



VETERINARY MEDICAL BOARD MEETING MINUTES JULY 20–21, 2022

The Veterinary Medical Board (Board) met via teleconference/WebEx Events on **Wednesday, July 20**, and **Thursday, July 21, 2022**, with the following location available for Board and public member participation:

Department of Consumer Affairs
1625 N. Market Blvd., Hearing Room
Sacramento, CA 95834

10:00 a.m., Wednesday, July 20, 2022

Webcast Links:

Agenda Items 1.–5.E. (<https://youtu.be/mlT5p7WQ8qE>)
Agenda Items 5.E.–11. (<https://youtu.be/Z9Q0eQr7OHk>)
Agenda Items 13.–18.C. (<https://youtu.be/UL5OPWTQV3Y>)
Agenda Items 18.D.–27. (<https://youtu.be/86s15fncCt8>)

1. Call to Order/Roll Call/Establishment of a Quorum

Webcast: [00:00:15](#)

Board President, Kathy Bowler, called the meeting to order at 10:01 a.m. Executive Officer, Jessica Siefertman, called roll; all seven members of the Board were present, and a quorum was established.

Members Present

Kathy Bowler, President
Christina Bradbury, DVM, Vice President
Jennifer Loreda, RVT
Jaymie Noland, DVM
Dianne Prado
Maria Preciosa S. Solacito, DVM
Maria Salazar Sperber

Student Liaisons Present

Kristina Junghans, Western University of Health Sciences

Staff Present

Jessica Siefertman, Executive Officer
Matt McKinney, Enforcement Manager

Patty Rodriguez, Hospital Inspection Program Manager
Rob Stephanopoulos, Enforcement Manager
Amber Kruse, Lead Enforcement Analyst
Jeffrey Olguin, Lead Administrative & Policy Analyst
Jeffrey Weiler, Lead Probation Monitor (Enforcement Analyst)
Kathy Budd, Probation Monitor (Enforcement Analyst)
Dillon Christensen, Enforcement Analyst
Fredy Olea-Gaspar, Enforcement Analyst
Tara Reasoner, Enforcement Analyst
Robert Rouch, Probation Monitor (Enforcement Analyst)
Bryce Salasky, Probation Monitor (Enforcement Analyst)
Ashley Sanchez, Enforcement Analyst
Daniel Strike, Enforcement Analyst
Rachel McKowen, Enforcement Technician
Karen Halbo, Regulatory Counsel, Attorney III,
Department of Consumer Affairs (DCA), Legal Affairs Division
Tara Welch, Board Counsel, Attorney III, DCA, Legal Affairs Division

Guests Present

Karen Atlas, President, Animal Physical Therapy Coalition (APTC)
GV Ayers, Lobbyist, Gentle Rivers Consulting, LLC
Dan Baxter, Executive Director, California Veterinary Medical Association (CVMA)
Steve Boyer, DVM
Samantha Chessie
Brian Clifford, Staff Services Manager (SSM) III, DCA, Executive Office
Samantha Constock Brown
Talia d'Amato
Nicole Dickerson, DVM, CVMA
Joseph Dowd, DVM
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association
(CaRVTA)
Annie Glenn-Blea Barrie Grant, DVM
Suzanne Hanson
Veronica Hernandez, Budget Analyst, DCA, Budget Office
Aubrey Hopkins, Legislative Analyst, DCA, Division of Legislative Affairs
Anita Levy Hudson, RVT, President, CaRVTA
Sarah Irani, DCA, SOLID
Diane Isbell
Lane Johnson, DVM
Joshua Lasell
Bonnie Lutz, Esq., Klinedinst
Kendall MacGregor
Michael Manno, DVM
Grant Miller, DVM, CVMA
Tracy Montez, Ph.D., Chief, DCA, Division of Programs and Policy Review
Ken Pawlowski, DVM, CVMA
Kristi Pawlowski, RVT

Bryce Penney, TV Specialist, DCA, Office of Public Affairs
Linda Pirie, DVM
Marissa Plante
Trisha St. Clair, Moderator, DCA, SOLID
Marissa Silva, DVM, California Department of Food and Agriculture (CDFA)
Amit Singh
Kristy Veltri
Patricia Zehna

2. Public Comment on Items Not on the Agenda

Webcast: [00:01:50](#)

Ms. Bowler requested public comment. There were no public comments made on this item.

3. Review and Approval of April 20-21, 2022 Board Meeting Minutes

[Meeting Materials](#)

Webcast: [00:05:44](#)

Ms. Bowler provided an overview of the April 2022 meeting minutes and requested comment from Board members. Dr. Bradbury noted the following issues with the Board meeting minutes:

- On page 4, under Bonnie Lutz, in the middle of the paragraph, the "but" should be removed from the sentence which includes "...because of insurance reasons, *but* a lot...".
- On page 11, under the last bullet of the page, the word "requiring" should be replaced with "require" in the language which states "...he advised the Board this item will *requiring* changes to statue."
- On page 13, under Bonnie Lutz, she stated the language in the minutes did not make sense.

[Ms. Welch](#) noted that with respect to clarifying what Ms. Lutz stated, the Board is unsure of what Ms. Lutz meant. Ms. Welch advised against inserting words for other individual's statements; the meeting minutes must reflect the actual statements made at the meeting.

Dr. Bradbury continued noted the following issues with the Board meeting minutes:

- On page 17, under Dr. Solacito, in the second sentence, the addition of the word "a" should be inserted between the words "is program" in the sentence which includes "...there *is program* with LA County..."

- On page 20, under Karen Atlas, in the upper mid-section of the paragraph, which states the addition of the word might have been "changing" instead of "changed" in the sentence which includes "...access to rehab care by qualified PTs and *by changed* the status quo."

[Ms. Welch](#) noted that on page 20, Ms. Atlas may have stated "thereby changed", and Ms. Welch suggested striking out the "by" and keeping the words "...and changed the status quo." Dr. Bradbury accepted the suggestion. Ms. Welch also noted that the issue on page 4 could be clarified by changing the "but" to an "and" to make more sense.

[Dr. Noland](#) suggested moving the student liaisons under the Board members. Ms. Bowler agreed and noted the students will be moved to the suggested location.

- **Motion:** Dr. Noland moved and Dr. Bradbury seconded the motion to approve the Board minutes as amended.

Ms. Bowler requested public comment before the Board acted on the motion. The following public comment was made on this item:

[Nicole Dickerson](#), DVM, CVMA stated that her name was misspelled on page 2 and that her name is Nicole Dickerson as a guest attending, but that it is currently listed as "Nicole Dickessa".

Ms. Bowler called for the vote on the proposed motion. Ms. Siefertman took a roll call vote on the proposed motion.

- **Vote:** The motion carried 5-0-2 with Ms. Prado and Ms. Salazar Sperber abstaining.

4. Report and Update from Department of Consumer Affairs (DCA)

Webcast: [00:17:24](#)

Brian Clifford, SSM III with DCA in the Executive Office, provided a report and update from DCA, which included the following items:

- [Senate Bill 189](#), which is effective through July 1, 2023, reinstates the remote meeting provisions of the Bagley-Keene Open Meeting Act. In addition, DCA is requesting the Board complete the "Public Meeting Survey" within 30 days after each meeting to compare the costs for in-person meetings versus WebEx meetings.
- Face coverings for all Board members and staff are strongly recommended at meetings in accordance with the California Department of Public Health's recommendations.
- Vaccination verification and COVID testing requirements.

- Enlightened Licensing Project Inaugural Report, which was developed in coordination with DCA board and bureau subject matter experts to introduce new ideas and implement best practices for critical licensing activities.
- Changes to DCA's regulation development and approval process was rolled out on July 5, 2022.
- Hiring/promotion of Nicole Le as Deputy Director of DCA's Office of Administrative Services.
- Departure of Board and Bureau Relations staff, Carrie Holmes (DCA Deputy Director), and Briana Miller (SSM I).
- Delays in payments of travel expense claims from the State Controller's Office.
- DCA Board Leadership quarterly meeting schedule. These meetings are attended by board Presidents, Vice Presidents, Executive Officers, and DCA leaders and provide an opportunity to discuss important and emerging issues as a group.
- Board member orientation training requirement for newly appointed members and reappointments that will be offered on October 12, 2022.

[Ms. Bowler](#) congratulated Nicole Le on her promotion and thanked her for her assistance with the Board and the leadership meetings offered by DCA.

[Dr. Bradbury](#) thanked Mr. Clifford and inquired on the status of the Board's Executive Officer's review.

[Mr. Clifford](#) stated he believed the review was still in process.

[Ms. Bowler](#) requested public comment on this item. There were no public comments made on this item.

