

Veterinary Medical Board

1747 N. Market Blvd., Suite 230, Sacramento, CA 95834

Telephone: 916-515-5220 Fax: 916-928-6849 | www.vmb.ca.gov



MEETING MINUTES
Veterinary Medical Board
1747 N. Market Blvd. - Hearing Room
Sacramento, California
April 28-29, 2015

9:00 a.m. Tuesday, April 28, 2015

1. Call to Order - Establishment of a Quorum

Dr. Mark Nunez called the Veterinary Medical Board (Board) meeting to order at 9:07 a.m. Annemarie Del Mugnaio, Executive Officer, called roll; six members of the Board were present and thus a quorum was established.

2. Introductions

Board Members Present

Mark Nunez, DVM, President
Cheryl Waterhouse, DVM, Vice President
Kathy Bowler, Public Member
Jennifer Loreda, RVT
Judie Mancuso, Public Member
Richard Sullivan, DVM

Staff Present

Christy Bell, Associate Enforcement Analyst
Rebecca Bon, Legal Counsel
Elizabeth Bynum, Associate Enforcement Analyst
Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board
Nina Galang, Administrative Program Coordinator
Sabina Knight, Legal Counsel
Ethan Mathes, Administrative Program Manager
Jaspreet Pabla, Probation Monitor
Candace Raney, Enforcement Program Manager
Cesar Victoria, Department of Consumer Affairs Television Specialist

Guests Present

Al Aldrete, DVM, Veterinary Allied Staff Education
Jeff Backus, RVT, California Registered Veterinary Technician Association
Barry Baum, DVM, Southern California Veterinary Medical Association
Christine Crick
George Dyke
Nancy Ehrlich, RVT, California Registered Veterinary Technician Association
Valerie Fenstermaker, California Veterinary Medical Association
William A. Grant II, DVM, Multidisciplinary Advisory Committee
Diana Woodward Hagle
Alex Henderson, Veterinary Allied Staff Education
Tameka Island, California Physical Therapy Association
Rebecca May, Department of Consumer Affairs

Cindy Savely, RVT, Sacramento Valley Veterinary Technician Association
Dan Segna, DVM, California Veterinary Medical Association
Leah Shufelt
Linda Starr
Linda Tripp, RVT, University of Davis
Dayna Wiedenkiller, California Veterinary Medical Association

3. Approval of November 20, 2014, January 20-21, 2015, and March 19, 2015 Meeting Minutes

- Judie Mancuso motioned and Kathy Bowler seconded the motion to approve the November 20, 2014, January 20-21, 2015, and March 19, 2015 meeting minutes. The motion carried 6-0.

4. Proposed Regulations

A. Status of Pending Regulations

Ms. Del Mugnaio updated the Board on the status of the pending regulations.

B. Review and Approval of Updates to Disciplinary Guidelines

Ms. Del Mugnaio noted that Enforcement Manager, Candace Raney, prepared a memo regarding the Disciplinary Guidelines that were previously adopted by the Board at January 20, 2015 meeting. The Board's enforcement staff found specific language in a number of the terms and conditions within the Disciplinary Guidelines that require clarification; therefore, the memo outlines areas needing further refinement. Ms. Del Mugnaio added that staff is working on the changes and will have them ready for the Board's review by the July 2015 meeting.

The Board discussed proposed changes to the proposed Disciplinary Guidelines language. Ms. Del Mugnaio suggested that the Board President appoint a subcommittee to review the memo and refine the sections noted by staff and requiring further clarity. Ms. Del Mugnaio reminded the board that the amended language must go through the Office of Administrative Law (OAL) in order to implement the proposed amendments.

- Dr. Mark Nunez appointed Dr. Sullivan and Kathy Bowler to a two-person Disciplinary Guidelines Subcommittee to review amendments to the proposed Disciplinary Guidelines.

