

Department of Consumer Affairs  
**Veterinary Medical Board**



**Board Meeting**

Department of Consumer Affairs  
1747 N. Market Blvd.  
“Hearing Room”  
Sacramento, CA 95834

**Wednesday, April 23, 2014**  
2:30 a.m. – 5:00 p.m.

**Thursday, April 24, 2014**  
9:00 a.m. – 4:00 p.m.

**Board Members**

Tom Kendall, DVM, President  
Kim Williams, RVT, Vice President  
Mark Nunez, DVM  
Richard Sullivan, DVM  
Cheryl Waterhouse, DVM  
Patti Aguiar, Public Member  
Elsa Florez, Public Member  
Judie Mancuso, Public Member

**Executive Officer**

Annemarie Del Mugnaio





## **MEETING AGENDA**

Veterinary Medical Board  
1747 N. Market Blvd.  
"Hearing Room"  
Sacramento, California 95834  
**April 23-24, 2014**

*Action may be taken on any item on the agenda. Agenda items may be taken out of order.  
Please refer to the informational notes at the end of the agenda.*

**Wednesday, April 23, 2014 - Reinstatement Hearing and Closed Session – 2:30 p.m.**  
**Thursday, April 24, 2014 - Board Meeting - 9:00 a.m. to 4:00 p.m.**

### **2:30 p.m. Wednesday, April 23, 2014**

- I. Call to Order - Establishment of a Quorum
- II. Introductions
- III. Hearing on Petition for Reinstatement of Revoked License - Sang Bong Kang

### **CLOSED SESSION**

- IV. The Board will meet in closed session pursuant to Government Code Section 11126(c)(3) to discuss and vote on this matter and other disciplinary matters including stipulations, proposed decisions, and petitions

### **RETURN TO OPEN SESSION**

- V. Role of Board Member - Adjudication of Disciplinary Matters/Practice Act Reference Materials - Rebecca Bon
- VI. Adjourn

### **9:00 a.m. Thursday, April 24, 2014**

- I. Call to Order - Establishment of a Quorum
- II. Introductions
- III. Approval of October 22-24, 2013 Meeting Minutes, January 29, 2014 & March 17, 2014 Telephonic Meeting Minutes
- IV. Executive Officer & Staff Reports
  - A. Administrative/Budget
  - B. Enforcement/Licensing/Examination
- V. Board Chair Report - Dr. Kendall
  - A. Revisions to Administrative Policies – Update to Board Administrative Procedures Manual

- B. April 11, 2014 RACE Committee Meeting Regarding Standards for Complimentary Alternative Medicine - American Association of Veterinary State Boards
  - C. Support for President Elect Position of the American Association of Veterinary State Boards
- VI. Multidisciplinary Advisory Committee Report – Dr. Bill Grant
- A. Vacancies and Notice for Letter of Interest
  - B. Establish Priorities
- VII. California Horse Racing Board (CHRB) – Proposed Change to California Code of Regulation Section 1845- Authorized Bleeder Medication - Representation from the CHRB
- VIII. Proposed Regulations
- A. Status of Pending Regulations
  - B. RVT School Approval (16 CCR 2064-2066)
  - C. Citation and Fine (16 CCR 2043)
  - D. Uniform Standards for Substance Abusing Licensees/Disciplinary Guidelines (BPC Code Sections 315-315.4)
  - E. Animal Control Officer Training (Senate Bill 1162- 1/1/2013)
- IX. 2014 Legislation
- A. AB 1437 - Mullin - Medically Important Antimicrobials: Nontherapeutic Use
  - B. SB 835 - Hill- Food Producing Animals: Medically Important Antimicrobial Drugs.
  - C. AB 1810 – Maienschein - Deposits for Keeping: Abandoned Animals
  - D. AB 1809 – Maienschein - Dogs: Health Certificates
  - E. AB 2056 – Dababneh - Pet Insurance
  - F. AB 2058 – Wilk – Open Meetings
  - G. Sunset Extension Bill
- X. Comments from Public/Outside Agencies/Associations
- Note: The board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code Sections 11125, 11125.7(a)).
- XI. Discuss Increase in Board Level and Exempt Status of the Executive Officer.
- XII. Agenda Items and Next Meeting Dates
- A. Agenda Items for Next Meeting
  - B. Board Meeting Dates - July 22-23, 2014 – Sacramento/October 21-22, 2014 – San Diego
  - C. Multidisciplinary Advisory Committee Meetings 2014

### XIII. Adjourn

This agenda can be found on the Veterinary Medical Board website at [www.vmb.ca.gov](http://www.vmb.ca.gov). Times stated are approximate and subject to change. This meeting will conform to the Open Meeting Act. Agenda discussions and report items are subject to action being taken on them during the meeting by the Board at its discretion. The Board provides the public the opportunity at meetings to address each agenda item during the Board's discussion or consideration of the item. Total time allocated for public comment may be limited.

The meeting locations are accessible to the physically disabled. Other disability-related accommodations or modifications can be provided upon request. Please make your request for disability-related accommodations by contacting the Board at (916) 515-5220 or sending a written request to 1747 N. Market St., Suite 230, Sacramento, CA 95834. Provide at least five (5) business days notice prior to the meeting to help ensure availability of requested accommodations.

#### **MISSION**

The mission of the Veterinary Medical Board is to protect consumers and animals by regulating licensees, promoting professional standards and diligent enforcement of the practice of veterinary medicine.

## CLOSED SESSION DISCIPLINARY DECISIONS

*The background information provided below is contained in the Department of Consumer Affairs Reference Manual for Board Members and gives an overview of part of a board's disciplinary process. Certain aspects of this overview were changed by the passage of SB 523 (Kopp, Chapter 938, Statutes of 1995). The changes regarding ex parte communications are described in the memorandum attached after the overview.*

### Accusation/Statement of Issues

The principal responsibilities of licensing boards are to determine whether a license should be issued and whether a disciplinary action should be taken against a license. The Administrative Procedure Act (Government Code, Sections 11500 through 11528) prescribes the process necessary to deny, suspend or revoke a license. An action to suspend or revoke a license is initiated by the filing of an Accusation. An action to deny a license is initiated by the filing of a Statement of Issues.

In disciplinary matters, a Deputy Attorney General (DAG) acts as the board's attorney and coordinates all necessary legal procedures. If a case is referred to the Office of the Attorney General and accepted for prosecution, the DAG assigned the matter will prepare a Statement of Issues or an Accusation. The person against whom the action is filed is called the respondent.

Once drafted, the Statement of Issues or Accusation is forwarded to the Executive Officer (EO) for approval. Except where the preparation of administrative pleadings are voluminous and routine, the EO will normally review an Accusation or Statement of Issues for accuracy. Board staff will then assign a case number, and the EO will sign it before returning it to the Attorney General's Office for service on the respondent.

The document is then served on the respondent. The respondent may contest the charges by filing a Notice of Defense, since the law requires an opportunity for a hearing.

The DAG will then schedule a hearing before an Administrative Law Judge (ALJ) from the Office of Administrative Hearings.

### Hearing Process

An administrative hearing is similar to a trial in a civil or criminal court. Both parties introduce evidence (oral and documentary) and the respondent has a right to confront his or her accusers.

Although a board may sit with an ALJ and hear the case, most cases are heard by the ALJ because it is an expensive procedure and may require from several days to several weeks of time.

## Proposed Decision

After hearing the case and considering all the evidence presented, the ALJ renders a Proposed Decision that contains findings of fact, a determination of issues and a proposed penalty (assuming a violation is found). This Proposed Decision is submitted to the board for consideration and final decision.

It is critical for board members to remember that the only evidence upon which a decision may be based is the evidence presented at the hearing. Evidence received outside the hearing (e.g., through telephone calls, reputation in the professional community, letters, information from staff, etc.) may not be considered. The respondent's constitutional right to due process may be violated and the entire disciplinary action may be invalidated if the evidence is received outside the hearing. If board members receive such outside information, they must disqualify themselves from voting on the case and from participating in discussions regarding final action on the case.

The board may vote on the Proposed Decision by mail ballot or at a meeting in a closed session. A board has three basic options when considering a Proposed Decision: (a) adopt the Decision as written, including the proposed penalty; (b) adopt the Decision and reduce the penalty; or (c) not adopt the Proposed Decision. The Proposed Decision must be voted upon by the board within 100 days of receipt or it becomes final as proposed by the ALJ.

## Rejecting a Decision

A board may choose not to adopt a Proposed Decision of an ALJ for several reasons which might be grouped generally under the following categories:

- The board finds the penalty or terms of probation inappropriate to the violation(s).
- The board disagrees with the ALJ's determination of the issue(s) in the case.
- The board disagrees with the ALJ's findings and determination that no grounds for discipline exist.

When a Proposed Decision is not adopted, the board is required to obtain a copy of the transcript of the hearing and documentary evidence unless this requirement is waived by all parties. Each Board member must read the entire transcript and consider only that evidence presented at the hearing. The DAG and the respondent are entitled to submit oral or written arguments on the case to the board. The board must render its own decision after reading the transcript and arguments within 100 days from the receipt of the transcript. Only that part of the Decision which the board disagrees with should be rewritten. The Department's Legal Office or the DAG can prepare the board's Decision.

After promulgation, prompt service of the Decision should be made on the parties affected.

### **Petition for Reconsideration**

A respondent may petition the board within 30 days of the effective date of a Decision for reconsideration of the Decision rendered. In this instance, the respondent will present a written argument to the board requesting dismissal of the charges or modification of the penalty. If the 30-day time period lapses or the board does not act on the petition, it is deemed to be denied.

### **Appeal Process**

A respondent has the right to appeal disciplinary action imposed by a board by filing a writ of administrative mandamus in a Superior Court. This may include a request by the respondent for a stay or postponement of the board's Decision invoking disciplinary action. A court has the authority to uphold or set aside a Decision or return the case to the board with specific directions for further consideration.

A Decision rendered by a Superior Court can be further appealed to the Court of Appeals and then to the Supreme Court by either the board or the respondent.

### **Stipulation**

Once an Accusation has been filed, rather than proceeding to a formal hearing, the parties may stipulate (agree) to a determination of the violations charged against the respondent and to a proposed penalty. Stipulations are negotiated and drafted by the DAG representing the board and the respondent and his/her legal counsel. In negotiating a stipulation, the DAG is encouraged to work closely with the board's EO to arrive at a stipulation that will be acceptable to the board.

The stipulation is presented to the board for its consideration in much the same way that a Proposed Decision is presented. In the case of a stipulation, the board has more latitude to modify its terms as part of the negotiation process and to look beyond the mere contents of an Accusation, though it should confine its consideration to information that is relevant to the charges at hand. While there is no time limit within which a stipulation must be considered, any undue delays should be avoided.

Stipulations are strongly encouraged because they significantly reduce the time and money spent in prosecuting a disciplinary action. Each day of a formal hearing will cost a board approximately \$1,600.00.





## ETHICAL DECISION MAKING

Questions	Mandatory Disqualification	Need Further Discussion
Have you served as <ul style="list-style-type: none"> <li>• investigator</li> <li>• prosecutor, or</li> <li>• advocate</li> </ul> before or during the adjudicative proceeding?	Yes	
Are you biased or prejudiced for or against the person?  or  Do you have an interest (including a financial interest) in the proceeding?	Yes	
Have you <ul style="list-style-type: none"> <li>• engaged in a prohibited ex parte communication before or during adjudicative proceeding (may result in disqualification)?</li> </ul> OR <ul style="list-style-type: none"> <li>• complained to you about investigation currently in progress and said how great he or she is</li> </ul> ✓ "Ex parte" communication: direct or indirect communication with you by one of the parties or its representative without notice and opportunity for all parties to participate in the communication (e.g. applicant or licensee (or someone acting on that person's behalf)		Yes
Do you or your spouse or a close family member (such as an uncle or cousin) have personal knowledge of disputed evidentiary facts concerning the proceeding?		Yes
Do you doubt your capacity to be impartial?		Yes
Do you, for any reason, believe that your recusal would further the interests of justice?		Yes





**MEETING MINUTES - DRAFT**  
Veterinary Medical Board  
Riverside, California

**Tuesday, October 22, 2013**

**Roll Call and Establishment of a Quorum**

Board Members Present

Tom Kendall, DVM, President  
Kim Williams, RVT, Vice-President  
Mark Nunez, DVM  
Richard Sullivan, DVM  
Cheryl Waterhouse, DVM  
Patti Aguiar, Public Member  
Elsa Florez, Public Member  
Judie Mancuso, Public Member

Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board  
Paul Sanchez, Assistant Executive Officer  
Rebecca Bon, Legal Counsel  
Ethan Mathes, Administrative Program Coordinator  
Sandra Monterrubio, Enforcement Program Coordinator  
Liz Parker-Smith, Administrative Analyst  
Karen Robison, Administrative Analyst

Guests Present

James, Ahler, Administrative Law Judge  
Desiree Tulleners, Deputy Attorney General  
Erin Sunseri, Deputy Attorney General  
Bonnie Lutz, Attorney  
Kimberly Kadolph, Court Reporter  
Byoung Hah, DVM  
Sunny Hah  
George Grant, DVM  
Bonnie Grant  
Dr. Robert Olds  
Gene Cully  
Kristen Williams

Tom Kendall, DVM called the meeting to order at 8:40 a.m. Sue Geranen, Executive Officer (EO) called roll; eight members of the Board were present and thus a quorum was established. Dr. Kendall read the Department of Consumer Affairs (DCA) meeting rules, Roberts Rules of Order.

**1. Approve July 23-24, 2013 and September 11, 2013 Meeting Minutes**

- **Motioned and seconded the motion to approve the July 23-24, 2013 meeting minutes with a minor correction. The motion carried 8-0**

- **Motioned and seconded the motion to approve the September 11, 2013 meeting minutes. The motion carried 8-0**

## **2. Reinstatement Hearing – Byoung Hah**

Deputy Attorney General (DAG) Desiree Tulleners opened the reinstatement hearing presenting the case against Dr. Hah. Bonnie Lutz presented the case to reinstate the license of Dr. Hah. Dr. Hah answered questions from DAG Tulleners and members of the Board. DAG Tulleners summarized the Board's case and Ms. Lutz presented the final summary. Administrative Law Judge (ALJ) Ahler closed the hearing and the Board went into closed session with the Judge to discuss the case.

## **3. Closed Session**

Deliberate and Take Action on Disciplinary Matters (Government Code section 11126(c)(3))

## **4. Reinstatement Hearing – George Grant**

Deputy Attorney General (DAG) Erin Sunseri opened the reinstatement hearing presenting the case against Dr. Hah. George Grant presented his case to reinstate his license. Dr Grant answered questions from DAG Sunseri and members of the Board. Bonnie Grant, Kristen Williams, Dr Robert Olds, and Gene Cully spoke on behalf of Dr. Grant. DAG Sunseri summarized the Board's case and Dr. Grant presented his final summary. ALJ Ahler closed the hearing and the Board went into closed session with the Judge to discuss the case.

## **5. Closed Session**

Deliberate and Take Action on Disciplinary Matters (Government Code section 11126(c)(3))

**Wednesday, October 23, 2013**

## **Roll Call and Establishment of a Quorum**

### Board Members Present

Tom Kendall, DVM, President  
Kim Williams, RVT, Vice-President  
Mark Nunez, DVM  
Richard Sullivan, DVM  
Cheryl Waterhouse, DVM  
Patti Aguiar, Public Member  
Elsa Florez, Public Member  
Judie Mancuso, Public Member

### Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board  
Paul Sanchez, Assistant Executive Officer  
Rebecca Bon, Legal Counsel  
Diann Sokoloff, SDAG, Board Liaison  
Ethan Mathes, Administrative Program Coordinator  
Sandra Monterrubio, Enforcement Program Coordinator  
Liz Parker-Smith, Administrative Analyst  
Karen Robison, Administrative Analyst

## Guests Present

Jeff Backus, California Registered Veterinary Medical Association  
Kellie Boiston, CPTA, CAAPT  
Dr. Tanya Doman, PT, APTA  
Allan Drusys, Multidisciplinary Advisory Committee  
Nancy Ehrlich, California Registered Veterinary Medical Association  
Dr. Tanya Doman, PT, APTA  
Val Fenstermaker, California Veterinary Medical Association  
William Grant II, DVM, Multidisciplinary Advisory Committee  
Liz Hughson, RVT, VTS, California Registered Veterinary Technician Association  
Ron Kelp, DVM, California Veterinary Medical Association  
Christine Lowlie, DCA  
Allyne Moon, California Registered Veterinary Medical Association  
Kristi Pawlowski, California Veterinary Medical Association  
Trish Penick, CPTA, CAAPT  
Dan Segna, DVM, California Veterinary Medical Association  
Dr. James Syms, California Physical Therapy Association  
Jessica Underwood  
Dayna Weidenkeller, California Veterinary Medical Association

Tom Kendall, DVM called the meeting to order at 9:40 a.m. Sue Geranen called roll; eight members of the Board were present and thus a quorum was established. Dr. Kendall read the Department of Consumer Affairs (DCA) meeting rules, Roberts Rules of Order.

## **Ceremonial Swearing In of New Veterinary Medical Board Member**

Ms. Geranen swore in Mark Nunez, DVM as the newest member of the Veterinary Medical Board.

## **6. Strategic Plan Update** **A. Review Action Items**

The Board Strategic Planning Committee met in October and updated the current Strategic Plan which runs through 2014. The Strategic Planning Committee will meet in April 2014 to update the strategic plan.

## **7. Election of Officers**

Richard Sullivan, DVM nominated Dr. Kendall for the office of President. Kim Williams, RVT seconded the nomination.

- **Dr. Kendall ran for the office of President uncontested. The nomination carried 8-0**

Patti Aguiar nominated Judy Mancuso for the office of Vice President. Cheryl Waterhouse, DVM seconded the nomination.

Dr. Sullivan nominated Ms. Williams, RVT for the office of Vice President.

Ms. Mancuso gave a statement as to her reasons for wanting to serve as the Board Vice President.

Ms. Williams, RVT gave a statement as to her reasons for wanting to continue to serve as the Board Vice President.

- **Ms. Williams, RVT was elected to the office of Vice President by a vote of 4-3.**

## **8. Executive Officer Report**

Ms. Geranen reported the Sunset Review was signed and extended the Board for two years. The Board will receive questions in the spring of 2014 and will need to respond to them by November 14, 2014. Sunset Review bill will be introduced to extend the Board in 2015.

Ms. Geranen thanked Ethan Mathes for his hard work on the Minimum Standard regulations which will become effective January 1, 2014.

## **9. Administrative/Budget Committee Report**

The Board has extended offers for the cashier and enforcement intake positions with tentative starting dates in November 2013. Allison Nagao-Dutra was promoted to the Inspection/Probation Monitor position. The Board has been given approval to fill the Special Investigator position and we are recruiting for the position.

The walls are up and tentative move in date is mid December. The Board meetings will be televised at the new location. Information about the office relocating including the new address and phone number will be posted on the website and announced in the newsletter.

### **A. Assistant Executive Officer's Program Report**

The Continuing Education (CE) audits were successful however; there were a few provider issues. CE can be a newsletter article that addresses acceptable CE.

#### **i. Diversion Evaluation Committee Update**

The Diversion Evaluation Committee (DEC) is recruiting to fill a vacant position on the committee. Three additional DEC positions are coming up for reappointment in June 2014. The Board will advertise open positions on the website and in the newsletter.

### **B. Review Budget, Revenue, Expenditure Projections for 2013/14 and Budget Fund Condition**

Paul Sanchez stated the budget is fine at this time however; we will most likely spend all our money this year. There is room for the Board to grow with the move to the new office. The cost of the move will be paid out of the Architectural Revolving Fund (ARF) which was set up in 2012.

The Board currently has ten months of expenses in reserve. The reserve funds will gradually be reduced to seven months with the hiring of additional staff and will level off with five months in the reserve fund. Dr. Kendall expressed frustration at being prohibited from hiring staff when we clearly have the funds available for salaries.

Judie Mancuso questioned the vacation payout in the budget. It was explained when staff retires from the Board vacation/annual leave is paid out at that time. Ms. Mancuso asked if the leave was monitored. Mr. Sanchez noted Human Resources (HR) is the policy maker and Ms. Geranen commented that management watches to keep staff under the maximum leave cap.

There are plans to update the hospital inspection checklist in January 2014. The goal for hospital inspections is 20% per year and to include new hospitals in the inspection process once they have been in business for at least three years because they are usually in compliance the first few years the business is open.

Mark Nunez, DVM asked if there was an average cost for cases that go to the Attorney General (AG). Diann Sokoloff, SDAG stated the cost of prosecuting a case cannot be anticipated. Mr. Sanchez said

cases can be put on hold and Ms. Geranen noted the EO could postpone hearings to fund critical cases. Ms. Mancuso asked if anything can be stopped and Mr. Sanchez noted hospital inspections were staying in the budget however, Sandra Monterrubio stated there will be a significant decrease in inspections this year. Dr. Nunez wanted to clarify that hospital inspections would be stopped if the board became short on funds. Mr. Sanchez stated high priority inspections would continue and Ms. Geranen noted the Board would work with DCA if the Board became low on funds.

### **C. Update on CPS Report for Succession Planning**

The CPS report is available for review and will be discussed it at the next meeting. Mr. Sanchez noted the report analysis shows why the Board needs additional staff and stated that one person working each desk and the desk knowledge not being shared is not good business practice. Basic training and desk manuals would help others step in and work any desk. CPS studied Rank and File personnel and an extension of the contract would need to be entered into in order to include management in the study.

### **D. American Association of Veterinary State Boards (AAVSB) Update**

Dr. Kendall reported the clinical skills assessment examination, for PAVE candidates, was not renewed and the National Board of Veterinary Medical Examiners (NBVME) would not sell the examination to the AAVSB. Kim Williams, RVT reported the next three Veterinary Technician National examinations are ready to go.

Dr. Kendall reported the Veterinary Information Verifying Agency (VIVA) is working on implementing a continuing education registry to assist veterinarians and veterinary technicians in tracking the continuing education they earn. Patti Aguiar asked if there could be a link for computerized submission. Ms. Geranen noted this might be possible after the Breeze system is implemented.

Jeff Backus, RVT inquired about the transition to the Veterinary Technician National Examination (VTNE) and when information on the examination would be given out. Ethan Mathes stated the VTNE information would be on the Board website within a month. The fee to take the VTNE was brought up and Dr. Kendall reported lowering the cost was requested two years ago and was not approved. Ms. Mancuso asked if a cost analysis could be performed. Ms. Geranen stated a cost analysis was being worked on and should be ready for the January or April 2014 Board meeting. Clarification of when the last day of the current RVT examination would be and when the new California RVT law examination would begin was requested and it was Ms. Geranen noted applications to apply to take the VTNE and the RVT CA law examination would be accepted beginning March 1, 2014.

## **10. Consumer Education/Newsletter Committee Report**

Ms. Aguiar reported the next edition of News and Views, the Board newsletter, is in process. A few of the articles will be the VTNE transition and updates on SB 304, the Multidisciplinary Advisory Committee (MDC), and the Board move. Those who are contributing articles to the newsletter need to be aware the last day for article submission is October 29, 2013.

## **11. Legislation/Regulations Committee Report**

### **A. 2012/13 Legislation**

#### **i. SB 304 – Sunset**

SB 304, extending the Board until January 1, 2016, was signed by Governor Jerry Brown and filed with the Secretary of State on October 3, 2013. Ms. Mancuso noted this Board would be back for Sunset Review in 2015. SB 304 expands the MDC by two members. The two new members from the Board will be appointed by the board president. Richard Sullivan, DVM and Ms. Williams, RVT have been appointed by Dr. Kendall to serve on the MDC.

## **ii. SB 809 – CURES**

SB 809, the CURES Fund, was signed by Governor Jerry Brown and filed with the Secretary of State on September 27, 2013. This bill will become effective for veterinary licensees whose renewal period begins April 1, 2014 and does not affect RVT's at this time.

### **B. License Plate Regulations (16 CCR 2090 et. seq.)**

Pet Lovers sequential license plates are beginning to be sent out and personalized plates are expected to begin going out in November 2013. The first Pet Lovers license plate report is due in November.

#### **i. Discuss Comments from the October 8, 2013 Public Hearing**

The Pet Lover license plate public hearing was held on October 8, 2013 and the board received no comments during the 45-day comment period.

#### **ii. Discuss Language and Consider Adoption Prior to Submission to OAL for Final Approval**

- **Ms. Mancuso motioned and Ms. Williams, RVT seconded the motion to make non-substantive changes to the language and move forward with the rulemaking package. The motion carried 8-0**

### **C. Animal Control Officer Training Proposal**

Dan Segna, DVM, of the California Veterinary Medical Association (CVMA) along with members the state humane society and animal control directors developed a proposed training program and a draft of the training guide is included for the Board to review. Dr. Segna noted drugs are not listed because they change over time and the animals involved can be wild or domestic. Dr. Sullivan stated it was a good model and to move forward to the next step. Dr. Kendall thanked everyone involved in working on the proposal for their hard work.

- **Dr. Richard Sullivan motioned and Ms. Judie Mancuso seconded the motion to approve the proposed guidelines and move forward with the regulation package. The motion carried 8-0**

### **D. 2013/14 Regulations**

#### **i. Review Proposed Animal Rehabilitation Language and Initial Statement of Reasons** **1. Discuss and Consider Scheduling a Public Hearing**

The Board discussed the proposed animal rehabilitation (AR) language and Initial Statement of Reasons (ISR). Ms. Aguiar surmised the logistics of having a veterinarian directly supervising AR at a large animal facility "was not going to happen". Dr. James Syms thanked all for their hard work on AR. Dr. Syms noted as a doctor, if I have faith in an animal physical therapist (APT), I should be able to make the decision to refer a case to them and if I do not have the discretion to refer a case it usurps my business/professional authority. Dr. Nunez asked if PT's could add certificates to their degree. Dr. Syms agreed that PT's can add certificates to their degree and that they take extra AR training to work on animals. Ms. Williams, RVT asked where the jurisdiction on an injury to an animal due to AR would lie. Ms. Geranen stated PT is unlicensed activity and the veterinarian would ultimately be responsible for an injury.