5. Review, Discussion, and Possible Action on Multidisciplinary Advisory Committee (MDC) Report – *Richard Sullivan, DVM, Chair, MDC*

A. Overview of July 19, 2022 MDC Meeting

[Meeting Materials](#)

Webcast: [00:26:58](#)

Dr. Sullivan provided background and updated information related to the MDC meeting, which focused on:

- Discussion and recommendations to the Board regarding the RVT School Approval and RVT Student Exemption as identified in the pending rulemaking for California Code of Regulations (CCR), title 16, sections 2036.1, 2064, 2065, 2065.1, 2065.2, 2065.6, 2065.7, 2065.8, 2066, and 2068.5. The MDC's

discussion included issues related to accreditation by the American Veterinary Medical Association (AVMA) RVT Alternate Route review and approval and amendments regulating and defining the parameters of supervising of RVT students. Dr. Sullivan provided a brief history and the causes for delay of the package, and he stated that there were two components that were time sensitive, which the MDC would forward to the Board prior to its next meeting. Dr. Sullivan recommended the Board split the package and have CCR sections 2036.1 and 2068.5 included as a combined package separate from the other sections with the following proposed changes (webcast: [00:30:40](#)):

1. Retain the addition of new CCR section 2036.1 regarding animal health care tasks for RVT students; and
 2. Remove all of the proposed amendments to article 6, except for the amendment to CCR section 2068.5 that would strike subsection (c) “All educational requirements in subsection (a) shall have been completed by applicant within five (5) years prior to the date of the examination for registration as a registered veterinary technician.” He stated the proposed amendments also would strike from new subsection (f) the text “, completed in no less than 24 months,” and “This experience shall have been completed by the applicant within five (5) years prior to the date of examination for registration as a registered veterinary technician.”
- Discussion and recommendations to the Board regarding Veterinary Drug Compounding. The discussion included (webcast: [00:32:05](#)):
 1. Proposed amendments to CCR, title 16, sections 2036.5, 2090, 2091, 2092, and 2094 and issues related to veterinary compounding in a clinical setting in which the MDC identified numerous gaps in the paper trail from when the formula is put into a master formula list and when it becomes either office stock or dispensed to a client.
 2. The MDC passed a motion recommending the Board propose legislation to amend [Business and Professions Code section 4826.5](#) to authorize a veterinary assistant controlled substance permit holder to perform drug compounding. Dr. Sullivan stated this amendment would greatly alleviate the workforce issue that clinics presently face as the current [statute] only permits a veterinarian or RVT to compound a drug preparation. Dr. Sullivan stated this also would provide consumer protection. Dr. Sullivan stated the amendment would only apply to very simple compounding and not anything complex, and a veterinarian would be supervising this process.
 3. Progress in exempting compounded intravenous (IV) fluid administration from duplicative paperwork, since this will also be documented in the patient’s medical records. Dr. Sullivan noted that the language still needs some more work. The MDC discussed the goal of making this process as efficient as possible, while still allowing veterinarians to do basic compounding in their practices on an everyday basis.

- Provided an update from the Complaint Process Audit Subcommittee. The Subcommittee is again reviewing cases that are more current and giving feedback to the experts in a timelier fashion. Prior Subcommittee reviews were based on old cases in which many of the deficiencies of the experts were already corrected, and the Subcommittee is also working on real life examples for expert witness training.

[Dr. Sullivan](#) concluded his presentation by noting the future meeting dates and assignments for the MDC, and he responded to questions from the Board.

[Ms. Bowler](#) requested public comment. The following public comment was made on this item:

[Anita Levy Hudson](#), RVT, President of CaRVTA, extended her thanks for always allowing public comment on such issues. She stated that compounding by individuals with a VACSP [Veterinary Assistant Controlled Substance Permit] is a big concern for CaRVTA, as it should be for every veterinary technician. She stated RVTs work very hard to be recognized for their competencies and skills and go through such lengths to obtain state licensure and education to prove those competencies. She stated she understood the discussion is about potentially simple compounding for VACSPs. She stated that while everything ultimately is under the purview of the supervising veterinarian, this is not something that provides a guarantee this is a good idea. She stated she did not know the last time a veterinarian supervised a person making a compound in a hospital. She stated that direct supervision means that they are in the building, not necessarily actually observing what is happening, and her concern was that this permit provides VACSP holders to handle controlled substances. She said it does not provide any kind of training and when they are talking about compounding, even simple things like Clavamox, for example, the difference between 14 mLs and 16 mLs is going to greatly change the concentration. She said what they are using in the compound is also going to be in question—is it tap water; do you want sterile water—these kinds of things are all covered for RVTs in their education, but they are not covered for people who have not gone through that and do not have very clear-cut regimented and standardized training in hospitals. She said this is something that they are definitely very concerned about and wanted to be sure to voice their concerns to the Board. She stated that they would like to participate in future discussions, if possible.

B. Recommendation Regarding Board Guidelines for Veterinarian Discussion of Cannabis Within the Veterinarian-Client-Patient Relationship

[Meeting Materials](#)

Webcast: [00:40:23](#)

Dr. Sullivan presented this item and noted the MDC does not have a recommendation regarding Board guidelines for veterinary discussion of cannabis with clients at this time.

[Dr. Sullivan](#) responded to questions from the Board.

[Dr. Bradbury](#) requested that the Board add information in its next newsletter about cannabis/cannabidiol (CBD) being an over-the-counter product and providing information to general practitioners.

[Ms. Bowler](#) requested public comment. There were no public comments made on this item.

C. Recommendation to Revise Veterinarian-Client-Patient-Relationship Frequently Asked Questions

[Meeting Materials](#)

Webcast: [00:44:33](#)

Dr. Sullivan presented this item and responded to questions from the Board.

The Board discussed the proposal to add to the Board's Veterinarian-Client-Patient Relationship (VCPR) FAQs a new question number 6 and answer regarding vaccinations. Board members raised concerns regarding dangerous drug vaccinations and how to clarify for veterinary professionals the vaccinations that require a VCPR. The Board discussed revising the Small Animal Vaccination Clinic answer in the FAQ to add “, which would include rabies vaccination,” to provide clarification that rabies vaccinations are dangerous drugs requiring a VCPR to be established prior to administering the vaccination. The Board also discussed the possibility of listing the dangerous drug vaccinations that require a VCPR. To avoid listing some, but not all, dangerous drug vaccinations in the FAQs, only the rabies vaccination was proposed to be included in the text.

- [Motion](#): Dr. Noland moved and Dr. Bradbury seconded a motion to add the vaccination question and answer, as amended to add after "4022)" the text “, which would include rabies vaccination,” revise the VCPR FAQs to include the vaccination question number six and answer, and post the revised VCPR FAQs on the Board's website.

[Ms. Bowler](#) requested public comment before the Board acted on the motion. The following public comments were made on this item:

- [Bonnie Lutz](#), Esq., Klinedinst, stated she was getting a lot of questions about this topic and she understood that the Board wanted to be technically correct. She inquired about looking at the vaccines that are usually administered at a small animal vaccine clinic and adding information about Business and Professions Code [section] 4022. She stated that [BPC section] 4022 causes additional confusion. She requested that the Board add the vaccines usually administered at a small animal vaccine clinic, rather than potentially adding vaccinations that could fall under [BPC section] 4022. She added the goal would be to keep it as simple as possible, so that somebody reading the FAQs knows exactly what they are dealing with, because small animal clinics do not

provide vaccines to any exotic other diseases and things that Dr. Bradbury was referring to. She reiterated her comment because she is getting a lot of questions about this and there is confusion.

- [Anita Levy Hudson](#) stated she also receives a lot of questions about this through social media and other contact methods through CaRVTA regarding responsibilities and duties and what they are allowed to do with the VACSP. Her typical answer had been that it had to do with the controlled drugs. The VACSP, as she understood it, does not dictate competency, even about vaccines. She understood that the question was geared toward the vaccination clinics, where it is a fast process and a simple task to have somebody give a vaccination. But she wanted to let the Board know that those are the kinds of questions that she was receiving, as well. Ms. Hudson said she answers the questions saying there is nothing about the VACSP that tells that person what they are allowed or capable to do, limitations have been dictated in the terms of what tasks are restricted to RVTs and doctors. She said it seemed the Board was trying to fill in with the VACSP. As the Board was thinking about what text and language to use, she asked the Board to understand that people are potentially being asked to do a lot of things at work that they may or may not be trained or comfortable doing and they are looking for something to back them up. She said sometimes they look at these things not just to see what they can do, but to see what they are restricted from doing, so that they do not have to be in a situation where they have to refuse a task at work for fear of repercussions.

[Ms. Bowler](#) inquired whether the non-prophylaxis or non-prescription vaccinations that are typically provided in small vaccination clinics would be covered under the FAQ without listing the vaccinations. Ms. Loreda said it would be helpful to list in the FAQs the vaccinations most commonly administered. Dr. Bradbury believed the non-prophylaxis or non-prescription vaccination language covered the vaccinations typically provided in small vaccination clinics but believed a short list of vaccinations would be beneficial. Dr. Solacito said if the FAQs list the vaccines, there would be situations where there could be an outbreak, and the clinics could administer vaccines that would not typically be administered. Dr. Solacito did not think the FAQs should be limited by including a vaccine list.

[Ms. Welch](#) suggested moving forward with the FAQs and include another amendment to the language for small animal vaccination clinic, on line two, where it states “can administer vaccinations” to insert “, such as [list of the most common vaccinations that can be administered without establishing a VCPR]” to better identify the most common vaccinations. However, Ms. Welch stated the list should not be included in the text at this time but should be determined after working with Board staff and Dr. Solacito. Dr. Noland agreed providing a list of the most common vaccines would reduce the number of questions asked.