C. Review and Approval of Proposed Veterinary Assistant Controlled Substances Permit Language

Ms. Del Mugnaio addressed concerns brought forth by legal counsel regarding the proposed Veterinary Assistant Controlled Substances Permit (VACSP) regulatory language. The Board and public members discussed various areas of the proposed language including elimination of the requirements to assign a temporary supervisor. Ms. Del Mugnaio noted that any amendments made to the language will be discussed at a future Board meeting.

- Dr. Richard Sullivan motioned and Kathy Bowler seconded the motion to direct staff to amend the VACSP regulation language and bring back to the Board for consideration. The motion carried 6-0.

D. Review and Discuss Minimum Standards

The Board discussed the proposed Minimum Standards language, including adding a veterinarian-client-patient relationship (VCPR) requirement to vaccination clinics.

- Dr. Cheryl Waterhouse motioned and Dr. Richard Sullivan seconded the motion to adopt the Minimum Standards as amended. The motion carried 6-0.

E. Review Board Approved Language for Animal Rehabilitation and Discuss Justification for Rulemaking Documents.

Ms. Del Mugnaio discussed changes to the animal rehabilitation regulation language and noted a need for a justifiable basis to file the language with OAL for rulemaking. Issues surrounding animal rehabilitation include clarifying what activities constitute animal rehabilitation and identifying justifications for Registered Veterinary Technicians (RVT) and Physical Therapists (PT) to practice animal rehabilitation.

Nancy Ehrlich pointed out that direct supervision of RVTs for animal rehabilitation would limit current job tasks and RVTs can already perform emergency services. Dr. Nunez argued that limitations placed on RVTs is to address an animal safety issue in that a veterinarian must assess the animal's health condition on the 'day of treatment' and determine whether or not the animal is healthy enough to receive animal rehabilitation. Dr. Sullivan added that an animal's condition can change rapidly and direct supervision by a veterinarian is needed to diagnose an animal patient's condition. The Board expressed favor of direct supervision of the RVT because animal rehabilitation poses enough of a risk and the Board must protect the consumer.

Rebecca Bon clarified that this language is already approved and staff needs direction or clarification to help develop the rulemaking file.

- Dr. Richard Sullivan motioned and Dr. Cheryl Waterhouse seconded the motion to approve the Animal Rehabilitation language as amended. The motion carried 6-0.

Ms. Del Mugnaio added that the board may hold a meeting in August to receive public comments on the proposed regulatory language.

5. Review Board Strategic Plan 2015-2019

- Dr. Richard Sullivan motioned and Judie Mancuso seconded the motion to accept the Strategic Plan as amended. The motion passed 6-0.

6. Review and Discuss Sunset Review Issues

The Board reviewed the proposed responses to current Sunset Review issues. On Issue #3 regarding the issue of providing information to consumers about the use (or misuse) of specialty titles of veterinarians, there is no definition of specialists and it could be viewed as misleading the public regarding Board certification. Currently, there is no restriction from using the term "specialist"; however, if there is a case against a veterinarian claiming to be a "specialist", the Board will enforce the American Veterinary Medical Association (AVMA) "Board certified" specialist requirements.

The Board also discussed the need to make the Diversion Program self-supporting by increasing outreach. Administrative Program Manager, Ethan Mathes, clarified that it is in the contract with MAXIMUS that the Board may ask MAXIMUS to perform outreach on the Board's behalf. Nancy Ehrlich added that Stephanie Trumm (MAXIMUS) has planned to go to the California Registered Veterinary Technician Association (CaRVTA) back-to-school conference to conduct Diversion Program outreach and Dan Mets, successful graduate of the Diversion Program, has agreed to write an article on his positive experience with the Diversion Program.

The Board discussed Issue #8 regarding the issue of requiring a veterinarian or RVT to report instances in which they believe a fellow practitioner is involved with drug or alcohol abuse. Dr. Sullivan noted that veterinarians or RVTs may not have training to identify substance abuse behavior and there are other avenues available to file a complaint. The Board decided to retain the 2013 response.

The Board agreed to accept staff recommended response for Issue #9 which requires veterinary premises to post contact information for the Board.