- **Dr. Richard Sullivan motioned and Dr. Mark Nunez seconded the motion to move forward with the rulemaking process and schedule a hearing in January 2014. The motion carried 8-0**



- ii. **Update on Minimum Standards Regulations**
- E. **Review Regulation Calendar**

## **12. Multidisciplinary Advisory Committee Report**

- A. **Report on Status of Regulatory Projects**
- B. **Review November 2013 Draft Agenda**

Dr. William Grant II discussed the items the Multidisciplinary Advisory Committee (MDC) will work on at the November MDC meeting. The discussions on telehealth/telemedicine and implementing a university faculty license will be lengthy. Dr. Grant noted it took four years to complete Minimum Standards and thanked Mr. Mathes for a job well done.

## **13. Enforcement Committee Report**

- A. **Enforcement Program Manager's Report**

Sandra Monterrubio reported an offer was made for the enforcement/intake position and the tentative start date is in November. Allison Nagao-Dutra has been promoted to the Inspection Coordinator and Probation Monitor position. Division of Investigations continues to lend one staff member two days a week to assist with the backlog.

- B. **CPEI Update**
- C. **Review July 2012 Disciplinary Guidelines**

## **14. Exam Vet/RVT Committee Report**

- A. **Exams/Licensing Program Manager's Report**

Mr. Mathes reported the transition to the (VTNE) is ready for a March 2014 release. Board staff is working on the examination plan and reference material, getting the information up on the Board website and distributed out to the profession in November 2013.

- B. **Review November 2013 Draft Agenda**

The Board discussed the Registered Veterinary Technician Task Force November 2013 agenda and Ms. Williams, RVT clarified the dates of the MDC and RVT Task Force November 2013 meeting dates.

## **15. Comments from Public/Outside Agencies/Associations**

Ms. Ehrlich reported that National Veterinary Technician week is the third week of October and to request the Governor sign a resolution recognizing RVT week the resolution needs agency support.

Dr. Sullivan requested Ms. Bon review the hearing guidelines to correct the issues the ALJ had with some areas of the instructions.

Dr. Sullivan questioned where continuing education certificates need to be held, work versus home, when a hospital inspection occurs.

Ms. Williams, RVT noted there is a grey area between sedation and anesthesia and that the medication being used is the difference between the two.

## **16. Agenda Items and Next Meeting Dates**

- A. **Agenda Items for Next Meeting**
- B. **Board Meetings**
  - i. **January 21/22 or 28/29, 2014 - Sacramento**
- C. **Multidisciplinary Advisory Committee Meetings - Sacramento**
  - i. **November 13, 2013**

**D. RVT Task Force Meeting - Sacramento**  
**i. November 14, 2013**

**Thursday, October 24, 2013**  
**9:00 a.m. to Completion of Board Business**  
**Mission Inn**

**Roll Call and Establishment of a Quorum**

Board Members Present

Tom Kendall, DVM, President  
Kim Williams, RVT, Vice-President  
Mark Nunez, DVM  
Richard Sullivan, DVM  
Cheryl Waterhouse, DVM  
Patti Aguiar, Public Member  
Elsa Florez, Public Member  
Judie Mancuso, Public Member

Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board  
Rebecca Bon, Legal Counsel

Dr. Kendall called the meeting to order at 9:00 a.m. Ms. Geranen called roll; eight members of the Board were present and thus a quorum was established. The Board immediately went into closed session.

Closed Session

**17. Interviews and/or Selection of Executive Officer (Government Code section 11126(a)(1))**

The Board held interviews for the position of Executive Officer to take over for Ms. Geranen who is retiring November 30, 2013.

Open Session

Adjourn

**Veterinary Medical Board**

1747 N. Market Boulevard, Suite 230, Sacramento, CA 95834  
Telephone: 916-515-5220 Fax: 916-928-6849 | [www.vmb.ca.gov](http://www.vmb.ca.gov)



**Veterinary Medical Board**

**January 29, 2014**

**I. Call to Order- Roll Call**

Annemarie Del Mugnaio, Executive Officer, called the meeting to order at 10:00 a.m. Ms. Del Mugnaio called roll; seven members of the Board were present and thus a quorum was established.

Board Members Present

Tom Kendall, DVM, President  
Kim Williams, RVT, Vice-President  
Richard Sullivan, DVM  
Cheryl Waterhouse, DVM  
Patti Aguiar, Public Member  
Elsa Florez, Public Member  
Judie Mancuso, Public Member

Staff Present

Annemarie Del Mugnaio, Executive Officer Veterinary Medical Board  
Paul Sanchez, Assistant Executive Officer  
Rebecca Bon, Legal Counsel  
Ethan Mathes, Administrative Program Coordinator  
Sandra Monterrubio, Enforcement Program Coordinator  
Karen Robison, Administrative Analyst

**II. Closed Session - Deliberations on Disciplinary Cases (Government Code section 11126(c)(3))**

**OPEN SESSION**

**III. Public Comment on Items Not on the Agenda**

**IV. Adjourn**





**Veterinary Medical Board**

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Meeting Minutes – Draft

Veterinary Medical Board  
Monday, March 17, 2014

**Call to Order**

Annemarie Del Mugnaio, Executive Officer, called the meeting to order at 11:00 a.m. Ms. Del Mugnaio called roll; all members of the Board were present and thus a quorum was established.

Board Members Present

Tom Kendall, DVM, President  
Kim Williams, RVT, Vice-President  
Mark Nunez, DVM  
Richard Sullivan, DVM  
Cheryl Waterhouse, DVM  
Patti Aguiar, Public Member  
Elsa Florez, Public Member  
Judie Mancuso, Public Member

Staff Present

Annemarie Del Mugnaio, Executive Officer Veterinary Medical Board  
Paul Sanchez, Assistant Executive Officer  
Rebecca Bon, Legal Counsel  
Ethan Mathes, Administrative Program Coordinator  
Karen Robison, Administrative Analyst

**I. Review Amendments to RVT AVMA School Approval Regulations**

Ms. Del Mugnaio stated the purpose of this meeting is to clarify the intent of the Board regarding the proposed regulatory change to California Code of Regulations (CCR), sections 2064-2066.1.

Ms. Del Mugnaio explained that the Office of Administrative Law (OAL) disapproved the rulemaking file citing clarity issues with the proposed language specifically as referred to institutions exempt from approval by the Bureau of Private Postsecondary Education (BPPE).

Ms. Del Mugnaio explained the proposed language acknowledges the program accreditation of the American Veterinary Medical Association (AVMA) and also sets forth the curriculum requirements for Board approved Registered Veterinary Technician programs. The proposed amendments require that non-AVMA accredited schools must meet specified curriculum standards and must have appropriate state approval to operate a degree granting school.

She stated that OAL identified clarity problems with CCR Section 2065(i) and (k) where statutory exemptions are referenced in the proposed changes. OAL noted that the exemptions are not clearly identified in the statutory references and thus the regulation text must make clear what programs and/or sites are exempt from the stated rule.

Rebecca Bon explained the CA Education Code (CEC) statutes related to public versus private institutions and the role of the BPPE.

Dr. Mark Nunez stated he wanted to make sure all programs were legitimate and comply with the Education Code. Dr. Richard Sullivan wanted to ensure the Board has the ability to deny schools if needed. Ms. Del Mugnaio noted this language was intended to capture non-AVMA accredited schools.

Discussion as to who gives the authority to schools to grant degrees ensued and it was noted that Western Association of Schools and Colleges (WASC) grants authority to public schools and the Bureau of Private Postsecondary Education (BPPE) grants authority to private schools.

- **Dr. Richard Sullivan motioned and Dr. Cheryl Waterhouse seconded the motion to give the Executive Officer and legal counsel the authority to work on amending the proposed language and to make any technical and non-substantive changes that might be required in completing the rulemaking file. The motioned carried 7-0**
- **Ms. Kim Williams moved and Ms. Judie Mancuso seconded the motion to adopt the proposed amendments to the approved registered veterinary technician school regulations and grant authority to the Executive Officer to notice the proposed changes for a 15-day public comment period and to adopt the proposed regulatory changes as modified if there are no adverse comments received during the public comment period. The motion carried 7-0**

## **CLOSED SESSION DISCUSSION**

### **II. Closed Session - Deliberations on Disciplinary Cases (Government Code section 11126(c)(3))**

There were no closed session deliberations.

### **III. Public Comment for Items Not on the Agenda**

*There were no comments from public/outside agencies/associations.*

### **IV. Adjourn**

- **Ms. Judie Mancuso motioned and Dr. Mark Nunez seconded the motion to adjourn the meeting. The motioned carried 7-0**

## **Assistant Executive Officer's Report**

### **Budgets**

Based on our most recent budget reports, the Board is within its range of projections for expenditures for the current fiscal year. Included in the meeting binders are the Board's Revenue Budget Reports and the Board's Budget Summary by line item.

### **Personnel**

As of May 1, the Board will have two additional vacancies in Enforcement. Erika Calderon has accepted a position with the Medical Board and Allison Nagao-Dutra is transferring to the Department of Toxic Substance Control. The Board currently is in the process of filling the two vacancies in Enforcement and plans to have the hires completed by June. In addition, the Board is close to hiring a permanent intermittent analyst to provide backup during BreZE development in the areas of regulations, probation, and inspections.

### **Proposal for Additional Staff 2014-15**

Last year, budget change proposals were submitted for additional staff to handle the Board's increased enforcement workload. In addition, a legislative budget change proposal was submitted to implement provisions of SB 304 related to increasing the number of inspections performed annually, implementation of veterinary assistant permits program. Legislative budget hearings were held in April and the Board's items were approved. Once we receive final word on the additional positions, we will begin recruitment processes and revisit the Board's personnel structure.





**Veterinary Medical Board**  
**Summary of FY 13/14 Expenditure by Line Item**

Updated 4/1/2014

Line Item	Budget Appropriation	Summary of Expenses
<b>Personal Services:</b>		
Civil Service - Permanent	687,876	Board staff and EO's salaries
Civil Service - Temporary	33,000	Wages for temporary help such as a permanent-intermittent employees, students, seasonal employees, etc.
Appointed Per Diem	24,508	Board and Committee members' per-diem
Staff Benefits	318,716	OASDI, Dental, health, retirement, life, vision, Medicare
Salary Savings		Deduction for positions that are not continuously filled
<b>Total Personal Services</b>	<b>1,064,100</b>	
<b>Operating Expenses &amp; Equipment:</b>		
Fingerprint Reports	6,259	Fingerprint expenses – reimbursed by candidate
General Expense	12,500	Office supplies, freight
Minor Equipment	0	Equipment less than \$5K per unit
Printing	13,566	Printed forms, office copier, copying service
Communications	6,909	Phones, cellular phones
Postage	22,149	Stamps, DCA and EDD facility mailed postage
In-State Travel	21,423	Board, Committee, and Staff Air, car, bus, taxi, incidentals, service fees
Out-of-State Travel	0	Same as above - out-of-State
Training	1,297	Registration fees, subscriptions
Facilities Operations	102,456	Rent, storage, security
C&P Services External	315,855	Outside DCA contracts - includes: BreZE - \$22k, CURES \$225k, Maximus - \$18k, PSI - \$45k
<b>Examinations:</b>		
<i>Exam materials</i>	557	
<i>Exam site rental</i>	5,399	Facility rental charge for vet exams administration
<i>Expert Examiners (SME)</i>	30,699	Subject matter experts for item writing, review and Angoff workshops VET and RVT
Department Distributed - (DCA	347,645	DCA Svcs: Info systems, Administrative Svcs (HR, Accounting,
Department Services	49,915	Office of Exam Resources
Consolidated Data Centers	4,535	CAS/Teale Data Center
Data Processing	4,647	Data processing supplies and maintenance
Statewide Prorata (Central Admin Services)	110,291	State services pro-rata (DGS, DOF, etc)
<b>Enforcement:</b>		
<i>Attorney General</i>	460,176	Office of the Attorney General/DAG legal services
<i>Office of Admin Hearings</i>	59,253	Office of Administrative Hearings, Admin. Law Judge and court reporter services
<i>Evidence &amp; Witness Fees</i>	163,297	Expert Witness and In-house Consultants enforcement case review
<i>Div of Investigation</i>	360,716	DCA Division of Investigation services
Major Equipment (Replacement/Additional Equipment)	0	Equipment more than \$5k per unit
Vehicle Operations	2,580	Leasing & maintenance of State vehicle (CPEI BCP)
<b>Total OE&amp;E</b>	<b>2,102,124</b>	
<b>Total Personal Services (above)</b>	<b>1,064,100</b>	
<b>Totals, Expenditures</b>	<b>3,166,224</b>	
Reimbursements	(26,000)	Fingerprints and Document Sales
<b>Net Total Expenditures</b>	<b>3,140,224</b>	



Revenue Projection

2013-14

Input in Blue Shaded Cells Only

**DO NOT INPUT DATA ON THIS SPREADSHEET!**

		FY 11/12		FY 12/13		FY 13/14		
		3/31/12 YTD	Month 13	3/31/13 YTD	Month 13	Budgeted	3/31/14 YTD	Projection
<b>Veterinary Medical Board Reimbursements:</b>								
991937		\$ 2,900	\$ 4,595	\$ 1,935	\$ 3,140	\$ 26,000	\$ 2,400	\$ 3,200
991937 01	FINGERPRINT REPORTS	\$ -	\$ -	\$ -	\$ -	\$ 11,000	\$ -	\$ -
991937 02	EXTERNAL/PRIVATE/GRANT	\$ 2,900	\$ 4,595	\$ 1,935	\$ 3,140	\$ 15,000	\$ 2,400	\$ 3,200
995988		\$ 66,094	\$ 90,874	\$ 63,693	\$ 98,386	\$ -	\$ 67,708	\$ 90,277
995988 01	UNSCHED-INVESTIGATIVE COST RECOVER	\$ 66,094	\$ 90,874	\$ 63,693	\$ 98,386	\$ -	\$ 67,708	\$ 90,277
991913		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
991913 00	SCHEDULED INTERDEPARTMENTAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Reimbursements:</b>		\$ 68,994	\$ 95,469	\$ 65,628	\$ 101,526	\$ 26,000	\$ 70,108	\$ 93,477
<b>Veterinary Medical Board Revenue:</b>								
125600	OTHER REGULATORY FEES	\$ 25,950	\$ 34,950	\$ 29,041	\$ 49,841	\$ 28,000	\$ 28,850	\$ 38,467
125700	OTHER REGULATORY LICENSES AND PER	\$ 197,480	\$ 338,190	\$ 260,034	\$ 413,984	\$ 666,800	\$ 277,888	\$ 370,517
125800	RENEWAL FEES	\$ 1,496,660	\$ 2,012,020	\$ 1,504,249	\$ 2,242,027	\$ 2,666,000	\$ 1,719,527	\$ 2,292,703
125900	DELINQUENT FEES	\$ 7,735	\$ 12,010	\$ 7,775	\$ 12,575	\$ 18,000	\$ 7,875	\$ 10,500
141200	SALES OF DOCUMENTS	\$ 9,351	\$ 13,941	\$ 9,733	\$ 14,357	\$ -	\$ 10,580	\$ 14,107
		\$ 75	\$ 100	\$ 15	\$ 15	\$ -	\$ -	\$ -
142500	MISC. SERVICES TO PUBLIC	\$ 75	\$ 100	\$ 15	\$ 15	\$ -	\$ -	\$ -
150300	INCOME FROM SURPLUS MONEY INVESTM	\$ 4,103	\$ 8,271	\$ 4,240	\$ 7,923	\$ 11,000	\$ 2,077	\$ 2,769
161000	ESCHEAT OF UNCLAIMED CHECKS,WARRA	\$ 2,140	\$ 2,390	\$ 965	\$ 1,185	\$ -	\$ 1,110	\$ 1,480
161400	MISCELLANEOUS REVENUE	\$ 480	\$ 630	\$ 725	\$ 875	\$ -	\$ 325	\$ 433
<b>Total Revenue:</b>		\$ 1,743,899	\$ 2,422,402	\$ 1,816,762	\$ 2,742,768	\$ 3,389,800	\$ 2,048,232	\$ 2,730,976
<b>Total:</b>		\$ 1,812,893	\$ 2,517,871	\$ 1,882,390	\$ 2,844,293	\$ 3,415,800	\$ 2,118,340	\$ 2,824,453
<b>Registered Veterinary Technicians Reimbursements:</b>								
991937		\$ -	\$ -	\$ 245	\$ 245	\$ -	\$ 235	\$ 313
991937 02	EXTERNAL/PRIVATE/GRANT	\$ -	\$ -	\$ 245	\$ 245	\$ -	\$ 235	\$ 313
995988		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
995988 01	UNSCHED-INVESTIGATIVE COST RECOVER	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Reimbursements:</b>		\$ -	\$ -	\$ 245	\$ 245	\$ -	\$ 235	\$ 313
<b>Registered Veterinary Technicians Revenue:</b>								
125600	OTHER REGULATORY FEES	\$ 3,175	\$ 3,975	\$ 2,475	\$ 3,725	\$ -	\$ 3,050	\$ 4,067
125700	OTHER REGULATORY LICENSES AND PER	\$ 138,460	\$ 212,030	\$ 175,800	\$ 246,595	\$ -	\$ 243,920	\$ 325,227
125800	RENEWAL FEES	\$ 253,205	\$ 309,420	\$ 318,922	\$ 396,827	\$ -	\$ 337,695	\$ 450,260
125900	DELINQUENT FEES	\$ 5,600	\$ 7,000	\$ 5,175	\$ 7,275	\$ -	\$ 4,950	\$ 6,600
142500	SALES OF DOCUMENTS	\$ 10	\$ 10	\$ -	\$ -	\$ -	\$ -	\$ -
161400	MISCELLANEOUS REVENUE	\$ 83	\$ 83	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Reg Vet Tech Total Revenue:</b>		\$ 400,533	\$ 532,518	\$ 502,372	\$ 654,422	\$ -	\$ 589,615	\$ 786,153
<b>Reg Vet Tech Total:</b>		\$ 400,533	\$ 532,518	\$ 502,617	\$ 654,667	\$ -	\$ 589,850	\$ 786,467
<b>Total Revenue:</b>		\$ 2,144,432	\$ 2,954,920	\$ 2,319,134	\$ 3,397,190	\$ 3,389,800	\$ 2,637,847	\$ 3,517,129
<b>Total:</b>		\$ 2,213,426	\$ 3,050,389	\$ 2,385,007	\$ 3,498,961	\$ 3,415,800	\$ 2,708,190	\$ 3,610,920



**Veterinary Medicine Board  
EXPENDITURE PROJECTION  
FM 9**

OBJECT DESCRIPTION	FY 2012-13	FY 2013-14							Notes 2	
	ACTUAL + ENCUMBRANCE (MONTH 13)	BUDGET ALLOTMENT	CY		CY +		PERCENT OF BUDGET SPENT YTD	PROJECTIONS TO YEAR END		UNENCUMBERED BALANCE
			EXPENDITURES YTD	ENCUMBRANCE YTD	ENCUMBRANCE YTD	ENCUMBRANCE YTD				
<b>Civil Service - Permanent</b>	\$ 590,571	\$ 687,876	\$ 465,258	\$ -	\$ 465,258	68%	\$ 633,192	\$ 54,684		
Civil Service - Permanent	\$ 512,615	\$ 606,144	\$ 402,123	\$ -	\$ 402,123	66%	\$ 549,012	\$ 57,132		
Statutory-Exempt (EO)	\$ 77,956	\$ 81,732	\$ 63,135	\$ -	\$ 63,135	77%	\$ 84,180	\$ (2,448)		
<b>Civil Service - Temporary</b>	\$ 32,742	\$ 33,000	\$ 57,326	\$ -	\$ 57,326	174%	\$ 65,889	\$ (32,889)		
Temp Help - Blanket	\$ 30,401	\$ 33,000	\$ 48,516	\$ -	\$ 48,516	147%	\$ 57,079	\$ (24,079)	Includes \$28k in vacation payout	
Overtime	\$ 2,341	\$ -	\$ 8,810	\$ -	\$ 8,810	0%	\$ 8,810	\$ (8,810)	Eliminate OT = \$7k in Savings	
<b>Appointed Per Diem</b>	\$ 25,300	\$ 24,508	\$ 11,100	\$ -	\$ 11,100	45%	\$ 16,650	\$ 7,858		
<b>Staff Benefits</b>	\$ 272,283	\$ 318,716	\$ 245,438	\$ -	\$ 245,438	77%	\$ 327,251	\$ (8,535)		
<b>OPERATING EXPENSES AND EQUIPMENT</b>										
<b>Fingerprint Report</b>	\$ 113	\$ 6,259	\$ 147	\$ -	\$ 147	2%	\$ 221	\$ 6,039		
<b>General Expense</b>	\$ 16,220	\$ 12,500	\$ 17,556	\$ -	\$ 17,556	140%	\$ 26,334	\$ (13,834)		
<b>Minor Equipment</b>	\$ -	\$ -	\$ 8,810	\$ -	\$ 8,810	0%	\$ 8,810	\$ (8,810)		
<b>Printing</b>	\$ 21,300	\$ 13,566	\$ 9,056	\$ 1,934	\$ 10,990	81%	\$ 18,822	\$ (5,256)	\$4,000 for envelops, etc.	
<b>Communications</b>	\$ 7,447	\$ 6,909	\$ 4,647	\$ -	\$ 4,647	67%	\$ 6,971	\$ (62)		
<b>Postage</b>	\$ 36,654	\$ 22,149	\$ 31,487	\$ -	\$ 31,487	142%	\$ 49,229	\$ (27,080)		
<b>Insurance</b>	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -	\$ -		
<b>In-State Travel</b>	\$ 59,696	\$ 21,423	\$ 20,591	\$ -	\$ 20,591	96%	\$ 35,299	\$ (13,876)		
<b>Out-Of-State Travel</b>	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -	\$ -		
<b>Training</b>	\$ -	\$ 1,297	\$ 75	\$ 355	\$ 430	33%	\$ 645	\$ 652		
<b>Facilities</b>	\$ 103,656	\$ 102,456	\$ 85,965	\$ 27,660	\$ 113,625	111%	\$ 121,006	\$ (18,550)	Rent schedule	
<b>Utilities</b>	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -	\$ #VALUE!		
<b>C/P Internal</b>	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -	\$ -		
<b>C/P External</b>	\$ 103,369	\$ 315,855	\$ 19,779	\$ 40	\$ 19,819	6%	\$ 266,819	\$ 49,036	Encumbrance + \$225k for CURES + \$22k for BreEze	
<b>Examinations</b>	\$ 84,792	\$ 36,655	\$ 33,075	\$ 23,437	\$ 56,512	154%	\$ 61,558	\$ (24,903)		
<b>Departmental Distributed</b>	\$ 315,674	\$ 347,645	\$ 260,735	\$ -	\$ 260,735	75%	\$ 347,645	\$ -	Budget	
<b>Department Services</b>	\$ 41,296	\$ 49,915	\$ -	\$ -	\$ -	0%	\$ 17,406	\$ 32,509	OPES contract	
<b>Consolidated Data Centers</b>	\$ 950	\$ 4,535	\$ 901	\$ -	\$ 901	20%	\$ 1,351	\$ 3,184		
<b>Data Processing</b>	\$ 6,247	\$ 4,647	\$ -	\$ -	\$ -	0%	\$ -	\$ 4,647		
<b>Statewide Prorata</b>	\$ 123,865	\$ 110,291	\$ 82,718	\$ -	\$ 82,718	75%	\$ 110,291	\$ -	Budget	
<b>Enforcement</b>	\$ 874,785	\$ 1,043,442	\$ 694,204	\$ -	\$ 694,204	67%	\$ 1,028,298	\$ 15,144		
Attorney General	\$ 379,308	\$ 460,176	\$ 282,788	\$ -	\$ 282,788	61%	\$ 432,647	\$ 27,529	\$324,485 thru March	
Office of Administrative Hearings	\$ 32,740	\$ 59,253	\$ 30,672	\$ -	\$ 30,672	52%	\$ 46,008	\$ -		
Evidence Witness Fees	\$ 207,738	\$ 163,297	\$ 108,376	\$ -	\$ 108,376	66%	\$ 185,788	\$ (22,491)		
DOI - Investigative	\$ 252,177	\$ 360,716	\$ 270,537	\$ -	\$ 270,537	75%	\$ 360,716	\$ -	Budget	
<b>Replacement Equipment</b>	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -	\$ -		
<b>Additional Equipment</b>	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -	\$ -		
<b>Other Items of Expense</b>	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -	\$ -		
<b>Vehicle Operations</b>	\$ -	\$ 2,580	\$ 24	\$ -	\$ 24	1%	\$ 35	\$ 2,545		
<b>Special Items of Expense</b>	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -	\$ -		
<b>TOTAL</b>	\$ 2,716,961	\$ 3,166,224	\$ 2,048,893	\$ 53,426	\$ 2,102,319	66%	\$ 3,143,722	\$ 22,502		
<b>Scheduled Reimbursements</b>	\$ (3,140)	\$ (26,000)			\$ (2,400)	9%	\$ (26,000)	\$ -	Budget	
<b>Unscheduled Reimbursements</b>	\$ (98,386)				\$ (76,349)	0%	\$ -	\$ -		
<b>Investigative Cost Recovery</b>	\$ -				\$ -	0%	\$ -	\$ -		
<b>GRAND TOTAL</b>	\$ 2,615,435	\$ 3,140,224	\$ 2,048,893	\$ 53,426	\$ 2,023,570	64%	\$ 3,117,722	\$ 22,502		

Surplus/Deficit      0.72%



## **ENFORCEMENT PROGRAM**

As of May 1, 2014, the Board will have two vacant positions in enforcement. Enforcement Analyst, Erika Calderon, has accepted a promotional position with the Medical Board of California and Allison Nagao-Dutra has accepted a lateral position with another State agency. Ms. Calderon handles complaints and citations and Ms. Nagao-Dutra handles the inspection and probation program. The Board is actively looking to recruit new staff and hopes to have these positions filled on or before July 1 2014. In the interim, Sandra Monterrubio and Joely Walker will try to assist with the workload for both vacant positions. Staff vacancies and BreZE will impact processing times for enforcement cases and may prevent the Board from meeting its performance measures over the next several months.