- [Motion](#): Dr. Noland amended her original motion, and Dr. Bradbury seconded, and moved to revise the VCPR FAQs to include the vaccination question number six and answer, as amended to add, under Small Animal Vaccination

Clinic, line two, after the word "vaccinations" the following: “, such as [list the most common vaccinations]” and then, in line four, after "4022)" add “, which would include rabies vaccination,” and post the revised VCPR FAQs on the Board's website.

[Ms. Bowler](#) noted that once the list of most common vaccinations is added to the text, the text would not need to be reviewed again by the Board.

Ms. Bowler requested public comment before the Board acted on the amended motion. The following public comment was made on this item:

- [Bonnie Lutz, Esq.](#), thought that it was a great way to handle this topic and understood what Dr. Solacito was getting at. She stated as long as they are aware of the fact that the Board is not limiting those vaccines in the Board's statement, that when there is an outbreak, when they get that question, they know how to answer that. She stated it will make it clearer for people who are putting on these small animal vaccine clinics. She thought it was great. She knew the Board spent a lot of time on this, but she thought it will make everything a lot easier for everybody to understand.

[Ms. Bowler](#) called for the vote on the proposed motion. Ms. Siefertman took a roll call vote on the proposed motion.

- [Vote](#): The motion carried 7-0.

D. Recommendation on Proposed Amendments to California Code of Regulations (CCR), Title 16, Sections 2030.3, Small Animal Vaccination Clinic, and 2032.1, Veterinarian-Client-Patient Relationship, in Alternate Premises Rulemaking

[Meeting Materials](#)

Webcast: [01:18:10](#)

Dr. Sullivan presented this item and noted the following:

- He was made aware of concerns over the proposed revisions to CCR, title 16, section 2030.3, and he requested that the Board postpone voting on this item. He said the Board could refer the item back to the MDC for further clarification.
- He requested the Board move forward with amendments to CCR section 2032.1 related to the VCPR to exempt the rabies vaccine from the VCPR, to assist compliance with a state-mandated law that all municipalities and local governments provide low-cost rabies vaccination clinics for public health protection. He stated the proposed amendment would add, at the end of CCR section 2032.1(a) “, or rabies vaccinations are given in the interest of protecting public health”.

[Ms. Welch](#) clarified the small animal vaccination clinic regulation revisions are part of the alternate premises rulemaking, which the Board previously approved. However, DCA's Regulations Unit identified substantive concerns with that rulemaking, so the Board should send the alternate premises rule making back to the MDC for further discussion and potential revisions to address the Regulations Unit concerns. Ms. Welch explained this was why the Board was not asked to review CCR section 2030.3 at this time. However, the alternate premises rulemaking would come back to the Board for review.

[Ms. Bowler](#) ordered the Small Animal Vaccination Clinic amendment proposal (CCR, title 16, section 2030.3) be sent back to the MDC and added to their assignments.

Dr. Sullivan noted that he had already discussed this issue with the California Department of Public Health, and they agreed on the need for this change.

- [Motion](#): Dr. Noland moved and Dr. Solacito seconded the motion to: (1) adopt the wording “, or rabies vaccinations are given in the interest of protecting public health” to [CCR section] 2032.1, in the last sentence; (2) include this change in the Board's Veterinarian Client Patient Relationship Informed Consent rulemaking and instruct staff to proceed with the rulemaking process, and (3) to strike the word "or" in the second to the last sentence.

[Ms. Bowler](#) requested public comment before the Board acted on the motion. The following public comment was made on this item:

- [Nancy Ehrlich](#), RVT, CaRVTA, questioned the wording of the phrase “, or when rabies vaccinations are given in the interest of protecting public health” and if that was meant to be a specific situation. She asked aren't rabies vaccines always given in the interests of public health. She thought that wording was not clear; was it meant to be just at a rabies vaccination clinic or every time a rabies vaccination is administered.

[Dr. Sullivan](#) clarified he thought that the text was added because the Board was giving a reason why it was asking for an exemption from a very important part of the Practice Act. The proposed change to the VCPR is not just to exempt rabies vaccinations but to say why the exemption is being given for the interest of public health, regardless of whether it is in a private practice, vaccine clinic, or at a shelter.

[Ms. Halbo](#) stated that text is putting in the reasoning, and it does not restrict the language the Board is adding, so it is not problematic. She stated that if the Board receives a lot of questions on it, then they could be answered in FAQs. But adding the language defends the sanctity of the VCPR. She advised against removing that language.

[Ms. Bowler](#) called for the vote on the proposed motion. Ms. Siefertman took a roll call vote on the proposed motion.

- [Vote](#): The motion carried 7-0.

E. Recommendation Regarding Veterinary Drug Compounding Guidance

[Meeting Materials](#)

Webcast: [01:28:21](#)

Dr. Sullivan presented this item and asked the Board to approve the MDC's recommendation on the educational material.

[Ms. Welch](#) noted that under the [Guidance on Veterinary Drug Compounding, under VI. Definitions, A.3. "Office Stock" and A.4. \(Specific Compounded Drug Preparation\)](#), there were some concerns, and the memo explains why item A.3. was removed.

The Board continued discussion on the topic, and Dr. Sullivan provided clarification of the Board's questions.

- [Motion](#): Ms. Loredo moved and Dr. Bradbury seconded a motion to approve the Guidance on Veterinary Drug Compounding and courtesy Compounded Drug Preparation Formula Form for posting on the Board's website and dissemination to all licensees and stakeholders.

[Ms. Bowler](#) requested public comment before the Board acted on the motion. The following public comment was made on this item:

- [Bonnie Lutz](#), Esq., raised concern that the Board is calling the document a "guidance." She understood that is what is intended, but her experience had been that lawyers and judges consider guidance issued by an agency, such as the VMB, to be law. She did not know if that was what the Board intended. She asked Tara [Welch] if she thought there was some other word that could be used other than "guidance," because she has had bad experiences with judges determining that "guidance" by an agency is actual law.

[Ms. Welch](#) stated that there is a difference between "guidance" and "guidelines;" she noted the Board's *Disciplinary Guidelines*, which provide specific provisions and parameters for probationary terms and disciplinary actions, verses a guidance document that completely reflects existing law.

[Ms. Siefertman](#) recommend changing the word "guidelines" to "guidance" in the [Guidance on Veterinary Drug Compounding](#) document on page 5 of the meeting materials for this item. She also emphasized the guidance is simply reiterating what the law already states.

- [Motion](#): Ms. Loredo amended the original motion and moved, and Dr. Bradbury seconded, to approve the Guidance on Veterinary Drug Compounding and courtesy Compounded Drug Preparation Formula Form for posting on the Board's website and dissemination to all licensees and stakeholders to include changing the word "guidelines" to "guidance" on the bottom of page 5 of the

[Guidance on Veterinary Drug Compounding](#) document in the meeting materials for this item.

[Ms. Bowler](#) requested public comment before the Board acted on the motion. The following public comment was made on this item:

- [Grant Miller](#), DVM, CVMA, inquired when the guidance material was posted. He stated the guidance document was not posted in the meeting materials online.

[Ms. Siefertman](#) responded she believed it was several days ago.

- [Grant Miller](#) stated that during the MDC meeting the prior day, he had trouble understanding what the record-keeping policies would be, and the conversation progressed during that meeting, it was evident that there was a formula document, which is like the master recipe book. He also asked about the labeling requirements. He only saw the master formula document and the guidance. He asked whether there was any guidance for the records that would be required when somebody was doing the procedure. He said Dr. Sullivan had mentioned a flowchart, or a spreadsheet, that said what was made, the person who made it, and the expiration date. Dr. Miller asked if that information could be included in this guidance. He was concerned that if that information was a requirement in the regulations, and the Guidance only include the formula document, people will only refer to the guidance and not realize there is a regulation section that states more documentation is required. He was still working through confusion from the prior day, but after talking to some of the subcommittee members, it became clearer. He stated he was unsure of what the proposed regulations were saying and if he was missing something.

[Dr. Sullivan](#) responded that Dr. Miller was not missing something; the regulations do not explain [proposed revisions to CCR, title 16, section 2092,] subsection (f).

- [Grant Miller](#) expressed concern regarding the guidance if the regulations will be modified again. He stated he interfaces with the veterinary profession on regulatory compliance quite a bit, and when something is new, people look at it, and they never look at it again; they say here's what I have to do, and off I go. He said if the regulations will be amended to require this additional documentation, he thinks compliance is going to get messy. Dr. Miller does not want practitioners, who are trying to do the right thing, to end up in an enforcement issue because they thought that they had done the right thing, but only worked off the guidance. He said regulations change all the time, and we can only move with what we have. He expressed concern about the publication because the MDC already is looking at making additional changes. He asked if anyone had any thoughts on that. He said he respects what the Board is trying to do, and believed it was a good publication; however, he felt this will be difficult to release. He apologized if the comment was non-germane to the motion at hand, but he was trying to make sure he understood everything.

