

Department of Consumer Affairs
Veterinary Medical Board

January 23-24, 2019
1105 Vet Med 3B
University of California Davis
1089 Veterinary Medicine Drive
Davis, California 95616

Wednesday, January 23, 2019
10:00 a.m.

Thursday, January 24, 2019
9:00 a.m.

Board Members

Jaymie Noland, DVM, President
Cheryl Waterhouse, DVM, Vice President
Christina Bradbury, DVM
Mark Nunez, DVM
Jennifer Loreda, RVT
Kathy Bowler, Public Member
Alana Yanez, Public Member

Executive Officer

Jessica Sieferman

1747 North Market Blvd., Ste 230 • Sacramento, CA 95834 • www.vmb.ca.gov
916-515-5220 • 916-928-6849 (Fax)



MEETING NOTICE AND AGENDA VETERINARY MEDICAL BOARD

Board Members

Jaymie Noland, DVM, President
Cheryl Waterhouse, DVM, Vice President
Kathy Bowler
Christina Bradbury, DVM
Jennifer Loreda, RVT
Mark Nunez, DVM
Alana Yanez

January 23-24, 2019

Action may be taken on
any item listed on the
agenda.

**University of California Davis
Veterinary Medicine Research
Facility 3B, Room 1105
1089 Veterinary Medicine Drive
Davis, California 95616**

10:00 a.m. Wednesday, January 23, 2019

1. Call to Order/Roll Call/Establishment of a Quorum
2. Introductions
3. Public Comment on Items Not on the Agenda
4. Review and Approval of November 14-15, 2018 Board Meeting Minutes
5. Report and Update from Department of Consumer Affairs
6. Multidisciplinary Advisory Committee Report –Jeff Pollard, DVM
 - A. Review, Discussion, and Possible Board Action on Multidisciplinary Advisory Committee Items and Recommendations ([See Attached Agenda](#))
7. Review and Possible Approval of Records Retention Schedule
8. Update, Discussion, and Possible Action on Proposed Regulations
 - A. Status of Pending Regulations
 - B. Sections [2006](#) and [2006.5](#), Article 1, and Section [2076](#), Article 8, Division 20, Title 16 of the California Code of Regulations (CCR) Regarding Uniform Standards for Substance Abusing Licensees
 - C. Section [2032.1](#), Article 4, Division 20, Title 16 of the CCR Regarding Veterinarian-Client-Patient Relationship and Informed Consent of a Client
 - D. Section [2003](#), Article 1, Section 2017, Article 2, and Section 2042, Article 5, Division 20, Title 16 of the CCR Regarding the Consumer Protection Enforcement Initiative (CPEI)
 - E. Sections [2040](#) and [2041](#), Article 5, Division 20, Title 16 of the CCR to Comply with the Requirements of Assembly Bill (AB) [2138](#) (Chiu, Chapter 995, Statutes of 2018) Regarding Criminal Conviction Substantially Related and Rehabilitation Criteria
9. Discussion and Possible Board Action on 2019 Legislative Proposals
 - A. Update on the 2019 Omnibus Provisions Approved by the Board
 - B. Potential Legislation Related to Regulating Pet Cremation Service

MISSION: To protect consumers and animals by regulating licensees, promoting professional standards, and diligent enforcement of the California Veterinary Medicine Practice Act.

10. Update on AB [1753](#) (Low, Chapter 479, Statutes of 2018) Regarding Serialized Controlled Substance Prescription Forms
11. American Association of Veterinary State Boards Call for 2019 Elected Leadership Nominations
12. Update, Discussion, and Possible Action Regarding the Administration of the California Veterinary Technician Examination
13. Board President Report –Jaymie Noland, DVM
14. Registered Veterinary Technician Report – Jennifer Loreda, RVT
15. Executive Officer and Staff Reports
 - A. Administrative/Budget
 - B. Enforcement
 - C. Licensing/Examination
 - D. Hospital Inspection
 - E. Strategic Plan Update
16. Future Agenda Items and Next Meeting Dates:
 - April 17-18, 2019 – Riverside
 - July 17-18, 2019 – Bay Area
 - October 16-18, 2019 - Sacramento
17. Recess until January 24, 2019, at 9:00 a.m.

9:00 a.m. Thursday, January 24, 2019

18. Reconvene - Establishment of a Quorum
19. Introductions
20. Special Order of Business
 - A. Petition for Reinstatement – James Coghlan, Revoked Veterinarian License No. [9742](#)

CLOSED SESSION

21. Pursuant to Government Code Section [11126\(c\)\(3\)](#), the Board Will Deliberate on the Above Petition and Disciplinary Actions.

RETURN TO OPEN SESSION

22. Reconvene Open Session
23. Adjournment

VISION: An environment in which Californians have access to high-quality veterinary care for all animals.

This agenda can be found on the Veterinary Medical Board website at www.vmb.ca.gov. Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. Items scheduled for a particular day may be moved to an earlier or later day to facilitate the effective transaction of business. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

This meeting will be webcast, provided there are no unforeseen technical difficulties or limitations. To view the webcast, please visit thedcapage.wordpress.com/webcasts/. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe and participate, please plan to attend at a physical location. Meeting adjournment may not be webcast if it is the only item that occurs after a closed session.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting locations are accessible to the physically disabled. A person who needs disability-related accommodations or modifications to participate in the meeting may make a request by contacting the Board at (916) 515-5220, email: vmb@dca.ca.gov, or send a written request to the Board of Veterinary Medicine, 1747 N. Market St., Suite 230, Sacramento, CA 95834. Providing your request at least five (5) business days prior to the meeting will help ensure availability of the requested accommodations. TDD Line: (916) 326-2297



MEETING MINUTES VETERINARY MEDICAL BOARD

Main Meeting Location:
Department of Consumer Affairs
1747 N. Market Blvd.
1st Floor Hearing Room
Sacramento, California 95834

**Additional location via teleconference on
November 14-15, 2018:**
The Pets for Life Facility
2940 E. 1st Street
Los Angeles, CA 90033

10:00 a.m. Wednesday, November 14, 2018

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

Dr. Cheryl Waterhouse called the Veterinary Medical Board (Board) meeting to order at 10:03 a.m. Executive Officer, Ms. Jessica Sieferman, called roll; six members of the Board were present at 1747 N. Market Blvd. and two members of the Board was present via teleconference location, at 2940 E. 1st St., and a quorum was established.

2. Board President's Remarks, Board Member Comments and Introductions

Dr. Waterhouse thanked Dr. Richard Sullivan for his service to the Board and welcome Dr. Christina Bradbury to her new position with the Board. Dr. Waterhouse also informed the Board and members of the public that the Board would be discussing closed session items today at 3:00pm due to the meeting on Friday, November 16 being cancelled.

Members Present

Cheryl Waterhouse, Doctor of Veterinary Medicine (DVM), President
Christina Bradbury, DVM
Jaymie Noland, DVM
Mark Nunez, DVM
Jennifer Loreda, Registered Veterinary Technician (RVT)
Kathy Bowler, Public Member
Judie Mancuso, Public Member (*present via teleconference*)
Alana Yanez, Public Member (*present via teleconference*)

Staff Present

Jessica Sieferman, Executive Officer
Ethan Mathes, Administrative Programs Manager
Amanda Drummond, Administrative Program Analyst
Tara Welch, Legal Counsel

Guests Present

Kelsey Burns, University of San Diego, Center for Public Interest Law (CPIL)
Valerie Fenstermaker, California Veterinary Medical Association (CVMA)
Cindy Gonzalez, RVT
Patrick Le, Department of Consumer Affairs (DCA)
Anita Levy, RVT, California Registered Veterinary Technician Association (CaRVTA)
Ken Pawlowski, DVM, CVMA
Jeff Pollard, DVM, Multidisciplinary Advisory Committee (MDC)
Cindy Savely, RVT, CVMA and Sacramento Valley Veterinary Technician Association

3. Public Comment on Items Not on the Agenda

Ms. Valerie Fenstermaker, CVMA, provided an update to the Board regarding the deployment of California Veterinary Medical Reserve Corps (CAVMRC) to the Camp Fire wildfires in Paradise. CAVMRC are on a 14-day mission and have veterinarians, RVTs, and veterinary assistants providing services to over 2,000 animals that are currently displaced from their homes due to the fire.

4. Review and Approval of Board Meeting Minutes

A. August 29-30, 2018

The Board made minor changes to the August 29-30, 2018 meeting minutes.

- Dr. Jaymie Noland moved and Ms. Kathy Bowler seconded the motion to approve the minutes as amended. The motion carried 7-0-1. Ms. Jennifer Loreda, RVT, abstained.

B. September 4, 2018

- Ms. Kathy Bowler moved and Dr. Mark Nunez seconded the motion to approve the minutes. The motion carried 6-0-2. Dr. Jaymie Noland and Ms. Jennifer Loreda, RVT, abstained.

5. Report and Update from Department of Consumer Affairs

Mr. Patrick Le from the DCA Executive office welcomed Dr. Bradbury to the Board and updated on the Director's Quarterly Meeting in October which included plans to develop an office to house all of DCA in 2024, training for Executive Officers on implicit bias, and improvements on human resources processes. There was also an update on the Executive Salary Study, the legislative implementation of Assembly Bill (AB) 2138, and an update from the Substance Abuse Coordination Committee.

6. Election of 2019 Officers

Board President Elections

- Kathy Bowler nominated Dr. Jaymie Noland to the position of Board president. Dr. Jaymie Noland accepted the nomination.
- Ms. Judie Mancuso nominated Dr. Mark Nunez to the position of Board president. Dr. Mark Nunez declined the nomination.
- Ms. Kathy Bowler moved and Dr. Cheryl Waterhouse seconded the motion to appoint Dr. Jaymie Noland to the position of Board President. The motion carried 7-0-1. Ms. Judie Mancuso abstained.

Board Vice-President Elections

- Ms. Alana Yanez nominated Ms. Judie Mancuso to the position of Board vice-president. Ms. Judie Mancuso accepted the nomination.
- Ms. Kathy Bowler nominated Dr. Cheryl Waterhouse to the position of Board vice-president. Dr. Cheryl Waterhouse accepted the nomination.
- Ms. Kathy Bowler moved and Ms. Alana Yanez seconded the motion to proceed with elections for Board vice-president. Ms. Alana Yanez, Ms. Jennifer Loreda, RVT, and Ms. Judie Mancuso voted for Ms. Judie Mancuso for the position of Board vice-president. Dr. Jaymie Noland, Dr. Mark Nunez, Dr. Cheryl Waterhouse, Dr. Christina Bradbury, and Ms. Kathy Bowler voted for Dr. Cheryl Waterhouse for the position of Board vice-president. By majority vote, Dr. Cheryl Waterhouse was appointed to the position of Board vice-president.

7. Veterinary Medicine Multidisciplinary Advisory Committee (MDC) Report – Dr. Jeff Pollard

Dr. Jeff Pollard, MDC Chair, addressed the Board regarding MDC discussion. Dr. Pollard advised that the Shelter Medicine Minimum Standards discussion will continue at the January 2019 meeting. The MDC will be soliciting input from private veterinarians who offer services to shelters. The MDC also discussed intra-oral dental radiograph equipment requirements for premises and the MDC agreed to recommend the Board maintain the current status of regulations and not mandate a requirement for intra-oral dental radiographic equipment. The MDC discussed informed consent and the requirement clients are advised a veterinarian's capacity to provide intra-oral dental radiographs. There was a consensus amongst the MDC that clients should be informed on veterinary premises services offered. The Board discussed California Code of Regulations (CCR) section 2032.1(b)(3) regarding informed consent as it relates to the veterinarian-client-patient relationship (VCPR) and whether further discussion on this topic should be assigned to the MDC. The Board further requested legal counsel to research informed consent and bring this information back to the Board at their January 2019 meeting.

- Dr. Mark Nunez moved and Dr. Jaymie Noland seconded the motion to have the MDC's Complaint Audit Subcommittee research the issue of minimum standards for standard of care for dental radiography and the outcomes of complaints and discipline, if possible. The motion carried 7-0. Ms. Alana Yanez was absent.
- Dr. Mark Nunez moved and Ms. Kathy Bowler seconded the motion requesting legal counsel research CCR section 2032.1(b)(3) regarding client informed consent and the VCPR. The motion carried 7-0. Ms. Alana Yanez was absent.

Dr. Pollard also updated the Board on MDC discussion regarding pet ambulances. The consensus was that veterinary premises laws currently in place apply to pet ambulances; however, the MDC questioned whether pet ambulances should be required to meet all mobile premises practice standards. The Board requested legal counsel further research whether CCR section 2030.2 sufficiently covers pet ambulances.

- Dr. Mark Nunez moved and Ms. Kathy Bowler seconded the motion for the MDC research whether minimum standards, specifically CCR section 2030.2, are appropriate for pet ambulances, and if so, whether the section should be clarified to include the term "pet ambulance". The motion carried 8-0.

8. Update, Discussion, and Possible Action on Proposed Regulations

A. Status of Pending Regulations

Ms. Amanda Drummond provided an update on the status of current regulations and presented the proposed Office of Administrative Law (OAL) 2019 Rulemaking Calendar for Board review and consideration.

- Dr. Jaymie Noland moved and Dr. Mark Nunez seconded the motion to move Animal Physical Rehabilitation proposed regulations up in priority on the 2019 Rulemaking Calendar so it is after the proposed Telemedicine regulatory package and approve the 2019 Rulemaking Calendar as amended for submission to OAL. The motion carried 8-0.