## **COMPLAINT PROGRAM**

Since July 1, 2013, the Veterinary Medical Board has received 419 complaints. Staff is continuing to prioritize their workload in accordance with Business and Professions Code, section 4875.1 and is actively investigating cases involving negligence, convictions, and minimum standard violations. Complaints involving unlicensed activity are continuing to be handled through Cease and Desist letters, citations, and formal investigations performed by the Division of Investigation.

The Board currently has five (5) cases pending at the District Attorney's Office for possible criminal convictions. The latest conviction, against Mr. Linden Clark, for unlicensed activity is published on the Department of Consumer Affairs website. Mr. Clark, a Riverside county resident, was convicted of offering and performing anesthesia free-dental cleanings on animals without a license. Mr. Clark received probation for 36 months and was ordered to pay \$140 in restitution and serve 150 days of work release. Failure to comply with the probationary terms set forth by Superior Court could result in incarceration.

## **CITATION PROGRAM**

Since July 1, 2013, 91 citations have been served. Of the 91 citations served, 31 were for unlicensed activity. The Board has issued 24 citations for Anesthesia Free Dental cleaning services and seven (7) to veterinarians practicing with an expired license.

## **INSPECTION PROGRAM**

Since July 1, 2013, 200 routine inspections and 30 complaint related inspections have been assigned. Of the 230 inspections assigned, 122 have been performed. Inspectors are required to complete and submit all inspections by April 30, 2014.

On January 23, 2014, staff held an inspector training to review and discuss the new minimum standards. Staff will be scheduling additional training for new and existing inspectors at the start of the next fiscal year. As routinely done, training will include inspector shadowing and review of inspection materials.

## DISCIPLINE PROGRAM

Currently there are 88 cases pending at the Office of the Attorney General. Of the 88 cases, 27 have been sent over since July 1, 2013.

Enforcement staff is currently monitoring 44 probationers. Of the 44 probationers, 12 are out of compliance. Staff will be forwarding these matters over to the Office of the Attorney General for filing of an Accusation and Petition to Revoke Probation.



# Examination/Licensing Report

Prepared by Ethan Mathes

April 2014

## Applications

<b>Applications Received</b>	
<i>July 2013 – June 2014*</i>	
Veterinarian Applications Received	520
Veterinary Technician Applications Received	733
Veterinary Premise Applications Received	122

*\*Application statistics reflect a partial Fiscal Year.*

## Examinations

<b>CALIFORNIA STATE BOARD EXAMINATION</b>			
May 2013 – October 2013		November 2012 – April 2013*	
Candidates	Pass Pct.	Candidates	Pass Pct.
178	95%	222	85%

April 2013		November 2013/December 2013	
Candidates	Pass Pct.	Candidates	Pass Pct.
90	82%	341	85%

Jul. – Dec. 2013		Jan. – Feb 2014		Feb. – Jun. 2014*	
Candidates	Pass Pct.	Candidates	Pass Pct.	Candidates	Pass Pct.
182	77%	213	73%	24	54%

Mar./Apr. 2014*		Jul./Aug. 2014		Nov./Dec. 2014	
Candidates	Pass Pct.	Candidates	Pass Pct.	Candidates	Pass Pct.
15	73%	-	-	-	-

*\*Examination statistics reflect a partial examination cycle.*

The Board analyzed California Veterinary Technician Examination pass rate statistics for Fiscal Year (FY) July 2012 – June 2013 for those applicants who became licensed and had qualified for examination through the Board's alternate route (CCR section 2068.5).

The data found that 105 alternate route applicants passed the California Veterinary Technician Examination and became licensed in FY 2012/13. Of those applicants, 88 obtained their education via an organized alternate route program and 17 applicants obtained their education via an ad hoc method.

The organized alternate route program applicants passed the California Veterinary Technician Examination their first time 77% of the time. The ad hoc method applicants passed the California Veterinary Technician Examination their first time 85% of the time.

## Examination Development and Workshops

Examination Workshops include Item Writing, Item Review, Examination Construction, and Pass Score Setting.

California State Board	Veterinary Technician Examination
May 1-2, 2014	July 7-8, 2014
June 5-6, 2014	August 20-21, 2014
July 16-18, 2014	September 10-11, 2014
August 7-8, 2014	

## Licensing

<i>as of March 2014</i>	
Veterinarian Licenses*/**	16,619/11,583
Veterinarian Licenses – California**	9040
Registered Veterinary Technician Licenses*/**	9,649/6,190
Registered Veterinary Technician Licenses – California**	5,731
Premise Permits**	3,272
Premise Permits – Exempt**	77
<i>*includes delinquent, inactive, and clear licensees; **clear licensees</i>	

	<i>Jan. 2012 - Dec. 2012</i>	<i>Jan. 2013 - Dec. 2013</i>
Veterinarian	557	595
Reciprocity	48	52
Intern	29	29
Registered Veterinary Technician	473	406
Premises	167	123

## BreEZe

Licensing and Enforcement staff continues to work on DCA's new BreEZe database system. Major components of the BreEZe configuration include:

- *Configuration Interviews* – Staff meetings with Iron Data and Accenture personnel to review examination, licensing and enforcement business processes.
- *Data Conversion* – Staff reviews existing application, licensee, and enforcement databases for data errors and outdated data records.
- *Correspondence Conversion* – Staff reviews existing correspondence to be converted to the BreEZe noticing system.
- *License Renewal Conversion* – Staff reviews and updates license renewals to the new BreEZe renewal template.

To date, staff has spent at least 900 hours working with DCA and BreEZe personnel on the conversion. It is anticipated that approximately 40-50% of key staff will be dedicated to BreEZe tasks in the next six months.

## **Publications/Outreach**

Newsletter – Spring 2014 - The Spring 2014 News and Views Newsletter was posted on the Board's website as well as sent to all email subscribers on March 14, 2014.

Veterinarian and Registered Veterinary Technician Postcard – The Veterinarian and Registered Veterinary Technician Postcards were mailed in late-January.

The postcard was distributed to all veterinary and registered veterinary technicians to highlight the Board's new address, the new minimum standards of practice, new examination requirements for veterinary technician applicants, and to encourage licensees to sign up for email updates.

Veterinary Premises Postcard – The Veterinary Premises Postcards were mailed in late-March.

As part of its data collection efforts for the new Veterinary Assistant permit, the Board distributed postcards to all veterinary premises requesting they take the Board's online survey. The survey is on the Board's website and launched April 1, 2014 and will collect information for 60 days on premises' personnel.

## **VTNE Transition**

Effective March 1, 2014, the Board requires veterinary technician applicants to take and pass the new California Veterinary Technician Examination as well as the Veterinary Technician National Examination (VTNE).

Applicants who have taken the new California Veterinary Technician Examination will get their examination score results in early-May. The Office of Professional Examination Services is holding scores until examination performance data can be analyzed.

VTNE testing windows are March 15 - April 15, July 15 – August 15, and November 15 – December 15.



# Veterinary Medical Board

## State Of California



### Board and Committee Member

## Administrative Procedure Manual

(Rev 1/2013)

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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-Webcast**

Government Code section 11124.1 et. seq.

Whenever feasible, the Board will webcast its meetings. An archive of the meeting shall be available for review on the DCA website. If webcast is not feasible at a particular meeting site, the Board will have an audio recording of the meeting.

~~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 &amp; 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 Board related service ~~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 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; or policy and case review activities. ~~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.

Board Policy	<p><b>Officer Vacancies</b></p> <p>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;</p>
Board Policy	<p><b>Access to Board Files and Records</b></p> <p>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.</p>
Board Policy	<p><b>Communications with Other Organizations/Individuals</b></p> <p>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.</p>
Board Policy	<p><b>Legal Opinions – Requests from Outside Parties</b></p> <p>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.</p>
DCA Reference Manual	<p><b>Board Staff</b></p> <p>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.</p>
DCA Reference Manual	<p><b>Board Administration</b></p> <p>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</p>

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**

**Appointment**

B&P section 4804.5

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

**Role**

California Code of Regulations (CCR) section 2003

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

**Recruitment**

Board Policy

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.

**Selection**

CGC section 11125)

Board Policy

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**

**Standing Committees**

Board Policy

The Board may employ the use of ~~has four~~ standing committees:

- ~~Administrative/Executive Committee~~
- Legislative Advisory 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 the Executive Officer and/or Assistant Executive Officer to research and~~

~~gather information on Board issues. These committees meet on an as needed basis at the direction of the Board 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 at the direction of the full Board and are fully within the scope of the public 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 establishes 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 Public Committee Meetings**

Board Policy

~~If a two-member committees wishes to schedule a public committee meeting for a specific issue, there must be agreement within the two members of the committee and the issue and necessity for a public meeting must be discussed at a public Board meeting prior to scheduling.~~

Once a public meeting is scheduled, 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 EO/AEO.

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 may 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.

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 in recruiting interested persons to serve on committees, e.g., examination item writing, item reviewing, and Angoff workshops.

**Staff Participation**

Board Policy

The EO/AEO 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 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 the EO/AEO 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 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 with RVT school inspections and enforcement issues related to RVTs.

### **Administrative/Executive Committee**

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

## Board Policy

~~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 Advisory Committee**

## Board Policy

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.

- **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)**

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.

The MDC's role is to assist, advise and make recommendations for the implementation of rules and regulations necessary to ensure proper administration and enforcement of the California Veterinary Medicine Practice Act and to assist the Board in its examination, licensure and registration programs (a quote from Section 4809.8).

**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  
NBVME  
RACE  
VIVA

**Organizations**

American Association of Veterinary State Boards  
American Veterinary Medical Association  
California Veterinary Medical Association  
Center for Public Interest Law  
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 Action Plan Excerpts 2012 - 2014**

## **Multidisciplinary Committee Proposed Assignments**

*March 2012*

### **EXISTING PRIORITIES**

**1.10 Update the “cite and fine” program, in conjunction with the Multidisciplinary Committee. (12/2012)**

- Review at Multidisciplinary Committee meeting. (11/2011)
  - Cite and fine program becomes effective 12/2012.

**1.9 Physical therapy regulations to be developed in conjunction with the Multidisciplinary Committee. (9/2013)**

- Begin implementation of Physical Therapy regulations.(3/2012)
  - Completion of regulations (5/2012)
  - Goes to Board for review(6/2012)
  - Public hearing (9/2012)
  - Regulations in place(9/2013)

**4.2 Pursue the issue of telemedicine through regulation. (3/2013)**

- Discuss and prioritize with MDC. (3/2012)

**4.5 Pursue regulations to define Registered Veterinary Technician student exemptions. (3/3012)**

- Discuss and prioritize with MDC. (3/2012)

### **FUTURE MDC ISSUES**

**2.3 Review 1st year licensure as a temporary license, working under the supervision of a currently licensed Veterinarian. (11/2011)**

- Review feasibility of 1st year licensure with Multidisciplinary Committee. (11/2011)

**3.5 Review the feasibility of requiring written estimates for fees and implementation of Euthanasia forms in conjunction with the Multidisciplinary Committee. (1/2014)**

- Discuss with the Board and bring to the attention of the MDC. (1/2014)

**4.7 Examine the current system of licensure exemptions for UC Davis and Western University and determine if legislative options are available to affect change. (3/2012)**

- Discuss and prioritize with MDC. (3/2012)
- Review current license exemption for teachers.

**5.5 Add English language proficiency as a requirement for licensure. (3/2013)**

- Discuss expanding current regulations to include non-English colleges with MDC. (3/2013)

**5.7 Revisit the provisions for temporary licenses during disaster situations for out-of-state practitioners. (3/2012)**

- Discuss and prioritize with MDC. (3/2012)

**5.12 Discuss responsibility for electronic record keeping and confidentiality requirements for electronic records. (3/2012)**

- Discuss and prioritize with MDC. (3/2012)

**REFER TO RVT COMMITTEE**

**4.6 Examine the feasibility of implementing an approval program for alternate routes for obtaining Registered Veterinary Technician licensure. (3/2012)**

- Discuss and prioritize with MDC. (3/2012)

**5.13 Pursue "extended duty" for Veterinary Technicians. (3/2012)**

- Discuss and prioritize with MDC. (3/2012)

WALLACE, BROWN  
& SCHWARTZ

ATTORNEYS AT LAW  
215 NORTH MARENGO AVENUE  
THIRD FLOOR  
PASADENA, CA 91101-1504

TELEPHONE  
(626) 844-6777  
FACSIMILE  
(626) 795-0353

March 31, 2014

RECEIVED

APR 01 2014

VMB / RVTC

Annemarie Del Mugnaio, Executive Director  
California Veterinary Medical Board  
1747 North Market Blvd., Suite 230  
Sacramento, CA 95834-2987

Re: California Horse Racing Board  
Proposed Change to Rule 1845-Authorized Bleeder Medication.

Dear Ms. Del Mugnaio:

I am enclosing materials for inclusion in the document packet to be distributed to all Veterinary Board Members in advance of the April 25, 2014, meeting concerning the above-referenced matter. The materials are the proposed new Rule 1845 along with declarations from Joe Morris, Mary Scollay, DVM and Jeff A. Blea, DVM.

We will be appearing at the meeting for further presentation and to answer any questions that may arise.

Please call should you have any questions

Sincerely,

Wallace, Brown & Schwartz

Steve R. Schwartz

SRS

Enclosures: As stated above



CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15. VETERINARY PRACTICES  
RULE 1845. AUTHORIZED BLEEDER  
MEDICATION

1845. Authorized Bleeder Medication.

Authorized bleeder medication for the control of exercised induced pulmonary hemorrhage (EIPH) may be administered to a horse on the authorized bleeder medication list.

(a) A horse is eligible to race with authorized bleeder medication if the licensed trainer and/or veterinarian determines it is in the horse's best interest. If a horse will race with authorized bleeder medication, form CHRB 194 (~~New~~ *08/04 Updated*), Authorized Bleeder Medication Request and Prescription, which is hereby incorporated by reference, shall ~~be~~ constitute a prescription for the administration of furosemide and shall be used to notify the official veterinarian prior to entry.

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(b) The official laboratory shall measure the specific gravity of post-race urine samples to ensure samples are sufficiently concentrated for proper chemical analysis. The specific gravity of such samples shall not be below 1.010.

(c) If the specific gravity of the post-race urine sample is determined to be below 1.010, or if a urine sample is not available for testing, quantitation of furosemide in serum or plasma shall then be performed. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

(d) A horse qualified to race with authorized bleeder medication shall be assigned to a pre-race security stall prior to the scheduled post time for the race in which it is entered, and shall remain there until it is taken to the receiving barn or the paddock to be saddled or harnessed for the race. While in the security stall, the horse shall be in the care, custody, control and

constant view of the trainer, or a licensed person assigned by the trainer. The trainer shall be responsible for the condition, care and handling of the horse while it remains in the security stall. The official veterinarian may permit a horse to leave the security stall to engage in track warm-up heats prior to a race.

(e) A horse qualified for administration of authorized bleeder medication must be treated on the grounds of the racetrack where the horse will race no later than four hours prior to post time of the race for which the horse is entered.

(1) The only authorized bleeder medication, furosemide, shall be furosemide administered by a single intravenous injection only, in a dosage of not less than 150 mg. or not more than 500 mg.

(2) Furosemide shall be administered by the official veterinarian, the racing veterinarian or a veterinarian designated by the official veterinarian. Registered veterinary technicians under the supervision of the official veterinarian, racing veterinarian or a designee of the official veterinarian may administer authorized bleeder medication.

(a) Any veterinarian or registered veterinary technician designated to administer authorized bleeder medication shall ~~be prohibited from working not practice~~ as a private veterinarian or registered veterinary technician at the race track or with participating licensees during the period they are designated to administer authorized bleeder medication.

(b) The licensed owners of horses administered furosemide in the manner prescribed in this section shall pay the costs associated with such administration.

.(c) Every licensed horse owner that owns a horse qualified for administration of authorized bleeder medication consents to the procedures described in subparagraph (e) hereof



and waives establishment of a veterinary-client-patient relationship with the individual administering furosemide.

(3) A horse racing with furosemide must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

(4) The veterinarian administering the bleeder medication shall notify the official veterinarian of the treatment of the horse. Such Notification shall be made using CHRB form-36 (New 08/04), Bleeder Treatment Report, which is hereby incorporated by reference, not later than two hours prior to post time of the race for which the horse is entered.

(5) Upon the request of a Board representative, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.

(f) A horse placed on the official authorized bleeder medication list must remain on the list unless the licensed trainer and/or veterinarian requests that the horse be removed. The request must be made using CHRB form 194 ((new)New\_08/04MM/YY), and must be submitted to the official veterinarian prior to the time of entry. A horse removed from the authorized bleeder medication list may not be placed back on the list for a period of 60 calendar days unless the official veterinarian determines it is detrimental to the welfare of the horse. If a horse is removed from the authorized bleeder medication list a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.

(g) If the official veterinarian observes a horse bleeding externally from one or both nostrils during or after a race or workout, and determines such bleeding is a direct result of EIPH, the horse shall be ineligible to race for the following periods:

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- First incident—14 days;
- Second incident within 365-day period—30 days;
- Third incident within 365-day period—180 days;
- Fourth incident within 365-day period—barred for racing lifetime.

For the purposes of counting the number of days a horse is ineligible to run, the day after the horse bled externally is the first day of such period. The voluntary administration of authorized bleeder medication without an external bleeding incident shall not subject a horse to the initial period of ineligibility as defined under this subsection.

Authority: Sections 19440 and 19562,  
Business and Professions Code.

Reference: Sections 19580 and 19581,  
Business and Professions Code.

DECLARATION OF JOE MORRIS

I, Joe Morris, declare:

1. I am the President of the Thoroughbred Owners of California, an organization consisting of all racehorse owners licensed by the California Horse Racing Board in California. Our organization works to represent horse owners and better the California racing industry as a whole by promoting issues related to integrity and the health and welfare of our horses.

2. I am making this declaration on behalf of the nearly seven thousand (7,000) members of the Thoroughbred Owners of California in support of the California Horse Racing Board's proposal to amend the authorized bleeder medication rule to allow for third party administration of authorized bleeder medication on raceday.

3. We believe that the proposed change to CHRB Rule 1845 serves to protect the health interests of the horses while at the same time allowing the racing commission a reasonable means to exercise its policing power over the industry it is charged with regulating to achieve the highest level of integrity.

4. The procedure for third party administration of authorized bleeder medication is an important part of the Racing Medication and Testing Consortium's model rule for the reform and regulation of medications commonly used in equine racing practices.

5. This industry wide attempt to adopt uniform medication rules throughout the United States is a response to frequent criticism by Congress and State governments who have been critical

of the lack of centralized drug regulation in horse racing.

6. We, the Thoroughbred Owners of California, believe that this regulatory change is in the best interests of the health and welfare of the horses we own. We request that the California Veterinary Medical Board defer to the California Horse Racing Board in matters related to the regulation and oversight of the conduct of horse racing in this State.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed on 3/28/14, 2014, at Arcadia, California.

  
\_\_\_\_\_  
Joe Morris, Declarant

DECLARATION OF MARY SCOLLAY, DVM

I, Mary Scollay, DVM, declare:

1. I am a veterinarian and currently hold the position of Equine Medical Director for the Kentucky Horse Racing Commission. I have personal knowledge of the facts stated herein and if called as a witness, I could and would competently testify to those facts.

2. I make this declaration in support of the California Horse Racing Board's proposal to amend its rule 1845, "Authorized Bleeder Medication" to allow for third party administration of authorized bleeder medication on raceday.

3. I am a graduate of the University Of Illinois School of Veterinary Medicine, 1984, and have practiced regulatory veterinary medicine at racetracks for 26 years. In 2008, I was appointed to my current position as Equine Medical Director for the Kentucky Horse Racing Commission.

4. I am a member of the American Association of Equine Practitioners, a member of the Board of Directors of the Racing Medication and Testing Consortium, the International Group of Specialist Racing Veterinarians and the European Horse Racing Scientific Liaison Committee.

5. In October 2012, the Kentucky Horse Racing Commission adopted a rule in which Commission veterinarians took over the responsibility for administration of furosemide on race day. Furosemide is a loop diuretic originally developed to treat congestive heart failure. It is routinely administered to racehorses at prescribed times and dosage ranges as a prophylactic measure for

the prevention or lessening of the severity of exercise induced pulmonary hemorrhage.

6. The proposal to amend CHRB Rule 1845 "Authorized Bleeder Medication" follows an industry policy to achieve uniformity in medication regulations across the United States. In August, 2011, The Racing Medication and Testing Consortium (RMTC), a national organization within the racing industry dedicated to working on policies and issues related to racehorse medication, adopted a policy in which furosemide may only be administered on race day by regulatory veterinarians.

7. Since the creation of this model rule by the RMTC, it has been adopted by the eight states comprising the Mid-Atlantic Region and my home state of Kentucky. In addition to California, this procedure is under consideration in Arkansas, Idaho, Indiana, Minnesota, Ohio, New Mexico, Wyoming, Colorado, Virginia and West Virginia.

8. The main purpose of the rule requiring third-party veterinarians to administer race day furosemide is to insure integrity, promote public confidence, and compliance with racing rules.

9. My own experience with this process has revealed certain interesting developments. The mean post-race serum concentrations of furosemide decreased by slightly more than 30% indicating late administrations or administrations which violated time or route of administration regulations.

10. It became readily apparent that the rules pertaining to

the administration of furosemide and those prohibiting the administration of other substances via injection on raceday were routinely disregarded.

11. I think the procedure in Kentucky has been successful. Horses are receiving furosemide by the permitted route of administration, within the permitted dose range, and by the regulatory prescribed deadline. The medication information used by the wagering public is accurate.

12 This reform is in the best interests of the health and welfare of the horse and the safety of the rider, enhances the integrity of our sport, ensures a level of playing field for our competitors, assists horsemen who race in multiple jurisdictions and accomplishes the uniform regulation of racing in the United States.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed on March 13, 2014, at Lexington, Kentucky.

  
\_\_\_\_\_  
Mary Scollay, DVM





DECLARATION OF JEFF A. BLEA, DVM

I, Jeff A. Blea, DVM, declare:

1. I am a veterinarian duly licensed by the State of California. I am a partner in the practice Von Bluecher, Blea, Hunkin, Inc., Equine Medicine and Surgery. My practice focuses on racetrack equine medicine exclusively. I am also the 2014 President of the American Association of Equine Practitioners (AAEP).

2. I am making this declaration in support of the California Horse Racing Board's proposal to amend its Rule 1845, "Authorized Bleeder Medication" to allow for third party independent regulatory veterinarians or Registered Veterinary Technician administration of authorized bleeder medication on raceday.

3. The American Association of Equine Practitioners supports the use of furosemide as the only medication administered to a horse on the day of the race with the specific purpose of prevention or lessening the incidence of exercise-induced pulmonary hemorrhage. The AAEP further supports the administration of furosemide in accordance with uniform national medication guidelines set by the Racing Medication and Testing Consortium.

4. The AAEP is aware of the controversy surrounding the use of furosemide by those who feel this activity compromises public perception of the integrity of the sport versus the opinions of doctors of veterinary medicine who believe that administration of authorized bleeder medication is supportive of racing safety and the health of the racehorses.

5. The AAEP believes that administration of furosemide by

independent third party veterinarians serves to regulate the process of managing exercise-induced pulmonary hemorrhage in a manner that is both good for the horse and good for racing's perception for integrity.

6. In a letter dated July 18, 2013, from then Executive Officer, Susan M. Geranen, the California Veterinary Medical Board noted that third party regulatory administration of furosemide would create a conflict with the Veterinary Medicine Practice Act's rules regarding establishment of a valid veterinary-client-patient relationship.

7. In exercising its regulatory police powers California Horse Racing Board (CHRB) activities currently involve many practices by regulatory veterinarians which do not involve an established veterinary-client-patient relationship where that relationship might otherwise be required. For example, the CHRB Official Veterinarian and the Racing Veterinarian are privileged to administer drugs, draw blood samples, collect urine samples and euthanize injured animals in appropriate cases. Regulatory veterinarians also conduct prerace soundness examinations on horses entered to race which requires palpation and joint flexion among other activities common to a physical examination.

8. In response from criticism from the United States Congress and organizations within the industry to create national unity in medication regulation, the Racing Medication and Testing Consortium (RMTC) created medication reforms promulgated into the model rules designed to be adopted by all United States racing


jurisdictions. An integral part of those guidelines is the independent third party administration of furosemide.

9. The California Horse Racing Board formally adopted the RMTc guidelines at its regular monthly meeting on November 21, 2013. In so doing, California became the 10th State to formally agree to adopt these controlled medication rules.

10. For myself and the American Association of Equine Practitioners, we ask that the California Veterinary Medical Board defer to the California Horse Racing Board in exercising its police powers related to supervision of controlled medication policies and achievement of reaching the goal of national uniformity.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed on March 10, 2014, at

Acadzie, CA.