[Ms. Welch](#) confirmed Dr. Miller's concern that the guidance document does not advise practitioners about the animal medical record-keeping requirements in existing CCR section 2092, subsection (e), "for each compounded drug preparation, the following information shall be recorded in the patient's medical record." She suggested, to be complete, the guidance may need an additional section about an animal patient medical record that tells practitioners, under CCR section 2092(e) "for each compounded drug preparation, a practitioner must record the following information in the patient's medical record." She stated the Board would probably need just that section right now, because it is a requirement. She thought the guidance needs to be a little bit more complete, but [the proposed revisions are] pretty minor. She said if the Board wanted to add that section, the guidance could be revised and returned to the Board in October to massage that language and make sure the language is appropriate and has the correct cross reference and link. She stated the guidance is necessary because although the MDC is reviewing the regulations for potential amendments, it is unknown when those amendments would go into effect; it could take up to two years [for potential regulations to be approved] due to the significant review process. In the meantime, she said the guidance document is intended to provide information about the new drug compounding requirements to practitioners right now. She said the guidance is important and urged the Board to move the guidance forward. She said to resolve Dr. Miller's concern, the guidance should include a small section on the animal medical record documentation requirement. She suggested that under the [Guidance on Veterinary Drug Compounding](#) document, on page 2 (page 6 of the meeting materials for this item), above the section on Quality Assurance Program, insert a new section IV, Animal Patient Record Documentation, that restates [CCR, title 16, section 2092](#), subsection (e), that for all compounded drug preparations prepared for an animal patient, the following information shall be recorded in the animal patient's medical record, and include the list of items in [CCR, title 16, section 2092](#), subsection (e)(1) through (5).

[Ms. Siefertman](#) and Board members discussed the concerns over waiting for the guidance to be published once all the drug compounding regulations were complete, and they continued discussion on how to incorporate CCR, title 16, section 2092(e) into the guidance document. The Board discussed revising the end of Section III, moving that to its own Section IV, Animal Patient Record Documentation, and include the documentation requirements under [CCR, title 16, section 2092](#), subsection (e)(1) through (5).

- [Grant Miller](#) stated this is a good workaround to the concerns. He agreed that calling it out very clearly and saying there is a medical record obligation is very important. He stated in a guidance, you can use the words you want to use, you may opt to use the word "should" instead of "may" in that regard, so that veterinarians are very clear you have to start recording this information when you are making these products. He added it could be a spreadsheet, but it does not have to be a spreadsheet; it can be something that is recorded in the animal's medical record, and extrapolating [CCR, title 16, section 2092,] subsection (f) in the regulations, that would satisfy the requirement. He stated

some formatting changes are a good way to make this document more usable and would help in making it clearer.

[Dr. Bradbury](#) and Board members continued to discuss on this agenda item and Dr. Sullivan continued to answer questions.

Webcast Link: Agenda Items 5.E.–11 (<https://youtu.be/Z9Q0eQr7OHk>)

[Ms. Siefertman](#) shared her screen at the meeting, indicating the suggested changes to the [Guidance on Veterinary Drug Compounding](#) document, which included:

- On page 1, under Section I, on the last paragraph to change "...These Guidelines provide..." to "...This Guidance provides...".
- On page 2, under Section III, in the second paragraph, striking the last sentence which states "In addition, for each compounded drug preparation prepared for a patient, specific information shall be recorded in the animal patient's medical record. (CCR, tit. 16, § 2092, subs. (e).)"
- On page 2, after Section III, inserting a new Section IV, titled "Animal Patient Medical Record Documentation" to read:

For each compounded drug preparation prepared for a patient, the following information shall be recorded in the patient's medical record:

- (1) Name or initials of the veterinarian who made or supervised the making of a compounded drug preparation and the name or initials of the registered veterinary technician, if any, who made the compounded drug preparation.
- (2) Expiration date of the compounded drug preparation.
- (3) Directions for its storage and administration.
- (4) Name, amount, and strength of the compounded drug preparation.
- (5) Date the drug preparation was compounded.
- On page 3, under Section VI, the last paragraph, changing "...these guidelines..." to "...this Guidance..."
- Renumber of current sections to include:
 - IV. Quality Assurance Program to V. Quality Assurance Program
 - V. Labeling of Compounding Preparations to VI. Labeling of Compounding Preparations
 - VI Definitions to VII Definitions

- [Motion](#): Ms. Loredo amended her prior motion and moved, and Dr. Bradbury seconded, to approve the Guidance on Veterinary Drug Compounding, as revised during this meeting, and courtesy Compounded Drug Preparation Formula Form for posting on the Board's website and dissemination to all licensees and stakeholders.

[Ms. Bowler](#) requested public comment before the Board acted on the amended motion. There were no public comments made on this item.

[Ms. Bowler](#) called for the vote on the proposed motion. Ms. Sieferman took a roll call vote on the proposed motion.

- [Vote](#): The motion carried 7-0.

F. MDC 2022 Assignments

[Meeting Materials](#)

Webcast: [00:05:47](#)

Dr. Sullivan presented this item and responded to Board questions and comments.

[Ms. Welch](#) recommended that the Board refer the Alternate Premises Rulemaking back to the MDC for additional review and potential substantive revisions to address the Regulations Unit's concerns.

[Ms. Bowler](#) requested public comment on this item. There were no public comments made on this item.

6. Update, Discussion, and Possible Action Regarding Equine Practice Issues

Webcast: [00:07:41](#)

Ms. Bowler provided an overview of the agenda item, including the history that has taken place in 2022, including:

- At the January 2022 Board meeting, the Board requested a presentation by CVMA and other stakeholders regarding their specific concerns with the Veterinary Medicine Practice Act and the statutes and regulations as applied to equine veterinary practices. The Board requested that they offer any suggested legislative or regulatory proposals that might address their concerns.
- In the April 2022 meeting, the submitted materials went beyond the scope of the Board's request, and, consequently, the Board was advised it was unable to receive that particular presentation at the April meeting. During and after the April meeting, the Board heard from equine practitioners and others from the equine industry expressing concern and frustration with the Board's inability to hold such discussions.

- During this time, the California Horse Racing Board (CHRB) requested to work collaboratively with the Board to discuss concerns regarding veterinary practices at CHRB facilities. Since the April meeting, the Board's Executive Officer and Executive Committee, which includes Dr. Bradbury and Ms. Bowler, held numerous meetings to discuss how concerns raised by the equine industry might be addressed without inadvertently jeopardizing the Board's ability to fairly deliberate and rule on pending disciplinary items or matters.
- After much discussion, the Executive Committee recommended the Board send this issue to the MDC and request the MDC chair to immediately form a subcommittee and appoint two members who are not Board members. The subcommittee can begin a series of meetings with Board staff, legal counsel, and solicit input from all relevant stakeholders (CVMA, CHRB, etc.) on these issues and then bring any recommendations to the Board at a future meeting.

After this discussion, a motion was made.

- [Motion](#): Dr. Bradbury moved and Dr. Noland seconded the motion to task the MDC with researching the equine practice issues with regulations and statutes, take input from all the stakeholders without Board members on the subcommittee, and then come back to the Board with particular recommendations.

[Ms. Bowler](#) requested public comment before the Board acted on the motion. The following public comments were made on this item:

- [Michael Manno](#), DVM, an equine practitioner in Southern California, asked, in relation to the appointment of the subcommittee, if any of the two members would be veterinarians and if so, would they be equine veterinarians; is there anyone that could be appointed to this subcommittee that has practical experience.

[Ms. Bowler](#) and the Board continued discussion to see how the Board could include members of the equine industry, but that the MDC would be responsible for selecting members of the subcommittee and ensure no one on the subcommittee is a current Board member.

Ms. Bowler called for the vote on the proposed motion. Ms. Siefertman took a roll call vote on the proposed motion.

- [Vote](#): The motion carried 7-0.

7. Update on the Board's Enforcement Continuing Education Webinar

[Meeting Materials](#)

Webcast: [00:18:57](#)

Ms. Sieferman provided an overview of the Enforcement Continuing Education (CE) Webinar, which included:

- Webinar participation, in which 481 individuals had registered, 221 had actually attended, and 168 attendees were provided a CE certificate.
- The webinar was broken up into two parts, with the first part focused on the whole enforcement process, and a second part on inspections.
- The Board received a lot of good feedback that it will use for future webinars.
- Next planned webinar will be either the 1st or 2nd week of November.

[Ms. Bowler](#) requested public comment on this item. The following public comments were made on this item:

- [Anita Levy Hudson](#) thanked the Board for creating the webinar; it was a wonderful option for CaRVTA members to obtain CE and learn more about the processes that exist. She extended an invitation to a webinar that CaRVTA does once a month, on the first Monday of each month, in conjunction with the Southern California Veterinary Medical Association. She requested the Board present the Enforcement CE Webinar during that monthly webinar, because so many members would benefit.

8. **Access to Veterinary Care Task Force Report – Jaymie Noland, DVM, and Dianne Prado**

[Meeting Materials](#)

Webcast: [00:25:45](#)

Dr. Noland and Ms. Prado presented this item, and it was followed by a presentation by Dr. Miller of CVMA. The topics on this item included:

- Removing a barrier to licensure by removing the requirement for the California State Board Examination (CSBE) as part of [Assembly Bill \(AB\) 1535](#).
- Updates from the two approved California veterinary schools, which included:

University of California, Davis (UC, Davis)

- Survey results reflecting student understanding of the access to care issue. The results included an understanding of the costs associated with an individual affording veterinary care and transportation to a veterinary premises.
- Access to Care Committee, made up of UC, Davis students, submitted a letter to the UC, Davis administration asking for experience and information

related to incremental care, and an improved curriculum, which included a request for a course in Spanish.