B. Sections 2030-2030.5, Article 4, Division 20, Title 16 of the California Code of Regulations (CCR) Regarding Minimum Standards for Veterinary Premises/Practices

Due to time constraints, the Board held this discussion on November 15, 2018.

Legal counsel provided an overview of the proposed regulatory language that included changes from the August Board meeting and suggested amending the language throughout to "premises", when referring to the location of veterinary medicine, instead of "practice" as "practice" can also refer to the act of rendering veterinary services. The Board discussed each of the sections and made amendments to the proposed language.

[CCR section 2030](#)

CCR section 2030 was amended to change the term “practice” to “locations”.

[CCR section 2030.05](#)

CCR section 2030.05 was amended to change “premises permit” to “premises registration” to conform with statute.

[CCR section 2030.1](#)

CCR section 2030.1 reflected changes the Board made at the August 2018 meeting, and no further amendments were made.

[CCR section 2030.15](#)

CCR section 2030.15 reflected changes the Board made at the August 2018 meeting, and no further amendments were made.

[CCR section 2030.2](#)

CCR section 2030.15 reflected changes the Board made at the August 2018 meeting, and no further amendments were made.

[CCR section 2030.3](#)

The Board discussed changing the term “animal vaccination practice” to “animal vaccination location”. Additionally, the board made amendments to subsections (k), and decided keep subsection (l), which had previously been stricken, and move to new subsection (o). The Board also made minor changes throughout this section to correct the term “practice” to “location”.

Additionally, the Board expressed concern where non-profit veterinary entities obtain a premise permit as the costs for obtaining the premises permit may hinder their ability to provide these services at a low cost to their clients. The Board discussed developing legislation that would provide a fee-exemption for non-profits providing vaccination locations.

[CCR section 2030.4](#)

The Board made minor changes to this section, including changing instances of “practice” to “location”.

[CCR section 2030.5](#)

The Board made minor changes to this section, including changing instances of “practice” to “location”.

- Ms. Jennifer Loreda moved Ms. Judie Mancuso seconded the motion to approve the proposed regulatory changes as modified, direct the Executive Officer to take all steps necessary to initiate the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day public comment period and if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes as modified. The motion carried 7-0. Dr. Christina Bradbury was absent.

[The Board returned to this discussion at a later time during the meeting.](#)

- Ms. Alana Yanez moved and Ms. Judie Mancuso seconded the motion to recommend legislation that provides a premises permit fee exemption to non-profit and not-for-profit entities for vaccination events which offer low-cost or no-cost vaccination immunization services. The motion carried 7-0. Dr. Christina Bradbury was absent.

C. Sections 2036, Article 4, Division 20, Title 16 of the CCR Regarding Animal Health Care Tasks for a Registered Veterinary Technician (RVT) and Section 2090-2096, Article 11, Division 20, Title 16 of the CCR Regarding Drug Compounding

Due to time constraints, the Board held this discussion on November 15, 2018.

Ms. Drummond provided a brief overview of the topic and identified that per previously approved language, RVTs are authorized to provide drug compounding services under supervision but is not specified under RVT tasks for indirect supervision in CCR section 2036. The Board determined that for clarity purposes, CCR section 2036 should be amended to include drug compounding to approved RVT tasks under indirect supervision. The amendments include adding new subsection (d) “Drug compounding” under CCR section 2036.

- Ms. Jennifer Loreda moved Ms. Kathy Bowler seconded the motion to approve the proposed regulatory changes as modified, direct the Executive Officer to take all steps necessary to initiate the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day public comment period and if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes as modified. The motion carried 7-0. Dr. Christina Bradbury was absent.

D. Section 2006, Article 1, Division 20, Title 16 of the CCR Regarding Board Disciplinary Guidelines

Legal counsel presented and the Board discussed amendments to the Guidelines, including adding new statutory references throughout the document. The Board discussed a proposed addition to the Guidelines which would clarify the Board’s communication policy with Respondents after a disciplinary decision. The Board and members of the public discussed this section further to clarify a Respondent can receive assistance from legal counsel, but the Board staff shall provide written communication following a disciplinary order to the Respondent only. The Board also discussed requirements for “Standard Term 9 - Notice to Employees” regarding whether this condition applied to employers or employees and revised the term. The Board discussed and made further amendments to the Disciplinary Guidelines. The amendments include changes as identified in the agenda items, minor and non-substantive changes, and additional substantial changes, including the following:

- Amending the final paragraph under “Introduction” to reflect that the Respondent may receive assistance from private counsel, but should communicate directly with Board staff (page 1)

- Adding “Ethics training” to “Unprofessional Conduct” (page 5), adding “Continuing education” and “Ethics training to “Negligence in the practice of veterinary medicine” (page 7),
 - Adding “Ethics training” to “Impermissible disclosure of information about animals and/or about clients” (page 11),
 - Striking the “Note” under “Disciplinary proceedings against veterinarians and registered veterinary technicians” (page 12),
 - Rewording “Standard Term 4 – Cooperation with Board Staff” for clarity purposes (page 15),
 - Amending “Standard Term 9 – Notice to Employees” to clarify that the Respondent shall post the decision by the Board throughout the probationary period and in a visible manner (page 16), and
 - Retaining the previous strikeout and amending the statement regarding costs associated with practiced supervision under “Optional Term 6- Supervised Practice” (page 19).
- Dr. Mark Nunez moved and Dr. Christina Bradbury seconded the motion to amend “Standard Term 9 – Notice to Employees” as discussed.

The motion was withdrawn so the Board could complete a full motion encompassing all changing to the Disciplinary Guidelines.

- Ms. Jennifer Loredo, RVT, moved Dr. Jaymie Noland seconded the motion to approve the proposed regulatory changes as modified, direct the Executive Officer to take all steps necessary to initiate the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day public comment period and if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes as modified. The motion carried 8-0.

E. Sections 2006 and 2006.5, Article 1, and Section 2076, Article 8, Division 20, Title 16 of the CCR Regarding Uniform Standards for Substance Abusing Licensees

Due to time constraints, the Board held this discussion on November 15, 2018.

Ms. Sieferman reviewed and provided a brief history of the proposed regulations. Currently, the DCA’s Substance Abuse Coordination Committee (SACC) is reviewing the Uniform Standards regarding drug testing frequency Ms. Sieferman recommended that the Board work with DCA and once SACC’s recommendations are finalized, the Board can then proceed with developing the regulatory package; however, Ms. Sieferman noted the definition of a “substance abusing licensee” is not consistent with all DCA boards and bureaus and may need additional review at that time.

F. Comments Received for Regulatory Proposal Regarding Sections 2070 and 2071, Article 7, Division 20, Title 16 of the CCR Regarding Proposed Fee Increases

Due to time constraints, the Board held this discussion on November 15, 2018.

Ms. Drummond provided a history of the proposed regulations and advised that the rulemaking file is in the final days of the 45-day comment period. Prior to submitting a final rulemaking package, a Final Statement of Reasons must be developed that addresses all comments received in the public comment period. Ms. Drummond reviewed the aggregated comments received to date and provided a recommended response for the Board's consideration. The Board provided input on the comments and made recommended changes for the Final Statement of Reasons. The changes included moving the final paragraph under comment three, regarding reviewing other DCA department fees, to the top of the recommended response, and including information under comment six regarding the expiration of limited-term position in fiscal year 2016-2017 to downsize unneeded staff.

- Dr. Jaymie Noland moved and Ms. Kathy Bowler seconded the motion to approve the Fee Schedule comment responses as amended. The motion carried 7-0.

9. Recess until Thursday, November 15, 2018, at 9:00 a.m.

9:00 a.m., Thursday, November 15, 2018

10. Reconvene - Establishment of a Quorum

Dr. Waterhouse called the Board meeting to order at 9:02 a.m. Ms. Siefertman called roll; five members of the Board were present at 1747 N. Market Blvd. and two members of the Board was present via teleconference location, at 2940 E. 1st St., and a quorum was established.

Dr. Bradbury was absent.

11. Introductions

Members Present

Cheryl Waterhouse, DVM, President

Jaymie Noland, DVM

Mark Nunez, DVM

Jennifer Loreda, RVT

Kathy Bowler, Public Member

Judie Mancuso, Public Member (*present via teleconference*)

Alana Yanez, Public Member (*present via teleconference*)

Staff Present

Jessica Siefertman, Executive Officer
Ethan Mathes, Administrative Programs Manager
Patty Rodriguez, Veterinary Premises Program Manager
Amanda Drummond, Administrative Program Analyst
Tara Welch, Legal Counsel

Guests Present

Kelsey Burns, University of San Diego, CPIL
Valerie Fenstermaker, CVMA
Patrick Le, DCA
Anita Levy, RVT, CaRVTA
Heidi Lincer, Office of Professional Examination Services (OPES)
Mike Mayors, Mars Inc.
Ken Pawlowski, DVM, CVMA
Cindy Savely, RVT, CVMA and Sacramento Valley Veterinary Technician Association

12. Public Hearing Regarding the Corporate Practice of Veterinary Medicine; Possible Board Action

Legal counsel reviewed corporate practice of veterinary medicine; the main issue concerns the holder of a premises permit that can be a corporation who hires veterinarians and veterinary staff, and through contracts, the corporate owner may dictate the direct practice of veterinary medicine. The Board discussed the legal counsel memo, which included proposed regulatory and legislative language to draw a distinct line between veterinary medicine and corporate ownership, which will allow a licensed individual to use their judgement to provide veterinary services without corporate influence.

- Ms. Judie Mancuso moved and Ms. Alana Yanez seconded the motion to submit to the California legislature the proposed language drafted by legal counsel to address the issue of corporate practice of veterinary medicine. The motion carried 5-1-1. Dr. Jaymie Noland voted no, and Dr. Mark Nunez abstained.

13. Discussion and Possible Action on Office of Professional Examination Services (OPES) Review Report Regarding Veterinary Technician National Examination Validation and Occupational Analysis – Heidi Lincer, Chief, OPES, Department of Consumer Affairs

Ms. Heidi Lincer provided an overview of the results from the OPES Registered Veterinary Technician Occupational Analysis and national examination study, including the examination outline of the California Veterinary Technician Examination. Ms. Lincer advised that next steps are for the Board to publish the new examination outline and reference list.

14. Update, Discussion, and Possible Action Regarding 2018 Legislation and Implementation Plan

A. [AB 2138 \(Chiu, Chapter 995, Statutes of 2018\) Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction](#)

Ms. Sieferman advised that this bill changed how the Board processes applications regarding convictions and removed the Board's ability to consider convictions over seven years old. There is a regulatory impact based on this bill, and due to the time requirements to implement the regulations, DCA developed an AB 2138 project plan to meet the July 2020 deadline. Ms. Sieferman advised that, per the project plan, the Board will need to approve regulatory language by April 2019. Mr. Le informed the Board that the DCA legal office is researching to determine if a single DCA-wide regulatory package can be submitted to address the bill's impact or if each board and bureau need to submit their own regulatory package.

- Ms. Kathy Bowler moved and Dr. Jaymie Noland seconded the motion to create a Board subcommittee to address the concerns and implementation of AB 2138. The motion carried 7-0.

B. [AB 2215 \(Kalra, Chapter 819, Statutes of 2018\) Cannabis: veterinarians: animals](#)

Ms. Sieferman provided an overview of AB 2215 and advised that she will be meeting with Assembly member Ash Kalra's office to address the concerns the Board has had regarding this bill. The Board is required to develop guidelines to aide veterinarians who discuss the use of cannabis for animal patients, either as a stand-alone document or by regulation. The Board discussed which approach it should take to crafting appropriate guidelines and regulations may not be the most effective means of implementing the guidelines as they are more difficult to amend. The Board also discussed delegating this topic to the MDC for further research. Ms. Sieferman advised that Board staff are developing outreach material to inform the public of new requirements from this bill.

- Dr. Jaymie Noland moved and Ms. Kathy Bowler seconded the motion to delegate the MDC review requirements for cannabis discussion guidelines and determine if guidelines should be implemented through regulation or as a stand-alone document and report their findings back to the Board. The motion carried 7-0.

C. [AB 2300 \(Maienschein, Chapter 238, Statutes of 2018\) Continuing education: veterinarians](#)

Ms. Sieferman updated that staff is researching whether regulatory updates are needed. Additionally, outreach will be provided to inform of requirements in the bill.

D. [SB 1480 \(Hill, Chapter 571, Statutes of 2018\) Professions and vocations](#)

E. SB 1491 (Committee on Business, Professions, and Economic Development, Chapter 703, Statutes of 2018) Healing arts.

Ms. Sieferman advised that Senate Bill (SB) 1480 and 1491 do not require Board action at this time and reviewed the implementation plan regarding each of these bills. Legal counsel also advised the Disciplinary Guidelines have been updated with the provisions from SB 1480 and 1491

15. Discussion and Possible Board Action on 2019 Legislative Proposals

A. Amend Business and Professions Code Sections 4853, 4853.1, and 4853.6 Regarding Premises Permits Following Disciplinary Actions Against a Licensee manager and Premises permit Application Requirements for Owners and Licensee Manager

Mr. Ethan Mathes reviewed the legislative proposal regarding difficulties with disciplining a managing licensee who is also a premises owner. The proposed legislative language would address this issue and also allow the Board to obtain criminal history on a premises owner. The Board discussed including a limit on the number of premises that a managing licensee can have oversight authority, and how that amount would be determined.