The Board discussed Issue #10 and the efficacy of requiring veterinarians, RVTs, and veterinary assistants to wear a name tag and whether it enhances consumer protection. Business and Professions Code (BPC) section 680 provides a licensee may wear a name tag or prominently display their license. Dr. Nunez expressed that the Board's 2013 response still remains valid and the Board agreed to continue research on the pros and cons of a name tag requirement. Judie Mancuso requested for this issue to be discussed at a future Board meeting.

7. Overview and Discussion Regarding the Board's Diversion Program – Stephanie Trumm, MAXIMUS – 10:00 a.m.

Stephanie Trumm (MAXIMUS) introduced a participant from the Board's Diversion Program, Dan Mets, RVT. Mr. Mets spoke in support of the Diversion Program and shared a touching story about how it allowed him to successfully obtain sobriety and become an RVT.

The Board thanked Mr. Mets for sharing his story and commended him on his success in the Diversion Program. The Board discussed various ways to increase participation in the Diversion Program and identified with the necessity for further outreach. Ms. Trumm noted that there is information on the MAXIMUS website about the Diversion Program and added that she makes presentations on the Board's behalf. Ms. Trumm offered to speak at veterinary schools and conferences to spread the word and suggested the Board add it to its newsletter. Judie Mancuso suggested including information on the Diversion Program in the Board's social media outreach efforts. Dr. Nunez suggested establishing a meeting on how the Board can work together with MAXIMUS to spread the word.

8. 2015 Legislation Report and Consider Legislative Proposals

- A. AB 12 (Cooley) State government: administrative regulations: review
- B. AB 85 (Wilk) Open meetings
- C. AB 611 (Dahle) Controlled substances: prescriptions: reporting
- D. AB 750 (Low) Business and professions: licenses
- E. AB 1060 (Bonilla) Professions and vocations: licensure
- F. AB 483 (Patterson) Healing arts: initial license fees: proration
- G. AB 49 (Mullin) Livestock drugs: antibiotics
- H. AB 316 (Maienschein) Veterinarians
- I. SB 27 (Hill) Livestock: use of antibiotics

Ms. Del Mugnaio provided a summary of the bills contained within the 2015 Legislative Report and noted, while not required, the Board can take a position on each bill. The Board agreed to track Assembly Bill (AB) 12, AB 85, AB 611, AB 750, AB 1060, AB 49, and Senate Bill (SB) 27.

Ms. Del Mugnaio reviewed AB 483, which requires that fees imposed by provisions for an initial license, an initial temporary or permanent license, an original license, or a renewal be prorated on a monthly basis. Ms. Del Mugnaio added that if this law went into effect, it would reduce revenues by approximately \$70,000 annually and it would need to be reported as a fiscal impact to the Board's budget. The Board supported the decision to report the fiscal impact.

Ms. Del Mugnaio reviewed AB 316, which provides a temporary exemption from California licensure for temporary animal shelters and out-of-state licensed veterinarians requested to assist in an animal cruelty investigation by law enforcement, animal control, or a humane officer. Ms. Del Mugnaio expressed concerns regarding how out-of-state veterinarians would be determined to be in good standing and the fact that the bill does not limit the exemption to the American Society for the Prevention of

Cruelty to Animals (ASPCA), meaning any veterinarian coming from out-of-state could be called to provide this service. The Board agreed that there may not be a need to bring in out-of-state veterinarians if there are an adequate number of in-state veterinarians to provide this service.

- Dr. Richard Sullivan motioned and Judie Mancuso seconded the motion to oppose AB 316. The motion carried 6-0.

Ms. Del Mugnaio reviewed AB 317, a companion bill to AB 316, which essentially exempts temporary shelter facilities from the premise registration requirements during a state of emergency. Ms. Del Mugnaio noted that it was not included in packet; therefore, the Board cannot take a position on the bill.