Western University of Health Sciences, Pomona (Western University)

- Survey results from the students on their understanding of the access to care issue.
- [American Association of Veterinary Medical Colleges \(AAVMC\) receives 1.3 million dollar grant from The Stanton Foundation for the development of spectrum of care initiative](#) to develop an educational model including competency outcomes, assessment strategies, and learning experiences that will prepare graduates to practice with competence and confidence across the spectrum of care. This new grant will support their work over the next two years.
- The disproportionate effect on people of color and particularly low-income people of color of not having either access to veterinary care or the ability to join the veterinary profession.
- Request to the Legislature to make a bill for loan forgiveness similar to the [United States Department of Agriculture \(USDA\) National Institute of Food and Agriculture's \(NIFA's\) Veterinary Medicine Loan Repayment Program](#) for rural veterinarians.
- Updates from the CVMA Task Force

[Dr. Miller](#) of the CVMA presented his findings, which included:

- Access to Veterinary Care – Possible Solutions document (Agenda Item 8, Attachment 2), focusing on items:
 - [2\) Expanded Role of RVTs.](#)
 - [3\) a. i. How to write medical records, specifically on how to justify incremental care](#), including properly documenting and offering incremental care.
 - [5\) a. i. Importance of veterinary care / taking your pet to the vet.](#)
 - [6\) Language barriers](#), CVMA collection of information related to the different cultures, language spoken, and demographics.
- Suggesting review and possible update of [CCR, title 16, section 2032.3](#) in relation to the medical recordkeeping section.
- Public health issue, including the possible health implication to humans as part of a larger government effort, including focusing on basic care for animals and the ability to take an animal to a place where they can receive those services.

[Dr. Miller](#) answered Board questions and concerns, including combining health services to address the whole family from [humans and animal services at the same location](#).

[Dr. Noland](#) and Ms. Prado answered the request for recommendations from the task force, which included:

- Reviewing the Practice Act to identify barriers to access to care.
- Reviewing the pipeline of individuals in underserved communities and finding ways to encourage these individuals to go to veterinary schools to be RVTs or veterinarians.
- Asking the Legislature to carry a bill for the Board, including loan forgiveness.

[Ms. Siefertman](#) noted that the Board can ask for a legislative bill. However, she advised the Board that loan forgiveness may be beyond the scope of the Board, and it should be done through an association. The Board could provide its input once a bill is proposed.

- [Motion](#): Dr. Bradbury moved and Dr. Noland seconded a motion to send this item to the MDC to look at the [\[CCR, title 16, section\] 2032.3](#) and start a deep dive into that in regards to record keeping as it relates to access to care issues.

[Board members](#) continued discussion of these issues, including incremental care, and prioritizing the topics.

- [Motion](#): Dr. Bradbury amended her prior motion and moved, and Dr. Noland seconded, to have the [Access to Veterinary Care] Task Force summarize and prioritize their findings and create specific tasks based on those findings and send those to the MDC before the next meeting.

After discussion, the motion was amended.

- [Motion](#): Dr. Bradbury amended her prior motion and moved, and Dr. Noland seconded, to direct the [Access to Veterinary Care] Task Force to summarize and prioritize findings within the next 45 days in consultation with the MDC Chair and create a list of two specific tasks that that the [Access to Veterinary Care] Task Force believes should be addressed by the MDC.

[Ms. Bowler](#) requested public comment before the Board acted on the motion. The following public comments were made on this item:

- [Ken Pawlowski](#), DVM, CVMA, practice owner, commented on the concerns for the whole incremental care issue. He stated that as a practice owner having 13 vets, there is a lack of understanding between minimum care, standard of care, [and] gold standard. He said his vets, particularly the newer vets, are terrified of losing their license and half of the practice they do is CYA [Cover Your Butt] because they are worried about the Board coming after them. He stated they

are constantly trying to tell them that is not going to happen, just practice medicine, [and] just do what the pet needs. He did not know where this was coming from, and he did not know if it is happening in the schools that they are being told all of this, but there is a concern. He said they are constantly worried about the need to get an AMA [Against Medical Advisement] [Form] signed, just document it, and practice medicine.

- [Grant Miller](#), DVM, CVMA, did not know if the Task Force, when they do this work over the course of the next month and a half, will have the opportunity for stakeholder input. He knew they were considering other solutions beyond the CVMA's document, but he thought that while there could be some opportunity for regulatory amendments, the Board's enforcement webinar was a really good demonstration of how much the profession needs that type of guidance. He stated the Board had 410 registrants; that is big. He said that CVMA does webinars all the time and does not get that kind of draw, and he thought that the Task Force may want to consider beyond just the regulatory component and going through the Practice Act. He also mentioned that the Board may also consider the possibility of doing a similar presentation on recordkeeping and on successful strategies for recordkeeping, because the profession is not totally familiar with that since most practitioners have recordkeeping issues. He thought there could be a real opportunity, and that might not take a major MDC effort. He suggested the Board create a series of webinars to help guide practitioners.

[Ms. Siefertman](#) stated a separate webinar might be available, and might be much shorter but still have more training on the difference between minimum and gold standards of care because those are two different things that are oftentimes used synonymously, but they are not. She is creating a webinar around the minimum versus standard of care versus the gold standard that will not only help the Board's licensees but also the subject matter experts.

- [Bonnie Lutz](#), Esq, stated she is involved with Align Care and understood the whole access to care issue. She stated her big concern is the veterinarians who are going to get dinged because they did not comply with the standard of care based on the subject matter expert. She said the standard of care is the legal term. She stated, in law school, her professor called it the "doctor do do rule", so it is whatever "doctors do do", so it is what currently veterinarians do in that particular area, and that is the standard of care. She said it is a legal term; it is not the gold standard; it is a minimum standard. She added there is a lot of case law that explains what it is. Her concern is that the Board's subject matter experts are not always on the same page with the standard of care, and if we start looking at incremental care, she can guarantee the Board that her clients are going to get in trouble because they are going to be dinged for negligence when they are just trying to provide what is the minimum standard of care. She thought one of the biggest components is training the subject matter experts. She had a hearing about six months ago, and asserted the Board's subject matter expert was applying the gold standard in the case. She said the case actually settled, and the citation was paid because it was not worth fighting. She

said the other problem is that the deputy attorney generals are not going to understand whether they are going to hire experts that are looking at the gold standard, not the minimum standard, and she did not want to be in a hearing with an administrative law judge who does not understand that the Board is looking to excessive care. She stated it is a bigger problem than just recordkeeping. She asked the Board to please look at the subject matter expert issue, and she completely agreed with what Dr. Pawlowski said and what Dr. Miller were saying. She stated that if the Board's experts are saying that her clients are negligent because they did not do "x," "y," and "z," they will continue to be faced with the same issue in the defense.

[Ms. Bowler](#) called for the vote on the proposed motion. Ms. Siefertman took a roll call vote on the proposed motion.

- [Vote](#): The motion carried 7-0.

The following public comment was made after Agenda Item 11:

- [Nicole Dickerson](#), DVM, CVMA, stated that although there are not many people or hospitals doing this type of work in California, Animal Fix Clinic is one that is actually near where she lives in Richmond, California, and they have been proponents of incremental care, low-cost spay neuter, and low-cost emergency surgery for a while. She was just recently appointed to their board, and one of the things that they are trying to do is educate general practitioners and veterinarians, and empower RVTs who are doing anesthesia on these cases. She said with respect to the discussion of Board webinars and that type of outreach, she thought of this clinic and the work she has been doing with them, and how they can be a valuable resource. She stated although there are not many clinics out there like them, it is worth tapping into those communities and use the people that are already involved to educate the rest of the public and empower them to do the type of work being discussed for incremental care.

The following public comment was made after Agenda Item 18.C.:

- [Karen Atlas](#), APTC, thanked the Board for acknowledging the ongoing issue regarding the lack of access to animal physical therapists for animal PT rehab care. She appreciated the entire Board had access to read APTC's documents and Dr. Noland acknowledging the issue during the Access to Veterinary Care Task Force report and it was acknowledged that legislation is ultimately the answer. She stated they agree with Dr. Grant Miller to the extent that Access to Veterinary Care is a real public service issue. She stated the public cannot get the services they need for their animals. She stated they were, however, taken aback a bit when it seemed some appeared to be wanting to cherry-pick the access to care issues to address only what they deemed important. She claimed the notion of not wanting to address the rehab or PT issue because, to paraphrase, that is not what the Board meant when they were tasked to help solve the access to vet care issues was surprising. She said it was particularly surprising to hear how they now wanted to reconsider redefining the access to

care issues, which would seem to box out some stakeholders, including the APTC stakeholders, and prevent some very important issues from being considered. She claimed if this were to happen, this Board would again be ignoring the thousands and thousands of Californians who believe it is an important issue and want the appropriate access to rehab care for their animals. She said APTC expects to pursue legislation in the upcoming session to make clear the ability of licensed physical therapists with advanced training to provide physical rehabilitation services to animals upon the referral and supervision by a veterinarian and look forward to the prospect of collaborating with the Board to solve the important access to animal rehab PT care for the benefits of the consumer and animals in California.