  
Jeff A. Blea, DVM

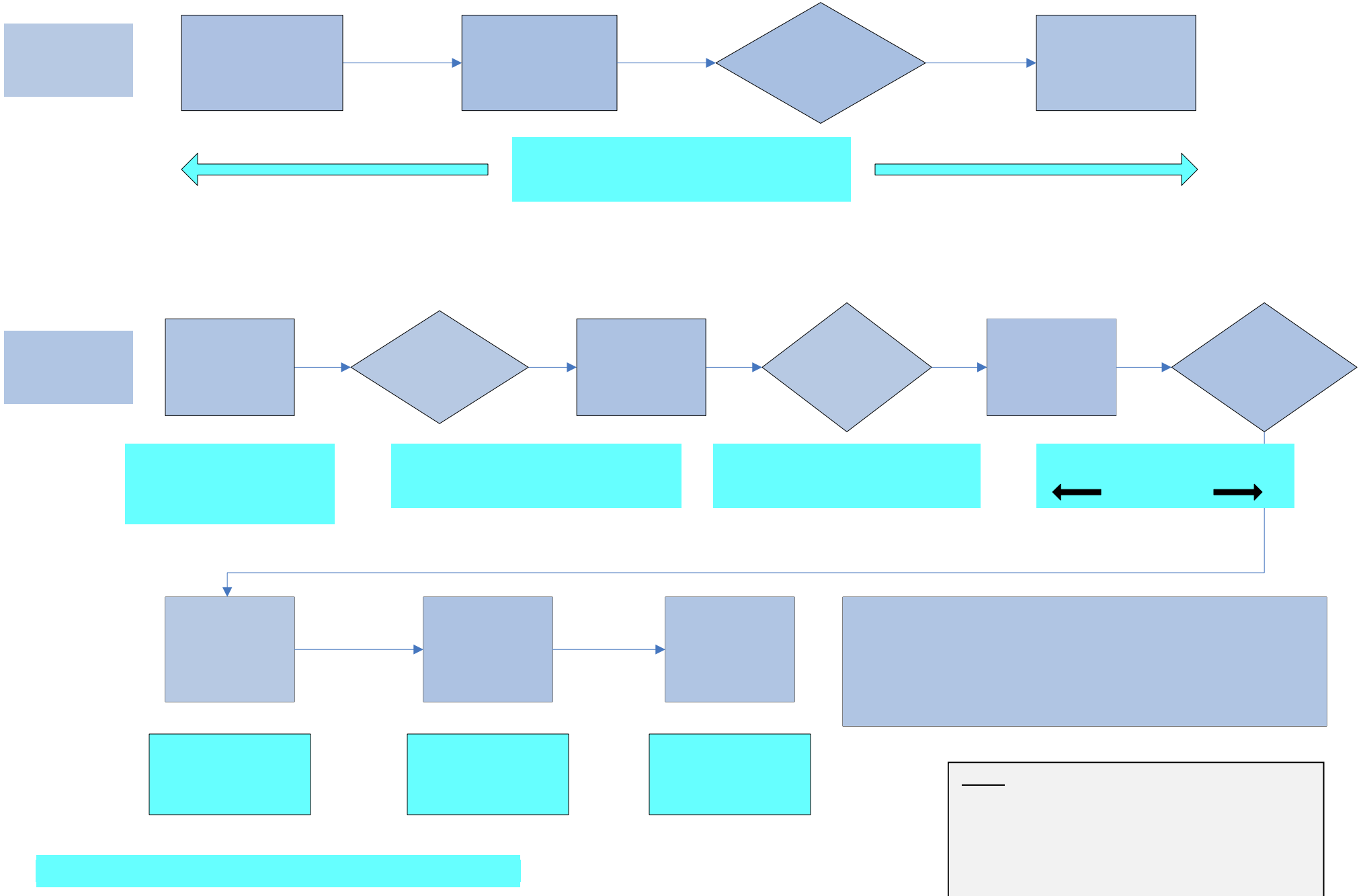


## PROPOSED REGULATORY SCHEDULE 2013/2014

Priority	Subject	CCR Section(s)	Current Status/Action
<b>PENDING ACTIONS</b>			
1.	<b>RVT AVMA School Approval and Reporting Requirements</b>	2064 et. seq.	1/28/14 – OAL disapproved, 120 days to resubmit 4/8/14 – Issued 15-day Notice
2.	<b>VTNE Transition</b>	2002 et. seq.	4/2/14 – Rulemaking file to DCA 1-year deadline – 5/30/14
3.	<b>Pet Lovers License Plate</b>	2090 et. seq.	10/8/2013 - Public hearing
<b>PROPOSED ACTIONS – 2013/2014</b>			
1.	<b>Citation and Fine Program Update</b> Develop Citation and Fine Guidelines and update regulations to reflect increased fines.	2043	Apr. 2014 – Board review language June 2014 – Publish 45-day Notice
2.	<b>Uniform Standards for Substance Abuse (SB 1441)</b>	2006, 2006.5, and 2076	Apr. 2014 – Board review language June 2014 – Publish 45-day Notice
3.	<b>Animal Control Officer's Training</b>	TBD	Jul. 2014 – Publish 45-day Notice
4.	<b>CPEI (SB 1111)</b>	TBD	Jul. 2014 – Board review language Aug. 2014 – Publish 45-day Notice
5.	<b>Animal Rehabilitation</b>	2038.5	Aug. 2014 – Publish 45-day Notice Oct. 2014 – Public hearing
6.	<b>Veterinary Assistants</b>	TBD	TBD
<b>PROPOSED ACTIONS – MDC</b>			
1.	<b>RVT Student Exemption (BPC 4841.1)</b>	TBD	Apr. 2014 – MDC Discussion
2.	<b>RVT Alternate Route School Approval</b>	TBD	Apr. 2014 – MDC Discussion



# Basic Regulations Review Process for Boards - TIMELINES







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

**AVAILABILITY OF MODIFIED TEXT**

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board has proposed modifications to the text of sections 2064, 2065, 2065.5, 2065.6, 2065.7, 2065.8, 2065.8.1, 2065.8.2, 2065.8.3, 2065.9, 2066, & 2066.1:

This regulatory proposal was the subject of a regulatory hearing on January 30, 2013. A copy of the modified text is enclosed. Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before April 24, 2014 to the following:

Contact:	Ethan Mathes
Address:	Veterinary Medical Board 1747 N Market Blvd., Suite 230
Telephone No.:	916-515-5220
E-Mail Address:	ethan.mathes@dca.ca.gov

**Please note any comments should be restricted to the most recent modifications made to the proposed regulations. The Board is not required to respond to comments received in response to this notice on other aspects of the proposed regulations. Any comments previously submitted remain in the rulemaking file.**

DATED: April 8, 2014

---

ETHAN MATHES  
Administrative Programs Coordinator  
Veterinary Medical Board



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

- Existing regulation text being deleted: ~~Strikeout~~
- Original proposed language: Single underline
- Original proposed text being deleted: ~~Single underline & Strikeout~~
- New language added as modified text: Double underline

**2064. Approval of Schools Accredited by the American Veterinary Medical Association**

All schools or degree programs accredited by the American Veterinary Medical Association (AVMA) shall be deemed by the board to have met the minimum requirements of section 2065(a), (b), (d), and (e). Such schools and degree programs shall also be exempt from the initial inspection requirements of section 2065.7(a). Re-approval inspections shall be at the discretion of the board. All other requirements of section 2065, and all other sections applicable to schools or degree programs seeking board approval, continue to apply and must be demonstrated in the school's or degree program's application for board approval. Nothing in this section shall be construed to prohibit the board from disapproving or withdrawing approval from any school or degree program not complying with the requirements of this division or of any provision of the Veterinary Medical Medicine Practices Act. Approval under this section shall automatically terminate upon loss of accreditation by the AVMA.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

**2065. ~~Criteria for Evaluation of Equivalent Programs~~ Minimum Requirements for Approved Schools or Degree Programs**

Schools or degree programs seeking approval from the board shall meet all of the following minimum requirements: In lieu of a two (2) year curriculum in animal health technology, completion of a program or curriculum in compliance with the following criteria is deemed to be "the equivalent thereof as determined by the board," pursuant to Section 4841.5 of the code:

- (a) The ~~academic instruction~~ curriculum shall consist of:
- (1) a minimum of 600 hours of classroom instruction, ~~and~~
  - (2) a minimum of 200 hours of clinical instruction, ~~and-~~
  - (3) an externship consisting of at least 200 hours.
- (b) The curriculum shall include the following coursework cover applicable safety training in all coursework. Coursework shall include the following:
- (1) ~~Principals~~ Principles of anatomy and physiology,
  - (2) Biology and chemistry,
  - (3) Applied mathematics,
  - (4) Orientation to the vocation of veterinary technology,

(5) Ethics and jurisprudence in veterinary medicine including applicable regulatory requirements,

(6) Anesthetic nursing and monitoring including anesthetic evaluation, induction, and maintenance. It shall also include care and use of anesthetic and monitoring equipment,

(7) Animal husbandry, including restraint, species and breed identification, sex determination and sanitation,

(8) Animal nutrition and feeding,

(9) Client communication,

(10) Dental care of companion and laboratory animals including prophylaxis and extractions,

(11) Diseases and nursing management of companion, food, and laboratory animals including zoonoses,

(12) Emergency and critical care nursing,

(13) Laboratory procedures to include clinical biochemistry, cytology, hematology, immunology, basic microbiology, parasitology, and urine analysis testing,

(14) Imaging to include radiography, basic endoscopy, ~~and~~ ultrasound principles, and radiation safety principles,

(15) Medical terminology,

(16) Medical office management including medical record keeping and drug control,

(17) Basic necropsy techniques including specimen collection and handling,

(18) Pharmacology, and

(19) Surgical nursing and assisting including instrumentation, suturing, bandaging and splinting.

(c) Each student shall be supervised during the externship or clinical rotation by a veterinarian or registered veterinary technician who is located at the site of the externship or clinical rotation. The school or ~~institution~~ degree program shall have a written agreement with the site that specifies the expectations and responsibility of the parties. A staff member of the school or ~~institution~~ degree program shall visit the site prior to beginning the externship or clinical rotation relationship and at least once annually following the initial inspection.

(d) The library facilities of the ~~institution~~ school or degree program must be adequate for the conducting of the educational program.

(e) The physical plant and equipment used for instruction in the academic teaching shall be adequate for the purposes intended.

(f)(1) The faculty shall include a California licensed veterinarian employed by the ~~institution~~ school or degree program as an advisor, administrator, or instructor. Instructors shall include, but need not be limited to, a California registered veterinary technician. If there is any change in the faculty, the board must be immediately notified.

(2) Instructors shall be knowledgeable, current, skillful, and possess at least two years of experience in performing or teaching in the specialized area in which they are teaching. Each instructor shall have or currently be receiving training in current teaching methods. ~~Each~~

~~instructor shall have a daily lesson plan, which correlates the theory and practice of the subject~~  
The school or degree programs shall effectively evaluate the teaching ability of each instructor.

(3) ~~An approved program~~ The school or degree program shall have a director who meets the requirements of subdivision (f)(2) and who shall hold a current active California license as a veterinarian or registration as an RVT. The director shall have a minimum of three years experience as a veterinarian or RVT. This shall include one year of experience in teaching, administration, or clinical supervision or a combination thereof within the last five years. The director shall have completed or be receiving course work in administration.

(4) In the absence of a director, ~~the an approved program~~ school or degree program may appoint an interim director. The interim director shall meet the requirements of (f)(3), except that the interim director may have applied for, but not yet have received licensure or registration. ~~An approved program~~ The school or degree program shall not have an interim director for a period exceeding eighteen months.

(g) The number of students enrolled shall be at a ratio to the number of faculty and size of the facilities, which is not detrimental to the quality of education, ~~at the institution, but in any event, a maximum ratio of 15 students per teacher shall be allowed in lab classes in which procedures are performed on live animals~~ When animal patients are used as part of the curriculum the ratio shall be adequate to protect the health and safety of the animal patients and the students, taking into consideration the species of animal being treated.

~~(1) A maximum ratio of 30 students per teacher shall be allowed for all lab classes other than those classes involving live animals.~~

(h) All students admitted shall possess a high school diploma or its equivalent.

(i) ~~The program or curriculum~~ school or degree program shall be part of an institution ~~which that~~ is approved by the Department of Consumer Affairs, Bureau of ~~for~~ Private Postsecondary and Vocational Education, or its successor agency, ~~or the State of California Department of Education, or in the case of an institution located outside of this state,~~ accredited by a regional or national accrediting agency ~~approved~~ recognized by the United States Department of Education.

(j) ~~It~~ Every school or degree program shall be in compliance with the laws regulating the practice of veterinary medicine and the regulations adopted pursuant thereto.

(k) Any instruction covered under subsection (a)(3) shall be in a facility that is in compliance with registration requirements of Business and Professions Code section 4853, ~~registered of possessing a current and unrestricted premise permit issued by the board or in any facility that is otherwise exempt.~~

(l) ~~The program~~ schools or degree programs shall provide all each prospective students, prior to enrollment, with literature which discloses the school's or degree program's pass rate for first time candidates and the state average pass rate for first time candidates on the board's registered veterinary technician examination during the two-year period immediately preceding the student's proposed enrollment and a description of the requirements for registration as a registered veterinary technician.

(m) ~~All programs~~ The schools or degree programs shall provide each prospective veterinary technology student prior to enrollment written information regarding transferability of the units they receive in the courses that they take. ~~Said information and shall be posted~~ the information at all times in a conspicuous location at ~~the school or degree program~~ its facility so that there is ample opportunity for ~~it to be read by~~ the veterinary technology students to read the information.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4830 4841.5 and 4843 and 4853, Business and Professions Code.

#### **2065.5. Institution School or Degree Program Approval**

(a) A school or degree program ~~An institution~~ seeking board approval of its registered veterinary technician curriculum and facilities shall submit an application to the board on a form provided by the board.

(b) When the application for approval or re-approval of a registered veterinary technician curriculum includes an onsite inspection by the board or its designee, the ~~program~~ school or degree program shall pay for the board's actual costs associated with conducting the onsite inspection, including, but not limited to, the inspection team's travel, food and lodging expenses.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5, 4842.5 and 4843, Business and Professions Code.

#### **2065.6. School and Degree Program Approval Process**

The following procedures shall be applicable to ~~an institution~~ a school or degree program applying to the board for initial approval of its registered veterinary technician curriculum in accordance with section 2065 of these rules:

(a) The board shall conduct a qualitative review and assessment of the ~~institution's~~ school's or degree program's registered veterinary technician curriculum through a comprehensive onsite review process, performed by an inspection team impaneled by the board for that purpose.

(b) After reviewing the inspection team's evaluation report and recommendations, the board shall take one of the following actions:

(1) Grant provisional approval for a period not to exceed two years. An additional two-year provisional approval may be granted by the board for good cause

(2) Disapprove the application.

(c) For a school or degree program that does not have AVMA accreditation, but offers a registered veterinary technician curriculum in accordance with section 2065, the board shall not grant full approval until the curriculum has been in operation under provisional approval for at least two years and the board has determined that the curriculum is in full compliance with the provisions of section 2065.

(d) For a school or degree program that has AVMA accreditation, if the board grants approval, it shall be full approval.

(e) For a school or degree program that has provisional or probationary AVMA accreditation, the board shall grant provisional approval on the same terms as all other schools or degree programs until such time as the AVMA grants full accreditation, at which time the board may grant the school or degree program full approval subject to compliance with section 2064.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

### **2065.7. Inspections**

(a) Where either provisional or full approval has been granted, the board shall conduct subsequent inspections every 4 years, notwithstanding other provisions of this section.

(b) The board may conduct an on-site inspection of ~~an institution~~ school or degree program which offers a registered veterinary technician curriculum in accordance with section 2065 where:

(1) It believes the ~~institution~~ school or degree program has substantially deviated from the standards for approval,

(2) For a period of two years the approved ~~program's~~ school's or degree program's yearly average pass rate on the registration examination falls below 10 percentage points of the state average pass rate for first time candidates for the registered veterinary technician examination.

(3) There has been change of ~~program~~ director in charge of the curriculum for training registered veterinary technicians.

(c) Schools and degree programs accredited by the American Veterinary Medical Association shall be exempt from the initial inspection. Inspections conducted for re-approval of such schools or degree programs shall be at the discretion of the board.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

### **2065.8. Probation**

(a) The board may place ~~an institution~~ a school or degree program on probation for a prescribed period of time not to exceed 2 years, in the following circumstances:

(1) The board determines that an approved ~~program~~ school or degree program is not maintaining the standards for approval required by the board.

(2) For a period of two years the approved ~~program's~~ school's or degree program's yearly average pass rate for the first time candidates who have taken the registration examination falls below 10 percentage points of the state average pass rate for first time candidates who have taken the registered veterinary technician examination during the same time period.

(3) The use of false or misleading advertising.

(4) Aiding or abetting in any acts that are in violation of any of the provisions of this ~~chapter~~ division or any provision of the Veterinary Medicine Practice Act.

(b) During the period of probation, the ~~institution~~ school or degree program shall be subject to special monitoring. The conditions for probation may include the submission of periodic reports as prescribed by the board and special visits by authorized representatives of the board to determine progress toward total compliance.

(c) The board may extend the probationary period for good cause.

(d) The ~~institution~~ school or degree program shall notify in writing all current and prospective students and employees of the probationary status.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

### **2065.8.1. Withdrawal of Approval**

The board may withdraw its approval of any school or ~~institution~~ degree program in the following circumstances:

(a) The employment of fraud, misrepresentation, or deception in obtaining approval.

(b) If, at the end of a probationary period, the ~~institution~~ school or degree program has not eliminated the cause or causes for its probation to the satisfaction of the board.

(c) The board determines that the ~~institution~~ school or degree program has engaged in activities that are a danger to the health and safety of its students, staff, or animals.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

### **2065.8.2. Procedures for Probation or Withdrawal of Approval**

Prior to taking any action to place a school or ~~institution~~ degree program on probation or withdrawing of the board's approval, the board shall provide the school or ~~institution~~ degree program due notice and an opportunity to be heard.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

### **2065.8.3. Director Notification**

(a) Every approved ~~program~~ school or degree program shall be required to notify the board in writing of the departure of the director or interim director within 15 working days, and shall notify the board in writing of the appointment of any director or interim director within 15 working days.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.



## **2065.9. Reporting**

Every school or degree program shall be required to submit to the board within sixty (60) days after the close of the school's or degree program's fiscal year a current course catalog with a letter outlining the following:

- (1) Any courses added/deleted or significantly changed from the previous year's curriculum;
- (2) Any changes in faculty, administration, or governing body; and
- (3) Any major change in the school's or degree program's facility.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

## **2066. Practical Experience-Equivalent Programs. Out of State Schools**

(a) Candidates who have completed a course of study at a school or a degree program located outside of California and approved accredited by the AVMA shall be deemed to have completed the equivalent of a two-year curriculum in veterinary technology.

(b) Candidates seeking to apply to the board to take the Registered Veterinary Technician exam in accordance with section 2010 and who have obtained their minimum educational requirements from a school or degree program located outside of California and not approved by the board shall demonstrate to the board, (1) that the education they have received is equivalent to educational requirements of section 2065(a) and (b), and, (2) that the school or degree program has been approved by a licensing body in the U.S. state, Canadian province or U.S. or Canadian territory. The burden to demonstrate educational equivalency is upon the candidate.

Note: Authority cited: Sections 4808, ~~4841.5~~ Business and Professions Code. Reference: Section 4841.5 and 4843, Business and Professions Code.

### **2066.1 Unapproved In-State Schools**

No candidate who has completed his or her course of study at a school or degree program located within the state that has not sought and been granted board approval shall be permitted to take either the national or state ~~the Registered Veterinary Technician exams~~ unless that candidate also meets the requirements of section 2068.5

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.



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

**AVAILABILITY OF DOCUMENTS ADDED TO RULEMAKING FILE**

NOTICE IS HEREBY GIVEN that the following document(s) are being added to the rulemaking record for the regulatory proceeding concerning Title 16, Division 20, California Code of Regulations (CCR) sections 2064, 2065, 2065.5, 2065.6, 2065.7, 2065.8, 2065.8.1, 2065.8.2, 2065.8.3, 2065.9, 2066, & 2066.1:

- Supplemental Statement of Reasons
- 2<sup>nd</sup> Updated Informative Digest

The above documents are now available for public inspection and/or comment until April 24, 2014 at the following location:

Contact:	Ethan Mathes
Address:	Veterinary Medical Board 1747 N Market Blvd., Suite 230
Telephone No.:	916-515-5220
E-Mail Address:	ethan.mathes@dca.ca.gov

DATED: April 8, 2014

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ETHAN MATHES  
Administrative Programs Coordinator  
Veterinary Medical Board



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

**2043. Civil Penalties for Citation**

~~Where~~ ~~When the executive officer has determined~~ that a violation has occurred, ~~and issues a citation~~ any citations issued pursuant to Section 4875.2 and 125.9 of the Code to a licensee or an unlicensed person, that citation shall include its classification and an assessment of a civil penalty. The classification of the citation shall be ~~they shall be classified determined according to the nature of the violation as follows:~~ and shall indicate the classification on the face thereof as follows:

(c) (a) Class "C A" violations ~~are violations which the executive officer has determined~~ involve a person who, while engaged in the practice of veterinary medicine, has violated a statute or regulation relating to the practice of veterinary medicine ~~and which but that~~ has not caused either death or ~~bodily injury~~ harm to a patient an animal patient ~~and or which does~~ has not presented a substantial probability that death or serious harm to an animal patient ~~would~~ could result ~~therefrom~~. A class "C A" violation is subject to a civil penalty in an amount not less than ~~fifty dollars (\$50)~~ two hundred and fifty dollars (\$250) and not exceeding ~~five hundred dollars (\$500)~~ three thousand dollars (\$3,000) for each citation.

(b) Class "B" violations ~~are violations which the executive officer has determined~~ involve either (1) a person ~~whom~~, while engaged in the practice of veterinary medicine, has violated a statute or regulation relating to the practice of veterinary medicine and either (1) ~~(a)~~ has caused ~~bodily injury~~ harm to an animal patient ~~which is not significant and substantial in nature or~~ (2) ~~(b)~~ has presented a substantial probability that death or serious harm ~~would~~ to the an animal patient could result ~~therefrom~~ from their actions or (3) ~~(c)~~ has committed a violation which meets the criteria for a class "C A" violation and has two or more prior citations for a class "C A" violation within the ~~24-month~~ 5-year period immediately preceding the act serving as the basis for the citation ~~without regard to whether the actions to enforce the previous citations have become final~~. However, the increase in the civil penalty required by this paragraph shall not be due and payable unless and until the previous actions have been terminated in favor of the board. A class "B" violation is subject to a civil penalty in an amount not less than ~~five hundred one dollars (\$501)~~ one thousand one dollars (\$1,001) and not exceeding ~~one thousand dollars (\$1,000)~~ four thousand dollars (\$4,000) for each citation.

~~(a)~~ (c) Class "A C" violations ~~are violations which the executive officer of the board has determined~~ involve a person who, while engaged in the practice of veterinary medicine: ~~has~~ (1) ~~has caused death or serious and significant bodily injury~~ harm to an animal patient, or (2) ~~has a history of two or more similar violations, or~~ committed ~~involves~~ a violation that has endangered an immediate relationship to the health and safety of another person, or (3) ~~has committed~~ involves multiple violations which show a willful disregard of the law, or (4) ~~has practiced veterinary medicine without a license,~~ has committed a violation which meets the criteria for a class "B" violation within the ~~24-month~~ 5-year period immediately preceding the act serving as the basis for the citation, ~~without regard to whether the actions to enforcement the previous citations have become final~~. However, the increase in the civil penalty required by this paragraph shall not be due and payable unless and until the previous actions have been terminated in favor of the board. A class "A C" violation is subject to a civil penalty in an amount not less than ~~one thousand one dollars (\$1,001)~~ two thousand and one dollars (\$2,001) and not exceeding ~~one thousand five hundred dollars (\$1,500)~~ five thousand dollars (\$5,000) for each citation.

(d) In assessing the amount of a civil penalty, the executive officer shall consider the following criteria:

~~The good or bad faith exhibited by the cited person~~

1. The nature and severity of the violation.
2. Evidence that the violation was willful.
3. History of violations of the same or similar nature.
4. The extent to which the cited person has cooperated with the board's investigations.
5. The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by ~~his or her~~ their violation.
6. Such other matters as justice may require.

(e) In all situations involving unlicensed persons practicing veterinary medicine, the citation shall be a class "C" violation and the civil penalty fine shall be no less than two thousand dollars (\$2,000) and no more than five thousand dollars (\$5,000) as defined in subsection (c) above. If an unlicensed individual is determined to have received more than two citations in any five-year period the case may be referred to other legal authorities.

(f) Every citation that is issued pursuant to this article shall be considered a public document. Citations that have been resolved, by payment of the civil penalty or compliance with the order of abatement, shall be purged five (5) years from the date of resolution, unless the licensee is subject to formal discipline within five (5) years immediately preceding the citation order, at which time, the citation may become part of the permanent enforcement record. A citation that has been withdrawn or dismissed shall be purged immediately upon withdrawal or dismissal.

(g) An order of abatement issued pursuant to section 4875.2 of the Code shall fix a reasonable time for abatement of the violation. An order of abatement may require any or all of the following:

1. The individual to whom the citation was issued, to demonstrate how future compliance with the laws and regulations governing veterinary medicine will be accomplished. The demonstration may include, but is not limited to, submission of a corrective action plan.
2. The individual to whom the citation was issued, to take a course approved by the Board related to the violation for which the citation was issued. Any courses required by the order of abatement shall be in addition to those required as continuing education for license renewal.

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

**2043. Civil Penalties for Citation**

When the executive officer determines that a violation has occurred, and issues a citation to a licensee or an unlicensed person, that citation shall include its classification and an assessment of a civil penalty. The classification of the citation shall be determined as follows:

(a) Class "A" violations involve a person who, while engaged in the practice of veterinary medicine, has violated a statute or regulation relating to the practice of veterinary medicine but that has not caused either death or harm to an animal patient and has not presented a substantial probability that death or serious harm to an animal patient could result. A class "A" violation is subject to a civil penalty in an amount not less than two hundred and fifty dollars (\$250) and not exceeding three thousand dollars (\$3,000) for each citation.

(b) Class "B" violations involve a person who, while engaged in the practice of veterinary medicine, has violated a statute or regulation relating to the practice of veterinary medicine and either (1) has caused harm to an animal patient or (2) has presented a substantial probability that death or serious harm to an animal patient could result or (3) has committed a violation which meets the criteria for a class "A" violation and has two or more prior citations for a class "A" violation within a 5-year period immediately preceding the act serving as the basis for the citation. However, the increase in the civil penalty required by this paragraph shall not be due and payable unless and until the previous actions have been terminated in favor of the board. A class "B" violation is subject to a civil penalty in an amount not less than one thousand dollars (\$1,000) and not exceeding four thousand dollars (\$4,000) for each citation.