- Ms. Judie Mancuso moved and Dr. Mark Nunez seconded the motion to submit the written proposal to the legislature for recommended amendments to BPC sections 4853, 4853.1, and 4853.6, in addition to consider adding a restriction on the number of premises that a veterinarian can be named as a managing license and also add a statement of conviction on an application for premises owners, currently in BPC section 4853.1(b), in relation to the new requirements to be enacted under AB 2138. The motion carried 6-0-1.
Ms. Jennifer Loreda, RVT, abstained.

16. Discussion and Possible Action on Amendments to the Board and Committee Member Administrative Procedure Manual

Mr. Mathes provided an overview of amendments to the Administrative Procedure Manual. The Board discussed and made further amendments to the Manual. The amendments include changes as identified in the agenda items, minor and non-substantive changes, and additional substantial changes, including the following:

- Striking the “Attachments” from the Table of Contents (page 4 and 5),
- Adding language requiring physical Board member attendance at Board meetings for petition hearings (page 6),
- Striking the requirement when six or more Board members are present that give members are needed to constitute a decision by the Board (page 7),
- Striking the statement that Board and MDC audio or video recordings may be destroyed 30 days after the recording (page 7 and 18),
- Striking the final two sentences of the “Salary Per Diem and Travel Reimbursement” (page 9),

- Adding “Senate and Assembly” to the “Removal of Board Members” to allow for the Governor, Senate, or Assembly to remove an appointee (page 9),
 - Revising “Election of Officers” to strike the second sentence and the statement “but not in the same calendar year” (page 10),
 - Amend the statement that MDC members seeking reappointment are required to be interviewed under “Multidisciplinary Advisory Committee” (page 17),
 - Amending the “AAVSB” section to include an additional statement indicating that the Board will strive to attend the annual AAVSB conference (page 19),
 - Amend the first paragraph under “Complaint Disclosure” to state that the citation may become part of the permanent enforcement record (page 19),
 - striking the second paragraph under “Complaint Disclosure” and amend it to read that the Board will post citations on the website (page 19), and
 - Striking the references to the attachments throughout the document.
- Dr. Jaymie Noland moved and Ms. Kathy Bowler seconded the motion to adopt the Administrative Procedure Manual as amended and delegate to the Executive Officer to make any non-substantive changes and to ensure the content of the Board’s discussion on this item is captured. The motion carried 7-0.

17. Update and Possible Action on Proposed Revisions to Pharmaceutical Compounding – Nonsterile Preparations, General Chapter 795 of the United States Pharmacopeia (USP) – Cheryl Waterhouse, DVM

Ms. Fenstermaker, CVMA, updated the Board regarding United States Pharmacopeia’s (USP) proposed amendments to nonsterile compounding; these updates would impact the Board approved regulations regarding drug compounding. The deadline for submitting a letter to USP to consider revisions to their updates is November 2018. The Board discussed submitting a letter to USP regarding veterinary drug compounding.

- Dr. Jaymie Noland moved and Ms. Kathy Bowler seconded the motion to direct staff to draft a comment letter regarding proposed changes to USP drug compounding guidelines and before the end of the public comment period. The motion carried 7-0.

18. Board President Report – Dr. Cheryl Waterhouse

Dr. Waterhouse updated that she attended the American Association of Veterinary State Boards (AAVSB) annual conference and advised that updates to their Model Practice Act were passed and submitted letters supporting SB 1480, AB 2215 and SB 1491 and opposing AB 2138. Additionally, Dr. Waterhouse attended the CVMA Board of Governor’s meeting and an AAVSB webinar regarding antibiotic stewardship and additionally provided a brief overview of both meetings.

19. RVT Report – Jennifer Loreda, RVT

Ms. Loreda stated that legal counsel is researching the potential for a mail-in California veterinary technician law exam and that they will report back at the next meeting. Additionally, Board staff is working on getting the Veterinary Technical National Examination (VTNE) pass rates by school.

20. Executive Officer & Staff Reports

Due to time constraints, the Board did not discuss the staff reports during the meeting, but they are available for review online.

21. Future Agenda Items

Due to time constraints, the Board did not discuss this agenda item.

22. Recess until Thursday, November 15, 2018, at 9:00 a.m.

Due to a lack of quorum, the November 16, 2018 meeting day was cancelled, and instead of recessing, the Board adjourned the meeting on November 15, 2018.

9:00 a.m., Friday, November 16, 2018

23. Reconvene - Establishment of a Quorum

Due to a lack of quorum, the on November 16, 2018 meeting was cancelled; the Board discussed Disciplinary Actions on November 14, 2018.

24. Introductions

25. Pursuant to Government Code Section 11126(c)(3), the Board Will Deliberate on Disciplinary Actions.

Due to a lack of quorum, the November 16, 2018 meeting was cancelled; the Board discussed Disciplinary Actions on November 14, 2018.

In the Matter of the Accusation Against Nisar Ahmed, DVM and All Creatures Animal Hospital-Board Case No. 4602017000321

The Board moved to reject the stipulated settlement and submit a counter offer.

In the Matter of the Accusation Against The Purrfect Cat Clinic - Board Case No. BV 2015 38
The Board moved to adopt the stipulated settlement.

In the Matter of the Accusation Against Ryan Michael Tate - Board Case No. 4602018000143
The Board moved to adopt the stipulated settlement.

In the Matter of the Accusation Against Andrea Hurtado, RVT Applicant- Board Case No. 4602018000144
The Board moved to accept the Proposed Decision with minor and technical corrections.

In the Matter of the Accusation Against Edwin Ong, VACSP Applicant - Board Case No. 4602018000591
The Board moved to accept the decision after non-adoption.

In the Matter of the Accusation Against Aidin Rahbari-Khazari, DVM Applicant - Board Case No. 4602017000537
The Board moved to reject the proposed decision and decide the case upon the record, including the transcript, without taking additional evidence, and receive written arguments from the parties.

In the Matter of the Accusation Against Samuel A. Thomas, DVM, and Pet Headquarters Veterinary Hospital - ALJ Case No. 1002459437
The Board moved to reject the proposed decision and decide the case upon the record, including the transcript, without taking additional evidence, and receive written arguments from the parties.

26. Adjournment

Due to a lack of quorum, the November 16, 2018 meeting was cancelled, and the Board adjourned on November 15, 2018.

- Ms. Kathy Bowler moved, and Ms. Alana Yanez seconded, to adjourn the meeting.

The meeting adjourned at 5:01 p.m.



MEETING NOTICE and AGENDA MULTIDISCIPLINARY ADVISORY COMMITTEE

Committee Members

Jeff Pollard, DVM, Chair
Kristi Pawlowski, RVT, Vice-Chair
Allan Drusys, DVM
Stuart Eckmann,
Kevin Lazarcheff, DVM
Jennifer Loredo, RVT
Leah Shufelt, RVT
Margaret Warner, DVM

January 22, 2019

Action may be taken on any item listed on the agenda.

**University of California Davis
Veterinary Medicine Research
Facility 3B, Room 1105
1089 Veterinary Medicine Drive
Davis, California 95616**

10:00 a.m., Tuesday, January 22, 2019

1. Call to Order/ Roll Call/ Establishment of a Quorum
2. Committee Chair's Remarks, Committee Member Comments, and Introductions
3. Review and Approval of November 13, 2018 Committee Meeting Minutes
4. Update from the Complaint Process Audit Subcommittee; Potential Recommendation to Full Board
5. Update from the Public and Private Shelters and Minimum Standards and Protocols for Shelter Medicine Subcommittee; Potential Recommendation to Full Board
6. Update from the Minimum Standards and Protocols for Pet Ambulances Subcommittee; Potential Recommendation to Full Board
7. Discussion and Development of Guidelines for Discussion of Cannabis with Veterinary Clients; Potential Recommendation to Full Board
8. Public Comment on Items Not on the Agenda
Note: The Committee may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code Sections 11125 and 11125.7(a).)
9. Future Agenda Items and Meeting Dates
 - April 16, 2019 – Riverside
 - July 16, 2019 – Bay Area
 - October 15, 2019 - Sacramento
 - A. Multidisciplinary Advisory Committee Assignment Priorities
 - B. Agenda Items for Next Meeting

MISSION: To protect consumers and animals by regulating licensees, promoting professional standards, and diligent enforcement of the California Veterinary Medicine Practice Act.

10. Adjournment


This agenda can be found on the Veterinary Medical Board website at www.vmb.ca.gov. Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public.

This meeting will be webcast, provided there are no unforeseen technical difficulties or limitations. To view the webcast, please visit thedcapage.wordpress.com/webcasts/. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe and participate, please plan to attend at a physical location. Meeting adjournment may not be webcast if it is the only item that occurs after a closed session.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting locations are accessible to the physically disabled. A person who needs disability-related accommodations or modifications to participate in the meeting may make a request by contacting the Committee at (916) 515-5220, email: vmb@dca.ca.gov, or sending a written request to the Veterinary Medical Board, 1747 N. Market St., Suite 230, Sacramento, CA 95834. Providing your request at least five (5) business days prior to the meeting will help ensure availability of the requested accommodations. TDD Line: (916) 326-2297.

VISION: An environment in which Californians have access to high-quality veterinary care for all animals.

| | | | | |
|---|---------------------------------------|--|---|--|
| (1) DEPARTMENT, BOARD OR COMMISSION Department of Consumer Affairs | | (2) AGENCY BILLING CODE 57230 | (3) PAGE 1 OF 8 PAGES | |
| (4) DIVISION/ BRANCH/ SECTION Veterinary Medical Board | | (5) ADDRESS 1747 North Market Blvd., Ste. 230, Sacramento, CA 95834 | | |
| CHECK THE APPROPRIATE BOX | | | | |
| (6) <input type="checkbox"/> New schedule of records that have never been scheduled. [Complete boxes (9)–(12)] | | | | |
| (7) <input type="checkbox"/> Revising a previous schedule. [Complete boxes (9)–(16)] (A new approval number will be assigned.) | | | | |
| (8) <input checked="" type="checkbox"/> Amending some pages of a previous schedule. [Complete boxes (13)–(16)] (The original approval number will remain in effect.) | | | | |
| NEW SCHEDULE INFORMATION (If applicable) | (9) SCHEDULE NUMBER VM-2 A1 | (10) SCHEDULE DATE May 2, 0014 | (11) NUMBER OF PAGES 7 | (12) CUBIC FEET (Total Schedule) 147.85 |
| PREVIOUS SCHEDULE INFORMATION (If applicable) | (13) SCHEDULE NUMBER VM-2 | (14) APPROVAL NUMBER 2013-257 | (15) APPROVAL DATE(S) October 23, 2013 | (16) PAGE NUMBER(S) REVISED 7 |
| (17) MISSION/FUNCTIONAL STATEMENT Mission: To protect consumers and animals by regulating Licensees, promoting professional standards and diligent enforcement of the practice of Veterinary Medicine. The Veterinary Medical Board protects consumers and animals through the development and maintenance of professional standards; the licensing of Veterinarians, Registered Veterinary Technicians, and Veterinary Premises; and through diligent enforcement of the California Veterinary Medicine Practice Act. | | | | |
| PART I – AGENCY STATEMENTS | | | | |
| As the program manager (or person authorized to sign for the program manager) directly responsible for the records listed on this records retention schedule, I certify that all records listed are necessary and that each retention period is correct. For revisions, all items on the previous schedule are included or accounted for on the recapitulation. Vital records identified by this schedule are protected. If protection is not currently provided but plans are underway, the details of such plans are shown in Column 48, Remarks. | | | | |
| (18) SIGNATURE – MANAGER RESPONSIBLE FOR THE RECORDS <i>Annemarie Del Mugnaio</i> | | (19) TITLE Annemarie Del Mugnaio, Executive Officer | (20) PHONE NUMBER 916-515-5222 | (21) DATE SIGNED 5-2-14 |
| In accordance with Government Code 14755, approval of this Records Retention Schedule by the Department of General Services is hereby requested. Retention periods shown have been established in accordance with the criteria set forth by Section 1667 of the State Administrative Manual. | | | | |
| (22) SIGNATURE – RECORDS MGMT. ANALYST <i>[Signature]</i> | | (23) CLASSIFICATION DCA-RMC (AGPA) | (24) NAME (Printed or Typed) Mac Aguilar | (25) PHONE NUMBER 916-5747260 |
| | | | (26) DATE SIGNED 5/6/2014 | |
| PART II – DEPARTMENT OF GENERAL SERVICES APPROVAL (Per Government Code Section 14755) | | | | |
| (27) SIGNATURE – CalRIM CONSULTANT <i>Jamie C. Sanchez</i> | | (28) APPROVAL NUMBER 2013-257 | (29) DATE SIGNED 5/8/2014 | (30) EXPIRATION DATE 10/23/2018 |
| PART III – ARCHIVAL SELECTION (Per Government Code Section 14755) | | | | |
| THE ATTACHED RECORDS RETENTION SCHEDULE: | | | FOR ARCHIVES' STAMP | |
| (31) <input type="checkbox"/> Contains no material subject to further review by the California State Archives | | |  | |
| (32) <input checked="" type="checkbox"/> Contains material subject to archival review. Items stamped "NOTIFY ARCHIVES" may not be destroyed without clearance by the California State Archives. (Per Section 1671 of the State Administrative Manual.) | | | Keep 34613 | |
| (33) SIGNATURE – CHIEF OF ARCHIVES OR DESIGNATED REPRESENTATIVE <i>Sydney Bailey, Aelbert</i> | | (34) DATE SIGNED May 22, 2014 | | |