9. Interviews, Discussion, and Possible Appointment to Fill Vacant Wellness Evaluation Committee Veterinarian and Public Member Positions

[Meeting Materials](#)

Webcast: [01:51:33](#)

The Board conducted interviews to fill the one veterinarian member position and one public member position on the Wellness Evaluation Committee (WEC). Prior to the meeting, the Board received a total of four applications, two of which were for the veterinarian position. The other two applications were from RVTs, who do not qualify as public members. The one public member position remains vacant, and the Board will seek to fill this position at its next Board meeting. The following candidates were considered:

- [Lane Johnson, DVM, License No. 7228](#)
- [Linda Pirie, DVM, License No. 18335](#)

Both applicants appeared for the interviews, and each individual answered the Board's interview questions by providing information related to their background, knowledge, skills, and experience related to the position. The individuals were interviewed in order of last name, first name, and their responses can be viewed at the following links:

- [Lane Johnson, DVM](#)
- [Linda Pirie, DVM](#)

The Board discussed the strengths of each applicant and thanked both individuals for applying to the position.

- [Motion](#): Dr. Solacito moved and Ms. Bowler seconded a motion to select Dr. Pirie as a veterinarian member of the WEC.

[Ms. Bowler](#) requested public comment before the Board acted on the motion. There were no public comments made on this item.

[Ms. Bowler](#) called for the vote on the proposed motion. Ms. Sieferman took a roll call vote on the proposed motion.

- [Vote](#): The motion carried 7-0.

Ms. Bowler encouraged anyone who is a public member and interested in applying for the position to visit the Board's website.

10. Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, DCA, and/or the Veterinary Profession

[Meeting Materials](#)

Webcast: [02:18:45](#)

Ms. Sieferman provided background information and status updates of the following bills:

A. Priority Legislation for Board Consideration

(1) **Assembly Bill (AB) 189 (Committee on Budget, 2021) State Government**

[Meeting Materials](#) and [Legislative Bill](#)

Webcast: [02:18:52](#)

Ms. Sieferman informed the Board that AB 189 was unsuccessful. However, SB 189 passed, which extended, until June 30, 2023, [statutory authority] to allow members to attend Board meetings in virtual locations.

(2) **AB 1662 (Gipson, 2022) Licensing Boards: Disqualification from Licensure: Criminal Conviction**

[Meeting Materials](#), [Board Position Letter](#), and [Legislative Bill](#)

Webcast: [02:19:35](#)

Ms. Sieferman presented an update on this bill, which was still moving through the process. Since the last Board meeting, she sent the Board's opposition letter to the Assemblymember. She noted the bill had since been amended to include a provision to allow the Board to charge \$50 and require fingerprints from the individual. She noted the increased costs that may be incurred by each DCA entity and each DCA entity may have to create new regulations to be in compliance if the bill passes.

(3) **AB 1733 (Quirk, 2022) State Bodies: Open Meetings**

[Meeting Materials](#), [Board Position Letter](#), and [Legislative Bill](#)

Webcast: [02:22:58](#)

Ms. Sieferman informed the Board that AB 1733 was unsuccessful. She noted the Assembly Governmental Organization Committee wanted to make amendments to the bill that would require a quorum of board members at the physical location. She noted that the Legislature was working with DCA to find a permanent solution.

(4) AB 1885 (Kalra, 2022) Cannabis and Cannabis Products: Animals: Veterinary Medicine

[Meeting Materials](#), [Board Position Letter](#), and [Legislative Bill](#)

Webcast: [02:23:54](#)

Ms. Sieferman informed the Board that AB 1885 was still in the legislative process and would be going to the Appropriations Committee on August 1. She included the Board's position letter indicating the Board was in support of this bill.

(5) AB 2606 (Carrillo, 2022) Cats: Declawing Procedures: Prohibition; and any Other Potential Legislation Related to Prohibiting Cat Declawing

[Meeting Materials](#), [Board Position Letter](#), and [Legislative Bill](#)

Webcast: [02:24:24](#)

Ms. Sieferman informed the Board that AB 2606 was unsuccessful. She included the Board's position letter indicating the Board opposed this bill and any other potential legislation related to prohibiting cat declawing. She indicated this bill is unlikely to go away, and it may come back in the future.

- [Motion](#): Dr. Bradbury moved and Dr. Solacito seconded a motion to grant the Executive Committee the authority to oppose any potential legislation this session that prohibits veterinarians from performing any cat declawing procedures.

[Ms. Bowler](#) requested public comment before the Board acted on the motion. The following public comment was made on this item:

- [Grant Miller](#), DVM, CVMA, stated that although [AB] 2606 was dead, CVMA continued to have an opposed position on any type of legislation that would limit a veterinarian's ability to practice veterinary medicine within a valid veterinarian-client-patient-relationship.

[Ms. Bowler](#) called for the vote on the proposed motion. Ms. Sieferman took a roll call vote on the proposed motion.

- [Vote](#): The motion carried 6-1-0, with Ms. Prado voting no.

The following public comment was made after Agenda Item 10.B.:

- [Joshua Lasell](#) requested what was the specific motion regarding AB 2606.

**(6) Senate Bill (SB) 1031 (Ochoa Bogh, 2022) Healing Arts Boards:
Inactive License Fees**

[Meeting Materials](#), [Board Position Letter](#), and [Legislative Bill](#)

Webcast: [02:31:06](#)

Ms. Sieferman informed the Board that SB 1031 was unsuccessful. She included the Board's position letter indicating the Board opposed this bill, which would have cut the inactive license renewal fees in half.

**(7) SB 1495 (Committee on Business, Professions and Economic
Development, 2022) Professions and Vocations**

[Meeting Materials](#), [Board Position Letter](#), and [Legislative Bill](#)

Webcast: [02:31:32](#)

Ms. Sieferman informed the Board that SB 1495 passed. She provided a background on this omnibus bill, which included four requests from the Board. She noted only one Board item made it in the bill, which related to deleting obsolete continuing education language. She also noted that the bill was amended to include the National Association of Veterinary Technicians in America (NAVTA) recognized specialty organizations. She recommended that the Board continue to support this bill. She informed the Board that two items were still outstanding:

1. Definition of Teleconsultation, Telehealth, Telemedicine, and Teletriage
2. Adding an RVT member to the Board composition; the Board likely will need to be pursue separate legislation in the next legislative session for this legislative recommendation.

B. Other Board-Monitored Legislation

[Meeting Materials](#) and [Legislative Bill](#)

Webcast: [02:32:37](#)

Ms. Sieferman presented this item and referred to the meeting materials for updates on the following bills.

**(1) AB 225 (Gray, 2021) Department of Consumer Affairs: Boards:
Veterans: Military Spouses: Licenses**

- (2) **AB 1604 (Holden, 2022) The Upward Mobility Act of 2022: Boards and Commissions: Civil Service: Examinations: Classifications**
- (3) **AB 1795 (Fong, 2022) Open Meetings: Remote Participation**
- (4) **AB 1881 (Santiago, 2022) Animal Welfare: Dog and Cat Bill of Rights**
- (5) **AB 2055 (Low, 2022) Controlled Substances: CURES Database**
- (6) **AB 2104 (Flora, 2022) Professions and Vocations**
- (7) **AB 2642 (Mayes, 2022) Department of Consumer Affairs: Director: Powers and Duties**
- (8) **AB 2948 (Cooper, 2022) Consumer Protection: Department of Consumer Affairs: Complaints**
- (9) **SB 1237 (Newman, 2022) Licenses: Military Service**
- (10) **SB 1310 (Leyva, 2022) Professions and Vocations: Consumer Complaints**
- (11) **SB 1365 (Jones, 2022) Licensing Boards: Procedures**

Ms. Bowler requested public comment on this item. There were no public comments made on this item.

11. Update, Discussion, and Possible Action on Proposed Regulation

[Meeting Materials](#)

A. Status Update on Pending Regulations

[Meeting Materials](#)

Webcast: [02:35:12](#)

Jeff Olguin, Lead Administrative & Policy Analyst, presented a status update on pending regulations and approvals from the Office of Administrative Law (OAL), which include the following updates:

Section 100 Rulemaking Process

- Updated Fees package was approved by OAL on May 17, 2022.
- Elimination of the CSBE and Temporary Licensee Requirements package was under review by the Regulations Unit over concerns on removing the 60-month notation with the regulation, which may be a substantive change requiring this package to go through the regular rulemaking process.

Regular Rulemaking Process

- Civil Penalties for Citations was under review with the California Business, Consumer Services and Housing Agency (Agency), which was sent over on July 5, 2022.
- RVT Student Job Tasks was pending budget review. In addition, a recommendation from the subcommittee would be voted on in the October meeting to split this package into two, with one package including California Code of Regulations (CCR), title 16, section 2036.1 and 2068.5, and the other package including the remaining CCR, title 16, sections [2064, 2065, 2065.1, 2065.2, 2065.6, 2065.7, 2065.8, and 2066].
- Uniform Standards for Substance-Abusing Licensees was pending budget review and Legal Affairs re-review before submission to Agency.

[Ms. Bowler](#) requested public comment on this item. There were no public comments made on this item.

12. Recess until July 21, 2022 at 9:00 a.m.

The meeting was recessed at 4:03 p.m.