(c) Class "C" violations involve a person who, while engaged in the practice of veterinary medicine (1) has caused death or serious harm to an animal patient, or (2) has committed a violation that has endangered the health and safety of another person, or (3) has committed multiple violations which show a willful disregard of the law, or (4) has committed a violation which meets the criteria for a class "B" violation within the 5-year period immediately preceding the act serving as the basis for the citation. However, the increase in the civil penalty required by this paragraph shall not be due and payable unless and until the previous actions have been terminated in favor of the board. A class "A C" violation is subject to a civil penalty in an amount not less than two thousand dollars (\$2,000) and not exceeding five thousand dollars (\$5,000) for each citation.

(d) In assessing the amount of a civil penalty, the executive officer shall consider the following criteria:

1. The nature and severity of the violation.
2. Evidence that the violation was willful.
3. History of violations of the same or similar nature.
4. The extent to which the cited person has cooperated with the board's investigations.
5. The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by their violation.
6. Such other matters as justice may require.

(e) In all situations involving unlicensed persons practicing veterinary medicine, the citation shall be a class "C" violation and the civil penalty shall be no less than two thousand dollars (\$2,000) and no more than five thousand dollars (\$5,000) as defined in subsection (c) above.

(f) Every citation that is issued pursuant to this article shall be considered a public document. Citations that have been resolved, by payment of the civil penalty or compliance with the order

of abatement, shall be purged five (5) years from the date of resolution, unless the licensee is subject to formal discipline within five (5) years immediately preceding the citation order, at which time, the citation may become part of the permanent enforcement record. A citation that has been withdrawn or dismissed shall be purged immediately upon withdrawal or dismissal.

(g) An order of abatement issued pursuant to section 4875.2 of the Code shall fix a reasonable time for abatement of the violation. An order of abatement may require any or all of the following:

1. The individual to whom the citation was issued, to demonstrate how future compliance with the laws and regulations governing veterinary medicine will be accomplished. The demonstration may include, but is not limited to, submission of a corrective action plan.
2. The individual to whom the citation was issued, to take a course approved by the Board related to the violation for which the citation was issued. Any courses required by the order of abatement shall be in addition to those required as continuing education for license renewal.



## Uniform Standards Related to Substance Abuse

### Veterinary Medical Board

#### Option 3

##### Section 2006. Disciplinary Guidelines

(a) In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the guidelines entitled "Model Guidelines for Issuing Citations and Imposing Discipline", Revised on June 16, 2009 which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts of the particular case warrants such a deviation -for example: The presence of mitigating factors; the presence of aggravating factors; the age of the case; evidentiary problems.

(b) Notwithstanding subsection (a), the Board shall use the uniform standards for substance abuse as provided in Section 2006.5, without deviation, for each individual proven to be a substance-abusing licensee.

Note: Authority cited: Sections 315, 315.2, 315.4, and 2615, Business and Professions Code; and Section 11400.20 Government Code.

Reference: Sections 315, 315.2, 315.4, 2660, 2660.1, 2661 and 2661.5, Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.

##### Section 2006.5. Uniform Standards for Substance Abuse.

(a) If, after notice and a hearing conducted in accordance with Chapter 5, Part 1, Division 3, Title 2 of the government Code (Commencing with section 11500 et seq.), the Board finds that the evidence proves that an individual is a substance-abusing licensee, then the terms and conditions contained the document entitled "Uniform Standards for Substance-Abusing Licensees with Standard Language for Probationary Orders" (Rev. April 2011) , which are hereby incorporated by reference, shall be used in any probationary order of the Board affecting that licensee.

(b) Nothing in this Section shall prohibit the Board from imposing additional terms or conditions of probation in any order that the Board determines would provide greater public protection.

Note: Authority cited: Sections 315, 315.2, 315.4, and 2615, Business and Professions Code.

Reference: Sections 11400.20 and 11425.50(e), Government Code; Section 315, 315.2, and 315.4 of the Business and Professions Code.

For all options, this is necessary to make clear that Diversion participants are also subject to the U.S.

Section 2076 Division 20 of Title 16, Article 8 of the California Code of Regulations is amended:

2076. Criteria for Admission.

An applicant shall meet the following criteria for admission to the program:

- (a) The applicant shall be a veterinarian or registered veterinary technician licensed or registered in this state.
- (b) The applicant shall reside in California.
- (c) The applicant is found to abuse alcohol or other dangerous drugs in a manner which may affect the veterinarian's ability to practice veterinary medicine competently or the registered veterinary technician's ability to perform his or her duties competently.
- (d) The applicant shall have voluntarily requested admission to the program.
- (e) The applicant agrees to undertake any reasonable medical or psychiatric examinations necessary to evaluate the application for participation in the program.
- (f) The applicant cooperates with the program by providing medical information, disclosure authorizations and releases of liability as may be necessary for participation in the program.
- (g) The applicant agrees in writing to cooperate with all elements of both the program and the individual treatment program designed by a diversion committee.
- (h) The applicant agrees in writing to be subject to all provisions of the "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees" (Rev. April 2011), which is hereby incorporated by reference.

Note: Authority cited: Sections 315, 315.2, 315.4, 4808, Business and Professions Code.

Reference: Sections 315, 315.2, 315.4, 4866, Business and Professions Code.



**UNIFORM STANDARDS RELATED TO SUBSTANCED ABUSING LICENSEE**

**NEW JANUARY 2013**

Issued by:

The Veterinary Medical Board  
2005 Evergreen Street, Suite 1550  
Sacramento CA 95815  
Telephone: (916) 263-2610  
Fax: (916) 263-2621

DCA logo

VETERINARY MEDICAL BOARD

STANDARD LANGUAGE TO BE INCLUDED IN EVERY

PROBATIONARY ORDER FOR SUBSTANCE ABUSING LICENSEES

Pursuant to Section 315 of the Business and Professions Code, the Veterinary Medical Board is directed to use the standards developed by the Substance Abuse Coordination Committee (SACC) for substance abusing licensees. On April 11, 2011, the SACC developed standards to be used by all healing arts boards. Administrative Law Judges, parties and staff are therefore required to use the language below, which is developed in accordance with those SACC standards.

To that end, the following probationary terms and conditions shall be used in every case where it has been determined that the individual is a substance-abusing licensee as provided in Section 2006.5 of Title 16 of the California Code of Regulations. For purposes of implementation of these conditions of probation, any reference to the Board also means staff working for the Veterinary Medical Board or its designee. These conditions shall be used in lieu of any similar standard or optional term or condition proposed in the Board's Disciplinary Guidelines, incorporated by reference at Title 16, Section 2006. However, the Board's Disciplinary Guidelines should still be used in formulating the penalty and in considering additional terms or conditions appropriate for greater public protection (e.g., other standards or optional terms of probation).

**ADDITIONAL PROBATIONARY TERMS AND CONDITIONS**

- (1) **NOTIFICATION TO EMPLOYER** – Prior to engaging in the practice of veterinary medicine or veterinary technology, the Respondent shall provide a true copy of the Decision and Accusation to his or her employer, supervisor, or contractor, or prospective employer or contractor and at any other facility where Respondent engages in the practice of veterinary medicine before accepting or continuing employment. Respondent shall submit proof of compliance to the Board or its designee with 15 calendar days.

This condition shall apply to any changes(s) in place of employment.

The Respondent shall provide to the board the names, physical addresses, mailing addresses and telephone numbers of all employers and supervisors or contractors and shall inform the Board in writing of the facility of facilities at which the person engages in the practice of veterinary medicine.

Respondent shall give specific, written consent to the Board and its contractor to allow the Board or its designee to communicate with the employer and supervisor or contractor regarding the licensee's work status, performance and monitoring.

Source: Uniform Standard #3 of “Uniform Standards Regarding Substance-Abusing Healing Arts Licensees,” revised date April 2011.

- (2) **SUPERVISED PRACTICE** – Within 60 days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more proposed supervisors and a plan for each such supervisor by which Respondent’s practice would be supervised. The Board will advise Respondent within two weeks whether or not the proposed supervisor and plan of supervision are approved. Respondent shall not practice until receiving notification of Board approval of Respondent’s choice of a supervisor and plan of supervision. Respondent shall complete any required consent forms and sign an agreement with the supervisor and the board regarding the Respondent and the supervisor’s requirements and reporting responsibilities.

The plan of supervision shall be 1) direct and require the physical presence of the supervising veterinarian in the veterinary premises during the time veterinary medicine is being performed, or 2) general and not require the physical presence of the supervising veterinarian during the time veterinary medicine is being performed, but does require an occasional random check of the work performed on the patient as well as quarterly monitoring visits to the premise or place of practice. Additionally, the supervisor shall have full and random access to all patient records of Respondent. The supervisor may evaluate all aspects of Respondent’s practice regardless of Respondent’s areas of deficiencies.

Each proposed supervisor shall be a California licensed veterinarian who shall submit written reports to the Board on a quarterly basis verifying that supervision has taken place as required and include an evaluation of Respondents performance. It shall be Respondents responsibility to assure that the required reports are filed in a timely manner. Each supervisor shall have been licensed in California for at least five (5) years and not have ever been subject to any disciplinary action by the Board. An administrative citation and fine does not constitute discipline and therefore, in and of itself is not a reason to deny an individual as a supervisor.

The supervisor shall be independent, with no prior business or professional relationship with Respondent and the supervisor shall not be in a familial relationship with or be an employee, partner or associate of Respondent. If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by the Respondent.

If Respondent is placed on probation due to substance or alcohol abuse, then the supervisor shall meet the following additional requirements:

The supervisor shall sign an affirmation that he or she has reviewed the terms and conditions of the licensee’s disciplinary order and agrees to supervise the licensee as set forth by the Board.

The supervisor shall have face-to-face contact with the licensee in the work environment on a frequent basis as determined by the Board, but at least once per week. The supervisor shall interview other staff in the office regarding the licensee's behavior, if applicable. The supervisor shall review the licensee's work attendance and behavior.

The supervisor shall orally report any suspected substance abuse to the Board and the licensee's employer within one (1) business day of occurrence. If occurrence is not during the Board's normal business hours, the oral report must be within one (1) hour of the next business day. The supervisor shall submit a written report to the Board within 48 hours of occurrence.

The supervisor shall complete and submit a written report monthly or as directed by the Board. The report shall include: the licensee's name; license number; supervisor's name and signature; supervisor's license number; worksite location(s); dates licensee had face-to-face contact with supervisor; names of worksite staff interviewed, if applicable; attendance report; any change in behavior and/or personal habits; any indicators that can lead to suspected substance abuse.

Source: Uniform Standard #7 of "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees," revised date April 2011.

**3. DRUG AND ALCOHOL TESTING** – Respondent shall submit to and pay for any random and directed biological fluid or hair sample, breath alcohol or any other mode of testing required by the Board. Though the frequency of testing will be determined by the Board or its designee and shall be designed so as to prevent Respondent from anticipating testing dates (either randomized testing or unpredictable dates), the frequency of testing shall be at least the following: at least fifty-two (52) test dates during the first year of probation; at least thirty-six (36) test dates during the second and subsequent years of probation; and at least one (1) test per month in each year of probation after five (5) years. The Board or its designee may require less frequent testing if any of the following apply:

- Where Respondent has previously participated in a treatment or monitoring program requiring testing, the Board or its designee may consider that prior testing records in applying the three-tier testing frequency schedule described above;
- Where the basis for probation or discipline is a single incident or conviction involving alcohol or drugs or two incidents or convictions involving alcohol or drugs that were at least seven (7) years apart, that did not occur at work or on the way to or from work, the Board or its designee may skip the first year testing frequency requirement(s);
- Where Respondent is not employed in any health care field, frequency of testing may be reduced to a minimum of twelve (12) tests per year. If respondent wishes to thereafter return to employment in a health care field, Respondent shall be required to test at least once a week for a period of sixty (60) days before commencing such employment and shall thereafter be required to test at least once a week for a full year before the



Board can consider reducing the testing frequency to no less than thirty-six (36) tests per year and so forth;

- Respondent's testing requirement may be suspended during any period of tolling of the period of probation;
- Where Respondent has a demonstrated period of sobriety and/or non-use, the Board or its designee may reduce the testing frequency to no less than twenty-four (24) tests per year.

Any detection through testing of alcohol or of a controlled substance or dangerous drug absent documentation that the detected substance was taken pursuant to a legitimate prescription and a necessary treatment may cause the Board or its designee to increase the frequency of testing in addition to any other action including, but not limited to, further disciplinary action.

Respondent shall have the test performed by a Board-approved laboratory certified and accredited by the U.S. Department of Health and Human Services on the same day that he or she is notified that a test is required. This shall ensure that the test results are sent immediately to the Board or its designee. Failure to comply within the time specified shall be considered an admission of a positive drug screen and constitutes a violation of probation. If a test results in a determination that the urine admission was too diluted for testing, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation. If an "out of range" result is obtained, the Board may require Respondent to immediately undergo a physical examination and to complete laboratory and testing costs shall be paid by Respondent. An "out of range" result is one in which, based on scientific principles, includes the Respondent attempted to alter the test results in order to either render the test invalid or obtain a negative result when a positive result should have been the outcome. If it is determined that the Respondent altered the test results, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation and Respondent must cease practicing. Respondent shall not resume practice until notified by the Board. If Respondent tests positive for a banned substance, Respondent shall be ordered by the Board to cease any practice and may not practice unless and until notified by the board. All alternative drug testing sites due to vacation or travel outside of California must be approved by the Board or its designee prior to the vacation or travel.

Source: Uniform Standards #4, #8-10 of "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees," revised date April 2011 and Section 315.2 of the Business and Professions Code.

#### **4. ABSTAIN FROM USE OF ALCOHOL, CONTROLLED SUBSTANCES AND DANGEROUS DRUGS –**

Respondent shall abstain completely from the possession, injection or consumption of any route, including inhalation, of all psychotropic (mood altering) drugs, including alcohol and including controlled substances as defined in the California uniform Controlled Substances Act, dangerous drug as defined by Business and Professions Code Section 4022 and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed by a physical and surgeon or nurse practitioner for a bona fide illness or condition. Within fifteen (15) calendar days of receiving any lawful prescription medications, Respondent shall notify the Board or its designee in writing of the following: prescriber's name, address, telephone number; medication name and strength; issuing pharmacy's name, address

and telephone number and the specific medicinal purpose for the medication. Respondent shall also provide a current list of prescribed medication with the prescriber's name, address, and telephone number on each quarterly report submitted. Respondent shall provide the Board or its designee with a signed and dated medical release covering the entire probation period.

Respondent shall identify for the Board or its designee's approval a single coordinating physician, surgeon or psychologist who shall be aware of Respondent's history of substance abuse and who will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances, psychotropic or mood altering drugs. Once a Board-approved physician, surgeon or psychologist has been identified, Respondent shall provide a copy of the accusation and decision to that person. The coordinating physician shall report to the Board or its designee on a quarterly basis Respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of such substances.

The Board may require that only a physician, surgeon or psychologist who is a specialist in addictive medicine be approved as the coordinating physician.

If Respondent has a positive drug screen for any substances not legally authorized, Respondent shall be ordered by the Board to cease any practice and may not practice unless and until notified by the Board. If the Board files a petition to revoke probation or an accusation based upon the positive drug screen, Respondent shall be automatically suspended from practice pending the final decision on the petition to revoke probation or accusation. This period of suspension will not apply to the reduction of this probationary period.

Source: Uniform Standards #4, #8 of "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees," revised dated April 2011 and Section 315.2. of the Business and Professions Code.

**5. FACILITATED GROUP SUPPORT MEETINGS** - Within fifteen (15) days from the effective date of the decision, Respondent shall submit to the Board or its designee for prior approval, the name of one or more meeting facilitators. Respondent shall participate in facilitated group support meetings within fifteen (15) days after notification of the Board's approval of the meeting facilitator. When determining the type and frequency of required facilitated group support meeting attendance, the Board or its designee shall give consideration to the following:

- licensee's history;
- documented length of sobriety/time that has elapsed since substance abuse;
- recommendation of the clinical evaluator;
- scope and pattern of use;
- licensee's treatment history; and
- nature, duration and severity of substance abuse.

Verified documentation of attendance shall be submitted by Respondent with each quarterly report. Respondent shall continue attendance in such a group for the duration of probation unless notified by the Board that attendance is no longer required.

If a facilitated group support meeting is ordered, the group facilitator shall meet the following qualifications and requirements. The group meeting facilitator shall:

1. Have a minimum of three (3) years of experience in the treatment and rehabilitation of substance abuse and shall be licensed or certified by the state or other nationally certified organizations.
2. Not have a financial, personal or business relationship with the licensee in the last five (5) years.
3. Provide to the Board or its designee a signed document showing the licensee's name, the group name, the date and location of the meeting, the licensee's attendance and the licensee's level of participation and progress.
4. Report any unexcused absence to the Board or its designee within 24 hours.

Source: Uniform Standard #5 of "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees," revised dated April 2011.

**(6) CLINICAL DIAGNOSTIC EVALUATION** – Upon order of the Board, Respondent shall undergo a clinical diagnostic evaluation. The Board or its designee shall select or approve evaluator(s) holding a valid, unrestricted license to practice with the scope of practice that includes the conduct of clinical diagnostic evaluations and at least three (3) years of experience conducting such evaluations of health care professional with alcohol or substance abuse problems. The evaluator(s) shall not have a financial, personal, or business relationship with Respondent within the last five (5) years. The evaluator(s) shall provide an objective/unbiased and independent evaluation of Respondent. Respondent shall provide the evaluator with a copy of the Board's decision prior to the clinical diagnostic evaluation being performed.

Any time Respondent is ordered to undergo a clinical diagnostic evaluation, Respondent shall cease practice for a minimum of 30 days pending the results of the clinical diagnostic evaluation and review by the Board. During such time, Respondent shall submit to random drug testing no less than two (2) times per week.

Respondent shall cause the evaluator to submit to the Board or its designee a written clinical diagnostic evaluation report within 10 days from the date the evaluation was completed, unless an extension, not to exceed 30 days, is granted to the evaluator by the Board. The cost of such evaluation shall be paid by the Respondent. The evaluation(s) shall be conducted in accordance with acceptable professional standard for alcohol or substance abuse clinical diagnostic evaluations. The written report(s) shall set forth at least the opinions of the evaluator as to: whether Respondent has an alcohol or substance abuse problem; whether respondent is a threat to him/herself or others; and recommendations for alcohol or substance abuse treatment, practice restrictions or other steps related to Respondent's rehabilitation and safe practice. If the evaluator determines during the evaluation process that Respondent is a threat to him/herself or others, the evaluator shall notify the Board or its designee within twenty-four (24) hours.

Respondent shall cease practice until the Board determines that he or she is able to safely practice either full-time or part-time and has had at least 30 days of negative drug test results. Respondent shall comply with any restrictions or recommendations made as a result of the clinical diagnostic evaluation.

Source: Uniform Standards #1, #2 of "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees," revised dated April 2011 and Section 315.4 of the Business and Professions Code.

**(7) DRUG OR ALCOHOL ABUSE TREATMENT PROGRAM** – Upon order of the Board, Respondent shall successfully complete an inpatient, outpatient or any other type of recovery and relapse prevention treatment program as directed by the Board or its designee. When determining if Respondent should be required to participate in inpatient, outpatient or any other type of treatment, the Board or its designee shall take into consideration the recommendation of the clinical diagnostic evaluation, license type, licensee's history, length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse and whether the licensee is a threat to himself/herself or others.

Source: Uniform Standards #6 of "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees," revised dated April 2011.



## MEMORANDUM

<b>DATE</b>	October 8, 2013
<b>TO</b>	Veterinary Medical Board
<b>FROM</b>	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
<b>SUBJECT</b>	<b>Animal Control Officer Training Proposal</b>

**Background:**

Senate Bill 1162, Chapter 594, became effective January 1, 2013. This bill allows animal control officers to carry controlled substances for purposes of tranquilizing animals but imposes certain prerequisite requirements. One of the requirements in the Bill is officers undergo "training approved by the Board."

Staff reported at the January 2013 Board meeting that the California Veterinary Medical Association (CVMA) is developing a proposed training program.

The CVMA prepared and presented a draft training guide at the Board's October 2013 Meeting. The Board approved the proposed guidelines and directed staff to move forward with developing proposed regulations in the model of CCR section 2039.

Proposed regulatory language will be prepared and a public hearing will be held at the Board's July 2014 meeting.

**Action Requested:**

No action requested – informational only.



# California Training on the Use of Controlled Substances for Animal Control and Humane Officers

## I. Introduction

Effective January 1, 2013, humane officers and animal control officers may possess and administer tranquilizers that contain a controlled substance provided certain statutory requirements are met. These requirements were enacted into law in 2012 by Senate Bill 1162 in response to a 2011 opinion issued by the Attorney General of the State of California that stated that, under then-current law, animal control officers<sup>1</sup> could not possess and administer controlled substances in the field without "contemporaneously consulting, and receiving direction from," a veterinarian.

The Attorney General's interpretation of the then-current law does not comport with the reality of managing domestic and wild animals in the field under circumstances that are often extreme and dangerous. Many officers – particularly those working in rural areas that span a large geographic area – may have to wait several hours before a veterinarian can arrive at the scene. This can leave an officer with no alternative but to kill a potentially dangerous animal. Humane law enforcement necessitates that animal control and humane officers be empowered to handle animal-related emergencies in a manner that is prompt and causes no more harm to the animal than is necessary to manage the situation. SB 1162, by its amendments to Section 597.1 of the Penal Code, fulfills that need.

This document is the outline for the training required under Section 597.1(a)(2)(A) of the Penal Code and has been approved by the California Veterinary Medical Board for such purpose.

### a. Summary of Requirements [Penal Code § 597.1(a)(2)]

- i. Who is allowed to provide the training?

Only a **California-licensed veterinarian** is permitted to provide the training.

- ii. Who is eligible to be trained?

Any **animal control officer** or **humane officer**.

- iii. How long must the training be?

The training must be a minimum of **four hours** and include didactic and hands-on training.

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<sup>1</sup> Because the opinion requested of the Attorney General pertained to animal control officers only, the Attorney General did not consider whether humane officers required direct supervision to possess and administer controlled substances. Presumably, the Attorney General would have rendered the same opinion regarding a humane officer.

iv. What is the trainer required to do?

1. Cover **all the material** in this document.
2. Administer an **examination** upon completion of the required curriculum that includes all controlled substances that may be used by the officer during his or her employment with the agency or organization.
3. Issue a signed **certificate** of training to each officer who successfully completes the course.

v. In addition to this training, what other requirements must the officer meet to be eligible to possess and administer controlled substances?

1. **PC 832 Course (Firearms-Component only).** The officer must complete the firearms-component of the Penal Code § 832 course. This 24-hour course includes a firearms range qualifications examination. The Commission on Peace Officers Standards and Training website (<http://www.post.ca.gov/>) lists upcoming courses. [Penal Code § 597.1(a)(2)(B)]

2. **Official Policy.** The agency or organization must have a policy regarding the possession and administration of the tranquilizer to be used and that policy must be approved by the veterinarian who obtained the controlled substance.

*Note: Although the statute does not specify that the policy must be in writing, best practices would dictate that this policy, the veterinarian's approval, and the (below) agency authorization be in writing. [Penal Code § 597.1(a)(2)(C)]*

3. **Agency Authorization.** The officer must be specifically authorized by his or her agency or organization to possess and administer the tranquilizer in accordance with the official policy. [Penal Code § 597.1(a)(2)(C)]

4. **Euthanasia Training.** The officer must complete the euthanasia training set forth in Section 2039 of Title 16 of the California Code of Regulations.

*Note: The State Humane Association of California and the California Animal Control Directors Association list many of the available trainings on their websites ([www.californiastatehumane.org](http://www.californiastatehumane.org) and [www.cacda.org](http://www.cacda.org)). [Penal Code § 597.1(a)(2)(D)]*

5. **Fingerprinting.** The officer must complete state and federal fingerprinting background check.

*Note: All humane officers and some animal control officers have already completed state and federal fingerprinting background checks as a condition of appointment (humane officers) or employment (animal control officers). [Penal Code § 597.1(a) (2) (E)]*

6. **No Alcohol/Drug-Related Convictions.** The officer may not have any drug- or alcohol-related convictions. [Penal Code § 597.1(a)(2)(E)]



## II. General

*The training must include a basic understanding of which substances qualify as “controlled”, which substances will be used by the agency, and how to understand and read weights and measures.*

### **a. Definition of “Controlled Substance”**

- i. The officer must be familiar with current federal and California definitions of a controlled substance and how and why these substances are placed in their various schedules and classifications.
- ii. Required Reference:
  1. Drug Enforcement Administration: Controlled Substances Act of 1970, as may be amended.
  2. California Health and Safety Code: Section 11007 and Sections 11054-11058, as may be amended.

### **b. Identification of specific drugs that will be used by the agency**

- i. Each controlled substance that will be authorized by the agency for use in chemical capture/immobilization must be reviewed during the training.
  1. If an agency wishes to authorize the use of a controlled substance by an officer after this training has been completed, the officer must receive training from a California-licensed veterinarian in the use of that substance and the policy must be updated accordingly.
  2. Any additional training must be documented by the agency.
- ii. The officer must be familiar with and be able to demonstrate an understanding of the type of drug used, its DEA schedule classification and be aware of any hazards associated with exposure to the substance.
- iii. All controlled substances used by the agency and reviewed during the training must be accompanied by the appropriate Material Safety and Data Sheet (MSDS). Each MSDS should be reviewed to provide the officer with procedures for handling or working with that substance in a safe manner.

### **c. Understanding of common units of measure**

- i. The officer should understand common units of measure for both weight and volume, their abbreviations, and how they relate to one another.
  - ex: ml, cc, oz, lb, Kg, mg
  - ex: 1 ml=1cc, 16 oz = 1lb

- ii. The officer should be familiar with the syringes and darts that will be used for delivery of the controlled substance, how to determine their carrying capacity, and how to maintain sterility.
- iii. The officer should be familiar with the bottles and containers that hold the controlled substances and how to read the label to determine the name of the drug, concentration, route of administration, volume and expiration date.

