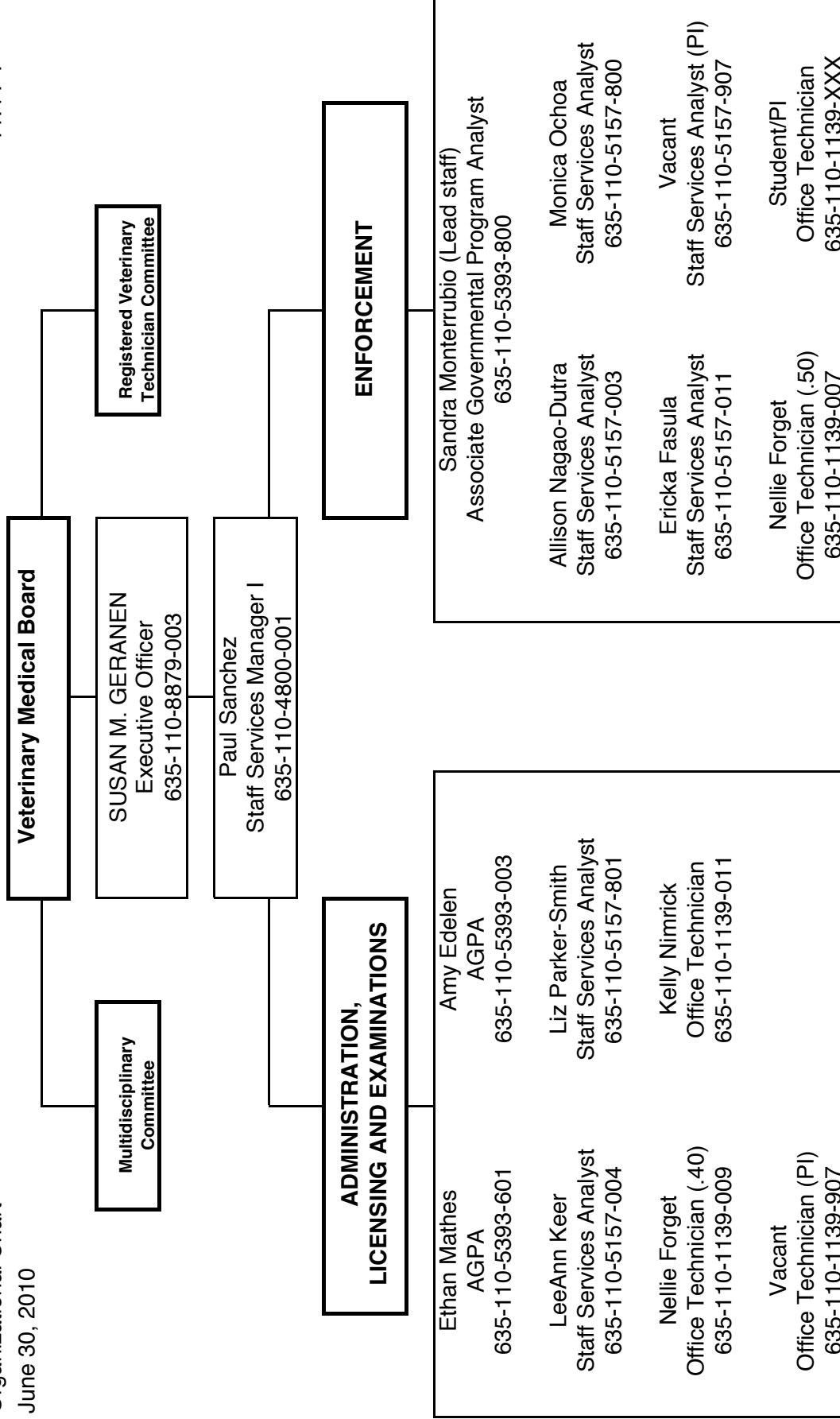
Paul Sanchez
Staff Services Manager I
635-110-4800-001

**ADMINISTRATION,
LICENSING AND EXAMINATIONS**

Amy Edelen (Lead Staff) Associate Governmental Program Analyst 635-110-5393-003	
Liz Parker-Smith Staff Services Analyst 635-110-5157-801	LeeAnn Keer Staff Services Analyst 635-110-5157-004
Nellie Forget Office Technician (.40) 635-110-1139-009	Allison Nagao-Dutra Office Technician 635-110-1139-011
Nathan Alexander Office Technician (PI) 635-110-1139-907	Rachel Greve Student Assistant 635-110-4870-907

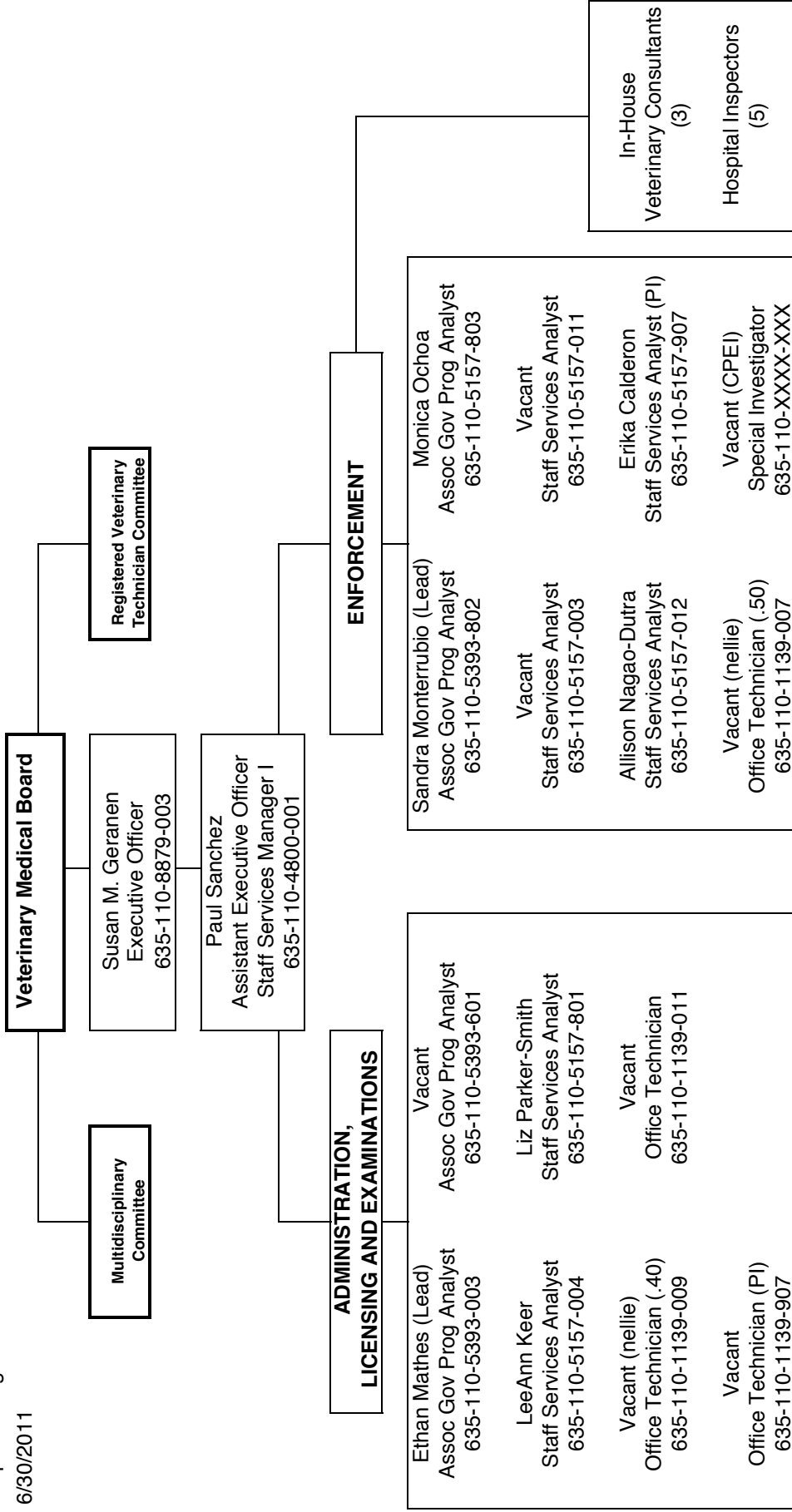
ENFORCEMENT

Sandra Monterrubio (Lead Staff) Associate Governmental Program Analyst 635-110-5393-800	
Christina Thomas Staff Services Analyst 635-110-5157-003	Monica Ochoa Staff Services Analyst 635-110-5157-800
Ericka Fasula Staff Services Analyst (PI) 635-110-5157-907	Vacant Office Technician (.50) 635-110-1139-007



Susan Geranen, Executive Officer Date

Classification & Pay Analyst Date



Susan Geranen, Executive Officer Date

Classification & Pay Analyst Date

BOARD MEMBERS
 (8 Members)