9:00 a.m., Thursday, July 21, 2022

Webcast Links:

Agenda Items 13.–18.C. (<https://youtu.be/UL5OPWTQV3Y>)
Agenda Items 18.D.–27. (<https://youtu.be/86s15fncCt8>)

13. Reconvene – Establishment of a Quorum

Webcast: [00:00:49](#)

Board President, Kathy Bowler, called the meeting to order at 9:01 a.m. Executive Officer, Jessica Siefertman, called roll; all seven members of the Board were present, and a quorum was established.

Members Present

Kathy Bowler, President
Christina Bradbury, DVM, Vice President
Jennifer Loredo, RVT
Jaymie Noland, DVM
Dianne Prado
Maria Preciosa S. Solacito, DVM
Maria Salazar Sperber (absent after 12:16 p.m.)

Student Liaisons Present

Kristina Junghans, Western University of Health Sciences

Staff Present

Jessica Siefertman, Executive Officer
Matt McKinney, Enforcement Manager
Patty Rodriguez, Hospital Inspection Program Manager
Rob Stephanopoulos, Enforcement Manager
Amber Kruse, Lead Enforcement Analyst
Jeffrey Olguin, Lead Administrative & Policy Analyst
Andrea Amaya-Torres, Enforcement Analyst
Jacqueline French, Enforcement Analyst
Tara Reasoner, Enforcement Analyst
Daniel Strike, Enforcement Analyst
Jeffrey Weiler, Probation Monitor (Enforcement Analyst)
Dustin Garcia, Licensing Application Technician
Karen Halbo, Regulatory Counsel, Attorney III,
Department of Consumer Affairs (DCA), Legal Affairs Division
Tara Welch, Board Counsel, Attorney III, DCA, Legal Affairs Division

Guests Present

Karen Atlas, President, APTC
Dan Baxter, Executive Director, CVMA
Matthew Block, Administrative Law Judge (ALJ), Office of Administrative Hearings
(OAH)
Brian Clifford, Staff Services Manager (SSM) III, DCA, Executive Office
Nicole Dickerson, CVMA
Nancy Ehrlich, RVT, CaRVTA
Francine Farrell
William Kent Fowler, DVM
Sean Gavin, ALJ, OAH
Daniel Gebhart
Morgan Graber
Aubrey Hopkins, Legislative Analyst, DCA, Division of Legislative Affairs
Anita Levy Hudson, RVT, President, CaRVTA
Sarah Irani, DCA, SOLID
Joshua Lasell
Bonnie Lutz, Esq., Klinedinst
Grant Miller, DVM, CVMA
Bryce Penney, TV Specialist, DCA, Office of Public Affairs
Erin Portillo
Trisha St. Clair, Moderator, DCA, SOLID
Amit Singh
Jeff Stone, Deputy Attorney General, Office of the Attorney General,
California Department of Justice
Charles VanGuard
Kristy Veltri

**Agenda items for this meeting were taken out of order and the Board moved to [Agenda Item 18\(A\)](#). The order of business conducted herein follows the publicly noticed Board meeting Agenda.*

14. Board President Report – *Kathy Bowler*

Webcast: [00:16:25](#)

Ms. Bowler provided the Board President Report, which included:

- Appreciation for Ms. Sieferman’s weekly and monthly meetings and updates for the Executive Committee and Board members.
- Update on the CVMA Board of Governors in-person meeting in San Francisco where Ms. Sieferman provided a comprehensive and broad update of the Board's activities.
- Notice that the American Association of Veterinary State Boards (AAVSB)’s annual conference will be in September and held in Charlotte, North Carolina. She noted that North Carolina is a state where state travel is prohibited. However, a hybrid option will be available for the Board to vote on items.
- Delays in approval from CalHR to approve a salary adjustment for the Board’s Executive Officer.
- Sending a plaque to Dr. Nunez for his nine years of dedication to the Board.
- Suggesting a similar plaque be presented to Dr. Johnson for his eight years of service on the Wellness Evaluation Committee.

[Ms. Bowler](#) requested public comment on this item. There were no public comments made on this item.

15. Registered Veterinary Technician Report – *Jennifer Loreda, RVT*

Webcast: [00:24:30](#)

Ms. Loreda provided the Veterinary Technician Report, which included:

- Thanking Dr. Nunez for his advocacy for the RVT profession.
- Reminder to all RVTs to take care of themselves as the RVT shortage continues.
- Working to add a second RVT position to the Board’s members via legislation.
- The RVT position on the Board is open for applicants (see the [DCA Board member resource center](#) for this governor appointee).

- [AAVSB Veterinary Technician National Examination \(VTNE\) Scholarship Award](#) (one recipient is chosen from each AVMA accredited RVT program).
- [National Association of Veterinary Technicians in America \(NAVTA\) and Boehringer Ingelheim Animal Health USA, Inc., Scholarship Program for Veterinary Technician Students.](#)
- Due to the RVT shortage, having the MDC review alternate pathways to licensure, such as an applicant who has a bachelor's degree in a field related to veterinary technology becoming eligible to take the VTNE.

[Ms. Bowler](#) requested public comment on this item. There were no public comments made on this item.

16. Update, Discussion, and Possible Action on National Association Involvement Reports – *Kathy Bowler, and Jessica Sieferman*

A. International Council for Veterinary Assessment

Webcast: [00:29:15](#)

Ms. Bowler provided an update on this agenda item, which included:

- Her appointment as the first public member to be president of the ICVA (her appointment is through June 2023).
- North American Veterinary Licensing Examination (NAVLE) interactive webinars for veterinary students (such as [The Life of an Item: The NAVLE Demystified](#)).
- Background on how the ICVA is looking to enhance methods of assessment, while also ensuring a legally defensible and psychometrically sound examination.
- A preview of the *North American Essential Competency Profile for Veterinary Medicine* that, when it is finalized, will be distributed widely to all stakeholders.

[Ms. Bowler](#) requested public comment on this item. There were no public comments made on this item.

B. American Association of Veterinary State Boards (AAVSB), Member and Program Services Think Tank

Webcast: [00:39:27](#)

Ms. Bowler provided an update on this agenda item, which focused on the AAVSB resolution 2022-1 submitted by the AAVSB Board of Directors to remove the requirement of veterinary students from designating a jurisdiction prior to their

graduation. She requested that the Board consider the AAVSB resolution and authorize the Board's Executive Committee to support it at the AAVSB meeting.

- [Motion](#): Dr. Noland moved and Dr. Bradbury seconded a motion to direct the Board's Executive Committee and Board members who are attending the AAVSB meeting to support Resolution 2022-1 at the meeting.

[Ms. Bowler](#) requested public comment on this item. There was no public comment made on this item.

[Ms. Bowler](#) called for the vote on the proposed motion. Ms. Sieferman took a roll call vote on the proposed motion.

- [Vote](#): The motion carried 7-0.

C. AAVSB Executive Director Roundtable and Telehealth Guidelines

Webcast: [00:51:58](#)

Ms. Sieferman provided an update on this agenda item, which focused on concerns over the changes to the [AAVSB's Telehealth Guidelines](#) related to the VCPR and the ability to establish it via telemedicine without an in-person exam first. Dr. Sullivan and the Executive Officer for the Kentucky Board of Veterinary Examiners raised concerns with the AAVSB's Regulatory Policy Task Force, which they may bring to their September meeting.

D. AAVSB Call for Nominations

Webcast: [00:54:22](#)

Ms. Sieferman provided an update on this agenda item, which focused on the submission of documentation to the AAVSB to nominate Mark Nunez, DVM, to their Board of Directors.

E. AAVSB Proposed Bylaws Amendments

[Meeting Materials](#)

Webcast: [01:03:10](#)

Ms. Sieferman provided an update on this agenda item, which included the following six Board amendments submitted for the AAVSB's Bylaws:

- Add veterinary technicians to the conventionally overseeing qualifying process by which foreign trained veterinarians and veterinary technicians become eligible for licensure. The AAVSB Bylaws Resolution Committee and Board of Directors supported the proposed amendment.
- After "the annual delegate assembly shall be held yearly at a time and place to be determined by the Board of Directors," add "and virtually for those member

boards who cannot attend the meeting in person due to world health concerns or state and post travel restrictions.” The AAVSB Bylaws Resolution Committee and Board of Directors did not support the proposed amendment.

- To section six delegate assembly meeting, section one annual delegate assembly, add all continuing education provided during the annual delegate assembly meeting to comply with the current AAVSB RACE standards. The AAVSB Bylaws Resolution Committee and the Board of Directors supported the proposed amendment.
- Add in-person or virtual meetings. The AAVSB Bylaws Resolution Committee and the Board of Directors did not support the proposed amendment.
- To section six conference committee, add that the conference committee with the assistance, of AAVSB staff and leadership shall take all reasonable steps necessary to ensure the information provided during the annual conference complies with all AAVSB established standards and provides balanced information that supports and advances the regulatory process and assists board member boards in fulfilling their consumer protection mission. The AAVSB Bylaws Resolution Committee supported the proposed amendment, but the Board of Directors did not.
- Make the Executive Director’s Advisory Committee a permanent committee rather than an ad-hoc committee. The Bylaws Resolution Committee and the Board of Directors supported the proposed amendment.
- From the Board of Directors to make non-substantive changes to their Bylaws.

[Board members](#) continued discussion until a motion was made.

- [Motion](#): Dr. Noland moved and Dr. Bradbury seconded a motion to approve all of these changes as listed in the document and encourage Ms. Bowler to support, aggressively, all of these proposed changes to the Bylaws.