RECORDS RETENTION SCHEDULE

| (35) CalRIM APPROVAL NUMBER | | | | | | | 2013-257 | | | | (36) PAGE 2 OF 8 | |
|-----------------------------|--------------|-----------------------------|---|-------|-------|-----------|----------|------|-------|--------------------|--|-------|
| ITEM # | CUBIC FEET * | CA. STATE ARCHIVES USE ONLY | TITLE AND DESCRIPTION OF RECORDS <i>(Double spaces between items)</i> | MEDIA | VITAL | RETENTION | | | | PRA (Exempt) & IPA | REMARKS | PAGES |
| | | | | | | OFFICE | DEPT. | SRC | TOTAL | | | |
| (37) | (38) | (39) | (40) | (41) | (42) | (43) | (44) | (45) | (46) | (47) | (48) | |
| 1 | .1 | | ADMINISTRATIVE MANAGEMENT RECORDS MANAGEMENT STD. 73 Records Retention Schedule Approval Request and Records Retention Schedule | P | | | | | | | Retain as current until superseded. Although revision is required every five years from the date approved by DGS, RRS that are not revised remain in effect but are considered non-current | |
| 2 | | | STD.70 Records Inventory Worksheet | P | | | | | | | Retain as "Current" until next inventory or when no longer needed for reference of analysis which ever is later | |
| 3 | | | STD. 71 Records Transfer List | p | | | | | | | Retain as "Current" until all records listed have been either destroyed, retired permanently, transferred to the State Archives, or when no longer needed, whichever is later. | |
| 4 | | | STD. 76 State Records Center Reference Request | P | | | | | | | Retain as "active" until request for referral or withdrawal is completed | |
| 5 | | | Authorization for Records Destruction Computer printout | P | | 4 | | | 4 | | Retain for 2 years from date destruction is authorized. then retain 2 more or until audited, whichever occurs first | |

* Provide total of office and departmental

RECORDS RETENTION SCHEDULE

(35) CalRIM APPROVAL NUMBER

2013-257

(36) PAGE 3 OF 8

| ITEM # | CUBIC FEET * | CA. STATE ARCHIVES USE ONLY | TITLE AND DESCRIPTION OF RECORDS <i>(Double spaces between items)</i> | MEDIA | VITAL | RETENTION | | | | PRA (Exempt) & IPA (47) | REMARKS | PAGES |
|--------|--------------|-----------------------------|---|-------|-------|-------------|------------|----------|------------|-------------------------|--|-------|
| | | | | | | OFFICE (43) | DEPT. (44) | SRC (45) | TOTAL (46) | | | |
| (37) | (38) | (39) | (40) | (41) | (42) | (43) | (44) | (45) | (46) | (47) | (48) | |
| 6 | | | ADMINISTRATION Administrative a. Budget Documents b. Contracts c. Invoices/Statements | P | | 5 | | 5 | 10 | | | |
| 7 | | | Personnel: includes but not limited to a. Personnel Files b. Travel Expense Claims PROGRAM MANAGEMENT Application for Licensure: includes but not limited to a. Original application b. diploma c. transcripts d. Arrest/conviction record e. Copies of exam results f. Letter requiring more info from applicant g. Verification out-of-state work experience h. Letters from fellow practitioner verifying out-of-state work experience | P | | Active +4 | | | Active +4 | | Active means currently employed | |
| 8 | | | Applications in Progress - Current | P | | 2 | | | 2 | XI | Information required for evaluation, will be transferred to licensee file upon licensure Exempt per Public Records Act, (PRA) Govt. Code 6254(c) Access by date subject: Practice Act Article 8, Civil Code, Section 1798. Current applies to applications that are complete and waiting to sit for examination | |

* Provide total of office and departmental

RECORDS RETENTION SCHEDULE

| (35) CalRIM APPROVAL NUMBER | | | | | | | | | | | 2013-257 | | | (36) PAGE 4 OF 8 | | |
|-----------------------------|--------------|-----------------------------|---|-------|-------|-----------|-------|------|--------|--------------------|---|-------|--|------------------|--|--|
| ITEM # | CUBIC FEET * | CA. STATE ARCHIVES USE ONLY | TITLE AND DESCRIPTION OF RECORDS <i>(Double spaces between items)</i> | MEDIA | VITAL | RETENTION | | | | PRA (Exempt) & IPA | REMARKS | PAGES | | | | |
| | | | | | | OFFICE | DEPT. | SRC | TOTAL | | | | | | | |
| (37) | (38) | (39) | (40) | (41) | (42) | (43) | (44) | (45) | (46) | (47) | (48) | | | | | |
| 9 | | | Applications - Pending | P | | 2 | | | 2 | XI | Pending applies to incomplete including but not limited to exam results, fingerprints or required additional paperwork | | | | | |
| 10 | | | Applications - Enforcement Denied | P | | 2 | | | 2 | XI | | | | | | |
| 11 | | | Applications - Abandoned fees forfeited or Failure to appear | P | | 2 | | | 2 | XI | CCR Section 2015.5 (a-b) Confidential shred | | | | | |
| | | | Licensee Files: includes but not limited to all materials listed in application for licensure a. A copy of wall certificate + b. Address and/or name change request c. Continuing Education documentation | | | | | | | XI | Exempt per PRA Govt. Code 6254(c) Access by date subject: Practice Act Article 8, Civil Code, Section 1798. + | | | | | |
| 12 | | | Current Active/Inactive Licenses | P | | Active | | | Active | | Active applies to licenses that are paid in full active or inactive | | | | | |
| 13 | | | Delinquent Licenses | P | | 6 | | 90 | 96 | | B & P Code Sections 4844 and 4902 a person who fails to renew within 5 yrs. after expiration date, may reapply for new number | | | | | |
| 14 | | NOTIFY ARCHIVES | Deceased Licenses | P | | 1 | | 1 | 2 | | | | | | | |
| 15 | | | License Renewal Applications | P | | 4 | | | 4 | | Retain for 4 yrs. or until audited, which ever occurs first | | | | | |

* Provide total of office and departmental

RECORDS RETENTION SCHEDULE

(35) CalRIM APPROVAL NUMBER

2013-257

(36)

PAGE 5 OF

8

| ITEM # | CUBIC FEET * | CA. STATE ARCHIVES USE ONLY | TITLE AND DESCRIPTION OF RECORDS <i>(Double spaces between items)</i> | MEDIA | VITAL | RETENTION** | | | | PRA (Exempt) & IPA (47) | REMARKS (48) | PAGES |
|--------|--------------|-----------------------------|--|-------|-------|-------------|-------|------|-----------|-------------------------|---|-------|
| | | | | | | OFFICE | DEPT. | SRC | TOTAL | | | |
| (37) | (38) | (39) | (40) | (41) | (42) | (43) | (44) | (45) | (46) | (47) | (48) | |
| 16 | | | BOARD INFORMATION: Board Personnel: includes but not limited to a. Personnel Files b. Travel Expense Claims | P | | Active +4 | | | Active +4 | | Active means for the duration of their term of office *Note Mtg recordings kept until mins. are approved usually @ next Mtg. | |
| 17 | | NOTIFY ARCHIVES | Board and/or Committee Meeting Minutes Original documents used for mtgs including but not limited to agenda and backup material | P | | 20 | | 80 | 100 | | | |
| 18 | | | Board and/or Committee Meeting Minutes | E | | Curr. | | | Curr. | | | |
| 19 | | NOTIFY ARCHIVES | Miscellaneous information including a. Board Policy b. General Correspondence c. Public Records Act Requests d. Subpoena e. Rodeo Injury Report | P | | 5 | | 5 | 10 | | | |
| 20 | | NOTIFY ARCHIVES | Legal Opinions | P | | Active + 20 | | 80 | 100 | | | |
| 21 | | NOTIFY ARCHIVES | Legislative info including but not limited to a. Bills b. Analysis c. Budget Backup d. General Correspondence | P | | Active +5 | | 5 | 10 | | Active means in the Legislative process | |

* Provide total of office and departmental

RECORDS RETENTION SCHEDULE

| (35) CalRIM APPROVAL NUMBER | | | | | | | | | | 2013-257 | | (36) PAGE 6 OF 8 | |
|-----------------------------|--------------|-----------------------------|--|-------|-------|-------------|------------|----------|------------|-------------------------|---|------------------|--|
| ITEM # | CUBIC FEET * | CA. STATE ARCHIVES USE ONLY | TITLE AND DESCRIPTION OF RECORDS <i>(Double spaces between items)</i> | MEDIA | VITAL | RETENTION | | | | PRA (Exempt) & IPA (47) | REMARKS | PAGES | |
| | | | | | | OFFICE (43) | DEPT. (44) | SRC (45) | TOTAL (46) | | | | |
| (37) | (38) | (39) | (40) | (41) | (42) | (43) | (44) | (45) | (46) | (47) | (48) | | |
| 22 | | NOTIFY ARCHIVES | Regulation info including but not limited to a. Notice documentation b. Public comments | P | | Active +5 | | 5 | 10 | | | | |
| 23 | | | CASHIERING: Miscellaneous Cashiering Documents a. Report of collections b. Revenue Refunds/Transfers c. Return check letters d. NSF / Franchise Tax Collections PREMISE PERMIT FILES: These files include but not limited to a. Original application b. Inspections reports c. Revised applications d. General correspondence | P | | 5 | | | 5 | | 5 yrs. or until audited whichever occurs first | | |
| 24 | | | Current Active Premise Permits | P | | Active | | | Active | | Active applies to Premise Permits that are paid in full | | |
| 25 | | | Delinquent Premise Permits | P | | 5 | | | 5 | | 5 years from expiration date Confidential Shred | | |

* Provide total of office and departmental

RECORDS RETENTION SCHEDULE

2013-257

(35) CalRIM APPROVAL NUMBER

(36) PAGE 7 OF 8

| ITEM # | CUBIC FEET * | CA. STATE ARCHIVES USE ONLY | TITLE AND DESCRIPTION OF RECORDS <i>(Double spaces between items)</i> | MEDIA | VITAL | RETENTION | | | | PRA (Exempt) & IPA | REMARKS | PAGES |
|--------|--------------|-----------------------------|---|-------|-------|-----------|-------|------|--------|--------------------|--|-------|
| | | | | | | OFFICE | DEPT. | SRC | TOTAL | | | |
| (37) | (38) | (39) | (40) | (41) | (42) | (43) | (44) | (45) | (46) | (47) | (48) | |
| 26 | | | Cancelled Premise Permits ENFORCEMENT FILES: These files contain all documentation of complaints, investigation and accusations against a licensee, includes but not limited to a. Original Complaint b. Requests for investigation c. Status reports d. Findings and recommendations e. Copies of legal documents | P | | 3 | | | 3 | | Retain for 3 yrs. after date of cancellation Confidential Shred | |
| 27 | | | Complaints Active | P | | Active | | | Active | X | Active means until completion of complaint review process and disposition of review committee's recommendation | |
| 28 | | | Complaints Closed No Violations | P | | 3 | | | 3 | X | Confidential Shred | |

* Provide total of office and departmental

RECORDS RETENTION SCHEDULE

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| (35) CalRIM APPROVAL NUMBER | | | | | | | | | | | | |
|-----------------------------|--------------|-----------------------------|--|-------|-------|-------------|------------|----------|------------|-------------------------|--|-------|
| ITEM # | CUBIC FEET * | CA. STATE ARCHIVES USE ONLY | TITLE AND DESCRIPTION OF RECORDS <i>(Double spaces between items)</i> | MEDIA | VITAL | RETENTION | | | | PRA (Exempt) & IPA (47) | REMARKS | PAGES |
| | | | | | | OFFICE (43) | DEPT. (44) | SRC (45) | TOTAL (46) | | | |
| (37) | (38) | (39) | (40) | (41) | (42) | (43) | (44) | (45) | (46) | (47) | (48) | |
| 29 | | | Citaitaion and Fine | P | | 5 | | | 5 | | Per Board policy October 2002, remove from licensee file and confidential destruction 5 yrs. after final payment received | |
| 30 | | | Investigations | P | | Active + 3 | | 97 | 100 | X | Active means until completion of investigation and/or final action Exempt per PRA Govt. Code 6254(k) Not available by date subject: Practice Act Article 8, Civil Code, Section 1798.3 (4) | |
| 31 | | | Accusation / Discussion | P | | Active + 3 | | 97 | 100 | | Active means until completion of investigation and/or final action | |

* Provide total of office and departmental



Department of Consumer Affairs
Veterinary Medical Board
Records Retention Schedule
May 2, 2014

2013-257

Revision made to page 5, item 19:

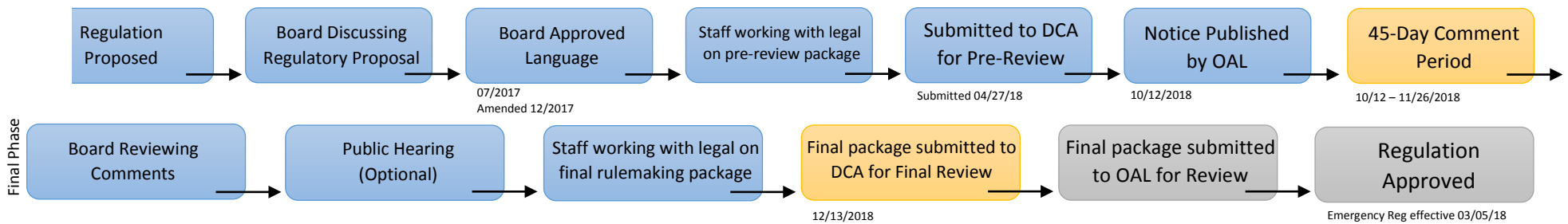
- Added
- c. Public Records Act Requests
 - d. Subpoena
 - e. Rodeo Injury Report

The items entered into the records retention schedule caused the items below item 19 to be moved down therefore; the schedule increased from seven to eight pages.