### **III. Use of Tranquilizers Containing Controlled Substances**

*The training must include all of the following for each drug and administration route available to the officer and for each species that is likely to be tranquilized in the field.*

**a. Understand the classification and the method of action of each drug**

**b. Understand common drug combinations/mixtures**

- i. Advantages/disadvantages of drug combinations
- ii. Altered/enhanced effect of individual drugs in the mixture
- iii. How to formulate and store the mixture
- iv. How long the mixture remains effective – expiration date of the mixture

**c. Be able to determine which drug or combination/mixture is appropriate for each situation and species**

- i. An understanding of how the following factors can affect the choice of drug(s) and dosage:
  1. Age of the animal
  2. Animal's condition (emaciated, weak, etc.)
  3. Animal's temperament (agitated, frightened, aggressive, depressed, etc.)
  4. Duration of effect
  5. Contraindications and precautions for various species or situations
  6. Drug side effects
  7. Reversing agents

**d. Understand the method and route of administration**

- i. Be proficient with the equipment available to administer drugs, and have an understanding of the advantages and disadvantages of each method, including:
  1. Syringe and needle
  2. Pole syringe
  3. Dart (tranquilizer) gun
  4. Blow gun
- ii. Be proficient at each route of drug administration and have an understanding of the advantages and disadvantages of each route, including:

1. Intramuscular
  2. Subcutaneous
  3. Intravascular
  4. Intraperitoneal
- iii. Understand species differences when determining the appropriate method and route of administering tranquilizing drugs.
  - iv. Understand potential complications with each method and route of drug administration.
- e. Be able to calculate the proper drug dosages for each drug and species. The training should include how to calculate a drug dosage with the following considerations:**
- i. How to estimate the animal's weight
  - ii. How to estimate the animal's age
  - iii. How the animal's condition (emaciated, weak, etc.) will affect drug dosage
  - iv. How the animal's temperament (agitated, frightened, aggressive, depressed, etc.) will affect drug dosage, onset of action and duration of tranquilization
  - v. How species variations affect dosage for each drug
  - vi. Why the calculated dosage may be different than the label dosage
  - vii. How to identify drug overdose or adverse drug reactions
    1. Have an understanding of the signs of a drug overdose or adverse drug reaction
    2. Learn the proper steps to reverse the overdose, if available, including dosage and route of administration
    3. Be proficient in providing supportive care in the event of a drug overdose or adverse drug reaction
    4. Be able to identify when an animal requires veterinary care as a result of complications due to tranquilization

#### **IV. Caring for Tranquilized Animals**

*The training must include a thorough understanding of normal and abnormal signs and behavior as well as how to care for an animal that is tranquilized in the field.*

- a. Be proficient in identifying normal and abnormal behavior for tranquilized animals**
- b. Understand and be able to administer normal supportive care required for a tranquilized animal, such as:**
  - i. Temperature control

- ii. Maintaining an open airway
  - iii. How to protect the eyes of a tranquilized animal
  - iv. Be able to recognize and provide supportive care for the animal when needed due to drug overdose, adverse drug reaction or other complications
  - v. Be able to identify when an animal requires veterinary care as a result of complications due to tranquilization
- c. Be proficient at administering CPR for various species**
- d. Be proficient in properly and safely transporting a tranquilized animal**

## **V. Federal Laws Governing the Use of Controlled Substances**

*The training must include information regarding the Federal Control Substances Act and the regulations promulgated by the Drug Enforcement Agency related to the use of controlled substances.*

- a. Federal Controlled Substances Act and Regulations:** Federal laws governing who is able to possess and administer controlled substances, drug schedules, registration, penalties for violation, etc.
- i. Statutes: 21 U.S.C. 801 et seq:
  - ii. Regulations: 21 CFR 1300 – 1399

The full text of these laws can be found on the DEA's website: [www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov)

### **b. Registration**

- i. A separate registration is required for each principal place of business where controlled substances are manufactured, distributed, imported, exported or dispensed. 21 U.S.C 822(a); 21 CFR 1301.12

### **c. Persons Authorized to Possess and Administer Tranquilizers that Contain Controlled Substances**

- i. A veterinarian
- ii. An animal control officer or humane officer who has successfully completed the requirements of Section 591.1(a)(2) of the Penal Code

### **d. Recordkeeping and Inventory Control**

- i. Understand the "closed" system required by the DEA.
- ii. Controlled Drug Logs

1. The practitioner registered with the DEA is responsible for maintaining drug logs on each controlled substance in his/her possession.
  - There must be an **individual drug log** for each controlled substance that includes the name of the drug, schedule, form, strength, the date, name and address of the client, species of animal, name of animal, practitioner ordering and administering the drug, the amount held over, used and the final amount remaining. 21 CFR 1304.22
- iii. Biennial Inventory: The practitioner registered with the DEA must prepare a biennial inventory of all controlled substances in inventory. 21 CFR 1304.11
- iv. Monitor Losses: Regularly compare the actual amount on hand with the amount indicated in your log to make sure they match. If there is a significant difference, you must notify the DEA and the local police of the loss. Correcting entries should be made into your log to account for measurement errors. (See Section V i – Loss or Theft of Controlled Substances)

*Note: Recordkeeping and inventory are the responsibility of the veterinarian, who is the DEA licensee. Regardless, the officer should be aware of the requirements and work with the veterinarian to ensure compliance.*

#### **e. Physical Security Controls**

Controlled substances in Schedules II, III, IV and V must be stored in a securely locked, substantially constructed cabinet. 21 CFR 1301.75. In the field, they should be stored in a locked cabinet that is physically attached to an inside area of the officer's vehicle.

#### **f. Access to Controlled Substances**

Any person convicted of a felony offense relating to controlled substances or who at any time had an application for DEA registration denied, revoked or surrendered cannot have access to controlled substances. 21 CFR 1301.76

#### **g. Disposal**

- i. Excess drugs should be placed in an injection bottle, vial or ampule that is used specifically for that purpose and labeled as "Waste Controlled Substance". The container must be stored in a securely locked, substantially constructed cabinet until disposed of through an authorized reverse distributor.
- ii. Outdated or otherwise unwanted scheduled drugs should be given to a reverse distributor for destruction.

*Note: Contact your local DEA field office for a list of authorized reverse distributors.*

#### **h. Loss or Theft of Controlled Substances**

- i. Monitor losses: Regularly compare the actual amount on hand with the amount indicated in your log to make sure they match. Make correcting entries as needed.
- ii. If there is a theft or significant loss, you must:
  1. Within one business day of the discovery of the loss or theft, notify *in writing* the Field Division Office of the DEA in the area where the registrant is located. 21 CFR 1301.76
  2. Submit to the Field Division Office a DEA Form 106. 21 CFR 1301.76
  3. Notify the local police agency

## VI. Supervision

*The training must include information regarding the level(s) of supervision by a California-licensed veterinarian permitted by the agency.*

- a. **The animal control or humane officer** is permitted to administer controlled substances under the direct or indirect supervision *as determined* by a California-licensed veterinarian pursuant to the following:
  - iii. **Penal Code 597.1 section (a)(2):** Notwithstanding any other law, if an animal control officer or humane officer, when necessary to protect the health and safety of a wild, stray, or abandoned animal or the health and safety of others, seeks to administer a tranquilizer that contains a controlled substance, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, to gain control of that animal, he or she may possess and administer that tranquilizer with direct or indirect supervision as determined by a California-licensed veterinarian.
  - iv. **Cal. Code Regs., tit. 16 § 2032.1 subd. (a):** *Except where the patient is a wild animal or its owner is unknown*, it shall constitute unprofessional conduct for a veterinarian to administer or prescribe a drug, medicine, appliance, or application or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture or bodily injury or disease of an animal without having first established a veterinarian-client-patient relationship with the animal patient or patients and the client. It shall also constitute unprofessional conduct for a veterinarian to prescribe, dispense, or furnish either a veterinary drug, as defined by Section 1747.1, Title 16, California Code of Regulations, or a dangerous drug, as defined by Section 4022 of the code, without having first established a veterinarian-client-patient relationship with the animal patient or patients and the client.
  - v. **Cal. Code Regs., tit. 16 § 2034 subd. (e):** "Direct Supervision" means: (1) the supervisor is physically present at the location where animal health care job tasks are to be performed and is quickly and easily available; and (2) the animal has been examined by a veterinarian at such time as good veterinary medical practice requires consistent with the particular delegated animal health care job task.

- vi. **Cal. Code Regs., tit. 16 § 2034 subd. (f):** "Indirect Supervision" means: (1) that the supervisor is not physically present at the location where animal health care job tasks are to be performed, but has given either written or oral instructions ( "direct orders") for treatment of the animal patient; and (2) the animal has been examined by a veterinarian at such times as good veterinary medical practice requires, consistent with the particular delegated animal health care task and the animal is not anesthetized as defined in Section 2032.4.

The official policy of each agency should clearly state whether an officer is permitted to administer controlled substances under direct supervision, indirect supervision, or if the level of supervision will be determined on a case-by-case basis.

## **VII. Examination and Certification**

### **a. Examination**

The trainer shall administer an examination at the end of the training that covers the required curriculum, including information about each controlled substance that may be used by the officer in his or her employment with the agency or organization. The examination may be oral or written, include a practical component and must demonstrate to the satisfaction of the trainer that the officer is competent to possess and administer tranquilizers in a safe and humane manner.

### **b. Certification**

Upon successful completion of the course, the trainer shall issue a signed certificate verifying that the officer completed the course.

## **VIII. Suggestions and Best Practices on Implementation of These Guidelines**

### **a. Recordkeeping – Officers must be familiar with the recordkeeping requirements pursuant to**

- i. Drug Enforcement Administration, as may be amended
- ii. California Code of Regulations, as may be amended

### **b. Written Protocols and Policies**

- i. The officer should be familiar with the requirement that the agency establish a policy authorizing the use of controlled substances, and be provided guidance, examples, or templates of such policies.

- ii. Agencies should be encouraged to write protocols outlining the procedure for use and administration of a controlled substance, and be provided examples or templates of such protocols.

**c. Training Updates**

- i. Animal control and human officers should regularly review the training materials to ensure familiarity with the information and methodology.
- ii. Animal control and human officers who use firearms and/or devices that shoot projectiles should develop a regular schedule where they practice their marksmanship and maintain familiarity with how the equipment works.
- iii. Any new controlled substances that were not reviewed in the original training should be reviewed thoroughly with a California-licensed veterinarian prior to their use.
  - 1. These new substances must also be incorporated into the existing policies and procedures prior to use.

**d. Reference Material** - Each officer should be provided with a manual that contains the materials reviewed in the training, including, but not limited to:

- i. Clearly marked sections for each category required in the training and a table of contents and/or index
- ii. Tables and diagrams that explain and review the information presented
- iii. Quick reference guide for dosages and common questions or situations
- iv. References for the source materials presented, including relevant governing laws/regulations
- v. References to best practice publications
- vi. Templates/examples of forms, policies, and procedures



## IX. Resources

### U.S. Drug Enforcement Administration

1. Practitioner's Manual  
<http://www.deadiversion.usdoj.gov/pubs/manuals/pract/index.html>  
  
PDF version:  
[http://www.deadiversion.usdoj.gov/pubs/manuals/pract/pract\\_manual012508.pdf](http://www.deadiversion.usdoj.gov/pubs/manuals/pract/pract_manual012508.pdf)
2. Security Outline of the Controlled Substances Act of 1970  
<http://www.deadiversion.usdoj.gov/pubs/manuals/sec/index.html>
3. Code of Federal Regulations, Section 1304  
<http://www.deadiversion.usdoj.gov/21cfr/cfr/2104cfrt.htm>
4. Section 1304.11 – Inventory Requirements  
[http://www.deadiversion.usdoj.gov/21cfr/cfr/1304/1304\\_11.htm](http://www.deadiversion.usdoj.gov/21cfr/cfr/1304/1304_11.htm)
5. Section 1304. – Records for manufacturers, distributors, dispensers, researchers, importers and exporters. Specifically for dispenser - sub-section (c)  
[http://www.deadiversion.usdoj.gov/21cfr/cfr/1304/1304\\_22.htm](http://www.deadiversion.usdoj.gov/21cfr/cfr/1304/1304_22.htm)
6. Code of Federal Regulations, Section 1301 – Separate Registrations for Separate Locations  
[http://www.deadiversion.usdoj.gov/21cfr/cfr/1301/1301\\_12.htm](http://www.deadiversion.usdoj.gov/21cfr/cfr/1301/1301_12.htm)
7. Section 1301.75(b) Physical security controls for practitioners  
[http://www.deadiversion.usdoj.gov/21cfr/cfr/1301/1301\\_75.htm](http://www.deadiversion.usdoj.gov/21cfr/cfr/1301/1301_75.htm)

### Veterinary Medical Board

1. Controlled Substances FAQ for California-Licensed Veterinarians  
[http://vmb.ca.gov/licensees/controlled\\_subs.shtml](http://vmb.ca.gov/licensees/controlled_subs.shtml)



# IX. Legislation

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## **A. AB 1437 – MULLIN - MEDICALLY IMPORTANT ANTIMICROBIALS: NONTHERAPEUTIC USE**

### **SUPPORT:**

Natural Resources Defense Council  
Environmental Working Group

**OPPOSITION:** None on file

**HEARING LOCATION/DATE:** Assembly Agriculture Committee – 4/30/2014

**ACTION – Board Position**

Existing law requires the manufacturer of a livestock drug, including a restricted drug, as defined, to register with the Director of Food and Agriculture and requires the director to refuse to register the drug if he or she makes specified findings. Under existing law it is unlawful, among other things, to use or administer any registered livestock drug, except in accordance with the label instructions.

This bill, as of January 1, 2017, would redefine “restricted drug” to also include a livestock drug that is recognized by either the Center for Disease Control and Prevention or the World Health Organization to increase the prevalence of antibiotic-resistant bacteria, as specified. The bill would prohibit registration of a restricted drug if the director finds that the restricted drug poses a risk to public health through the increased prevalence of antibiotic-resistant bacteria. The bill would also authorize the director to revoke the registration of a medically important antimicrobial, as defined, for use in livestock if he or she finds that the drug threatens the public health by increasing the prevalence of antibiotic-resistant bacteria.

The bill would prohibit the administration of a medically important antimicrobial to a food-producing animal for nonroutine disease control unless certain conditions are met. By prohibiting the administration of a medically important antimicrobial, this bill would create a crime, thereby imposing a state-mandated local program. The bill would also require a livestock producer that does administer a medically important antimicrobial to a food-producing animal to annually report specified information to the director relating to the administration of the medically important antimicrobial and would make the failure to make that report an infraction subject to specified penalties. The bill would require the department post this information on an Internet Web site.

## **B. SB 835 – HILL – FOOD PRODUCING ANIMALS: MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS**

### **SUPPORT:**

California Cattlemen’s Association  
California State Grange  
California Veterinary Medical Association  
The Pew Charitable Trusts

### **OPPOSITION:**

Consumers Union – Oppose unless amended

**HEARING LOCATION/DATE:** Senate Agriculture Committee – 4/1/14 Votes: 5-0 Pass  
Senate Appropriations – 4/28/14

**ACTION** – Board Position

Under existing law, the Secretary of Food and Agriculture has the responsibility of ensuring that food products are not adulterated and that they are capable for use as human food. A violation of the laws and regulations relating to the adulteration of livestock or poultry products is a crime, punishable as specified. Existing law regulates the sale of livestock drugs by the secretary, and requires livestock drugs to be registered.

This bill: Codifies the FDA Guidance for Industry #213 dated December 2013.

1. Defines “medically important antimicrobial drug” to mean a drug listed in the FDA Guidance for Industry #152 which categorizes these drugs as critically important, highly important, or important antimicrobial drugs.
2. Requires the secretary of CDFA to refuse to register a medically important antimicrobial drug administered to food animals through feed or drinking water unless the drug complies with the specified requirements below:
  - a. Requires drug manufacturers to remove from the label of said drugs the approved use for growth promotion or feed efficiency.
  - b. Requires drug manufacturers to change the over-the-counter availability of said drugs to 1) requiring a veterinary feed directive if the drug is administered in animal feed or 2) requiring a veterinary prescription if the drug is administered in drinking water.
  - c. Requires that medically important antimicrobial drugs administered through feed or water may only be used under the supervision of a veterinarian to treat, prevent, or control disease.
3. Requires a veterinarian-client-patient relationship to ensure that medically important antimicrobial drugs are used according to professionally accepted best practices.
4. Requires drug manufacturers to comply with these provisions by January 1, 2017, and reregister medically important antimicrobial drugs with the secretary of CDFA.
5. Authorizes the secretary to continue registering a drug during FDA’s GFI #213 review period should the review be delayed beyond January 1, 2017.
6. Authorizes the secretary to extend the implementation date if revisions to the VFD cause FDA to delay implementation of GFI #213.
7. Authorizes the secretary to promulgate regulations to ensure that California regulations are consistent with GFI #213 should revisions to the VFD cause the FDA to revise GFI #213.

**C. AB 1810 – MAIENSCHIEIN – DEPOSITS FOR KEEPING: ABANDONED ANIMALS**

**SUPPORT:**

American Society for the Prevention of Cruelty to Animals (sponsor)

**OPPOSITION:** None on file.

**HEARING LOCATION/DATE:** Assembly Business, Professions, & Consumer Protection – 3/25/14  
Votes: 14-0 Pass  
Assembly Floor – 3/28/14 Votes – 71-9 Pass  
Senate Judiciary – TBD

**ACTION** – Board Position

This bill modifies current law to give veterinarians and specified animal care facilities such as kennels, pet groomers or animal hospitals the discretion to decide whether or not to euthanize an abandoned animal after it has been abandoned for at least 10 days, or to turn over the abandoned animal to a public animal control agency, shelter or designated humane association. Current law appears to require that veterinarians and animal care facilities destroy abandoned animals after 10 days, and this bill is intended to relax that requirement. This bill is sponsored by the American Society for the Prevention of Cruelty to Animals (ASCPA).

**D. AB 1809- MAIENSCHHEIN- DOGS: HEALTH CERTIFICATES**

**SUPPORT:** ASPCA

**OPPOSITION:** None on File- Author Working w/ AKC on Privacy Issue w/ the CVI

**HEARING LOCATION/DATE:** Assembly Business, Professions, & Consumer Protection – 4/22/14

**ACTION** – Board Position

Existing law imposes specified requirements on animal owners in order to prevent or control the transmission of zoonotic diseases, such as rabies, and communicable diseases amongst animals. Existing law also provides for the licensing and registration of dogs, as specified.

This bill would require a person seeking to bring a dog into this state, or importing dogs into this state for the purpose of resale or change of ownership, to obtain a health certificate with respect to that dog that has been completed by a licensed veterinarian and is dated within 10 days prior to the date on which the dog is brought into the state. The bill would require the person to submit the health certificate to the county health department, as specified. *The bill would exempt from these requirements a person who brings a dog into the state that will not be offered for resale or if the ownership of the dog will not change.* The bill would authorize the agency receiving the health certificate to use the information on the health certificate as it deems appropriate, and to charge a fee in a reasonable amount sufficient to cover the costs associated with receiving and processing a health certificate submitted to the county health department pursuant to these provisions. By imposing a higher level of service on county health agencies, the bill would impose a state-mandated local program.

**E. AB 2056 – DABABNEH – PET INSURANCE**

**SUPPORT:** Department of Insurance

**OPPOSITION:** None on File

**HEARING LOCATION/DATE:** Assembly Insurance – 4/23/14

**ACTION – Board Position**

Existing law governs the business of insurance and authorizes the Insurance Commissioner to provide oversight over the insurance industry including, life and disability insurance, health insurance, workers' compensation, and liability insurance. Insurance in the state is divided into classes including, among other things, miscellaneous insurance, which includes any insurance not included in the foregoing classes but which is a proper subject of insurance.

This bill would add pet insurance as a type of miscellaneous insurance, define certain terms, and specify certain disclosures an insurer of pet insurance is required to make to consumers. This bill would apply to a policy of pet insurance that is marketed, issued, amended, renewed, or delivered to a resident of this state, on or after January 1, 2015, regardless of the status of the contract or master group policyholder, or the jurisdiction in which the contract was issued or delivered. This bill would require an insurer of pet insurance to disclose, among other things, whether the policy excludes coverage because of a preexisting condition, a hereditary disorder, or a congenital anomaly or disorder. This bill would authorize the commissioner to hold a hearing to determine if an insurer is in violation of the provisions governing pet insurance and to assess a civil penalty, which is to be determined by the commissioner but not to exceed \$5,000 for each violation, or \$10,000 for a willful violation. The hearing would be required to be conducted pursuant to the Administrative Procedure Act, except as specified, and a person found to be in violation may have the proceedings reviewed by means of any remedy pursuant to a specified statute or the Administrative Procedure Act.

**F. AB 2058 – WILK – OPEN MEETINGS**

**SUPPORT:** None on File

**OPPOSITION:** \*California Board of Accountancy

**HEARING LOCATION/DATE:** Assembly Government Organization 4/2/14 Vote 19-0  
Assembly Appropriations

**ACTION – Board Position**

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in any meeting of a state body, subject to certain conditions and exceptions.

This bill would modify the definition of "state body" to exclude an advisory body with less than 3 individuals, except for certain standing committee

\* The California Board of Accountancy (CBA) writes in opposition of the bill stating that AB 2058 would prevent the CBA, and all of its various committees, from asking fewer than three members to review a document, draft a letter, provide expert analysis, or work on legal language without giving public notice. Under current law, the advisory activities of these one or two members are already vetted and voted upon in a publically noticed meeting of the whole committee or board. This bill would prevent the CBA, and all of its various committees, from asking fewer than three members to review a document, draft a letter, provide expert analysis, or work on legal language without giving public notice.

In Addition, CBA states that making advisory activities of one or two members open to the public will greatly increase costs as a staff member would need to travel to attend the meeting for the purpose of

recording minutes. Agencies would also need to contract for meeting space that would be able to accommodate the public, thus incurring further costs.

**G. SUNSET EXTENSION BILL – SB 1243- LIEU - SENATE BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT**

**HEARING LOCATION/DATE:** Assembly Business, Professions and Economic Development 4/28/14

**ACTION** – Board Position

Omnibus Bill will carry VMB sunset extension and non-controversial clean-up amendments once amended after the initial hearing on 4/28/14:

- Possible amendments to Veterinary Assistant Controlled Substance Permit- Section 4836.2(c)-APA Proceedings
- Any technical clean-up necessary





**ASSEMBLY BILL**

**No. 1437**

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**Introduced by Assembly Member Mullin**

January 6, 2014

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An act to amend Sections 14200, 14203, 14289, and 14381 of, to add Sections 14203.5, 14207.3, 14207.5, 14207.7, 14220, 14297, and 14366 to, and to add Article 5.5 (commencing with Section 14335) and Article 5.6 (commencing with Section 14340) to Chapter 4 of Division 7 of, the Food and Agriculture Code, relating to livestock drugs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1437, as introduced, Mullin. Medically important antimicrobials: nontherapeutic use.

Existing law requires the manufacturer of a livestock drug, including a restricted drug, as defined, to register with the Director of Food and Agriculture and requires the director to refuse to register the drug if he or she makes specified findings. Under existing law it is unlawful, among other things, to use or administer any registered livestock drug, except in accordance with the label instructions, as specified, and makes an initial violation of these provisions subject to an infraction and, for subsequent violations, a misdemeanor.

This bill, as of January 1, 2017, would redefine “restricted drug” to also include a livestock drug that is recognized by either the Center for Disease Control and Prevention or the World Health Organization to increase the prevalence of antibiotic-resistant bacteria, as specified. The bill would prohibit registration of a restricted drug if the director finds that the restricted drug poses a risk to public health through the increased prevalence of antibiotic-resistant bacteria. The bill would also authorize the director to revoke the registration of a medically important

antimicrobial, as defined, for use in livestock if he or she finds that the drug threatens the public health by increasing the prevalence of antibiotic-resistant bacteria.

The bill would prohibit the administration of a medically important antimicrobial to a food-producing animal for nonroutine disease control unless certain conditions are met. By prohibiting the administration of a medically important antimicrobial, this bill would create a crime, thereby imposing a state-mandated local program. The bill would also require a livestock producer that does administer a medically important antimicrobial to a food-producing animal to annually report specified information to the director relating to the administration of the medically important antimicrobial and would make the failure to make that report an infraction subject to specified penalties. The bill would require the department post this information on an Internet Web site.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature find and declare all of the
- 2 following:
- 3 (a) In 1977, the United States Food and Drug Administration
- 4 (FDA) concluded that feeding livestock low doses of antibiotics
- 5 that are used in human disease treatment could promote the
- 6 development of antibiotic-resistance in bacteria. The FDA,
- 7 however, did not act in response to these findings, despite laws
- 8 requiring the agency to do so.
- 9 (b) The FDA has promulgated voluntary regulations on the
- 10 nontherapeutic use of antibiotics, however these guidelines are
- 11 unlikely to significantly reduce the nontherapeutic use of antibiotics
- 12 in livestock.
- 13 (c) Not only do antibiotic-resistant bacteria affect the health of
- 14 our society, but they also have a monetary impact. In 1998, the
- 15 National Academy of Sciences noted that antibiotic-resistant

1 bacteria generate a minimum of four to five billion dollars in costs  
2 to United States society and individuals every year.

3 (d) In April 1999, the United States Government Accountability  
4 Office conducted a study concluding that three strains of  
5 microorganisms that cause foodborne illnesses or disease in humans  
6 are resistant to antibiotics and are linked to the use of antibiotics  
7 in animals. These microorganisms are salmonella, Campylobacter,  
8 and E. Coli.

9 (e) In 1999, 2011, and 2006, the United States Department of  
10 Agriculture’s Animal and Plant Health Inspection Service  
11 conducted large-scale, voluntary surveys that revealed all of the  
12 following:

13 (1) Eighty-four percent of grower and finisher swine farms, 83  
14 percent of cattle feedlots, and 84 percent of sheep farms administer  
15 antimicrobials in feed or water for either health or growth  
16 promotion reasons.