Ms. Del Mugnaio reviewed SB 27, which defines “medically important antimicrobial drugs” and requires that they not be administered to livestock without a prescription from a veterinarian made pursuant to a veterinarian-client-patient relationship. Ms. Del Mugnaio noted that the Governor’s Office formed a working committee which developed proposed language to fine tune the bill. Senator Hill is accepting amendments and plans to amend the bill. The Board agreed to track SB 27.

J. Consider Multidisciplinary Advisory Committee’s Recommended Statutory Addition to Address Drug Compounding by Veterinarians

- Dr. Cheryl Waterhouse motioned and Dr. Richard Sullivan seconded the motion to accept the Multidisciplinary Advisory Committee’s (MDC) recommended statutory addition to address drug compounding by veterinarians. The motion carried 6-0.
- Dr. Richard Sullivan motioned and Kathy Bowler seconded the motion to delegate staff to work with Legal and the CVMA on legislation. The motion carried 6-0.

Ms. Del Mugnaio added that the Board President can appoint a two-person Legislative Committee to review the bill amendments and other amendments of interest.

- Dr. Mark Nunez appointed himself and Dr. Cheryl Waterhouse to be part of the two-person Legislative Review Committee.

9. Board Chair Report – Dr. Mark Nunez

Dr. Nunez reviewed a list of outreach activities, meetings, and workshops that have occurred this year.

The following is a table of the completed 2015 Board activities to date:

January 20-21, 2015	VMB Board Meeting
January 29, 2015	VMB staff and counsel met with the California Horse Racing Board at the Golden Gate Race Track and were provided a tour of the race track, including how and where Lasix is administered to the race horses
February 10, 2015	Ms. Del Mugnaio provided an overview of Board issues and compliance issues to the Central Valley Veterinary Medical Association, as well as two presentations on “Licensing, Enforcing, and Disciplinary Action” and “Ethics and Professional Licensing”
February 25, 2015	Dr. Nunez, Dr. Waterhouse, Ms. Del Mugnaio, and Mrs. Raney provided a presentation on “Ethics and Professional Licensing” at Western University to the Freshman class
February 27, 2015	VMB staff held an Interested Parties Workshop to discuss the proposed VACSP regulations
March 18, 2015	Mr. Mathes provided a presentation at the California Temporary License

	Certification (TLC) Conference at Western University
March 19, 2015	Public teleconference on the Pet Lover's License Plate regulations
April 1-2, 2015	Strategic Planning session

10. Multidisciplinary Advisory Committee Report – Dr. William Grant

Dr. William Grant presented a report of MDC issues based on the old and new Strategic Plan.

The issues included: statutory authority for drug compounding; faculty licensure; self-reporting forms for continuing education for license renewal for veterinarians and RVTs; development of minimum standards for premise permits, shelter medicine (large animal, and equine fixed ambulatory services); evaluation of workflow for complaint handling; MDC taskforce to approve RVT training programs and schools; and a board position on the licensing requirements for out-of-state veterinarians existing during state disasters.

The Board reviewed Dr. Grant's list and directed staff to clean up the document and merge both lists prioritize the items at its next meeting.

A. Candidate Interviews and Appointments to Multidisciplinary Advisory Committee – 1:00 p.m.

The Board interviewed eight candidates for four open positions on the MDC: one RVT member vacancy, one public member vacancy, and two veterinarian member vacancies. Each Board member was allowed to vote for one person for each vacancy and the candidate with the most votes was awarded the position.

Leah Shufelt, RVT, Fatima Trujillo, RVT, Christine Crick, RVT, and Kristi Palowski, RVT, were interviewed for the RVT vacancy on the MDC.

- All six Board members voted for Kristi Palowski, RVT, appointing to the MDC's RVT vacancy.

Diana Hagle, Philip Homsey, and Linda Starr were interviewed for the public member vacancy on the MDC.

- Kathy Bowler and Judie Mancuso voted for Linda Starr, and the remaining Board members voted for Diana Hagle. The majority vote was for Diana Hagle, appointing her to the MDC's public member vacancy.

Dr. Barry Baum, Dr. George Dyke, Dr. William Grant, and Dr. Jon Klingborg were interviewed for the two veterinarian vacancies on the MDC.