Karen Robison
Administrative Analyst

Status of Pending VMB Regulations – January 2019

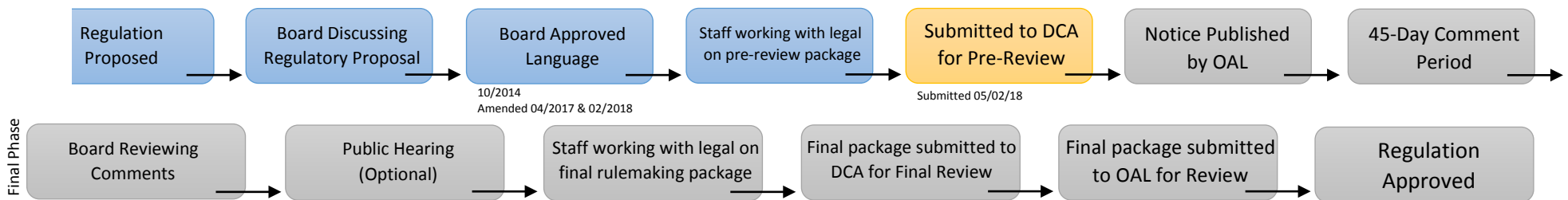
Schedule



CCR Section: [2070](#), [2071](#)

Notes: The emergency rulemaking package was approved [03/05/2018](#) and a standard rulemaking package has been submitted to DCA for pre-review effective 04/27/2018. The package was noticed by OAL on [10/12/2018](#) and the [45-day comment period](#) closed on 11/26/2018. A re-adoption of the emergency regulations package was approved by OAL on [08/01/2018](#) and granted a 90-day extension. A 2nd re-adoption of the emergency regulations package approved by OAL on [10/16/2018](#). The final rulemaking package was submitted to DCA for their review on 12/13/2018. The final rulemaking package is with Chief Counsel as of 01/04/2019. The complete rulemaking package must be submitted to OAL for final review by 03/05/2019.

Summer Protection Enforcement Initiative (CPEI)

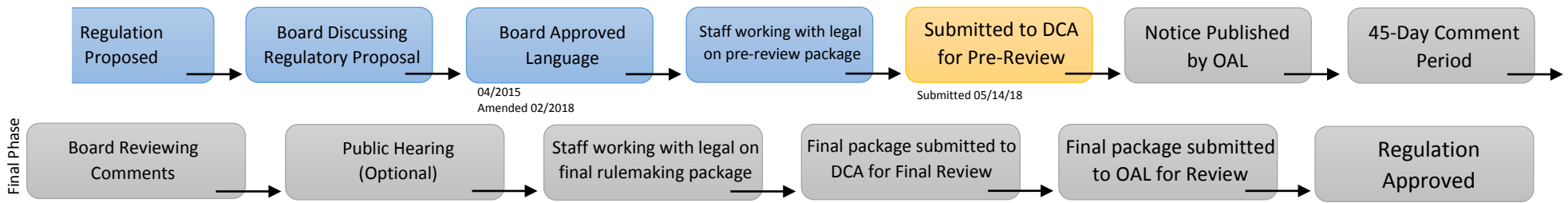


CCR Section: [2003](#), [2017](#), [2042](#)

Notes: The CPEI rulemaking package was originally submitted through DCA for pre-review in 07/2017, but due to recommendations received from Legal Affairs, the package was returned to the Board and amendments were made to the proposed language effective [02/2018](#). The rulemaking package has been re-submitted to DCA for pre-review effective 05/02/2018. The package is with Agency for review as of 10/24/18. Comments and recommendations were received from Agency that are pending Board review at the January 2019 meeting.

Status of Pending VMB Regulations – January 2019

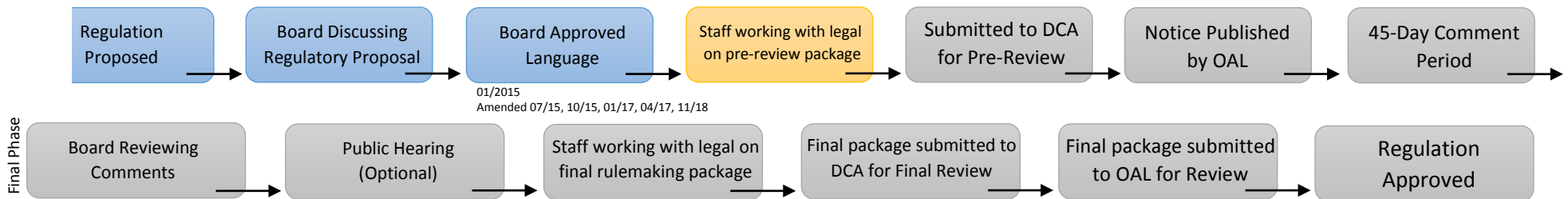
Telemedicine



CCR Section: 2032.1

Notes: The Telemedicine proposed language was approved in [04/15](#) and then amended in [02/2018](#). The rulemaking package has been submitted to DCA for pre-review effective 05/14/2018. The package is with Agency for review as of 01/04/2019.

Disciplinary Guidelines

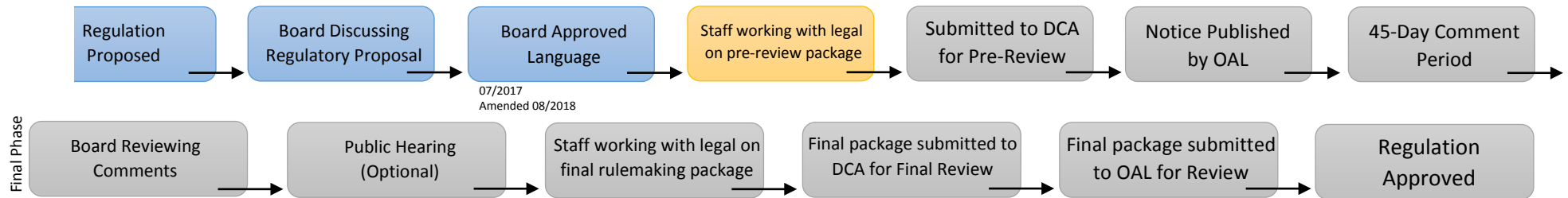


CCR Section: 2006

Notes: The Disciplinary Guidelines rulemaking package proposed language was approved in [01/15](#) and then amended [07/2015](#), [10/2015](#), [01/2017](#), [04/2017](#) and [11/2018](#). Staff is currently working with legal to develop the initial rulemaking package prior to submitting to DCA for pre-review.

Status of Pending VMB Regulations – January 2019

Primary Technician Education

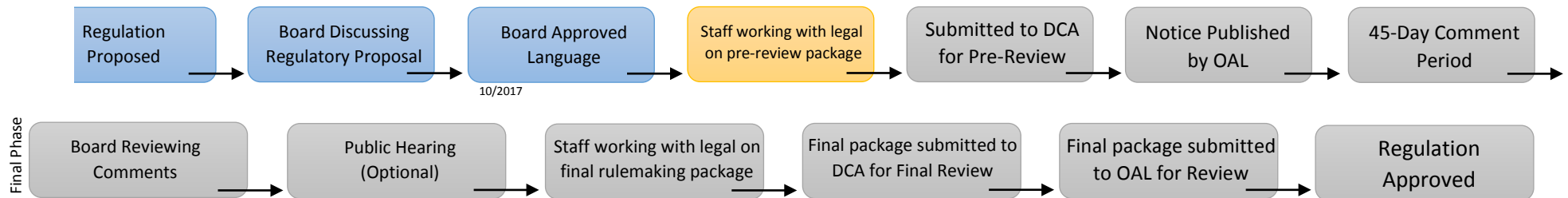


CCR Section: 2036.1, [2064](#), 2065.1, 2065.2, [2065.6](#), [2065.7](#), [2065.8](#), [2066](#), [2068.5](#)

Notes: *RVT Alternate Route:* In [02/2015](#) the MDC approved proposed language. In [07/2015](#) the Board approved proposed language.
RVT Student Exemption: In [07/2015](#) the MDC approved proposed language. In [10/2015](#) the Board approved proposed language.
RVT AVMA School Approval: In [07/2016](#) the Board approved proposed language.

The RVT Alternate Route, RVT Student Exemption and RVT AVMA School Approval were combined and approved in [07/2017](#). The language was amended at the [08/2018](#) Board meeting. Staff is currently working with legal to develop the initial rulemaking package prior to submitting to DCA for pre-review.

Drug Compounding

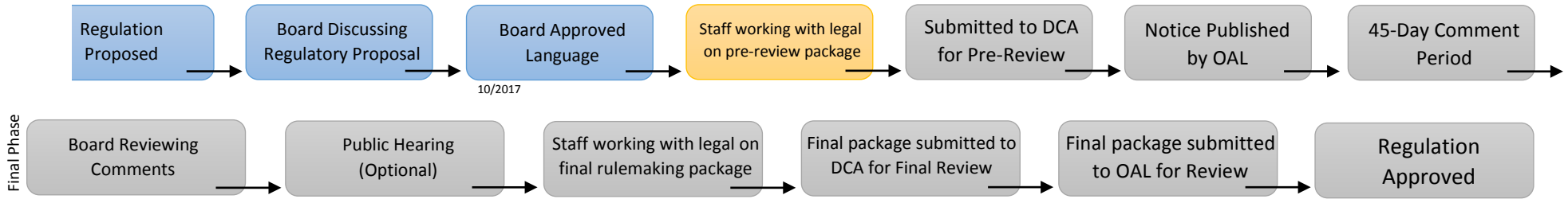


CCR Section: 2090-2096

Notes: The Drug Compounding rulemaking package proposed language was approved in [10/2017](#). Board staff is working with legal to develop the initial rulemaking package prior to submitting to DCA for pre-review.

Status of Pending VMB Regulations – January 2019

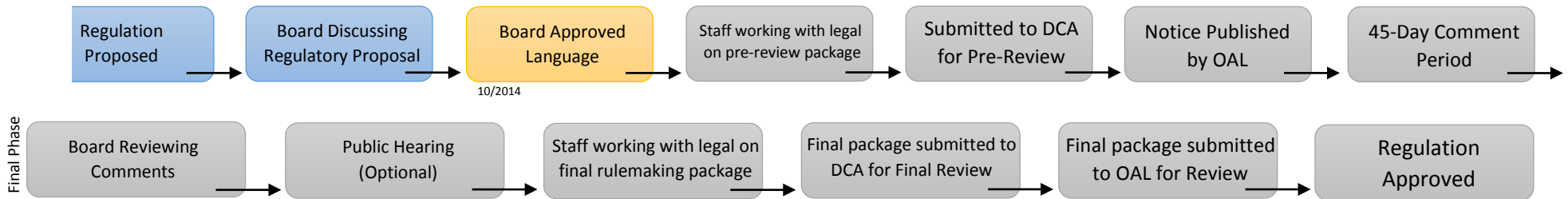
Animal Rehabilitation



CCR Section: 2038.5

Notes: The Animal Rehabilitation rulemaking package was previously filed with OAL and withdrawn in [11/2015](#). Three taskforce meetings were held to discuss this issue ([06/2016](#), [10/2016](#), [02/2017](#)). In [10/2017](#) the Board approved proposed language. Board staff is working with legal to develop the initial rulemaking package prior to submitting to DCA for pre-review.

Uniform Standards for Abuse

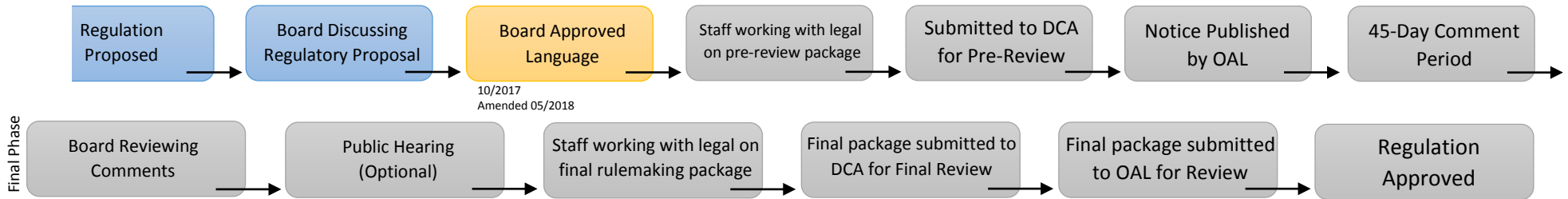


CCR Section: [2006](#), [2006.5](#), [2076](#)

Notes: The Uniform Standards for Abuse rulemaking proposed language was approved in [10/2014](#) and was on hold per legal from 04/2015-03/2016. Pending amendments to be re-submitted to the Board for review and approval. As discussed at the [11/2018](#) meeting, DCA is reviewing the Uniform Standards of other healing arts Boards and it was recommended to hold off on developing the regulatory package until DCA has completed their review and recommendations.