17 (2) Many of the antimicrobials that were identified were  
18 identical or closely related to drugs used in human medicine,  
19 including tetracyclines, macrolides, bacitracin, penicillins, and  
20 sulfonamides.

21 (3) These drugs are used in people to treat serious diseases, such  
22 as pneumonia, scarlet fever, rheumatic fever, sexually transmitted  
23 infections, and skin infections; pandemics such as malaria and  
24 plague; and bioterrorism agents such as anthrax.

25 (f) Overuse or misuse of antibiotics contributes to the spread of  
26 antibiotic resistance, whether in human medicine or in agriculture.

27 (g) In June 2002, the peer-reviewed journal, “Clinical Infectious  
28 Diseases,” published a report based on a two-year review, by  
29 experts in human and veterinary medicine, public health,  
30 microbiology, biostatistics, and risk analysis, of more than 500  
31 scientific studies on the human health impacts of antimicrobial  
32 use in agriculture. The report recommended that antimicrobial  
33 agents should not be used in agriculture in the absence of disease  
34 and should be limited to therapy for diseased individual animals  
35 or prophylaxis when disease is documented in a herd or flock.

36 (h) In a March 2003 report, the National Academy of Sciences  
37 stated that a decrease in antimicrobial use in human medicine alone  
38 will have little effect on the rise in antibiotic-resistant bacteria and  
39 that substantial efforts must be made to decrease the inappropriate  
40 overuse of antimicrobials in animals and agriculture.

1 (i) In 2010, the peer-reviewed journal, “Molecular Cell,”  
2 published a study demonstrating that a low-dosage use of  
3 antibiotics causes a dramatic increase in genetic mutation, raising  
4 new concerns about the agricultural practice of using low-dosage  
5 antibiotics in order to stimulate growth promotion and routinely  
6 prevent disease in unhealthy conditions.

7 (j) In 2010, the Danish Veterinary and Food Administration  
8 testified that the Danish ban of the nontherapeutic use of antibiotics  
9 in food animal production resulted in a marked reduction in  
10 antimicrobial resistance in multiple bacterial species, including  
11 *Campylobacter* and *Enterococci*.

12 (k) In 2011, the FDA found that in 2010:

13 (1) Thirteen million five hundred thousand kilograms of  
14 antibacterial drugs were sold for use on food animals in the United  
15 States.

16 (2) Three million three hundred thousand kilograms of  
17 antibacterial drugs were used for human health.

18 (3) Eighty percent of antibacterial drugs disseminated in the  
19 United States were sold for use on food-producing animals, rather  
20 than being used for human health.

21 (l) In 2011, a review of all scientific studies on antimicrobial  
22 use in farm animals, published in *Clinical Microbiology Reviews*,  
23 found the following:

24 (1) The use of antibiotics in food-producing animals leads to  
25 the development of reservoirs of antibiotic resistance.

26 (2) A ban on nontherapeutic antibiotic use in food-producing  
27 animals would preserve the use of antibiotics for medicine.

28 (3) A Danish ban on nontherapeutic antibiotics in  
29 food-producing animals resulted in little change in animal  
30 morbidity and mortality, and only a modest increase in production  
31 cost.

32 (m) The FDA’s National Antimicrobial Resistance Monitoring  
33 System routinely finds that retail meat products are contaminated  
34 with bacteria that are resistant to antibiotics that are important to  
35 human medicine.

36 (n) According to the American Academy of Pediatrics, “[t]he  
37 largest nonhuman use of antimicrobial agents is in food-producing  
38 animal production, and most of this is in healthy animals to increase  
39 growth or prevent diseases. Evidence now exists that these uses  
40 of antimicrobial agents in food-producing animals have a direct

1 negative impact on human health and multiple impacts on the  
2 selection and dissemination of resistance genes in animals and the  
3 environment. Children are at increased risk of acquiring many of  
4 these infections with resistant bacteria and are at great risk of  
5 severe complications if they become infected.”

6 (o) Many scientific studies confirm that the nontherapeutic use  
7 of antibiotics in food-producing animals contributes to the  
8 development of antibiotic-resistant bacterial infections in people.

9 SEC. 2. Section 14200 of the Food and Agricultural Code is  
10 amended to read:

11 14200. (a) The Legislature hereby declares that this chapter,  
12 which prescribes the distribution and use of livestock drugs, is  
13 intended to assure that ~~such~~ *the* drugs are available to livestock  
14 producers for their use in protecting the health of the livestock  
15 population of the state, and that ~~such~~ *the* use will in turn benefit  
16 the general public by providing an abundant supply of wholesome  
17 food and fiber.

18 ~~It~~

19 (b) *It is further declared that nothing in this chapter is intended*  
20 *to prevent a livestock producer from administering livestock drugs*  
21 *safely and effectively when ~~such~~ *the* use is in accordance with the*  
22 *labeling directions for the drug used and when the use protects*  
23 *public health.*

24 SEC. 3. Section 14203 of the Food and Agricultural Code is  
25 amended to read:

26 14203. (a) “Restricted drug” means ~~any livestock either of~~  
27 ~~the following:~~

28 (1) *A livestock drug which is sold in ~~such~~ a form that it might*  
29 *be administered to ~~humans and a person and, if so administered~~*  
30 *administered, would be dangerous to the health of ~~such humans~~*  
31 *or ~~any livestock~~ the person.*

32 (2) *A livestock drug ~~which that~~ if improperly ~~administered~~*  
33 *administered, as defined in Section 14203.5, to livestock, is*  
34 *dangerous to the health of ~~such~~ the livestock or to ~~humans~~ persons*  
35 *who consume products from ~~such~~ the livestock. ~~Restricted~~*

36 (3) *A livestock drug that is recognized by either the federal*  
37 *Centers for Disease Control and Prevention or the World Health*  
38 *Organization to increase the prevalence of antibiotic-resistant*  
39 *bacteria.*

40 (b) *Restricted drugs include all of the following:*

- 1     ~~(a)~~  
2     (1) Arsenic compounds and preparations.  
3     ~~(b)~~  
4     (2) Diethylstilbestrol and other substances which have a  
5     hormonelike action.  
6     ~~(c)~~  
7     (3) Sulfanilamide or substitute sulfanilamides.  
8     ~~(d)~~  
9     (4) Antibiotic preparations.  
10    ~~(e)~~  
11    (5) *A drug from an antimicrobial class that is listed as “highly*  
12 *important,” “critically important,” or “important” by the World*  
13 *Health Organization’s “Critically Important Antimicrobial for*  
14 *Human Medicine,” as updated by the World Health Organization,*  
15 *or its successor publication, unless the drug is used for therapeutic*  
16 *use, as defined in Section 14220.*  
17    ~~Such other~~  
18    (6) *Other* drugs and their preparations ~~which~~ *that* the director  
19 determines are hazardous to the health of livestock or the public  
20 safety.  
21    SEC. 4. Section 14203.5 is added to the Food and Agricultural  
22 Code, to read:  
23    14203.5. “Improperly administered” means either of the  
24 following:  
25    (a) Administration of a medically important antimicrobial to a  
26 food-producing animal through either feed or water, or for purposes  
27 of poultry hatcheries through any means, for purposes other than  
28 therapeutic use, such as growth promotion, feed efficiency, weight  
29 gain, disease prevention, or nonroutine disease control.  
30    (b) A repeated or regular pattern of administration of a medically  
31 important antimicrobial in food-producing animals for purposes  
32 other than therapeutic use or nonroutine disease control.  
33    SEC. 5. Section 14207.3 is added to the Food and Agricultural  
34 Code, to read:  
35    14207.3. “Medically important antimicrobial” means a drug  
36 that is both of the following:  
37    (a) Intended for use in food-producing animals.  
38    (b) Composed wholly or partly of either of the following:  
39    (1) Any kind of penicillin, tetracycline, macrolide, lincosamide,  
40 streptogramin, aminoglycoside, sulfonamide, or cephalosporin.

1 (2) A drug from an antimicrobial class that is listed as either  
2 “highly important,” “critically important,” or “important” by the  
3 World Health Organization’s “Critically Important Antimicrobial  
4 for Human Medicine,” as updated by the World Health  
5 Organization, or its successor publication.

6 SEC. 6. Section 14207.5 is added to the Food and Agricultural  
7 Code, to read:

8 14207.5. “Noncustomary situation” means a situation that does  
9 not include normal or standard practices and conditions on the  
10 premises that facilitate the transmission of disease.

11 SEC. 7. Section 14207.7 is added to the Food and Agricultural  
12 Code, to read:

13 14207.7. “Nonroutine disease control” means the use of  
14 antimicrobials in the feed or water of a food-producing animal that  
15 is not sick, and where a particular disease or infection is, or is  
16 likely to be, present on the premises because of a specific,  
17 noncustomary situation.

18 SEC. 8. Section 14220 is added to the Food and Agricultural  
19 Code, to read:

20 14220. “Therapeutic use,” with respect to a medically important  
21 antimicrobial, means the use of the antimicrobial for the specific  
22 purpose of treating an animal with a documented disease or  
23 infection. Therapeutic use does not include the continued use of  
24 the antimicrobial in the animal after the disease or infection has  
25 been resolved.

26 SEC. 9. Section 14289 of the Food and Agricultural Code is  
27 amended to read:

28 14289. If the livestock drug is a restricted drug, the director  
29 shall also refuse registration if he *or she* finds that the instructions  
30 for use do not contain adequate and satisfactory directions as to  
31 the methods of handling, caring for, holding, or otherwise  
32 managing the livestock to which the drug is administered so as to  
33 eliminate any danger to the health of any person who might  
34 consume food products ~~which~~ *that* are derived from ~~such~~ *that*  
35 livestock *or if he or she finds that the restricted drug poses a risk*  
36 *to public health by increasing the prevalence of antibiotic-resistant*  
37 *bacteria.*

38 SEC. 10. Section 14297 is added to the Food and Agricultural  
39 Code, to read:

1 14297. The director may revoke the registration of a medically  
2 important antimicrobial for use in livestock if he or she finds that  
3 the drug as used poses a risk to the public health by increasing the  
4 prevalence of antibiotic-resistant bacteria.

5 SEC. 11. Article 5.5 (commencing with Section 14335) is  
6 added to Chapter 4 of Division 7 of the Food and Agricultural  
7 Code, to read:

8  
9 Article 5.5. Use of Medically Important Antimicrobials

10  
11 14335. (a) A person who administers or causes to be  
12 administered a medically important antimicrobial to a  
13 food-producing animal shall have a valid veterinarian-client-patient  
14 relationship with a veterinarian to ensure that the medically  
15 important antimicrobial is used in a manner that is consistent with  
16 professionally accepted best practices.

17 (b) For purposes of this section, “veterinarian-client-patient  
18 relationship” means a relationship in which all of the following  
19 are met:

20 (1) The veterinarian has assumed the responsibility for making  
21 medical judgments regarding the health of the animal-patient, and  
22 the client has agreed to follow the veterinarian’s instructions.

23 (2) The veterinarian has sufficient knowledge of the  
24 animal-patient to initiate at least a general or preliminary diagnosis  
25 of the medical condition of the animal-patient.

26 (3) The veterinarian is readily available for follow-up evaluation,  
27 or has arranged for veterinary emergency coverage, and continuing  
28 care and treatment.

29 (4) The veterinarian provides oversight of treatment, compliance,  
30 and outcome of the administration of the medically important  
31 antimicrobial.

32 (5) Animal-patient records are maintained.

33 (c) For purposes of this section, “sufficient knowledge” means  
34 the veterinarian is personally acquainted with the keeping and care  
35 of the animal-patient by virtue of either of the following:

36 (1) A timely examination of the animal-patient by the  
37 veterinarian.

38 (2) Medically appropriate and timely visits by the veterinarian  
39 to the premises where the animal-patient is kept.



1 14336. (a) If a livestock producer administers or causes to be  
2 administered a medically important antimicrobial to a  
3 food-producing animal, the producer, or the contracted entity, shall  
4 annually report to the director the following information on a  
5 schedule and in a format specified by the director:

6 (1) The total number of food-producing animals given a  
7 medically important antimicrobial in their feed.

8 (2) The type of medically important antimicrobial administered.

9 (3) The total amount of each medically important antimicrobial  
10 used.

11 (4) The target food-producing animal species that were  
12 administered the medically important antimicrobial.

13 (5) The length of time over which the medically important  
14 antimicrobial was intended to be provided to the food-producing  
15 animals and the dose of the active medically important  
16 antimicrobial ingredient the food-producing animals were intended  
17 to receive.

18 (6) The purpose for administering the medically important  
19 antimicrobial to a food-producing animal. The purpose shall be  
20 categorized in a manner determined by the director and shall  
21 include, at a minimum, the following categories:

22 (A) Growth promotion.

23 (B) Disease prevention.

24 (C) Disease control.

25 (D) Disease treatment.

26 (7) The type of disease or infection to be treated by the medically  
27 important antimicrobial, if applicable.

28 (8) The name of the processor, as defined in Section 20019,  
29 where the livestock product will be processed.

30 (b) On or before December 31, 2017, the department shall  
31 develop and make operational a consumer-friendly, publicly  
32 accessible Internet Web site that creates a database of the  
33 information collected pursuant to this section. The database shall  
34 be searchable and able to accommodate a wide range of users,  
35 including users with limited technical and scientific literacy. The  
36 Internet Web site shall be designed to be easily navigable and to  
37 enable users to compare and contrast livestock producers and the  
38 reported usage of medically important antimicrobials.

1 SEC. 12. Article 5.6 (commencing with Section 14340) is  
2 added to Chapter 4 of Division 7 of the Food and Agricultural  
3 Code, to read:

4

5 Article 5.6. Nontherapeutic Use of Medically Important  
6 Antimicrobials

7

8 14340. This article shall apply to the nontherapeutic use in a  
9 food-producing animal of a drug that is a medically important  
10 antimicrobial and is either of the following:

11 (a) A registered drug.

12 (b) A drug exempted under Article 3 (commencing with Section  
13 14261).

14 14341. The registration or exemption of a drug subject to this  
15 article shall be ineffective on and after January 1, 2017, unless the  
16 director makes a final written determination that there is, with  
17 reasonable certainty, no harm to human health due to the  
18 development of antimicrobial resistance that is attributable in whole  
19 or in part to the nontherapeutic use of the drug, based on one of  
20 the following:

21 (a) The holder of the registration or exemption has demonstrated  
22 this fact.

23 (b) A risk analysis of the drug, taking into consideration other  
24 relevant information, conducted by the director.

25 SEC. 13. Section 14366 is added to the Food and Agricultural  
26 Code, to read:

27 14366. It is unlawful to administer, including through means  
28 of feed, a medically important antimicrobial to a food-producing  
29 animal for nonroutine disease control, unless either of the following  
30 apply:

31 (a) The director determines, with reasonable certainty, that there  
32 is no harm to human health due to the development of  
33 antibiotic-resistant bacteria that is attributable in whole or in part  
34 to the use of the medically important antimicrobial and the use  
35 does not threaten public health.

36 (b) All of the following conditions are met:

37 (1) There is a significant risk that a disease or infection that is  
38 present on, or is likely to be present on, the premises will be  
39 transmitted to the food-producing animal.

1 (2) The administration of the medically important antimicrobial  
2 to the food-producing animal is necessary to prevent or reduce the  
3 risk of transmission of the disease or infection.

4 (3) The medically important antimicrobial is administered to  
5 the food-producing animal for the shortest duration possible to  
6 prevent or reduce the risk of transmission of the disease or  
7 infection.

8 (4) The medically important antimicrobial is administered to  
9 the fewest food-producing animals possible in order to prevent or  
10 reduce the risk of transmission of the disease or infection.

11 SEC. 14. Section 14381 of the Food and Agricultural Code is  
12 amended to read:

13 14381. ~~A~~ (a) *Except as provided for in subdivision (b), a*  
14 *violation of this chapter or of any regulation which that is adopted*  
15 *by the director pursuant to this chapter is an infraction punishable*  
16 *by a fine of not more than five hundred dollars (\$500) for the first*  
17 *violation. A second or subsequent violation of this chapter is a*  
18 *misdemeanor punishable by a fine of not less than one hundred*  
19 *dollars (\$100) and not more than one thousand dollars (\$1,000).*

20 (b) *A violation of the reporting requirement in Section 14336*  
21 *or of any regulation that is adopted by the director pursuant to*  
22 *that section is an infraction punishable by a fine of one hundred*  
23 *dollars (\$100) for the first violation. A second or subsequent*  
24 *violation is an infraction punishable by a fine of not less than two*  
25 *hundred dollars (\$200) and not more than one thousand dollars*  
26 *(\$1,000).*

27 SEC. 15. This act shall become operative on January 1, 2017.

28 SEC. 16. No reimbursement is required by this act pursuant to  
29 Section 6 of Article XIII B of the California Constitution because  
30 the only costs that may be incurred by a local agency or school  
31 district will be incurred because this act creates a new crime or  
32 infraction, eliminates a crime or infraction, or changes the penalty  
33 for a crime or infraction, within the meaning of Section 17556 of  
34 the Government Code, or changes the definition of a crime within  
35 the meaning of Section 6 of Article XIII B of the California  
36 Constitution.



AMENDED IN SENATE MARCH 26, 2014

**SENATE BILL**

**No. 835**

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**Introduced by Senator Hill**

January 6, 2014

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An act to amend Section 14288 of, and to add Article 4.5 (commencing with Section 18770) to Chapter 4 of Part 3 of Division 9 of, the Food and Agricultural Code, relating to food and agriculture.

LEGISLATIVE COUNSEL'S DIGEST

SB 835, as amended, Hill. ~~Food-producing~~ *Food* animals: medically important antimicrobial drugs.

Under existing law, the Secretary of Food and Agriculture has the responsibility of ensuring that food products are not adulterated and that they are capable for use as human food. A violation of the laws and regulations relating to the adulteration of livestock or poultry products is a crime, punishable as specified. Existing law regulates the sale of livestock drugs by the secretary, and requires livestock drugs to be registered.

This bill would prohibit the secretary from registering a medically important antimicrobial drug, as defined, ~~for use on a food-producing animal~~, *which is administered to food animals, as defined, through feed or drinking water*, unless prescribed requirements are met. The bill would, *except as specified*, provide that a medically important antimicrobial drug currently registered with the department that does not meet the prescribed requirements has until January 1, 2017, to meet the prescribed requirements and reregister with the secretary. The bill would require a veterinarian-client-patient relationship, as described, to exist prior to the use of a medically important antimicrobial drug.

Because a violation of the bill’s provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 14288 of the Food and Agricultural Code  
 2 is amended to read:  
 3 14288. The secretary shall refuse to register a livestock drug  
 4 if he or she finds any of the following is true of the drug:  
 5 (a) It is of little or no value for the purpose for which it is  
 6 intended to be used.  
 7 (b) It is dangerous to the health of livestock if used in accordance  
 8 with the instructions.  
 9 (c) The instructions for use do not contain adequate warnings  
 10 against use in those conditions, whether pathological or normal,  
 11 under which its use may be dangerous to the health of livestock  
 12 or humans who consume products from the livestock, or against  
 13 unsafe dosage, unsafe duration of use, or unsafe methods of  
 14 administration.  
 15 (d) If the application and the accompanying material, data, and  
 16 information do not comply with the requirements of this chapter  
 17 or are insufficient to permit the secretary to make the  
 18 determinations that are required by this section.  
 19 (e) It is a medically important antimicrobial drug, as defined in  
 20 Section 18770, ~~for use in food-producing animals, which is~~  
 21 *administered to food animals, as defined in Section 4825.1 of the*  
 22 *Business and Professions Code, through feed or drinking water,*  
 23 unless the drug complies with Section 18771.  
 24 SEC. 2. Article 4.5 (commencing with Section 18770) is added  
 25 to Chapter 4 of Part 3 of Division 9 of the Food and Agricultural  
 26 Code, to read:

1 Article 4.5. Medically Important Antimicrobial Drugs

2  
3 18770. For purposes of this article, the following definitions  
4 apply:

5 (a) “FDA” means the federal Food and Drug Administration.

6 (b) “*Food animal*” has the same meaning as defined in  
7 subdivision (c) of Section 4825.1 of the Business and Professions  
8 Code.

9 ~~(b)~~

10 (c) “Medically important antimicrobial drug” means an  
11 antimicrobial drug listed in Appendix A of the FDA Guidance for  
12 Industry #152, including a critically important, highly important,  
13 and important antimicrobial drug. The secretary ~~may determine~~  
14 ~~that shall have the discretion to consider any updates changes to~~  
15 this list by the FDA ~~are also to determine whether a substance is~~  
16 a medically important antimicrobial ~~drugs~~ drug.

17 (d) “*Veterinary feed directive*” is the directive described in  
18 Section 354 of Title 21 of the United States Code.

19 18771. To comply with FDA Guidance for Industry #213,  
20 dated December 2013, a medically important antimicrobial drug,  
21 including a combination drug incorporating a medically important  
22 ~~anti microbial~~ antimicrobial drug, shall meet all of the requirements  
23 in the guidance document, including, but not limited to, the  
24 following:

25 (a) To reflect the need for professional oversight by a licensed  
26 veterinarian, the manufacturer shall remove from the approved  
27 production uses on the label of the medically important  
28 antimicrobial drug or combination drug the production indications,  
29 including, but not limited to, “increased rate of weight gain” or  
30 “improved feed efficiency.”

31 (b) The manufacturer shall revise the condition of the use of the  
32 medically important antimicrobial drug or combination drug from  
33 over the counter availability to a marketing status requiring  
34 veterinary prescription, including, but not limited to, the following:

35 (1) For medicated feed products, a change from over the counter  
36 to veterinary feed directive.

37 (2) For medicated drinking water products, a change from over  
38 the counter to veterinary prescription.

39 ~~The~~ When administered through feed or drinking water the  
40 medically important antimicrobial drug may only be used to treat,

1 prevent, or control disease under the supervision of, or by  
2 prescription from, a licensed veterinarian.

3 18772. There shall be a veterinarian-client-patient relationship  
4 to ensure that a medically important antimicrobial drug is used in  
5 a manner that is consistent with professionally accepted best  
6 practices. For the purposes of this section, a  
7 “veterinarian-client-patient relationship” is a relationship meeting  
8 the requirements of Section 2032.1 of Title 16 of the California  
9 Code of Regulations.

10 18773. (a) (1) If a medically important antimicrobial drug,  
11 or combination drug, for use in ~~food-producing~~ *food* animals is  
12 registered with the department as of January 1, 2015, and the drug  
13 does not comply with Section 18771, the manufacturer of the  
14 medically important antimicrobial drug, or combination drug, shall  
15 have until January 1, 2017, to reregister the drug with the secretary.  
16 The secretary shall refuse to reregister the drug unless it complies  
17 with Section 18771.

18 (2) *Notwithstanding paragraph (1), if a drug label reviewed by*  
19 *the FDA under the Guidance for Industry #213 is delayed beyond*  
20 *January 1, 2017, the secretary shall have the authority to continue*  
21 *registering the drug during the FDA’s review period.*

22 (3) *If revision to the veterinary feed directive causes the FDA*  
23 *to delay implementation of the Guidance for Industry #213, the*  
24 *secretary shall have the authority to extend the time period by*  
25 *which a manufacturer is required to reregister the drug pursuant*  
26 *to paragraph (1) to be consistent with the delay in the*  
27 *implementation of the guideline. If the secretary extends the time*  
28 *period for reregistration, the extension shall not be later than the*  
29 *federal implementation date of the guidance.*

30 (b) *If revisions to the veterinary feed directive causes the FDA*  
31 *to revise the Guidance for Industry #213, the secretary shall have*  
32 *the authority to promulgate regulations to ensure that California*  
33 *law is consistent with the revisions to the guidance.*

34 SEC. 3. No reimbursement is required by this act pursuant to  
35 Section 6 of Article XIII B of the California Constitution because  
36 the only costs that may be incurred by a local agency or school  
37 district will be incurred because this act creates a new crime or  
38 infraction, eliminates a crime or infraction, or changes the penalty  
39 for a crime or infraction, within the meaning of Section 17556 of  
40 the Government Code, or changes the definition of a crime within



1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

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**ASSEMBLY BILL**

**No. 1810**

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**Introduced by Assembly Member Maienschein**

February 18, 2014

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An act to amend Sections 1834.5 and 1834.6 of the Civil Code, relating to deposits.

LEGISLATIVE COUNSEL'S DIGEST

AB 1810, as introduced, Maienschein. Deposits for keeping: abandoned animals.

Existing law requires a veterinarian, dog kennel, cat kennel, pet-grooming parlor, animal hospital, or any other animal care facility, as provided, to humanely destroy an abandoned animal, if unable to place the animal with a new owner.

This bill, instead, would authorize the euthanasia of the abandoned animal under those circumstances.

Existing law prohibits a person from using an abandoned animal for experimentation and prohibits a person from turning over an abandoned animal to a pound or animal regulation department of a public agency.

This bill, instead, would allow a person to turn an abandoned animal over to a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter, provided that the shelter has been contacted and has not refused to take the animal.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1834.5 of the Civil Code is amended to  
2 read:

3 1834.5. (a) Notwithstanding any other provision of law,  
4 whenever ~~any~~ *an* animal is delivered to ~~any~~ *a* veterinarian, dog  
5 kennel, cat kennel, pet-grooming parlor, animal hospital, or any  
6 other animal care facility pursuant to ~~any~~ *a* written or oral  
7 agreement entered into after the effective date of this section, and  
8 the owner of ~~such~~ *the* animal does not pick up the animal within  
9 14 calendar days after the day the animal was due to be picked up,  
10 the animal shall be deemed to be abandoned. The person into whose  
11 custody the animal was placed for care shall first try for a period  
12 of not less than 10 days to find a new owner for the animal, and,  
13 if unable to place the animal with a new owner, ~~shall thereafter~~  
14 *humanely destroy may euthanize* the animal so abandoned.