Susan M. Geranen
 Executive Officer
 635-110-8879-003

**Multidisciplinary
 Committee**
 (7 Members)

Paul Sanchez
 Assistant Executive Officer
 Staff Services Manager I
 635-110-4800-001

ENFORCEMENT

**ADMINISTRATION, LICENSING,
 AND EXAMINATIONS**

**Diversion Evaluation
 Committee**
 (5 Members)

Veterinary
 Consultants
 (In-house) (3)
 Hospital
 Inspectors (5)

Ethan Mathes (Lead)
 Assoc Gov Prog Analyst
 635-110-5393-003

Josephine Juarez
 Assoc Gov Prog Analyst (RA)
 635-110-5393-907

LeeAnn Keer
 Staff Services Analyst (G)
 635-110-5157-004

Liz Parker-Smith
 Staff Services Analyst (G)
 635-110-5157-801

Roxanne Simmons
 Office Tech (T) (0.40)
 635-110-1139-012

Julia Price
 Office Tech (T)
 635-110-1139-014

Vacant
 Office Tech (T)
 (Permanent Intermittent)
 635-110-1139-907

Sandra Monterrubio (Lead)
 Assoc Gov Prog Analyst
 635-110-5393-802

Monica Ochoa
 Assoc Gov Prog Analyst
 635-110-5393-803

Vacant (CPEI)
 Special Investigator I (.30)
 635-110-8612-002

Vacant
 Staff Services Analyst (G)
 635-110-5157-015

Karen Robison
 Staff Services Analyst (G)
 635-110-5157-011

Allison Nagao-Dutra
 Staff Services Analyst (G)
 635-110-5157-012

Erika Calderon
 Staff Services Analyst (G)
 (Permanent Intermittent)
 635-110-5157-907

Detrea James
 Office Tech (T) (0.50)
 635-110-1139-013

Susan M. Geranen
 Executive Officer
 Date

Personnel Analyst
 Date

Performance Measures

Performance Measures

Annual Report (2010 – 2011 Fiscal Year)

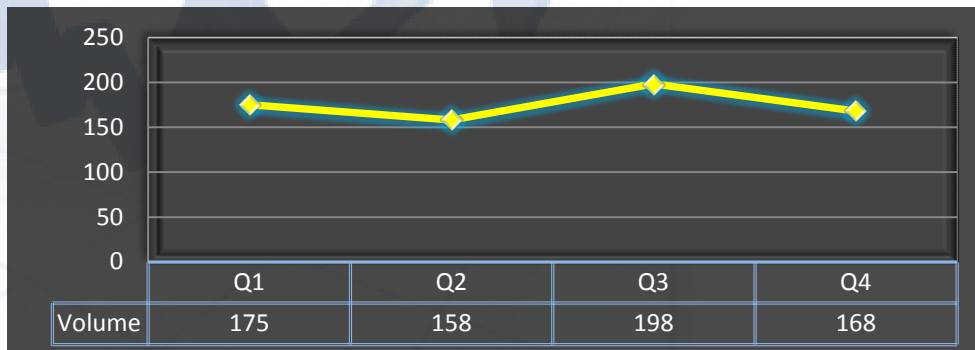
To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures are posted publicly on a quarterly basis.

This annual report represents the culmination of the four quarters worth of data.

Volume*

Number of complaints and convictions received.

The Board had an annual total of 699 this fiscal year.

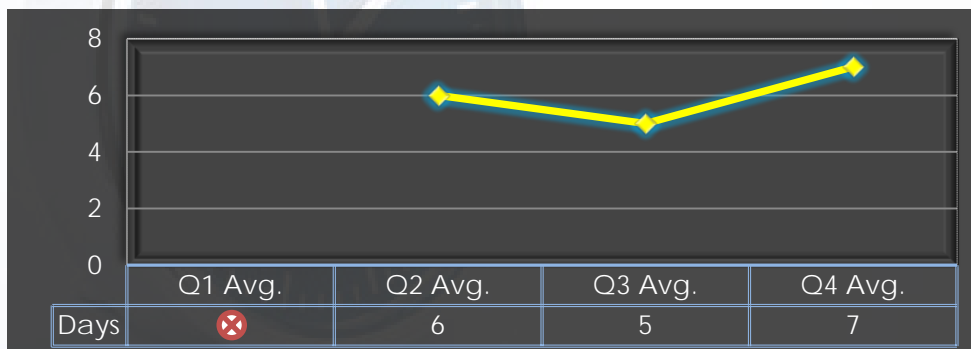


*"Complaints" in these measures include complaints, convictions, and arrest reports.

Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

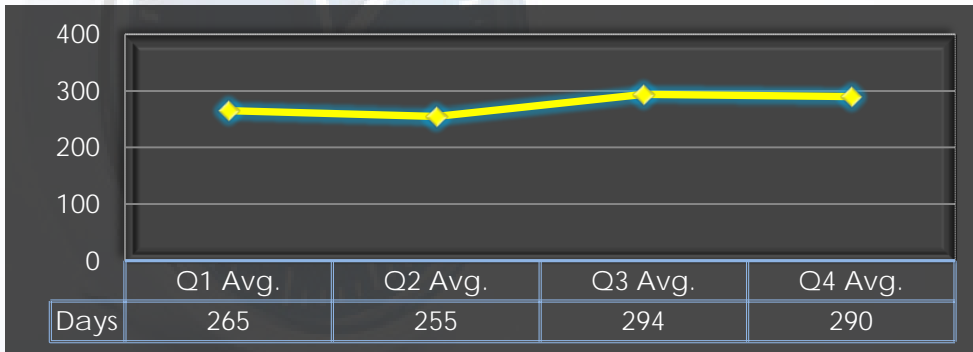
The Board has set a target of 10 days for this measure.



Intake & Investigation*

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

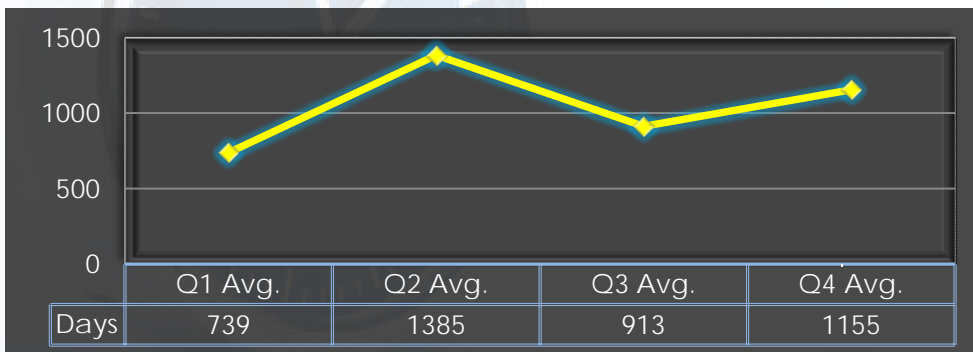
The Board has set a target of 365 days for this measure.



Formal Discipline*

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

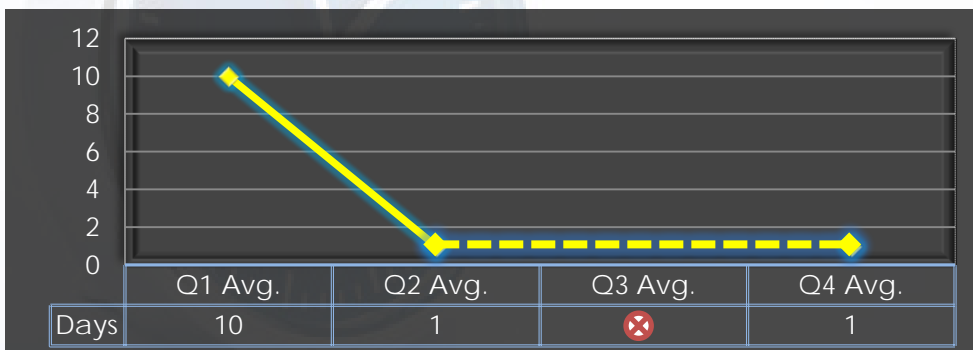
The Board has set a target of 740 days for this measure.



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board has set a target of 10 days for this measure.



*The Board utilizes the Department of Investigations for some cases. These averages includes their investigation cycle time.

Performance Measures

Q1 Report (July - Sept 2010)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement.