- All six Board members voted for both Dr. William Grant and Dr. Jon Klingborg, appointing each to one of the MDC's two veterinarian vacancies.

11. Executive Officer & Staff Reports

A. Administrative/Budget

Ms. Del Mugnaio reviewed the Board's Budget Report and explained the analysis of three Fund Conditions: 1) based on the Governor's budget, 2) with the implementation of BreEze and the VACSP Program, and Budget Change Proposal (BCP), and 3) with the implementation of the VACSP Program and BCP. Dr. Sullivan requested that the Board look at revenues and expenditures in the Fall in order to initiate any necessary discussion on increasing licensing fees.

B. Enforcement

Mrs. Raney provided a report on various updates in the Enforcement Unit, including the number of cases pending, enforcement performance measure statistics, and the probation program. Dr. Nunez requested enforcement statistics from previous years to be included in future Board packets.

C. Licensing/Examination

12. Public Comment on Items Not on the Agenda

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

13. Agenda Items and Next Meeting Dates –July 21-22, 2015; October 20-21, 2015

A. Agenda Items for Next Meeting

B. Multidisciplinary Advisory Committee Meetings – July 20, 2015, October 22, 2015

14. Recess

9:00 a.m. Wednesday, April 29, 2015

15. Call to Order - Establishment of a Quorum

Dr. Nunez called the Board meeting to order at 9:07 a.m. Ms. Del Mugnaio, Executive Officer, called roll; six members of the Board were present and thus a quorum was established.

16. Introductions

Board Members Present

Mark Nunez, DVM, President

Cheryl Waterhouse, DVM, Vice President

Kathy Bowler, Public Member

Jennifer Loredo, RVT

Judie Mancuso, Public Member

Richard Sullivan, DVM

Staff Present

Christy Bell, Associate Enforcement Analyst

Rebecca Bon, Legal Counsel

Elizabeth Bynum, Associate Enforcement Analyst

Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board

Nina Galang, Administrative Program Coordinator

Sabina Knight, Legal Counsel

Ethan Mathes, Administrative Program Manager

Jaspreet Pabla, Probation Monitor

Candace Raney, Enforcement Program Manager

Diann Sokoloff, SDAG, Board Liaison

Cesar Victoria, Department of Consumer Affairs Television Specialist

Guests Present

Dr. Corea Kiejoon Choi

Jonathan Lew, Administrative Law Judge

Rebecca May, DCA

Cindy Savely, RVT, Sacramento Valley Veterinary Technician Association

17. Petition for Penalty Modification – Dr. Corea Kiejoon Choi, VET 12070

Supervising Deputy Attorney General (SDAG), Diann Sokoloff, opened the penalty reduction hearing for Dr. Corea Kiejoon Choi. SDAG Sokoloff presented the case for early termination of Dr. Choi's

probation. Dr. Choi answered questions from DAG Sokoloff and members of the Board. SDAG Sokoloff presented the closing argument. Administrative Law Judge, Jonathan Lew, closed the hearing and the Board went into closed session.

CLOSED SESSION

18. Closed Session

Petition for Penalty Modification – Dr. Corea Kiejoon Choi, VET 12070

The Board adopted the penalty modification.

AV 2011 14

The Board adopted the proposed stipulated settlement.

IV 2014 42

The Board adopted the proposed stipulated settlement.

AV 2013 4

The Board adopted the proposed stipulated settlement.

IA 2015 2

The Board adopted the proposed stipulated settlement.

IV 2015 12

The Board adopted the proposed decision.

19. The Board will meet in closed session (pursuant to Government Code Section 11126(a)(1)) to update and discuss the Executive Officer Evaluation.

- Dr. Richard Sullivan motioned and Judie Mancuso seconded the motion to begin the Executive Officer performance evaluation process for completion before the July 2015 Board meeting. The motioned carried 6-0.

OPEN SESSION

20. Adjourn

The Board adjourned at 1:20 p.m.