Status of Pending VMB Regulations – January 2019

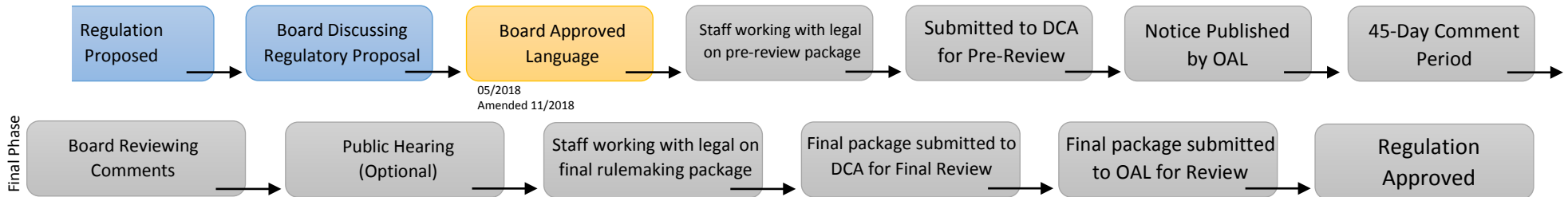
Emergency Animal Care



CCR Section: [2069](#)

Notes: The Emergency Animal Care rulemaking package proposed language was approved by the Board in [10/2017](#) but brought back for further discussion at its [02/2018](#) meeting. The Board approved language at the [05/2018](#) meeting.

Tasks Under Indirect Supervision

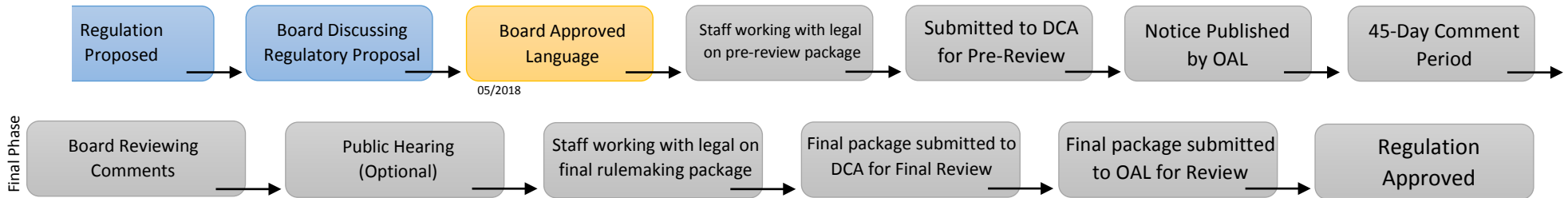


CCR Section: [2036](#)

Notes: The RVT Tasks rulemaking package proposed language was approved by the MDC at their [10/2017](#) meeting and discussed at the Board's [02/2018](#) meeting. The Board approved language at the [05/2018](#) meeting. At the [11/2018](#) meeting, the Board amended the approved language to include drug compounding.

Status of Pending VMB Regulations – January 2019

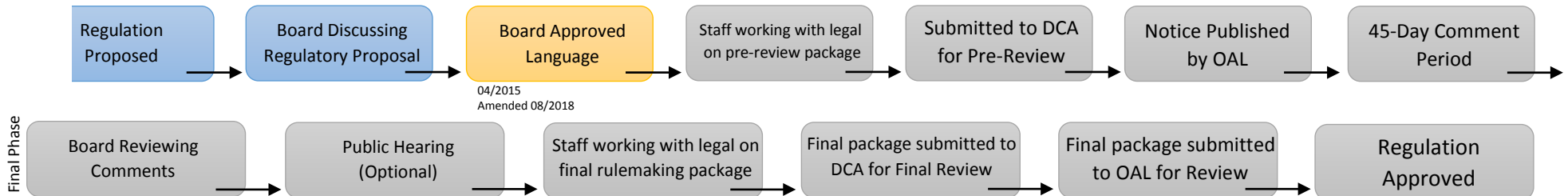
Duties of Supervising Veterinarian



CCR Section: [2035](#)

Notes: The Duties of a Supervising Veterinarian proposed regulations were approved by the Board at the [05/2018](#) meeting. This regulation was previously called “Extended Duty” for Registered Veterinary Technicians.

Veterinarian-Client-Patient Relationships (VCPRs)

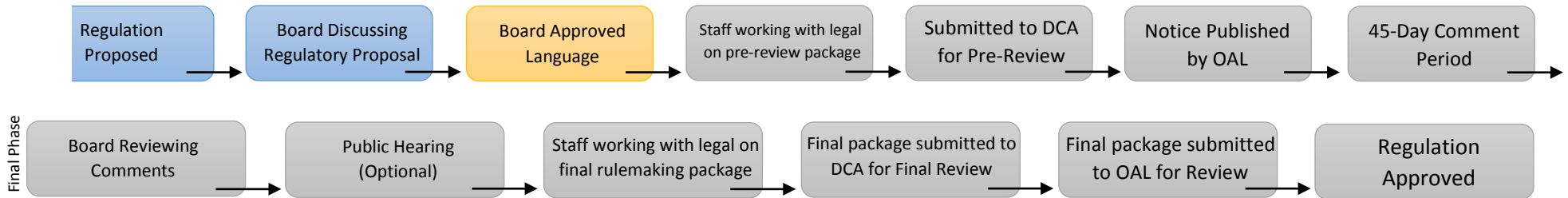


CCR Section: [2032.15](#), [2032.25](#)

Notes: VCPRs was originally included with Telemedicine and Minimum Standards and approved at the [04/2015](#) meeting, but a byproduct of separating the Telemedicine from Minimum Standards cause the VCPRs to be dropped off. The language was re-presented to the Board at the [08/2018](#) meeting where additional changes were approved.

Status of Pending VMB Regulations – January 2019

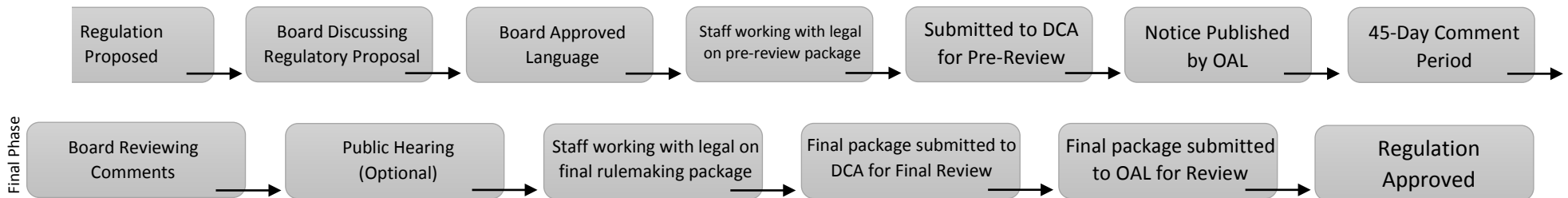
Minimum Standards for Alternate Veterinary Premises



CCR Section: [2030](#), [2030.05](#), [2030.1](#), [2030.15](#), [2030.2](#), [2030.3](#), [2030.4](#), [2030.5](#)

Notes: The Minimum Standards for Alternate Veterinary Premises proposed regulations were approved by the MDC at their [02/2018](#) meeting and forwarded to the Board for discussion. The Board approved language at the [11/2018](#) meeting

Veterinary Student Exemption/RVT Exam Eligibility

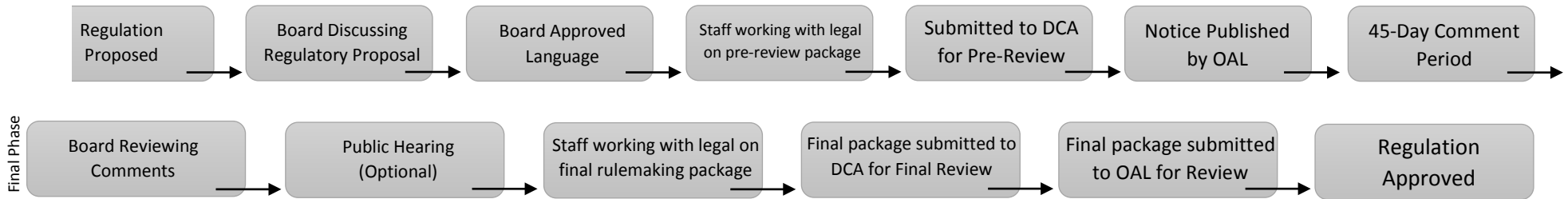


CCR Section: [2027](#), [2027.5](#)

Notes: The Veterinary Student Exemption proposal was discussed and conceptionally approved 04/2017. This regulation is pending updates required by new Business and Professions Code (BPC) 4841.2 per [SB 1480](#) (Hill, Chapter 571, Statutes of 2018).

Status of Pending VMB Regulations – January 2019

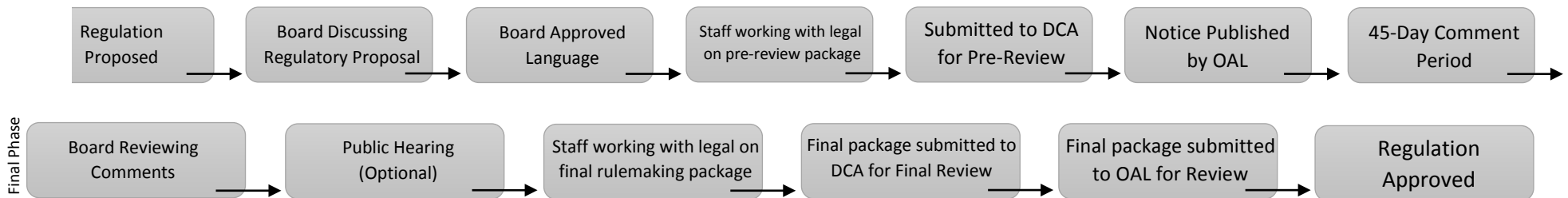
Iter Minimum Standards



CCR Section: [2035](#), [2035.5](#), [2030.6](#), [2030.7](#),

Notes: The Shelter Minimum Standards concept is currently being discussed by the MDC and has not been submitted to the Board.

stantially Related Criteria Regarding Criminal Convictions



CCR Section: TBD

Notes: This regulation is pending discussion from the Board at the January meeting following updates to BPC 481(a) per [AB 2138](#) (Chiu, Chapter 995, States of 2018).



MEMORANDUM

| | |
|----------------|--|
| DATE | January 23, 2019 |
| TO | Veterinary Medical Board |
| FROM | Jessica Sieferman, Executive Officer |
| SUBJECT | Agenda Item 8.B - Sections 2006 and 2006.5, Article 1, and Section 2076, Article 8, Division 20, Title 16 of the California Code of Regulations (CCR) Regarding Uniform Standards for Substance Abusing Licensees |

Update:

The [Uniform Standards for Substance Abusing Licensees](#) implementation has been questioned in the 2012 and 2015 Sunset Review Reports. With the Board's Sunset Review Process commencing this year¹, Board staff recommends prioritizing Uniform Standards Implementation.

The background below was provided to the Board at its November meeting. During the meeting, the Board was notified the Department of Consumer Affairs' [Substance Abuse Coordination Committee](#) (SACC) recently made minor changes to Uniform Standard #4 related to drug testing. These changes allowed the testing frequency to decrease depending on supervision and permitted some flexibility in testing due to travel.

With the Uniform Standard #4 review completed, the SACC decided to review all other Uniform Standards. DCA anticipates the review to be conducted relatively quickly, since the most contentious standard (#4) review is complete. The review is estimated to complete in 2019.

Action Requested:

Staff requests the Board create a two-member Uniform Standards Implementation Committee. The Committee will work with staff, legal counsel and the Deputy Attorney General liaison to make formal recommendations to the Board.

Background: *(As provided in November 2018)*

To address inconsistencies and nonexistent standards for disciplining substance-abusing licenses and to better protect patients from substance-abusing licensees,

¹ Board Sunsets in 2021; Hearings/Legislation required in 2020; Reports due in December 2019

[Senate Bill \(SB\) 1441](#) (Ridley-Thomas, Chapter 548, Statutes of 2008) created the SACC which is made up of all healing arts board executive officers. In April 2011, the Substance Abuse Coordination Committee developed 16 uniform standards for substance abusing healing arts licensees (Uniform Standards) to be used by each healing arts board in disciplining substance-abusing licensees. To implement the Uniform Standards, each healing arts board was advised to promulgate regulations to ensure that a practitioner is aware of the Uniform Standards and can access all of the standards relevant to him or her in each board's regulations.

Department of Consumer Affairs (DCA) legal counsel drafted three options to revise [CCR section 2006](#), [Disciplinary Guidelines](#), and add new section 2006.5, Uniform Standards, to implement the Uniform Standards. The Board was advised that, because the Uniform Standards are mandated by statute, the Board did not have discretion to change the Uniform Standard themselves and only had the discretion to determine when they may be triggered, which was identified in the three options: (1) if the conduct found to be in violation involves drugs and/or alcohol, the licensee would be presumed to be a substance-abusing licensee subject to the Uniform Standards; (2) a clinical diagnostic evaluation would be ordered to determine whether the licensee was a substance-abusing licensee; or (3) if, after notice and a hearing, the individual was found by the Board to be a substance-abusing licensee, then the Uniform Standards would apply. In October 2012, the Board decided to proceed with Option 3.

At the Board's [April 2014](#) meeting, the Board reviewed the proposed language for the Uniform Standards as combined with the Board's [Disciplinary Guidelines](#). At that time, it was identified that some of the [Disciplinary Guidelines](#) language was not specifically related to substance abusing licensees, and it was recommended to separate the two regulatory packages. At the [October 2014](#) meeting, the Board approved the Uniform Standards and directed Board staff to proceed with developing the regulatory rulemaking package. Importantly, the motions made by the Board at the October 2012 and [October 2014](#) meetings did not meet requirements for a complete motion needed for Board staff to proceed with initiating the rulemaking file.