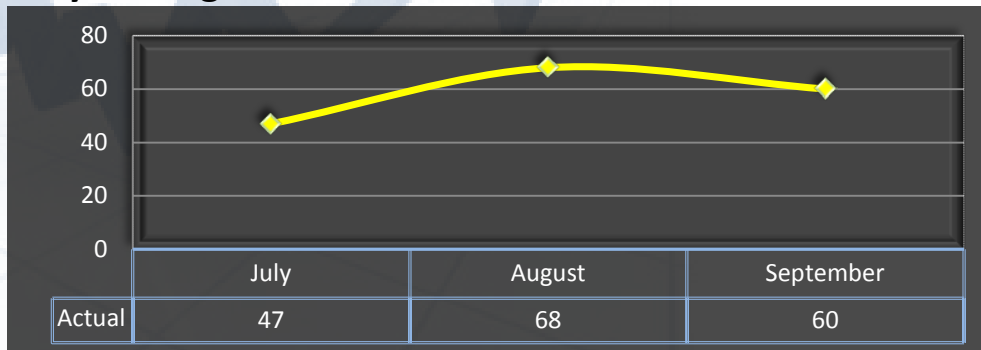
These measures will be posted publicly on a quarterly basis. In future reports, additional measures, such as consumer satisfaction and complaint efficiency, will also be added. These additional measures are being collected internally at this time and will be released once sufficient data is available.

Volume

Number of complaints received.*

Q1 Total: 175 (Complaints: 165 Convictions: 10)

Q1 Monthly Average: 58



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q1 Average: N/A

The Board is unable to report this data until the 2nd quarter due to a change in data's coding standards.

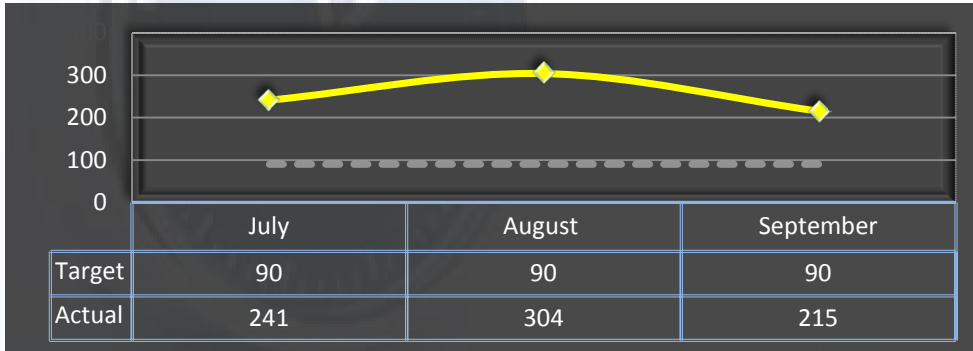
*"Complaints" in these measures include complaints, convictions, and arrest reports.

Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 365 Days

Q1 Average: 265 Days*



Formal Discipline

Average cycle time from complaint receipt to closure, for cases sent to the Attorney General or other forms of formal discipline.

Target: 730 Days

Q1 Average: N/A

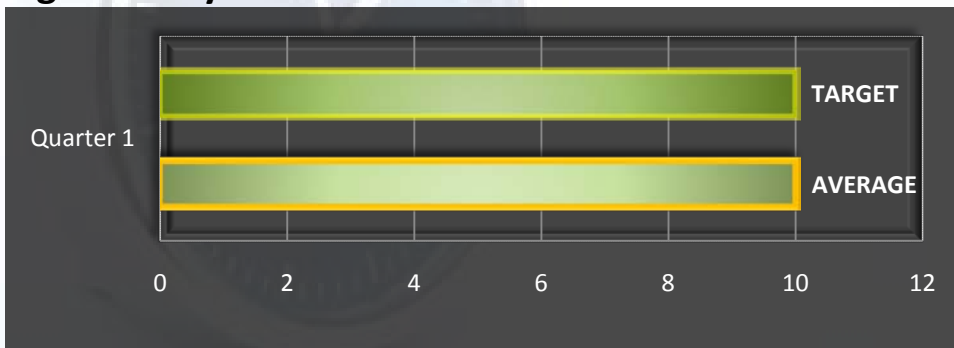
This measure is reported on an annual basis.

Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q1 Average: 10 Days (only 1 data point available)



*The Board utilizes the Department of Investigations for some cases. This average includes their investigation cycle time.

Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 5 Days

Q1 Average: N/A

There were no probation violations this quarter.

Veterinary Medical Board of California

Performance Measures

Q2 Report (October - December 2010)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

In future reports, the Department will request additional measures, such as consumer satisfaction. These additional measures are being collected internally at this time and will be released once sufficient data is available.

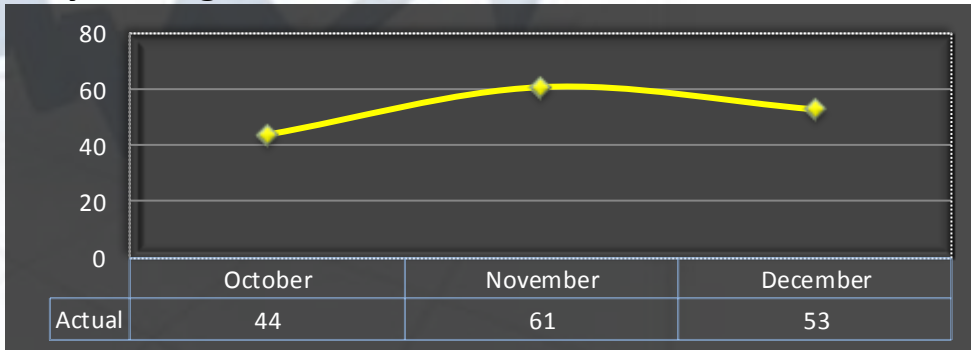
Volume*

Number of complaints and convictions received.

Q2 Total: 158

Complaints: 146 Convictions: 12

Q2 Monthly Average: 52

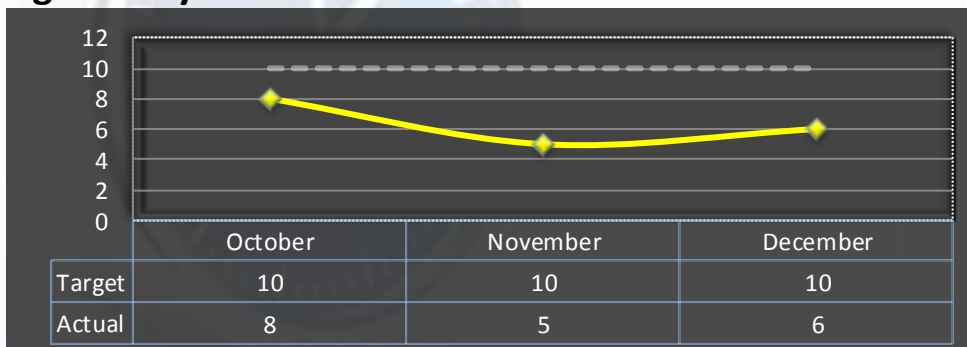


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q2 Average: 6 Days



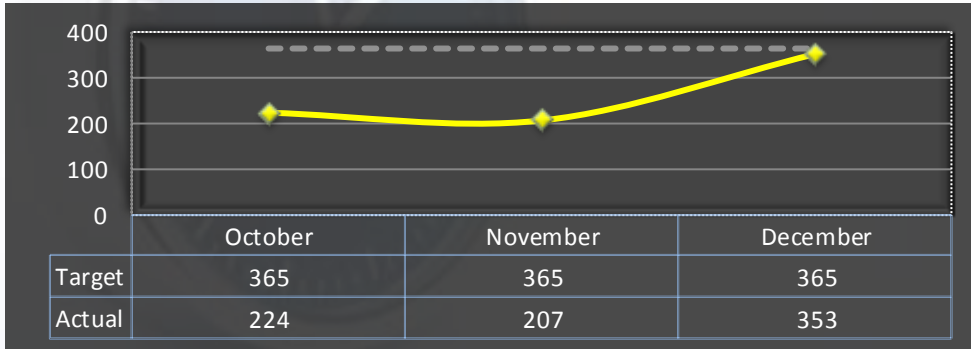
*"Complaints" in these measures include complaints, convictions, and arrest reports.

Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 365 Days

Q2 Average: 255 Days*



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 730 Days

Q2 Average: N/A

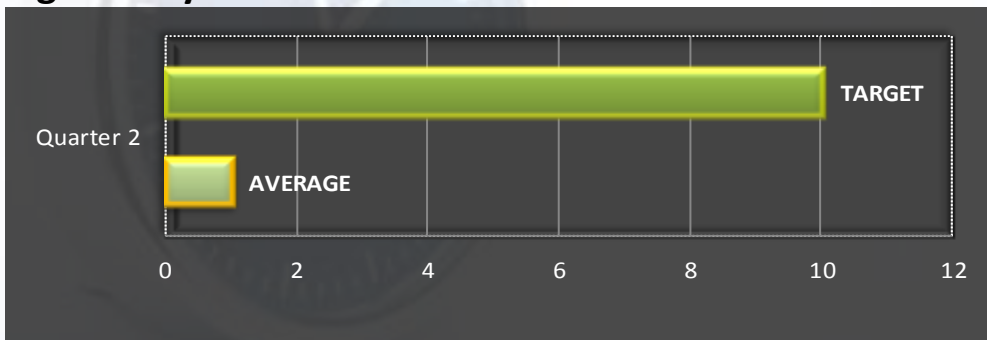
This measure will be reported on an annual basis.

Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q2 Average: 1 Day



*The Board utilizes the Department of Investigations for some cases. This average includes their investigation cycle time.

Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 5 Days

Q2 Average: N/A

The Board did not handle any probation violations this quarter.

Veterinary Medical Board of California

Performance Measures

Q3 Report (January - March 2011)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

In future reports, the Department will request additional measures, such as consumer satisfaction. These additional measures are being collected internally at this time and will be released once sufficient data is available.

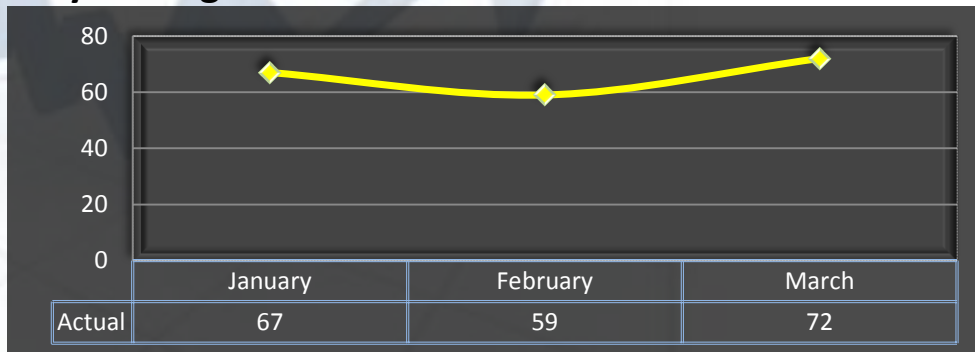
Volume*

Number of complaints and convictions received.

Q3 Total: 198

Complaints: 184 Convictions: 14

Q3 Monthly Average: 66

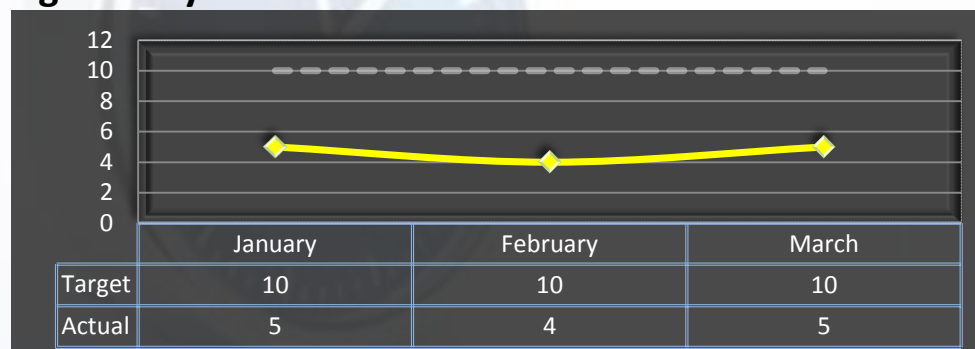


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q3 Average: 5 Days



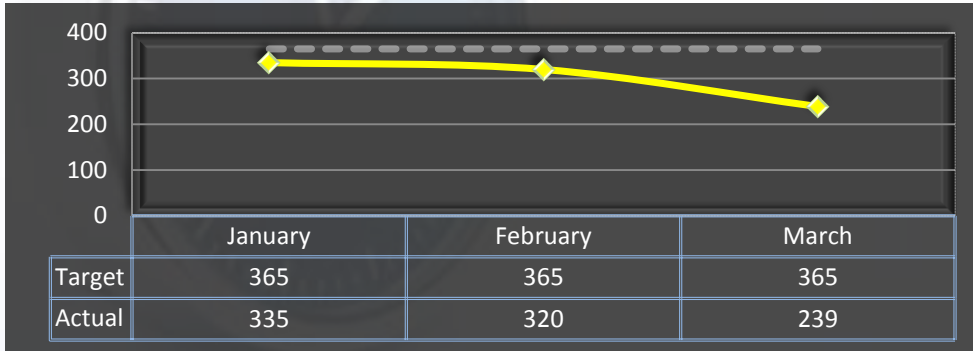
*"Complaints" in these measures include complaints, convictions, and arrest reports.

Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 365 Days

Q3 Average: 294 Days*



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 740 Days

Q3 Average: N/A

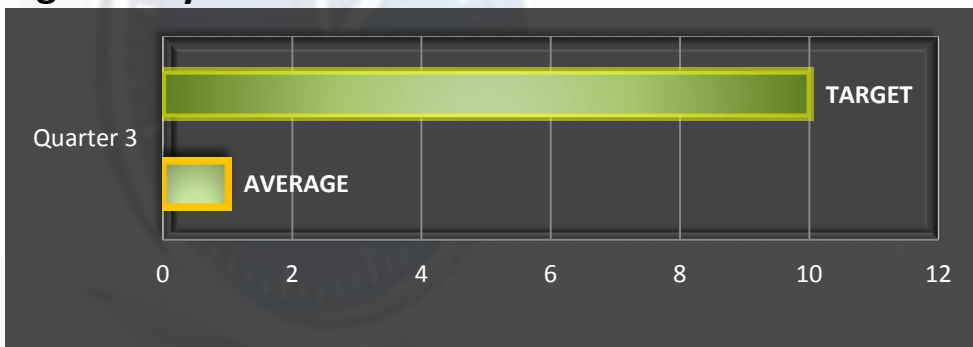
This measure will be reported on an annual basis.

Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q3 Average: 1 Day



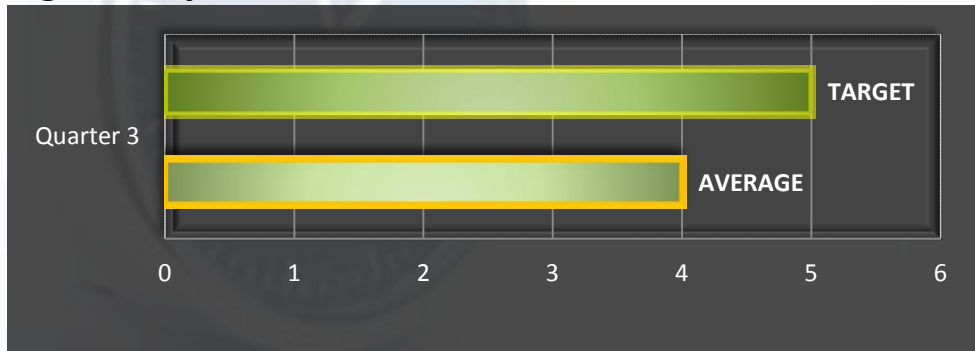
*The Board utilizes the Department of Investigations for some cases. This average includes their investigation cycle time.

Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 5 Days

Q3 Average: 4 Days



Veterinary Medical Board of California

Performance Measures

Q4 Report (April - June 2011)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

In future reports, the Department will request additional measures, such as consumer satisfaction. These additional measures are being collected internally at this time and will be released once sufficient data is available.

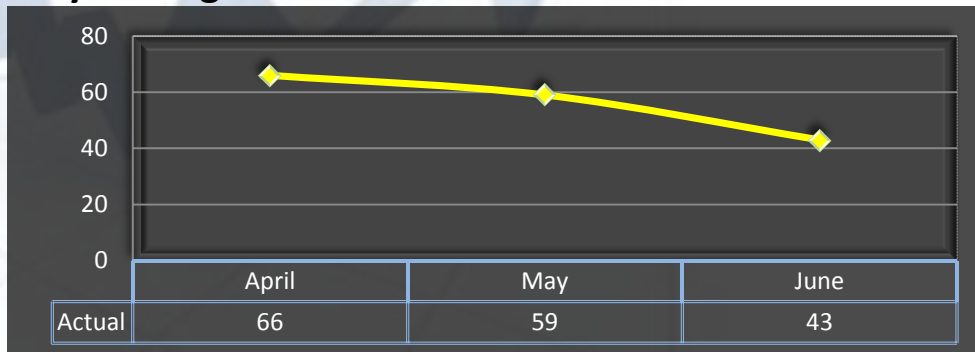
Volume*

Number of complaints and convictions received.