15 If

16 (b) *If* an animal so abandoned was left with a veterinarian or  
17 with a facility ~~which~~ *that* has a veterinarian, and a new owner  
18 cannot be found pursuant to this section, ~~such~~ *the* veterinarian ~~shall~~  
19 *humanely destroy may euthanize* the animal.

20 There

21 (c) *There* shall be a notice posted in a conspicuous place, or in  
22 conspicuous type in a written receipt given, to warn ~~each~~ *a* person  
23 depositing an animal at ~~such~~ *an* animal care ~~facilities~~ *facility* of  
24 the provisions of this section.

25 SEC. 2. Section 1834.6 of the Civil Code is amended to read:

26 1834.6. An abandoned animal, as described in Section 1834.5,  
27 shall not be used for scientific or any other type of ~~experimentation;~~  
28 ~~nor shall such an abandoned animal be turned over to a pound or~~  
29 ~~animal regulation department of a public agency.~~ *experimentation.*  
30 *An abandoned animal may be turned over to a public animal*  
31 *control agency or shelter, society for the prevention of cruelty to*  
32 *animals shelter, or humane society shelter, provided that the shelter*  
33 *has been contacted and has not refused to take the animal.*

AMENDED IN ASSEMBLY APRIL 10, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1809**

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**Introduced by Assembly Member Maienschein**

February 18, 2014

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An act to add Chapter 1.5 (commencing with Section 121720) to Part 6 of Division 105 of the Health and Safety Code, relating to veterinary public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1809, as amended, Maienschein. Dogs: health certificates.

Existing law imposes specified requirements on animal owners in order to prevent or control the transmission of zoonotic diseases, such as rabies, and communicable diseases amongst animals. Existing law also provides for the licensing and registration of dogs, as specified.

This bill would require a person seeking to bring a dog into this state, or importing dogs into this state for the purpose of resale or change of ownership, to obtain a health certificate with respect to that dog that has been completed by a licensed veterinarian and is dated within 10 days prior to the date on which the dog is brought into the state. ~~The bill would exempt from that requirement a person who brings a dog into the state for no longer than 7 consecutive days in order to participate in a dog show or exhibition.~~ The bill would require the person to submit the health certificate to the county health department, as specified. *The bill would exempt from these requirements a person who brings a dog into the state that will not be offered for resale or if the ownership of the dog will not change.* The bill would authorize the agency receiving

the health certificate to use the information on the health certificate as it deems appropriate, and to charge a fee in a reasonable amount sufficient to cover the costs associated with receiving and processing a health certificate submitted to the county health department pursuant to these provisions. By imposing a higher level of service on county health agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 1.5 (commencing with Section 121720)  
2 is added to Part 6 of Division 105 of the Health and Safety Code,  
3 to read:

4  
5 CHAPTER 1.5. DOG IMPORTATION: HEALTH CERTIFICATES

6  
7 121720. (a) (1) A person seeking to bring a dog into this state  
8 or importing dogs into this state for the purpose of resale or change  
9 of ownership shall obtain a health certificate with respect to that  
10 dog that has been completed by a licensed veterinarian and is dated  
11 within 10 days prior to the date on which the dog is brought into  
12 the state.

13 (2) Except as provided in subdivision (c), the person described  
14 in paragraph (1) shall submit the health certificate to the county  
15 health department. The person may submit the health certificate  
16 to the county health department by electronic transmission,  
17 facsimile, or any other method accepted by the receiving agency.

18 (b) Completion of a United States Department of Agriculture  
19 Animal and Plant Health Inspection Service Form 7001, known  
20 as the United States Interstate and International Certificate of  
21 Health Examination for Small Animals, shall satisfy the  
22 requirement of subdivision (a). A different form of canine health  
23 certificate acceptable to the receiving agency shall also satisfy the  
24 requirement of subdivision (a).

1 (c) It shall be the responsibility of persons importing dogs into  
2 this state for the purpose of resale or change of ownership to send  
3 the health certificate to the county health department where the  
4 dog is to be offered for sale or to the county of residence of the  
5 individual purchasing a dog directly from a source outside of  
6 California.

7 (d) The receiving agency may use the information on the health  
8 certificate as it deems appropriate.

9 121721. This chapter does not apply to a person who brings a  
10 dog into the state ~~for no longer than seven consecutive days in~~  
11 ~~order to participate in a dog show or exhibition. that will not be~~  
12 ~~offered for resale or if the ownership of the dog will not change.~~

13 121722. The agency that receives a form pursuant to Section  
14 121720 may charge a fee in a reasonable amount sufficient to cover  
15 the costs associated with receiving and processing a health  
16 certificate submitted to the agency pursuant to this chapter.

17 SEC. 2. No reimbursement is required by this act pursuant to  
18 Section 6 of Article XIII B of the California Constitution because  
19 a local agency or school district has the authority to levy service  
20 charges, fees, or assessments sufficient to pay for the program or  
21 level of service mandated by this act, within the meaning of Section  
22 17556 of the Government Code.





**ASSEMBLY BILL**

**No. 2056**

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**Introduced by Assembly Member Dababneh**

February 20, 2014

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An act to amend Section 120 of, and to add Part 9 (commencing with Section 12880) to Division 2 of, the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 2056, as introduced, Dababneh. Insurance: pet insurance.

Existing law governs the business of insurance and authorizes the Insurance Commissioner to provide oversight over the insurance industry including, life and disability insurance, health insurance, workers' compensation, and liability insurance. The commissioner is authorized to, among other things, conduct investigations and bring enforcement actions against insurers for violations of the laws governing the business of insurance. Insurance in the state is divided into classes including, among other things, miscellaneous insurance, which includes insurance against loss from damage done by lightning and any insurance not included in the foregoing classes but which is a proper subject of insurance.

This bill would add pet insurance as a type of miscellaneous insurance, define certain terms, and specify certain disclosures an insurer of pet insurance is required to make to consumers. This bill would apply to a policy of pet insurance that is marketed, issued, amended, renewed, or delivered to a resident of this state, on or after January 1, 2015, regardless of the situs of the contract or master group policyholder, or the jurisdiction in which the contract was issued or delivered. This bill would require an insurer of pet insurance to disclose, among other

things, whether the policy excludes coverage because of a preexisting condition, a hereditary disorder, or a congenital anomaly or disorder. This bill would authorize the commissioner to hold a hearing to determine if an insurer is in violation of the provisions governing pet insurance and to assess a civil penalty, which is to be determined by the commissioner but not to exceed \$5,000 for each violation, or \$10,000 for a willful violation. The hearing would be required to be conducted pursuant to the Administrative Procedure Act, except as specified, and a person found to be in violation may have the proceedings reviewed by means of any remedy pursuant to a specified statute or the Administrative Procedure Act.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 120 of the Insurance Code is amended  
2 to read:

3 120. Miscellaneous insurance includes insurance against loss  
4 from damage done, directly or indirectly by lightning, windstorm,  
5 tornado, earthquake or insurance under an open policy  
6 indemnifying the producer of any motion picture, television,  
7 theatrical, sport, or similar production, event, or exhibition against  
8 loss by reason of the interruption, postponement, or cancellation  
9 of such production, event, or exhibition due to death, accidental  
10 injury, or sickness preventing performers, directors, or other  
11 principals from commencing or continuing their respective  
12 performance or ~~duties~~; *duties, pet insurance, as defined in Section*  
13 *12880, and any insurance not included in any of the foregoing*  
14 *classes, and types of insurance specified in this section but which*  
15 *is a proper subject of insurance.*

16 SEC. 2. Part 9 (commencing with Section 12880) is added to  
17 Division 2 of the Insurance Code, to read:

18

19 PART 9. PET INSURANCE

20

21 12880. For purposes of this part, the following definitions shall  
22 apply:

23 (a) "Pet insurance" means an individual or group insurance  
24 policy that provides coverage for veterinary expenses.

1 (b) “Veterinarian” means an individual who holds a valid license  
2 to practice veterinary medicine from the Veterinary Medical Board  
3 pursuant to Chapter 11 (commencing with Section 4800) of  
4 Division 2 of the Business and Professions Code or other  
5 appropriate licensing entity in the jurisdiction that he or she  
6 practices in.

7 (c) “Veterinary expenses” means the costs associated with  
8 medical advice, diagnosis, care, or treatment provided by a  
9 veterinarian, including, but not limited to, the cost of drugs  
10 prescribed by a veterinarian.

11 (d) “Preexisting condition” means any condition for which the  
12 pet owner has received medical advice or the pet has received  
13 treatment for prior to enrollment in a new pet insurance policy.

14 (e) “Waiting or affiliation period” means the period of time  
15 specified in a pet insurance policy that must transpire before some  
16 or all of the coverage in the policy can begin.

17 (f) “Hereditary disorder” means an abnormality that is  
18 genetically transmitted from parent to offspring and may cause  
19 illness or disease.

20 (g) “Congenital anomaly or disorder” means a condition that is  
21 present from birth, whether inherited or caused by the environment,  
22 which may cause or otherwise contribute to illness or disease.

23 12880.1. A policy of pet insurance that is marketed, issued,  
24 amended, renewed, or delivered to a resident of this state, on or  
25 after January 1, 2015, regardless of the situs of the contract or  
26 master group policyholder, or the jurisdiction in which the contract  
27 was issued or delivered, is subject to this part.

28 12880.2. (a) In connection with the sale of a new, amended,  
29 or renewed policy of pet insurance, a pet insurer shall disclose all  
30 of the following to the consumer:

31 (1) If the policy excludes coverage due to any of the following  
32 exclusions:

33 (A) A preexisting condition.

34 (B) A hereditary disorder.

35 (C) A congenital anomaly or disorder.

36 (2) Any policy provision that limits coverage through a waiting  
37 or affiliation period, a deductible, coinsurance, or an annual or  
38 lifetime policy limit.

39 (3) Whether the insurer reduces coverage or increases premiums  
40 based on the insured’s claim history.

1 (b) If a pet insurer uses any of the terms in paragraph (1) of  
2 subdivision (a) in a policy of pet insurance, the insurer shall include  
3 a definition of the term in the policy and shall make that definition  
4 available through a link on the main page of the insurer’s Internet  
5 Web site.

6 (c) A pet insurer shall clearly disclose the basis or formula on  
7 which the insurer determines claim payments under a pet insurance  
8 policy within the policy and through a link on the main page of  
9 the insurer’s Internet Web site.

10 (d) A pet insurer that uses a benefit schedule to determine claim  
11 payment under a pet insurance policy shall do both of the  
12 following:

- 13 (1) Clearly disclose the applicable benefit schedule in the policy.
- 14 (2) Disclose all benefit schedules used by the insurer under its  
15 pet insurance policies through a link on the main page of the  
16 insurer’s Internet Web site.

17 (e) A pet insurer that determines claim payments under a pet  
18 insurance policy based on usual and customary fees, or any other  
19 reimbursement limitation based on prevailing veterinary service  
20 provider charges, shall do both of the following:

- 21 (1) Include a usual and customary fee limitation provision in  
22 the policy that clearly describes the insurer’s basis for determining  
23 usual and customary fees and how that basis is applied in  
24 calculation claim payments.
- 25 (2) Disclose the insurer’s basis for determining usual and  
26 customary fees through a link on the main page of the insurer’s  
27 Internet Web site.

28 (f) The insurer shall create a summary of all policy provisions  
29 required in subdivisions (a) through (e), inclusive, into a separate  
30 document titled “Insurer Disclosure of Important Policy  
31 Provisions.”

32 (g) The insurer shall post the “Insurer Disclosure of Important  
33 Policy Provisions” document required in subdivision (f) through  
34 a link on the main page of the insurer’s Internet Web site.

35 (h) Prior to the sale of a pet insurance policy, the insurer shall  
36 provide the consumer with a printed copy, in at least 12-point type,  
37 of the “Insurer Disclosure of Important Policy Provisions”  
38 document. The insurer shall obtain the consumer’s signature  
39 indicating that the consumer has read and understands the  
40 disclosure document.

1 (i) The disclosures required in this section shall be in addition  
2 to any other disclosure requirements required by law or regulation.

3 12880.3. (a) A person who violates a provision of this part is  
4 liable to the state for a civil penalty to be determined by the  
5 commissioner, not to exceed five thousand dollars (\$5,000) for  
6 each violation, or, if the violation was willful, a civil penalty not  
7 to exceed ten thousand dollars (\$10,000) for each violation. The  
8 commissioner may establish the acts that constitute a distinct  
9 violation for purposes of this section. However, when the issuance,  
10 amendment, or servicing of a policy or endorsement is inadvertent,  
11 all of those acts constitute a single violation for purposes of this  
12 section.

13 (b) The penalty imposed by this section shall be imposed by  
14 and determined by the commissioner pursuant to Section 12880.4.  
15 The penalty imposed by this section is appealable by means of any  
16 remedy provided by Section 12940 or by Chapter 5 (commencing  
17 with Section 11500) of Part 1 of Division 3 of Title 2 of the  
18 Government Code.

19 12880.4. Whenever the commissioner shall have reason to  
20 believe that a person has engaged or is engaging in this state in a  
21 violation of this article, and that a proceeding by the commissioner  
22 in respect thereto would be to the interest of the public, he or she  
23 shall issue and serve upon that person an order to show cause  
24 containing a statement of the charges in that respect, a statement  
25 of that person's potential liability under this part, and a notice of  
26 a hearing thereon to be held at a time and place fixed therein, which  
27 shall not be less than 30 days after the service thereof, for the  
28 purpose of determining whether the commissioner should issue  
29 an order to that person to, pay the penalty imposed by Section  
30 12880.3, and to cease and desist those methods, acts, or practices,  
31 or any of them that violate this article.

32 If the charges or any of them are found to be justified, the  
33 commissioner shall issue and cause to be served upon that person  
34 an order requiring that person to pay the penalty imposed by  
35 Section 12880.3 and to cease and desist from engaging in those  
36 methods, acts, or practices found to be in violation of this part.

37 The hearing shall be conducted in accordance with the  
38 Administrative Procedure Act (Chapter 5 (commencing at Section  
39 11500) of Part 1 of Division 3 of Title 2 of the Government Code),  
40 except that the hearings may be conducted by an administrative

1 law judge in the administrative law bureau when the proceedings  
2 involve a common question of law or fact with another proceeding  
3 arising under other Insurance Code sections that may be conducted  
4 by administrative law bureau administrative law judges. The  
5 commissioner and the appointed administrative law judge shall  
6 have all the powers granted under the Administrative Procedure  
7 Act.

8 The person shall be entitled to have the proceedings and the  
9 order reviewed by means of any remedy provided by Section 12940  
10 or by the Administrative Procedure Act.

11 12880.5. The commissioner may, as conditions warrant, after  
12 notice and hearing, adopt reasonable rules and regulations, and  
13 amendments and additions to those regulations, as are necessary  
14 to administer this part.

**<Organization/Assoc. Letter Head>**

**<Date>**

The Honorable Henry Perea  
Chair, Assembly Committee on Insurance  
State Capitol, Room 3120  
Sacramento, CA 95814

RE: Assembly Bill 2056 (DABABNEH) – SUPPORT

Dear Assembly Member Perea:

On behalf of **<Organization/Assoc.>** I respectfully request your SUPPORT of Assembly Bill 2056 authored by Assembly Member Dababneh. This bill would provide basic consumer protections for pet insurance and require pet insurers to disclose important information regarding their policies.

According to studies done by the American Pet Products Association, more pet owners are considering purchasing pet insurance to ensure that they can afford the proper veterinary care for their pet. In 2008, total pet insurance expenditures accounted for \$300 million and demand for pet insurance is expected to more than double to an estimated \$750 million by 2015.

Pet insurance policies are often difficult for consumers to navigate and understand. Typically there are several types of policies that itemize covered treatments, deductibles, and lifetime/per illness maximums. Additionally, the costs of different policies can vary based on the amount of coverage, the type of coverage, as well as the species, age, and breed of the pet. AB 2056 would require pet insurers to disclose this information regarding their policies so that consumers can more easily determine the most appropriate policy to fit their needs.

This bill would also require pet insurers to disclose baseline information regarding reimbursement benefits, pre-existing condition limitations, and a clear explanation of limitations of coverage including coinsurance, waiting periods, deductibles, and annual or lifetime policy limits. By allowing consumers to better ascertain the constrictions and limitations of pet insurance policies, they will limit their financial risk, be more likely to purchase a product that fits their needs, and be less likely to complain when utilizing their pet insurance coverage.

For all these reasons, **<Org/Assoc.>**, respectfully urges your “AYE” vote on AB 2056 when it comes before your committee.

Sincerely,

**<Signature>**

cc: The Honorable Matt Dababneh  
Assembly Member Hagman, Vice Chair, Assembly Committee on Insurance  
Members, Assembly Committee on Insurance  
Mark Rakich, Chief Consultant, Assembly Committee on Insurance  
Kevin Hanley, Consultant, Senate Republican Caucus





AMENDED IN ASSEMBLY APRIL 9, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2058**

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**Introduced by Assembly Member Wilk**  
*(Coauthors: Assembly Members Hagman and Harkey)*  
*(Coauthor: Senator DeSaulnier)*  
*(Coauthors: Senators DeSaulnier, Gaines, and Vidak)*

February 20, 2014

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An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2058, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in any meeting of a state body, subject to certain conditions and exceptions.

This bill would modify the definition of "state body" to exclude an advisory body with less than 3 individuals, except for certain standing committees. ~~This bill would also make legislative findings and declarations in this regard.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. The Legislature finds and declares all of the~~  
 2 ~~following:~~

3 ~~(a) The unpublished decision of the Third District Court of~~  
 4 ~~Appeals in Funeral Security Plans v. State Board of Funeral~~  
 5 ~~Directors (1994) 28 Cal. App.4th 1470 is an accurate reflection of~~  
 6 ~~legislative intent with respect to the applicability of the~~  
 7 ~~Bagley-Keene Open Meeting Act (Article 9 (commencing with~~  
 8 ~~Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of~~  
 9 ~~the Government Code) (Bagley-Keene Act) to a two-member~~  
 10 ~~standing advisory committee of a state body. A two-member~~  
 11 ~~standing committee of a state body, even if operating solely in an~~  
 12 ~~advisory capacity, already is a “state body,” as defined in~~  
 13 ~~subdivision (d) of Section 11121 of the Government Code,~~  
 14 ~~irrespective of its size, if a member of the state body sits on the~~  
 15 ~~committee and the committee receives funds from the state body.~~  
 16 ~~For this type of two-member standing advisory committee, this~~  
 17 ~~bill is declaratory of existing law.~~

18 ~~(b) A two-member standing committee of a state body, even if~~  
 19 ~~operating solely in an advisory capacity, already is a “state body,”~~  
 20 ~~as defined in subdivision (b) of Section 11121 of the Government~~  
 21 ~~Code, irrespective of its composition, if it exercises any authority~~  
 22 ~~of a state body delegated to it by that state body. For this type of~~  
 23 ~~two-member standing advisory committee, this bill is declaratory~~  
 24 ~~of existing law.~~

25 ~~(c) All two-member standing advisory committees of a local~~  
 26 ~~body are subject to open meeting requirements under the Ralph~~  
 27 ~~M. Brown Act (Chapter 9 (commencing with Section 54950) of~~  
 28 ~~Part 1 of Division 2 of Title 5 of the Government Code) (Brown~~  
 29 ~~Act). It is the intent of the Legislature in this act to reconcile~~  
 30 ~~language in the Brown Act and Bagley-Keene Act with respect to~~  
 31 ~~all two-member standing advisory committees, including, but not~~  
 32 ~~limited to, those described in subdivisions (a) and (b).~~

33 ~~SEC. 2.~~

34 ~~SECTION 1.~~ Section 11121 of the Government Code is  
 35 amended to read:

36 11121. As used in this article, “state body” means each of the  
 37 following:

38 (a) Every state board, or commission, or similar multimember  
 39 body of the state that is created by statute or required by law to

1 conduct official meetings and every commission created by  
2 executive order.

3 (b) A board, commission, committee, or similar multimember  
4 body that exercises any authority of a state body delegated to it by  
5 that state body.

6 (c) An advisory board, advisory commission, advisory  
7 committee, advisory subcommittee, or similar multimember  
8 advisory body of a state body, if created by formal action of the  
9 state body or of any member of the state body. ~~Advisory bodies~~  
10 *An advisory body* created to consist of fewer than three individuals  
11 ~~are~~ *is* not a state body, except that ~~a standing committees committee~~  
12 of a state body, irrespective of ~~their~~ *its* composition, which ~~have~~  
13 *has* a continuing subject matter jurisdiction, or a meeting schedule  
14 fixed by resolution, policies, bylaws, or formal action of a state  
15 body ~~are~~ *is* a state ~~bodies~~ *body* for the purposes of this chapter.

16 (d) A board, commission, committee, or similar multimember  
17 body on which a member of a body that is a state body pursuant  
18 to this section serves in his or her official capacity as a  
19 representative of that state body and that is supported, in whole or  
20 in part, by funds provided by the state body, whether the  
21 multimember body is organized and operated by the state body or  
22 by a private corporation.

23 ~~SEC. 3.~~

24 *SEC. 2.* This act is an urgency statute necessary for the  
25 immediate preservation of the public peace, health, or safety within  
26 the meaning of Article IV of the Constitution and shall go into  
27 immediate effect. The facts constituting the necessity are:

28 In order to avoid unnecessary litigation and ensure the people's  
29 right to access of the meetings of public bodies pursuant to Section  
30 3 of Article 1 of the California Constitution, it is necessary that  
31 act take effect immediately.



## Assembly California Legislature



### SCOTT WILK ASSEMBLYMAN, THIRTY-EIGHTH DISTRICT AB 2058 – Fact Sheet

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#### **Background**

Current law requires all standing committees of a local government entity or of the Legislature to hold meetings that are open to the public whether or not the standing committee takes action. However, existing law is slightly ambiguous for state bodies, which some state agencies are using as a loophole. The California High Speed Rail Authority, First 5 California, and the California Veterinary Medical Board have all exploited this interpretation that standing committees can hold closed door meetings as long as they contain two rather than three members and do not vote to take action on items. These agencies thus limit their standing committees to no more than two members for the explicit purpose of avoiding open meeting requirements.

Government Code contains two parallel open meeting statutes: the Brown Act for local governments and the Bagley-Keene Act for state government. Prior to 1993, the Brown Act contained language very similar to the current language in the Bagley-Keene Act regarding standing committees. However, in the 90's when a local government entity attempted to claim a loophole existed for two-member standing committees, the Legislature promptly removed any ambiguity on the matter from the Brown Act [SB 1140 (Calderon) (Chapter 1138, Statutes of 1993)]. A conforming change was not made, however, to the Bagley-Keene Act, as no change was thought necessary.

The ambiguity left in the Bagley-Keene Act is allowing state bodies to deliberate and direct staff behind closed doors. These state agencies are allowing standing committees to interpret the language of the Bagley-Keene Act in a manner that is contrary to the intent of the Legislature and the public; the government at all levels must conduct its business visibly and transparently.

#### **This Bill**

- This bill aligns the definitions in the Bagley-Keene Act to those in the Brown Act, making the clarifying change in the Bagley-Keene Act that the Legislature made to the Brown Act in 1993.
- AB 2058 will make it definite that all standing committees are subject to the transparency of open meeting regulations, regardless of the size of its membership.

#### **Contacts**

Danielle Parsons  
916-319-2038  
[danielle.parsons@asm.ca.gov](mailto:danielle.parsons@asm.ca.gov)

#### **Co-Authors**

Senator Mark DeSaulnier  
Senator Ted Gaines  
Assemblyman Curt Hagman  
Assemblywoman Diane Harkey  
Senator Andy Vidak

Revised 4/3/2014



**Introduced by Senator Lieu**  
(Principal coauthor: Assembly Member Bonilla)

February 20, 2014

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An act to amend Sections 11506 and 22259 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1243, as introduced, Lieu. Professions and vocations.

(1) Existing law regulates the practice of common interest development managers, and makes those provisions effective only until January 1, 2015.

This bill would extend the effectiveness of those provisions until January 1, 2019, and subject those provisions to review by the appropriate policy committees of the Legislature. The bill would also delete an obsolete reference.

(2) Existing law establishes the California Tax Education Council, a nonprofit organization, and requires the council to register and regulate tax preparers. Existing law makes those provisions effective only until January 1, 2015.

This bill would extend the effectiveness of those provisions until January 1, 2019.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11506 of the Business and Professions
- 2 Code is amended to read:

1 11506. This part shall be subject to ~~the review required by~~  
2 ~~Division 1.2 (commencing with Section 473) by the appropriate~~  
3 ~~policy committees of the Legislature.~~ This part shall remain in  
4 effect only until January 1, ~~2015~~ 2019, and as of that date is  
5 repealed, unless a later enacted statute, that is enacted before  
6 January 1, ~~2015~~ 2019, deletes or extends that date.

7 SEC. 2. Section 22259 of the Business and Professions Code  
8 is amended to read:

9 22259. (a) This chapter shall be subject to review by the  
10 appropriate policy committees of the Legislature.

11 ~~This~~

12 (b) ~~This~~ chapter shall remain in effect only until January 1,  
13 ~~2015~~ 2019, and as of that date is repealed, unless a later enacted  
14 statute, that is enacted before January 1, ~~2015~~ 2019, deletes or  
15 extends that date.



**VETERINARY MEDICAL BOARD**  
 Board Level Study - Statistical Data  
 April 1, 2014

Fiscal Year	<b>1989-90</b>	<b>*1998-99</b>	<b>2014-15</b>
Authorized Positions	6.8	9.7	23.2
Professional Staff	2	3	16
Budget	\$993,000	<b>\$1,537,000</b>	<b>\$4,507,000</b>
Licensee Population	10,626	14,237	*28,161
Applications Received	1,214	1,100	*1,531
Enforcement Budget	\$506,430	<b>\$922,200</b>	<b>**\$2,614,000</b>
Investigations	26	40	*592
Complaints Received	414	470	*646
Disciplinary Actions	5	13	*55
Other: Citations	17	46	*123
Other: Cease/Desist	2	26	80

\*Data based on DCA Annual Report

\*\*2013-14 Board Report Data

\*\*\*Projected amount based on Governors 2014-15 budget