Legal opinions regarding the requirements to implement the uniform standards were received from the Office of the Attorney General (AG), the Deputy Director of Legal Affairs for DCA, and the Legislative Counsel Bureau. The opinions received did not provide consistent guidance, and a formal legal opinion was issued by the AG in April of 2015. Following the formal legal opinion from the AG, the rulemaking file was placed on hold at the direction of DCA legal counsel from April 2015 through February 2016 pending resolution of the proper interpretation and uses of the Uniform Standards. In February 2016, DCA legal counsel provided an overview of the formal legal opinion from the AG and direction to the healing arts boards on how to implement the Uniform Standards.

The language is presented to the Board today for their consideration and review, and to determine how to best proceed with the Uniform Standards regulatory package. The Board can combine the Uniform Standards with the [Disciplinary Guidelines](#) rulemaking package, or it can proceed as a standalone regulation with the "Standard Language to

Be Included in Every Probationary Order For Substance Abusing Licensees” as a document incorporated by reference. Due to the length of time lapsed and the change in legal opinion since the Board originally adopted the Uniform Standards rulemaking in [October 2014](#), it is recommended that the Board review and/or revise the rulemaking and readopt it.

Attachments:

- June 2012 three regulation revisions options for implementing SB 1441 as presented by DCA legal counsel at July 2012 Board meeting
- October 2012 Board-adopted Uniform Standards language for CCR sections 2006, 2006.5, and 2076 (Option #3)
- October 2014 Board-adopted Uniform Standards.

Uniform Standards Related to Substance Abuse

Veterinary Medical Board

Options for Regulatory Adoption

Option 1

Section 2006 Division 20 of Title 16, Article 1 of the California Code of Regulations is amended:

Section 2006. Disciplinary Guidelines

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

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

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

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

Section 2006.5 Division 20 of Title 16, Article 1 of the California Code of Regulations is added:

Section 2006.5. Uniform Standards for Substance Abuse.

(a) If the conduct found to be a violation involves drugs and/or alcohol, the licensee shall be presumed to be a substance-abusing licensee for purposes of section 315 of the Code. If the licensee does not rebut the presumption, then the terms and conditions contained in the document entitled "Uniform Standards for Substance-Abusing Licensees with Standard Language for Probationary Orders" (Rev. April 2011), which is hereby incorporated by reference, shall be used in any probationary order of the Board affecting that licensee.

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

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

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

Option 2

Section 2006. Disciplinary Guidelines

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

However, neither the Board nor and administrative law judge may impose any conditions or terms of probation that are less restrictive that the uniform standards related to substances abuse listed in Section 2006.5. If a licensee has not yet been identified as a substance-abusing licensee (for example, through stipulation) in a case involving drugs or alcohol, a clinical diagnostic evaluation shall be ordered and the remaining provisions of the Uniform Standards may, in the discretion of the Board, be made contingent upon a clinical diagnostic evaluator’s report that the individual is a substance-abusing licensee. The clinical diagnostic evaluator’s report shall be submitted in its entirety to the board.

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

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

Section 2006.5. Uniform Standards for Substance Abuse.

(a) If a licensee has been identified as a substance-abusing licensee as provided in Section 2006, then the terms and conditions contained in the document entitled “Uniform Standards for Substance-Abusing Licensees with Standard Language for Probationary Orders” (Rev. April 2011), which are hereby incorporated by reference, shall be used in any probationary order of the Board affecting that licensee.

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

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

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

Option 3

Section 2006. Disciplinary Guidelines

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

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

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

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

Section 2006.5. Uniform Standards for Substance Abuse.

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

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

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

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

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

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

2076. Criteria for Admission.

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

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

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

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

Uniform Standards Related to Substance Abusing Licensees

Veterinary Medical Board

Option 3

Section 2006. Disciplinary Guidelines

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

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

Authority cited: Sections 315, 315.2, 315.4, and 2615, Business and Professions Code; and Section 11400.20 Government Code. Reference: Sections 315, 315.2, 315.4, 2660, 2660.1, 2661 and 2661.5, Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.

Section 2006.5. Uniform Standards for Substance Abuse.

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

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

Authority cited: Sections 315, 315.2, 315.4, and 2615, Business and Professions Code. Reference: Sections 11400.20 and 11425.50(e), Government Code; Section 315, 315.2, and 315.4 of the Business and Professions Code.

2076. Criteria for Admission.

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

(a) The applicant shall be a veterinarian or registered veterinary technician licensed or registered in this state.

(b) The applicant shall reside in California.

(c) The applicant is found to abuse alcohol or other dangerous drugs in a manner which may affect the veterinarian's ability to practice veterinary medicine competently or the registered veterinary technician's ability to perform his or her duties competently.

(d) The applicant shall have voluntarily requested admission to the program.

(e) The applicant agrees to undertake any reasonable medical or psychiatric examinations necessary to evaluate the application for participation in the program.

(f) The applicant cooperates with the program by providing medical information, disclosure authorizations and releases of liability as may be necessary for participation in the program.

(g) The applicant agrees in writing to cooperate with all elements of both the program and the individual treatment program designed by a diversion committee.

(h) The applicant agrees in writing to be subject to all provisions of the “Uniform Standards Regarding Substance-Abusing Healing Arts Licensees” (Rev. April 2011), which is hereby incorporated by reference.

Authority cited: Sections 315, 315.2, 315.4, 4808, Business and Professions Code. Reference: Sections 315, 315.2, 315.4, 4866, Business and Professions Code.

VETERINARY MEDICAL BOARD

STANDARD LANGUAGE TO BE INCLUDED IN EVERY

PROBATIONARY ORDER FOR SUBSTANCE ABUSING LICENSEES

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

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

ADDITIONAL PROBATIONARY TERMS AND CONDITIONS

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

This condition shall apply to any changes(s) in place of employment, ~~whereas the Respondent shall provide proof of employer notification to the Board within fifteen (15) days of reporting to the new place of employment.~~

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

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

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

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

The ~~supervisor~~ monitor shall meet the following additional requirements:

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

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

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

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

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

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

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

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

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

- Where When Respondent has previously participated in a treatment or f monitoring program requiring testing, the Board or its designee may consider that the prior testing records in applying the three-tier testing frequency schedule described above;

- Where the basis for probation or discipline is a single incident or conviction involving alcohol or drugs, or two incidents or convictions involving alcohol or drugs that were at least seven (7) years apart, that did not occur at work or on the way to or from work, the Board or its designee may skip the first year testing frequency requirement(s);
- Where Respondent is not employed in any health care field, the frequency of testing may be reduced to a minimum of twelve (12) tests per year. If respondent wishes to ~~thereafter~~ return to employment in a health care field, Respondent shall be required to test at least once a week for a period of sixty (60) days before commencing ~~such~~ employment and shall ~~thereafter~~ be required to test at least once a week for a full year before the Board can consider reducing the testing frequency to no less than thirty-six (36) tests per year ~~and so forth~~;
- Respondent's testing requirement may be suspended during any period of tolling of the period of probation;
- [In cases where no current substance use disorder is made] Where Respondent has a demonstrated period of sobriety and/or non-use, the Board or its designee may reduce the testing frequency to no less than twenty-four (24) tests per year.

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

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

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

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

Respondent shall abstain completely from the possession, injection or consumption, ~~of any route,~~ including inhalation, of all psychotropic (mood altering) drugs, including alcohol, ~~and including~~ controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code Section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed by a ~~physical~~ physician and surgeon, or nurse practitioner for a bona fide illness or condition. Within fifteen (15) calendar days of receiving any lawful prescription medications, Respondent shall notify the Board or its designee in writing of the following: prescriber's name, address, telephone number; medication name and strength; issuing pharmacy's name, address and telephone number; and the specific medicinal purpose for the medication. Respondent shall also provide a current list of prescribed medications with the prescriber's name, address, and telephone number on each quarterly report submitted. Respondent shall provide the Board or its designee with a signed and dated medical release covering the entire probation period.

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

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

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

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

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

the type and frequency of required facilitated group support meeting attendance, the Board or its designee shall give consideration to the following:

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

Documentation of attendance shall be submitted by Respondent with each quarterly report.

Respondent shall continue attendance in the support such a group for the duration of probation unless notified by the Board that attendance is no longer required.

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

1. Be licensed or certified by the state or other nationally certified organizations.

1-2. Have a minimum of three (3) years of experience in the treatment and rehabilitation of substance abuse. ~~and shall be licensed or certified by the state or other nationally certified organizations.~~

2-3. Not have a financial, personal or business relationship with the licensee in the last five (5) years.

3-4. Provide to the Board or its designee a signed document showing the licensee's name, the group name, the date and location of the meeting, the licensee's attendance and the licensee's level of participation and progress.

4-5. Report any unexcused absence to the Board or its designee within 24 hours.

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

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

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

It is Respondent's ~~responsibility to have~~ ~~shall cause~~ the evaluator ~~to~~ submit to the Board or its designee a written clinical diagnostic evaluation report within 10 days from the date the evaluation was completed, unless an extension, not to exceed 30 days, is granted to the evaluator by the Board. The cost of ~~such the~~ evaluation shall be paid by Respondent. The evaluation(s) shall be conducted in accordance with acceptable professional standards for alcohol or substance abuse clinical diagnostic evaluations. The written report(s) shall set forth, at least, the opinions of the evaluator as to: whether Respondent has an alcohol or substance abuse problem, whether respondent is a threat to him/herself or others; and recommendations for alcohol or substance abuse treatment, practice restrictions or other steps related to Respondent's rehabilitation and safe practice. If the evaluator determines during the evaluation process that Respondent is a threat to him/herself or others, the evaluator shall notify the Board or its designee within twenty-four (24) hours. Respondent shall cease practice until the Board determines that ~~he or she~~ Respondent is able to safely practice either full-time or part-time and has had at least 30 days of negative drug test results. Respondent shall comply with any restrictions or recommendations made as a result of the clinical diagnostic evaluation.

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

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

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



MEMORANDUM

| | |
|----------------|--|
| DATE | January 3, 2019 |
| TO | Members Veterinary Medical Board |
| FROM | Tara Welch, Attorney III Legal Affairs Division, Department of Consumer Affairs |
| SUBJECT | Informed Client Consent to Radiograph Procedures |

Question Presented

Whether the veterinarian-client-patient-relationship (VCPR) regulation requires a veterinarian to advise the client that the veterinarian wants to obtain radiographs of the animal patient so that the client can give informed consent to the procedure.

Short Answer

The current VCPR regulation is unclear as to whether a veterinarian is required to advise the client of the diagnostic plan, which may include radiographs, to treat the animal patient.

Discussion

At the Board's November 14, 2018 meeting, the Board requested research on whether the current VCPR regulation, California Code of Regulations (CCR), title 16, section 2032.1(b)(3), needs to be revised to require a veterinarian to advise the client of the veterinarian's diagnostic plan to make radiographs of the animal patient so the client can give informed consent.

A. VCPR Regulations

CCR section 2032.1, subsection (b)(3), the VCPR regulation, only requires the veterinarian to communicate with the client a "course of treatment appropriate to the circumstance". On the other hand, CCR section 2032.15, subsection (b), the regulation specifying the requirements of the VCPR in the absence of client communication, requires a designated veterinarian to communicate any *changes* to the medical, treatment, diagnostic, and/or therapeutic plan that differs from that which was communicate by the original veterinarian. The inclusion of the requirement to communicate changes to the medical, treatment, diagnostic, and/or therapeutic plan in the absence of a direct VCPR shows the apparent gap in CCR section

2032.1, which should also explicitly require the medical, diagnostic, and/or therapeutic plans be communicated to the client by the original veterinarian. This gap in communication to the client may be widened when the animal patient is assessed by a subsequent designated veterinarian, who would only have to communicate to the client any changes from what the original veterinarian told the client.

For example, if the original veterinarian diagnoses a dog with periodontal disease and wants to see if any of the dog's teeth or bone are deteriorating, the veterinarian could get the dog owner's consent to treat the periodontal disease, but fail to advise the owner that to properly treat the periodontal disease, dental radiographs will be made of the animal patient's teeth. Dental radiographs require the animal to be placed under anesthesia, which may not be a procedure the client wants for his or her animal. If a subsequent designated veterinarian is the one who identifies that dental radiographs should be made to properly treat the animal, the designated veterinarian would not have to communicate that dental radiographs will be made before making the x-rays because the original veterinarian did not, and conceivably is not required to, document or communicate any diagnostic plan.

B. Regulatory Proposal

Given the gaps in the existing VCPR regulations described above, I would advise the Board to amend CCR section 2032.1 as follows:

(b)(3) The veterinarian has assumed responsibility for making medical judgments regarding the health of the animal and has communicated with the client a ~~course of treatment~~ medical, treatment, diagnostic, and/or therapeutic plan appropriate to the circumstance.

Please note that the Board has already submitted the telemedicine rulemaking package for DCA review that revises section 2032.1, subdivision (d), and adds new subdivisions (e) and (f). That rulemaking package has already been submitted for review by the Department of Consumer Affairs. Separately, a VCPR package was adopted by the Board on August 29, 2018, that makes substantive revisions to sections 2032.15 and 2032.25 regarding prescribing, dispensing, or furnishing dangerous drugs. Although the proposed amendment to section 2032.1 above could logically be placed in either of the rulemaking packages, I would recommend waiting to adopt any language until after the telemedicine proposal is enacted as that proposal will establish the new subdivisions to the VCPR section at issue.