Q4 Total: 168

Complaints: 162 Convictions: 6

Q4 Monthly Average: 56

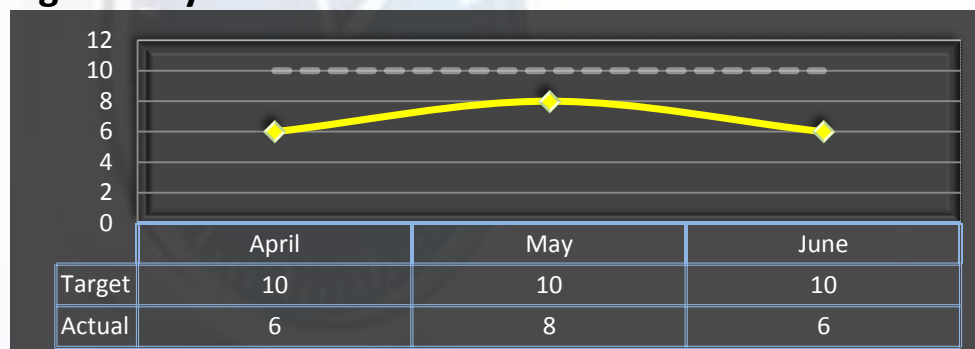


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q4 Average: 7 Days

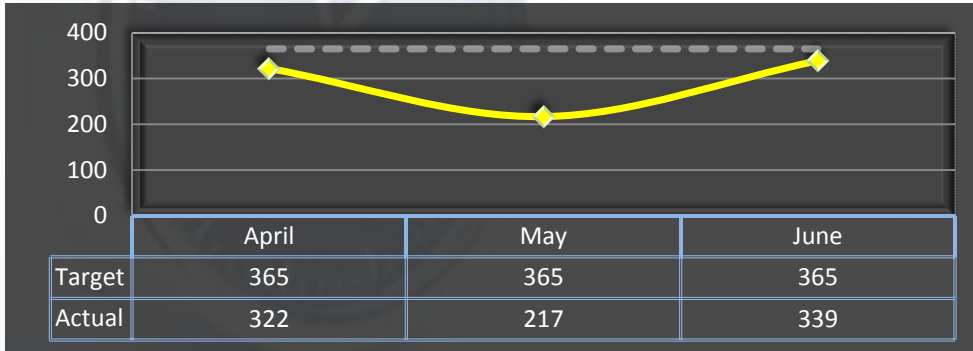


Intake & Investigation**

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 365 Days

Q4 Average: 290 Days*



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 740 Days

Q4 Average: N/A

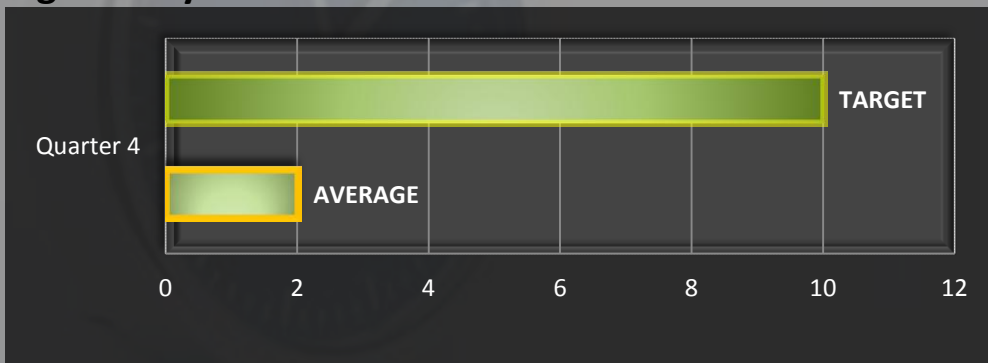
This measure will be reported on an annual basis.

Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q4 Average: 1 Day

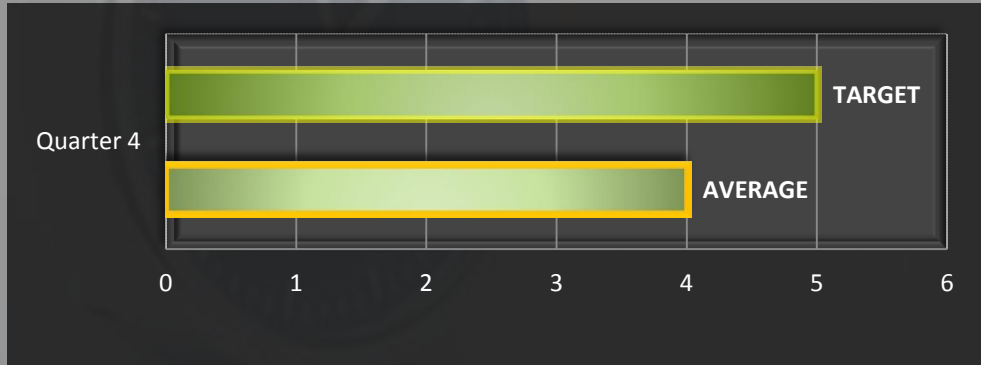


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 5 Days

Q4 Average: 4 Days



*"Complaints" in these measures include complaints, convictions, and arrest reports.

**The Board utilizes the Department of Investigations for some cases. This average includes their investigation cycle time.

Performance Measures

Annual Report (2010 – 2011 Fiscal Year)

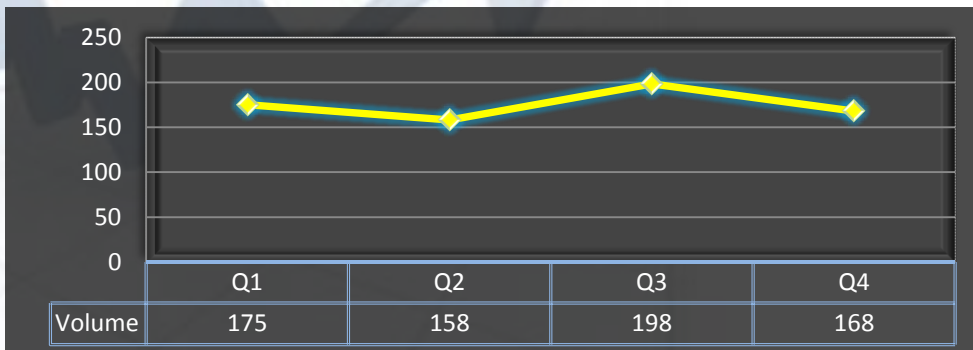
To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures are posted publicly on a quarterly basis.

This annual report represents the culmination of the first four quarters worth of data.

Volume*

Number of complaints and convictions received.

The Board had an annual total of 699 this fiscal year.

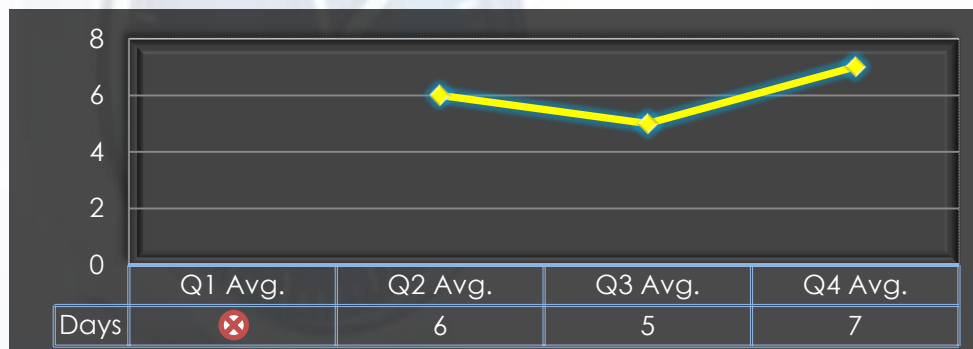


*"Complaints" in these measures include complaints, convictions, and arrest reports.

Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

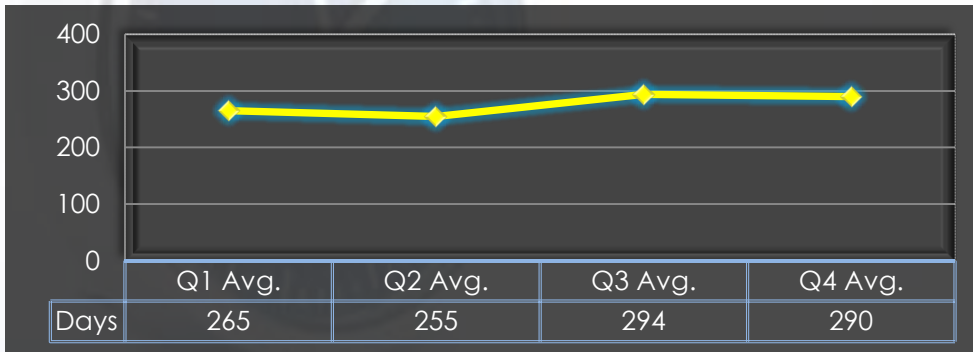
The Board has set a target of 10 days for this measure.



Intake & Investigation*

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

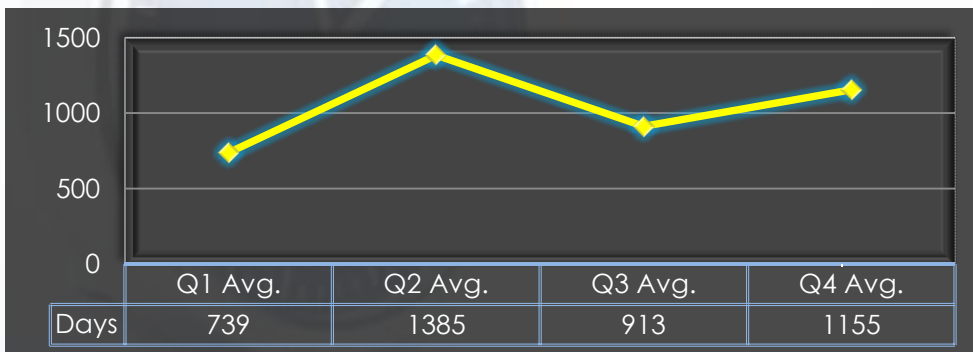
The Board has set a target of 365 days for this measure.