[Ms. Bowler](#) requested public comment on any item in number 16 before the Board acted on the motion. There were no public comments made on this item.

[Ms. Bowler](#) called for the vote on the proposed motion. Ms. Siefertman took a roll call vote on the proposed motion.

- [Vote](#): The motion carried 7-0; due to technical difficulties, Ms. Salazar Sperber added her yes [vote](#) at the beginning of Agenda Item 17.

17. Student Liaison Reports

A. University of California, Davis Liaison – *Amanda Ayers*

Webcast: [01:12:07](#)

Ms. Siefertman provided the UC, Davis liaison report.

Since Ms. Amanda Ayers was unavailable to present the report, a requested public comment on this item was not requested.

B. Western University of Health Sciences Liaison—*Kristina Junghans*

Webcast: [01:15:05](#)

Ms. Kristina Junghans provided the Western University of Health Sciences liaison report.

[Ms. Bowler](#) requested public comment on this item. There were no public comments made on the item.

**Agenda items for this meeting were taken out of order, and the Board moved to [Agenda Item 18.B](#). The order of business conducted herein follows the publicly noticed Board meeting Agenda.*

18. Executive Management Reports

A. *Administration

[Meeting Materials](#)

Webcast: [00:01:27](#)

- Ms. Siefertman provided the first portion of the Administration Report and responded to questions.

[Veronica Hernandez](#), DCA, Budget Analyst, provided an update regarding the latest Expenditure Projection Report and Fund Condition Statement.

Ms. Siefertman and Ms. Hernandez addressed questions regarding the report.

[Ms. Bowler](#) requested public comment on this item. There were no public comments made on this item.

The Board moved back to [Agenda Item 14](#).

B. *Examination/Licensing

[Meeting Materials](#)

Webcast: [01:23:05](#)

Ms. Siefertman presented and answered questions relating to the Examination/Licensing Report.

[Ms. Bowler](#) requested public comment on this item. The following public comments were made on this item:

- [Nicole Dickerson](#) commented on the discussion regarding changing the test and expressed concern the standard was being lowering in terms of getting RVTs their license. She said she knows that she is a little bit of an exception to the rule. She is an RVT who has been doing this for about 11 years. She is now a veterinary technician specialist in emergency and critical care, but she has seen the barriers to licensure are different than just a test. She stated it is also the fact that veterinary technicians are in inconsistent programs, and there is inconsistent training that is at the clinics. She stated there are people who are working multiple jobs and, therefore, do not have as much time to study for this test because of the low pay rate of both licensed and unlicensed technicians; so if there is movement toward a more universal standard for RVTs and longevity of the career, which means adequate utilization of RVTs, she was not sure that lowering the standard of the test is necessarily the answer. She thought that there are barriers that are being highlighted that exist amongst the RVT path that do not have to do with the exam that are a little bit more global in the career.
- [Anita Levy Hudson](#), President of CaRVTA, echoed some of Nicole Dickerson's statements about the difficulty of the test. She stated there should be caution about whether the material is too difficult. She stated this was similar to the material that had been given for many years. She has been in practice for a long time and is a product of a community college program. She went on to teach at a private vet tech program, one of the trade schools where the program was condensed, and it was very different, such as multiple-choice tests. She did not have that; they had open-ended questions because they wanted to make sure the students could demonstrate critical thinking. She stated one of the main differences between a registered technician and an assistant is that RVTs have the understanding of why they are doing the things they are doing, and it leads to understanding what the doctor is doing. She said they are all part of a team, and if they all understand why they are doing what they are doing, then they provide better care. She stated as time has marched on, the number of programs that are not private are dwindling. She thought there are two left in California, and the private colleges are charging \$40,000 and up for a job that pays \$15 an hour. She stated that if the goal is to ensure the integrity of the test, the answer may be more in how the test is given and what it is testing. She said the material being given seems very problematic and concerning, so she hoped that a meeting with the AAVSB can get some more information about what they are evaluating when they are looking at their numbers, because 50 is a historical norm. She said that since the days of the very first animal health technicians, 50 of the class now graduating was pretty average, so that has not changed. She said if it is a problem now, then her question is what is different in the eyes of the test makers and the doctors that they are working with.
- [Nancy Ehrlich](#) stated she was looking at the statistics for the RVT schools and quite a few of them have at least two successive exams where the pass rate is

more than 10 percent below the average. She was wondering if the VMB is doing what it should be and inspecting schools whose pass rates are not as they should be.

[Ms. Bowler](#) clarified that the Board was not talking about or even considering lowering the standards, but that it was just an observation about the pass rates.

The Board members also commented that there were several public colleges and universities offering these programs, but the struggle was across all programs, including veterinary programs as well.

C. Enforcement

[Meeting Materials](#)

Webcast: [01:54:58](#)

Patty Rodriguez, Hospital Inspection Program Manager, Matt McKinney, Enforcement Manager, and Rob Stephanopoulos, Enforcement Manager, presented and responded to questions relating to the Enforcement Report.

[Ms. Bowler](#) requested public comment on this item. There were no public comments made on this item.

Webcast Link: Agenda Items 18.D.–27 (<https://youtu.be/86s15fncCt8>)

D. Outreach

[Meeting Materials](#)

Webcast: [00:04:27](#)

Ms. Sieferman presented and answered questions relating to the Outreach Report.

[Ms. Bowler](#) requested public comment on this item. There were no public comments made on this item.

E. Strategic Plan

[Meeting Materials](#)

Webcast: [00:11:53](#)

Ms. Sieferman presented and answered questions relating to the Strategic Plan.

[Ms. Bowler](#) requested public comment on this item. There were no public comments made on this item.

19. Future Agenda Items and Next Meeting Dates

[Meeting Materials](#)

Webcast: [00:15:02](#)

Ms. Sieferman presented and answered questions relating to the Future Agenda Items and Next Meeting Dates. The future Board meeting dates are as follows:

- October 18–19, 2022
- January 25–26, 2023
- April 19–20, 2023
- July 19–20, 2023
- October 18–19, 2023

[Ms. Bowler](#) requested public comment on this item. There were no public comments made on this item.

20. Special Order of Business (1:00 p.m.)

Webcast: [00:19:32](#)

This agenda item commenced at 1:03 p.m.

[Sean Gavin](#), ALJ, commenced the petition hearings.

A. Hearing on Petition for Early Termination of Probation—Suzanne Kay Hanson, Veterinarian License No. 9593

[Meeting Materials](#)

Webcast: [00:28:40](#)

This agenda item commenced at 1:12 p.m.

ALJ Gavin presided over the petition for early termination of probation. DAG Jeff Stone updated and presented the case against Suzanne Kay Hanson. Ms. Hanson was represented by Amit Singh, Esq., and they presented a petition for early termination of probation. Ms. Hanson answered questions from the DAG and members of the Board. ALJ Gavin closed the hearing at 3:48 p.m.

B. Hearing on Petition for Early Termination of Probation—Blake Jonathan Splan, RVT, Registration No. 12833

[Meeting Materials](#)

Webcast: [02:56:18](#)

This agenda item commenced at 3:50 p.m.

ALJ Gavin presided over the petition for early termination of probation. DAG Jeff Stone updated and presented the case against Blake Jonathan Splan. Mr. Splan represented himself and presented his petition for early termination of probation. Mr. Splan answered questions from the DAG and Board members. ALJ Gavin closed the hearing at 4:26 p.m.

21. Recess Open Session

Open Session recessed at 4:27 p.m.

22. Convene Closed Session

Closed Session convened at 4:32 p.m.

23. Pursuant to [Government Code Section 11126](#)(e)(1) and (2)(A), the Board Will Meet in Closed Session to Confer and Receive Advice From Legal Counsel Regarding the Following Matter: *San Francisco Society for the Prevention of Cruelty to Animals, et al. v. Jessica Sieferman*, United States District Court, Case No. 2:21-cv-00786-TLN-KJN

This item was not discussed.

24. Pursuant to [Government Code Section 11126](#)(c)(3), the Board Will Meet in Closed Session to Deliberate and Vote on Disciplinary Matters, Including Stipulations and Proposed Decisions

In the Matter of the Petition for Early Termination of Probation – Suzanne Kay Hanson, DVM, Veterinarian License No. 9593.

The Board granted the petition for early termination of probation.

In the Matter of the Petition for Early Termination of Probation – Blake Jonathan Splan, RVT Registration No. 12833.

The Board granted the petition for early termination of probation.

In the Matter of the Accusation Against Gretchen Robbins, RVT Registration No. 6971

The Board adopted the Stipulated Settlement and Disciplinary Order.

In the Matter of the Accusation Against Jack Ray Snyder, DVM, Veterinarian License No. 8659

The Board reduced or otherwise mitigated the proposed penalty and adopted the balance of the Proposed Decision.

In the Matter of the Petition for Reinstatement—Amandeep Singh, Revoked
Veterinarian License No. 16252

The Board denied the petition for reconsideration.

25. Adjourn Closed Session

Closed Session adjourned at 5:10 p.m.

26. Reconvene Open Session

Open Session reconvened at 5:11 p.m.

27. Adjournment – Due to Technological Limitations, Adjournment Will Not Be Broadcast

Ms. Bowler adjourned the meeting at 5:11 p.m.