Formal Discipline*

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

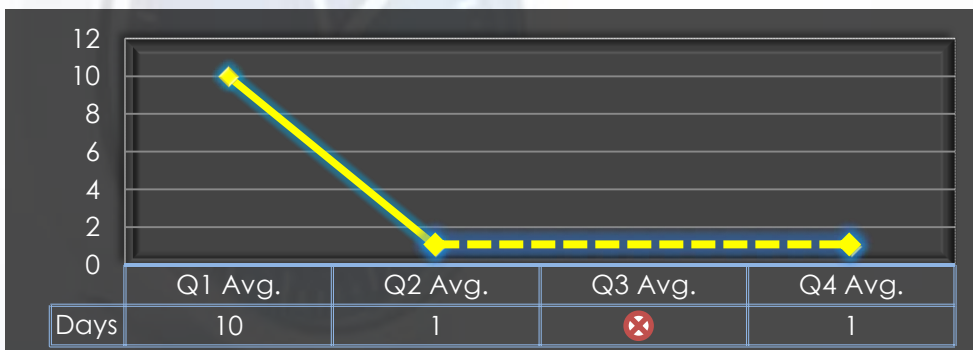
The Board has set a target of 740 days for this measure.



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board has set a target of 10 days for this measure.



*The Board utilizes the Department of Investigations for some cases. These averages includes their investigation cycle time.

Veterinary Medical Board of California

Performance Measures

Q1 Report (July - September 2011)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

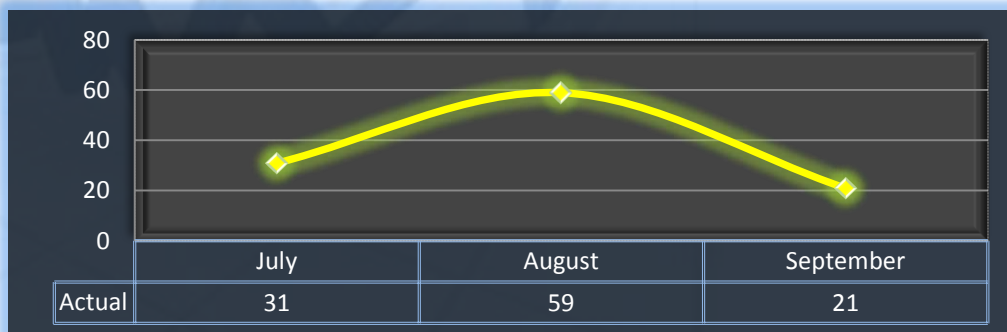
Volume*

Number of complaints and convictions received.

Q1 Total: 111

Complaints: 100 Convictions: 11

Q1 Monthly Average: 37

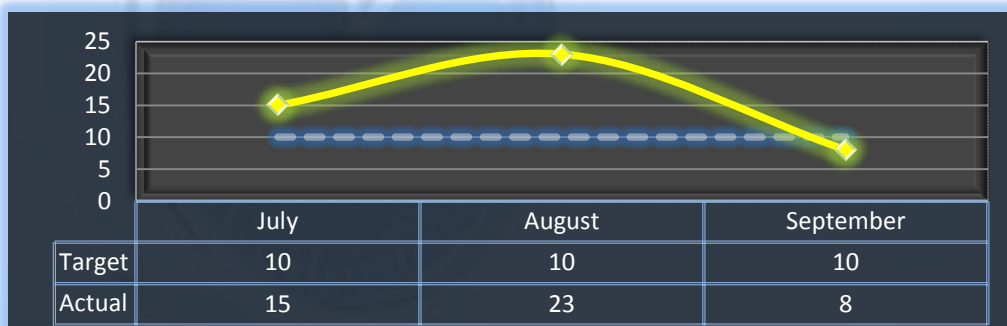


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q1 Average: 13 Days

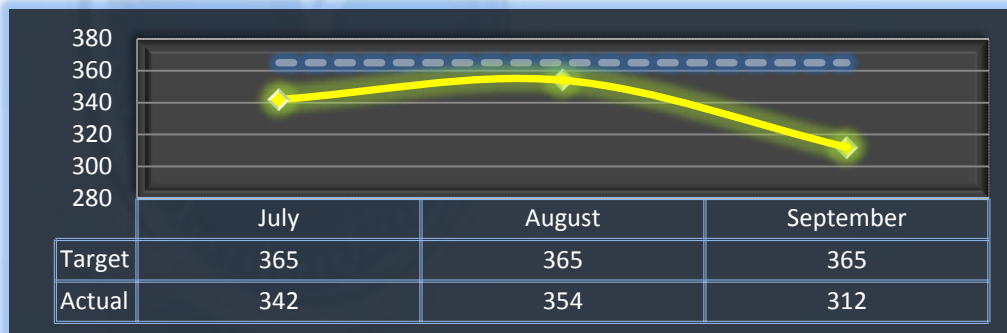


Intake & Investigation**

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 365 Days

Q1 Average: 336 Days



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 740 Days

Q1 Average: N/A

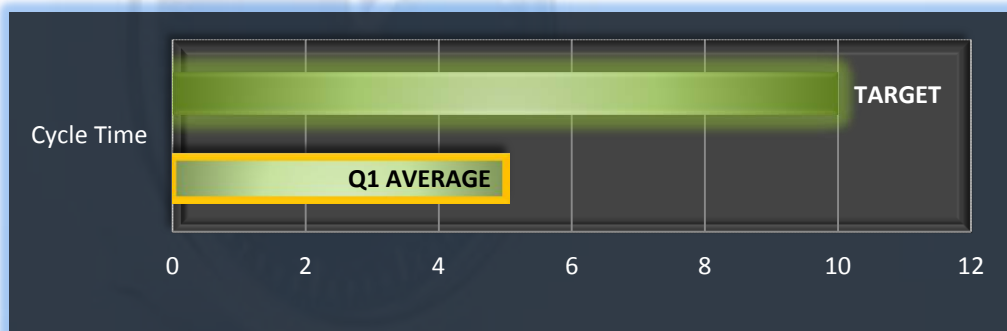
This measure will be reported on an annual basis.

Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q1 Average: 5 Day



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 5 Days

Q1 Average: N/A

The Board did not handle any probation violations this quarter.

*"Complaints" in these measures include complaints, convictions, and arrest reports.

**The Board utilizes the Department of Investigations for some cases. This average includes their investigation cycle time.

Veterinary Medical Board of California

Performance Measures

Q2 Report (October - December 2011)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

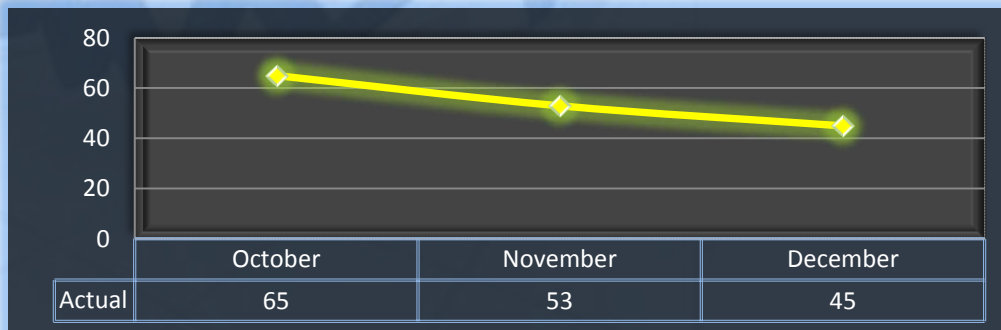
Volume*

Number of complaints and convictions received.

Q2 Total: 163

Complaints: 150 Convictions: 13

Q2 Monthly Average: 54

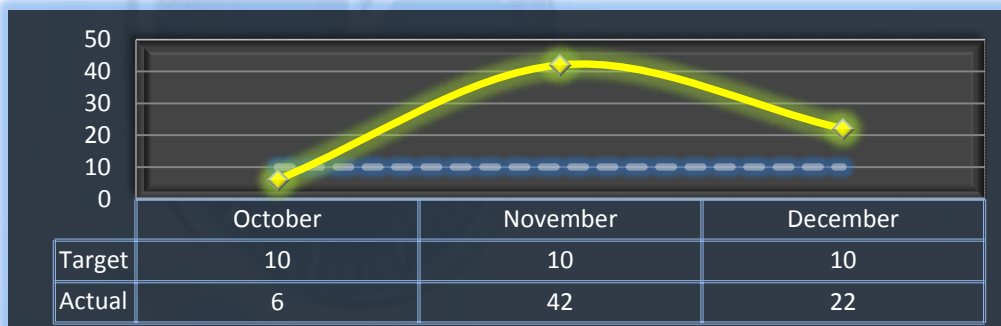


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q2 Average: 33 Days

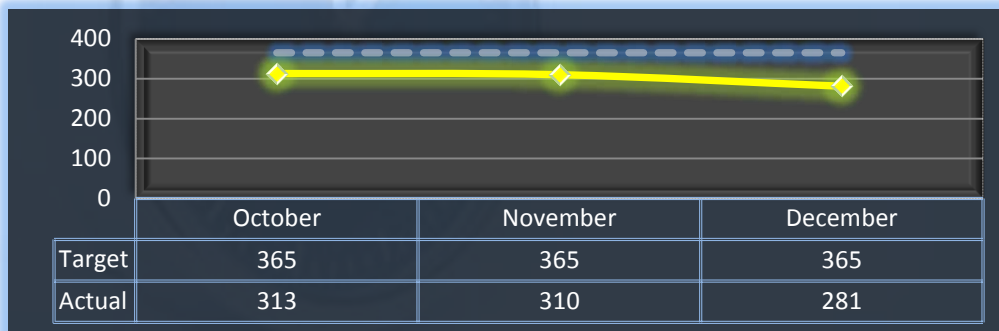


Intake & Investigation**

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 365 Days

Q2 Average: 306 Days



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 740 Days

Q2 Average: N/A

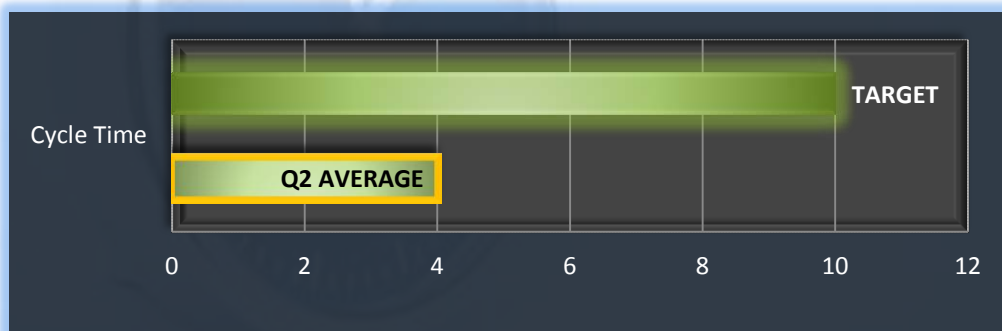
This measure will be reported on an annual basis.

Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q2 Average: 4 Days



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 5 Days

Q2 Average: N/A

The Board did not handle any probation violations this quarter.

*"Complaints" in these measures include complaints, convictions, and arrest reports.

**The Board utilizes the Department of Investigations for some cases. This average includes their investigation cycle time.

Veterinary Medical Board of California

Performance Measures

Q3 Report (January - March 2012)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

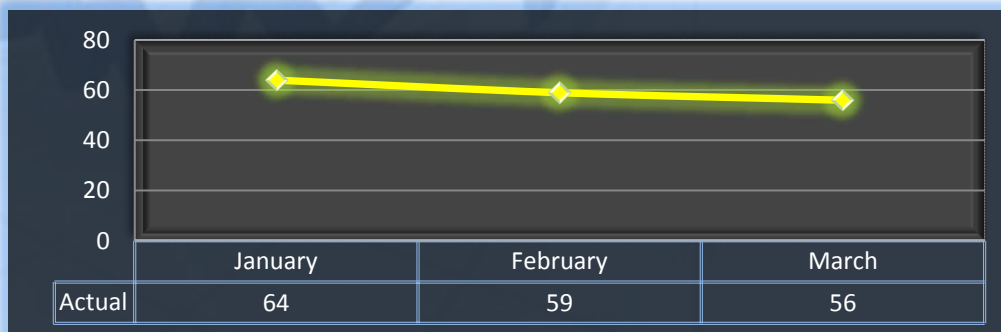
Volume*

Number of complaints and convictions received.

Q3 Total: 179

Complaints: 160 Convictions: 19

Q3 Monthly Average: 60

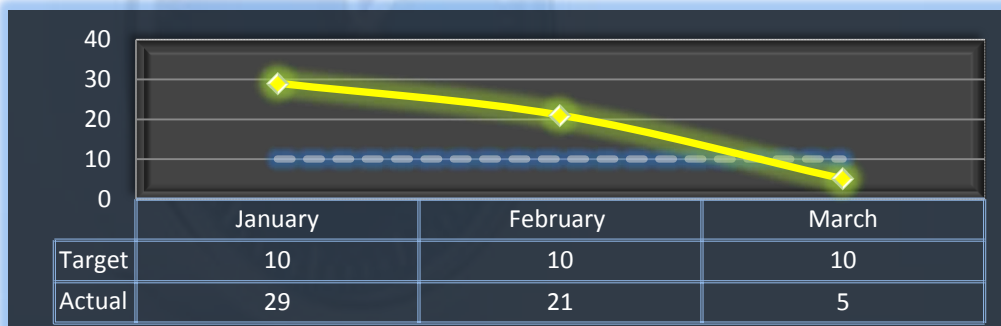


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q3 Average: 23 Days

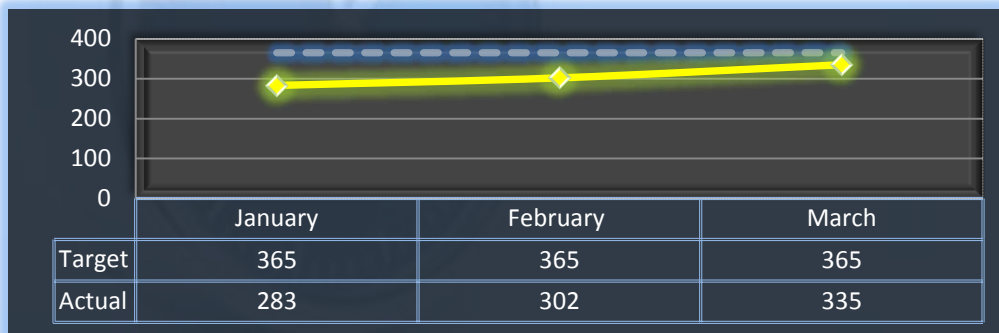


Intake & Investigation**

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 365 Days

Q3 Average: 307 Days



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 740 Days

Q3 Average: N/A

This measure will be reported on an annual basis.

Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q3 Average: N/A

The Board did not contact any new probationers this quarter.

Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 5 Days

Q3 Average: N/A

The Board did not handle any probation violations this quarter.

*"Complaints" in these measures include complaints, convictions, and arrest reports.

**The Board utilizes the Department of Investigations for some cases. This average includes their investigation cycle time.

Veterinary Medical Board of California

Performance Measures

Q4 Report (April - June 2012)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

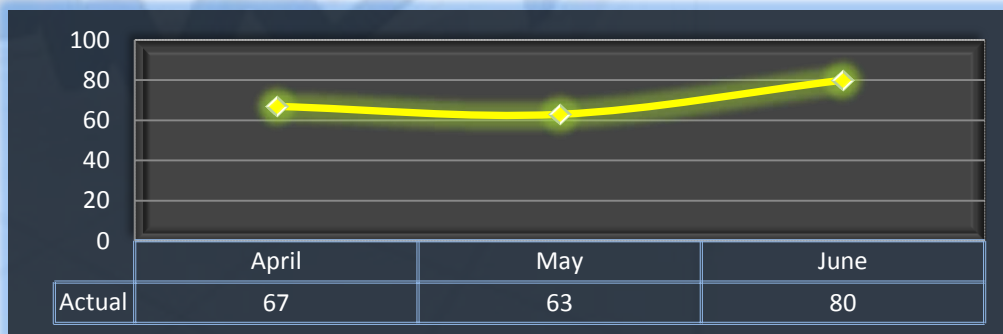
Volume*

Number of complaints and convictions received.

Q4 Total: 210

Complaints: 207 Convictions: 3

Q4 Monthly Average: 70

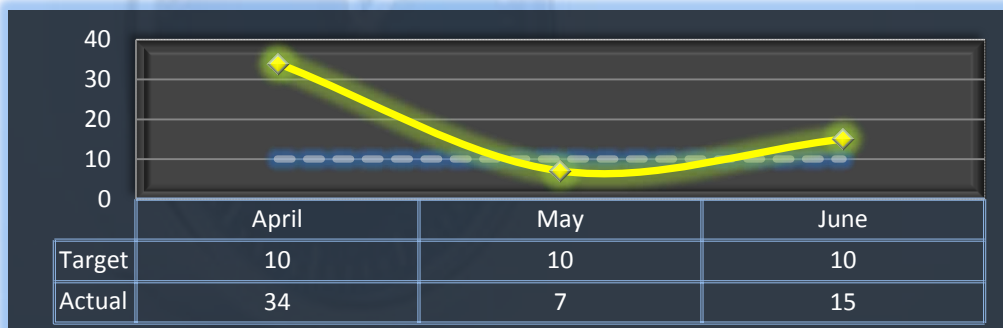


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q4 Average: 20 Days

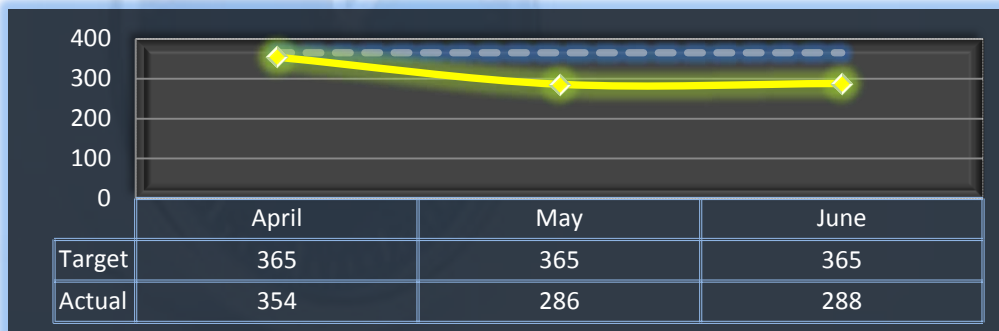


Intake & Investigation**

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 365 Days

Q4 Average: 302 Days



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 740 Days

Q4 Average: N/A

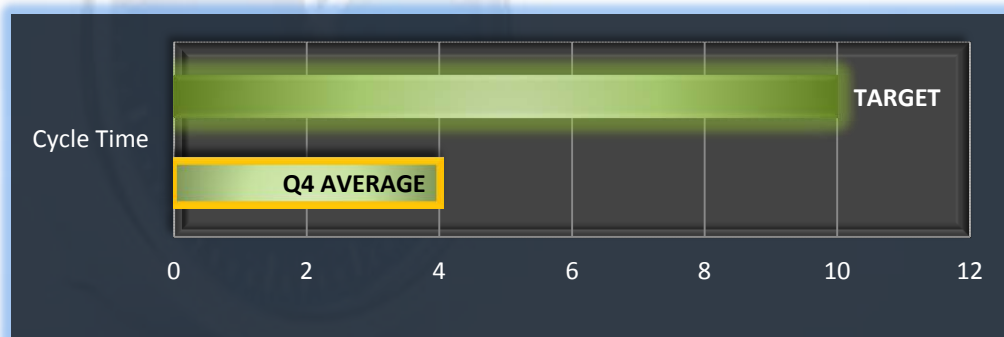
This measure will be reported on an annual basis.

Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q4 Average: 4 Days

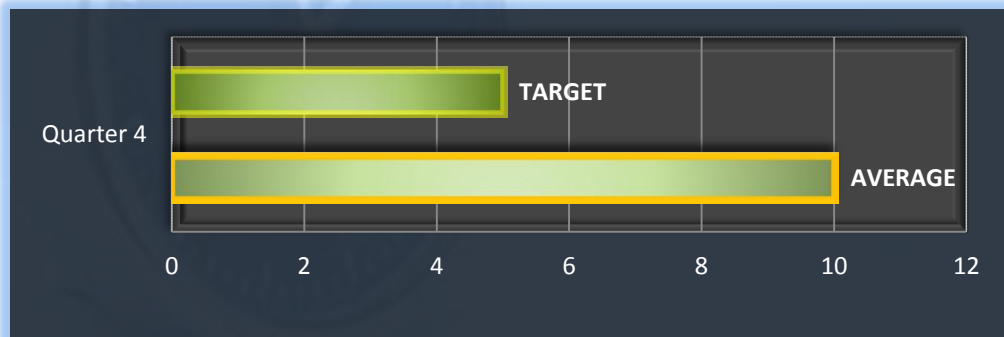


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 5 Days

Q4 Average: 10 Days



*"Complaints" in these measures include complaints, convictions, and arrest reports.

**The Board utilizes the Department of Investigations for some cases. This average includes their investigation cycle time.

Fee Schedule

**Business & Professions Code
Division 2. Healing Arts
Chapter 11. Veterinary Medicine**

4842.5. The amount of fees prescribed by this article is that fixed by the following schedule:

(a) The fee for filing an application for examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purposes of this chapter, not to exceed three hundred fifty dollars (\$350).

(b) The fee for the California registered veterinary technician examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purposes of this chapter, not to exceed three hundred dollars (\$300).

(c) The initial registration fee shall be set by the board at not more than three hundred fifty dollars (\$350), 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 one hundred seventy-five dollars (\$175). 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.

(d) The biennial renewal fee shall be set by the board at not more than three hundred fifty dollars (\$350).

(e) The delinquency fee shall be set by the board at not more than fifty dollars (\$50).

(f) Any charge made for duplication or other services shall be set at the cost of rendering the services.

(g) The fee for filing an application for approval of a school or institution offering a curriculum for training registered veterinary technicians pursuant to Section 4843 shall be set by the board at an amount not to exceed three hundred dollars (\$300). The school or institution shall also pay for the actual costs of an onsite inspection conducted by the board pursuant to Section 2065.6 of Title 16 of the California Code of Regulations, including, but not limited to, the travel, food, and lodging expenses incurred by an inspection team sent by the board.

(h) The fee for failure to report a change in the mailing address is twenty-five dollars (\$25).

4905. The following fees shall be collected by the board and shall be credited to the Veterinary Medical Board Contingent Fund:

(a) The fee for filing an application for examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars (\$350).

(b) The fee for the California state board examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars (\$350).

(c) The fee for the Veterinary Medicine Practice Act examination shall be set by the board in an amount it determines reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed one hundred dollars (\$100).

(d) The initial license fee shall be set by the board not to exceed five hundred dollars (\$500) 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 to exceed two hundred fifty dollars (\$250). The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(e) The renewal fee shall be set by the board for each biennial renewal period in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed five hundred dollars (\$500).

(f) The temporary license fee shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed two hundred fifty dollars (\$250).

(g) The delinquency fee shall be set by the board, not to exceed fifty dollars (\$50).

(h) The fee for issuance of a duplicate license is twenty-five dollars (\$25).

(i) Any charge made for duplication or other services shall be set at the cost of rendering the service, except as specified in subdivision (h).

(j) The fee for failure to report a change in the mailing address is twenty-five dollars (\$25).

(k) The initial and annual renewal fees for registration of veterinary premises shall be set by the board in an amount not to exceed four hundred dollars (\$400) annually.

(l) If the money transferred from the Veterinary Medical Board Contingent Fund to the General Fund pursuant to the Budget Act of 1991 is redeposited into the Veterinary Medical Board Contingent Fund, the fees assessed by the board shall be reduced correspondingly. However, the reduction shall not be so great as to cause the Veterinary Medical Board Contingent Fund to have a reserve of less than three months of annual authorized board expenditures. The fees set by the board shall not result in a Veterinary Medical Board Contingent Fund reserve of more than 10 months of annual authorized board expenditures.

**Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board**

2070. Registration and Renewal Fees for Veterinarians.

Pursuant to the provisions of Section 4905 of the code, the following fees are fixed by the board for licensing periods beginning on or after March 1, 2012:

- (a) The application eligibility review fee for all examinations shall be \$125.00.
- (b) The fee for the California state board examination shall be \$200.00.
- (c) The fee for the veterinary law examination shall be \$100.00.
- (d) The initial license fee for licenses issued for one year or more from the date on which they will expire shall be \$290.00. The initial license fee for licenses issued for less than one year shall be \$145.00.
- (e) The biennial renewal fee shall be \$290.00.
- (f) The fee for a temporary license shall be \$150.00.
- (g) The initial fee for registration of a veterinary premises shall be \$200.00.
- (h) The annual renewal fee for registration of a veterinary premises shall be \$200.00.
- (i) The fee for the Board's Diversion Program shall be \$2,000 per participant.
- (j) The delinquency fee shall be \$25.00.

2071. Application, Registration and Renewal Fees for Registered Veterinary Technicians.

Pursuant to the provisions of Section 4842.5 of the code, the following fees are fixed by the board for licensing periods beginning on or after March 1, 2012:

- (a) The application eligibility review fee for the registered veterinary technician examination shall be \$125.00.
- (b) The fee for the registered veterinary technician examination shall be \$175.00.
- (c) The initial registration fee for registrations issued for one year or more from the date on which it will expire shall be \$140.00. The initial registration fee for registrations issued for less than one year shall be \$70.00.
- (d) The biennial renewal fee shall be \$140.00.
- (e) The delinquency fee shall be \$25.00.

Credit

The Veterinary Medical Board's *Sunset Review Report 2012* was designed and edited by DCA's Office of Publications, Design & Editing. The report was printed and bound by DCA's Digital Print Services.

Veterinary Medical Board
2005 Evergreen Street, Suite 2250
Sacramento, CA 95815-3831