Conclusion

The VCPR regulation does not explicitly require a veterinarian to communicate to the client the medical, diagnostic, and/or therapeutic plan to treat an animal patient. Accordingly, there does not appear to be any requirement for the veterinarian to advise the client about the need for radiographs to be made of the animal patient, potentially resulting in a client's lack of informed consent to radiographs. The Board may wish to amend the VCPR regulation to

clarify the information required to be communicated to the client so the client receives sufficient information to give informed consent.

Attachments: Recommended Regulatory Proposal to clarify VCPR
Telemedicine Proposed Language previously approved by Board
VCPR Proposed Language previously approved by Board

RECOMMENDED PROPOSAL TO CLARIFY VCPR

PROPOSED LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Amend Section 2032.1 of Article 4 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

§ 2032.1. Veterinarian-Client-Patient Relationship.

(a) It is unprofessional conduct for a veterinarian to administer, prescribe, dispense or furnish a drug, medicine, appliance, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture or bodily injury or disease of an animal without having first established a veterinarian-client-patient relationship with the animal patient or patients and the client, except where the patient is a wild animal or the owner is unknown.

(b) A veterinarian-client-patient relationship shall be established by the following:

(1) The client has authorized the veterinarian to assume responsibility for making medical judgments regarding the health of the animal, including the need for medical treatment,

(2) The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian is personally acquainted with the care of the animal(s) by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animals are kept, and

(3) The veterinarian has assumed responsibility for making medical judgments regarding the health of the animal and has communicated with the client a ~~course of treatment~~ medical, treatment, diagnostic, and/or therapeutic plan appropriate to the circumstance.

(c) A drug shall not be prescribed for a duration inconsistent with the medical condition of the animal(s) or type of drug prescribed. The veterinarian shall not prescribe a drug for a duration longer than one year from the date the veterinarian examined the animal(s) and prescribed the drug.

(d) As used herein, "drug" shall mean any controlled substance, as defined by Section 4021 of Business and Professions code, and any dangerous drug, as defined by Section 4022 of Business and Professions code.

Note: Authority cited: Sections 4808, Business and Professions Code. Reference: Section 4883, Business and Professions Code.

TELEMEDICINE PROPOSED LANGUAGE
(Previously approved by the Board on 2/21/18)

PROPOSED LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Amend Section 2032.1 of Article 4 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

§ 2032.1. Veterinarian-Client-Patient Relationship.

(a) It is unprofessional conduct for a veterinarian to administer, prescribe, dispense or furnish a drug, medicine, appliance, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture or bodily injury or disease of an animal without having first established a veterinarian-client-patient relationship with the animal patient or patients and the client, except where the patient is a wild animal or the owner is unknown.

(b) A veterinarian-client-patient relationship shall be established by the following:

(1) The client has authorized the veterinarian to assume responsibility for making medical judgments regarding the health of the animal, including the need for medical treatment,

(2) The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian is personally acquainted with the care of the animal(s) by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animals are kept, and

(3) The veterinarian has assumed responsibility for making medical judgments regarding the health of the animal and has communicated with the client a course of treatment appropriate to the circumstance.

(c) A drug shall not be prescribed for a duration inconsistent with the medical condition of the animal(s) or type of drug prescribed. The veterinarian shall not prescribe a drug for a duration longer than one year from the date the veterinarian examined the animal(s) and prescribed the drug.

(d) As used herein, "drug" shall mean any controlled substance, as defined by Section 4021 of ~~Business and Professions the~~ code, and any dangerous drug, as defined by Section 4022 of ~~Business and Professions the~~ code.

(e) No person may practice veterinary medicine in this state except within the context of a veterinarian-client-patient relationship. A veterinarian-client-patient relationship cannot be established solely by telephonic or electronic means.

(f) Telemedicine shall be conducted within an existing veterinarian-client-patient relationship, with the exception for advice given in an emergency care situation until that patient(s) can be seen by or transported to a veterinarian. For purposes of this section, "telemedicine" shall

mean the mode of delivering animal health care services via communication technologies to facilitate consultation, treatment, and care management of the patient.

Note: Authority cited: Sections 686 and 4808, Business and Professions Code. Reference: Sections 686, 2290.5, 4021, 4022, and 4883, Business and Professions Code.

VCPR PROPOSED LANGUAGE
(Previously approved by the Board on 8/29/18)

PROPOSED LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Amend Sections 2032.15 and 2032.25 of Article 4 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

2032.15. Veterinarian-Client-Patient Relationship in Absence of Client Communication

(a) A veterinary~~ian~~-client-patient relationship may continue to exist, in the absence of client communication, when:

(1) A veterinary~~ian~~-client-patient relationship was established with an original veterinarian, and another designated veterinarian serves at the same location where the medical records are kept in the absence of the original veterinarian, and;

(2) The designated veterinarian has assumed responsibility for making medical judgments regarding the health of the animal(s), and;

(3) The designated veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian is personally acquainted with the care of the animal(s) by virtue of an examination of the animal(s) or by medically appropriate and timely visits to the premises where the animal(s) is kept, or has consulted with the veterinarian who established the veterinary~~ian~~-client-patient relationship, and;

(4) The designated veterinarian has continued the medical, treatment, diagnostic and/or therapeutic plan that was set forth and documented in the medical record by the original veterinarian.

(b) If the medical, treatment, diagnostic and/or therapeutic plan differs from that which was communicated to the client by the original veterinarian, then the designated veterinarian must attempt to communicate the necessary changes with the client in a timely manner.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Section 4883, Business and Professions Code.

2032.25. Written Prescriptions in Absence of Originally Prescribing Veterinarian.

(a) Absent establishing a veterinarian-client-patient relationship (VCPR) as defined in section 2032.1, Pprescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022 of the Business and Professions Code ~~code~~ without an appropriate prior examination and a medical indication, constitutes unprofessional conduct.

(b) No licensee shall be found to have committed unprofessional conduct within the meaning

of this section if, at the time the drugs were prescribed, dispensed, or furnished, any of the following applies:

(1) The licensee was a veterinarian serving in the absence of the treating veterinarian and the drugs were prescribed, dispensed, or furnished on an emergency basis for a traveling patient only as necessary to maintain the health of animal patient until they can return ~~of to~~ the originally treating veterinarian, ~~but in any case no longer than 72 hours.~~ Prior to providing a prescription refill pursuant to this section, the veterinarian shall make a reasonable effort to contact the original prescribing veterinarian, and shall document the communication, or his or her attempt to contact the original prescribing veterinarian, in the medical record.

(2) The original prescribing veterinarian is unavailable to authorize the refill, and the veterinarian authorizing the refill is working in the same practice as the original prescribing veterinarian, and: ~~The veterinarian transmitted the order for the drugs to another veterinarian or registered veterinary technician and both of the following conditions exist:~~

~~(A) The licensee had consulted with the veterinarian or registered veterinary technician who had reviewed the patient's records.~~

~~(B) The licensee was designated as the veterinarian to serve in the absence of the animal patient's veterinarian.~~

~~(3) (A) The licensee was a veterinarian serving in the absence of the treating veterinarian, veterinarian authorizing the refill was in possession of and had reviewed the animal patient's records, and ordered the renewal of a medically indicated prescription for an amount not exceeding the original prescription in strength or amount or for more than one refill, and entered the prescription refill in the patient's medical record.~~

~~(B) In the veterinarian's professional judgment, failure to refill the prescription may interrupt the patient's ongoing care and have an adverse effect on the patient's well-being.~~



MEMORANDUM

| | |
|----------------|--|
| DATE | January 23, 2019 |
| TO | Veterinary Medical Board |
| FROM | Amanda Drummond, Administrative Programs Coordinator |
| SUBJECT | Agenda Item 8.D - Section 2003, Article 1, Section 2017, Article 2, and Section 2042, Article 5, Division 20, Title 16 of the CCR Regarding the Consumer Protection Enforcement Initiative (CPEI) |

Background:

In April 2017, the Board adopted a version of the regulatory proposal for Consumer Protection Enforcement Initiative (CPEI). The regulatory packet was submitted for Department of Consumer Affairs (DCA) review in May of 2017. In January of 2018, the Board received suggested revisions from the Deputy Director of Legal Affairs, including substantive changes to the proposed language. At the [February 2018 Board meeting](#), the Board reviewed these changes and made amendments to the proposed language. Board staff submitted the CPEI regulatory package to DCA for pre-review effective 05/02/2018. In December of 2018, the Business, Consumer Services and Housing Agency (Agency) provided recommendations to the Board about amending the proposed languages. These changes require further review and consideration by the Board.

The changes include the following:

- Renaming sections 2017 and 2042 for clarity
- Adding BPC section [4883](#) to the reference of section 2017
- Clarifying in section 2017 when the Board will conduct a mental or physical evaluation and identifying the parameters of when the Board will determine this examination should be conducted
- Removing the requirement for the applicant to report to the Board if they have been convicted of a crime due to the restrictions from [AB 2138](#)

Attachments:

Proposed Consumer Protection Enforcement Initiative Language. The recommended changes are shown in red for clarification purposes.

VETERINARY MEDICAL BOARD

CONSUMER PROTECTION ENFORCEMENT INITIATIVE (CPEI)

PROPOSED LANGUAGE

Amend Section 2003, Article 1, Division 20, Title 16 of the California Code of Regulations to read as follows:

Section 2003. Delegation of Certain Functions.

(a) The power and discretion conferred by law upon the board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated and conferred upon the executive officer, or, in his or her absence from the office of the board, the acting executive officer.

(b) The board delegates and confers upon its executive officer the authority to approve settlement agreements for the surrender or interim suspension of a license, registration, or permit, to investigate and evaluate each applicant for licensure under the Veterinary Medicine Practice Act (Act), and issue a license, registration, or permit in conformance with the provisions of the Act and these regulations.

Authority cited: Sections 4804.5 and 4808, Business and Professions Code. Reference: Sections 107, 4804.5, 4808, 4836.2, 4837, 4853.5, 4853.6, 4875, 4875.3, and 4883, Business and Professions Code; Sections 11415.60, 11500, 11501, 11502, 11503, 11504, 11504.5, 11505, 11506, 11507, 11507.3, 11507.5, 11507.6, 11507.7, 11508, 11509, 11511, 11511.5, 11511.7, 11512, 11513, 11514, 11515, 11516, 11517, 11518, 11518.5, 11519, 11519.1, 11520, 11521, 11522, 11523, 11524, 11526, 11527, and 11528, Government Code.

Adopt Section 2017, Article 2, Division 20, Title 16 of the California Code of Regulations to read as follows:

Section 2017. ~~Review of Applications.~~ Mental or Physical Examination of Fitness for Licensure.

In addition to any other requirements for licensure, when considering the approval of an application whenever it appears that an applicant for a license, registration, or permit may be

~~unable to practice veterinary medicine safely due to mental or physical illness affecting competency.~~ the board may require the applicant to be examined by one or more physicians and surgeons or psychologists designated by the board ~~if it reasonably appears that the applicant may be unable to practice veterinary medicine safely due to mental or physical illness affecting competency.~~ The board shall pay the full cost of such examination. ~~The board shall seek that the evaluation be conducted within 60 days of the date the applicant is advised that the examination is required. The board shall receive the examiner's evaluation within 60 days of the date the examination is completed.~~ An applicant's failure to comply with the requirement shall render his or her application incomplete. The report of the evaluation shall be made available to the applicant. If after receiving the evaluation report the board determines that the applicant is unable to safely practice, the board may deny the application.

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 480, 820, ~~and 4808, and 4883,~~ Business and Professions Code.

Adopt Section 2042, Article 5, Division 20, Title 16 of the California Code of Regulations to read as follows:

Section 2042. ~~Rehabilitation Criteria for Suspensions or Revocations.~~ Grounds for Discipline.

Grounds for the denial, revocation, or suspension of a license, registration, or permit as provided in Section 4883 of the code, or grounds to assess a fine as provided in Section 4875 of the code includes, but is not limited to, the following:

(a) Failure to report to the board within 30 days any ~~of the following:~~

~~(1) A conviction, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor.~~

~~(2) Any disciplinary action taken by any public agency in any state or territory or any licensing entity or authority of this state or another state or territory, any agency of the federal government or United States military, or a foreign country.~~

(b) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board.

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 141, 475, 480, 490, 4856, 4875, and 4883, Business and Professions Code.



MEMORANDUM

| | |
|----------------|---|
| DATE | January 23, 2019 |
| TO | Veterinary Medical Board |
| FROM | Jessica Sieferman, Executive Officer |
| SUBJECT | Agenda Item 8.E - Sections 2040 and 2041, Article 5, Division 20, Title 16 of the CCR to Comply with the Requirements of Assembly Bill (AB) 2138 (Chiu, Chapter 995, Statutes of 2018) Regarding Criminal Conviction Substantially Related and Rehabilitation Criteria |

Background:

As previously reported [here](#), [AB 2138](#) amended several sections of the Business and Professions Code related to how regulatory licensing boards respond to applicants with criminal convictions. This bill generally removes the Board's authority to deny an application based on formal discipline by a licensing board in or outside of California or criminal convictions and underlying acts occurring over seven years ago. The bill also requires each board to develop criminal conviction substantially related and rehabilitation criteria by July 1, 2020.

During the November meeting, the Board was informed that, due to the time requirements to implement the regulations, the Department of Consumer Affairs (DCA) developed an AB 2138 project plan to meet the July 2020 deadline. Per the project plan, the Board needs to approve regulatory language by April 2019.

The Board created a subcommittee to assist with AB 2138 implementation. Since then, DCA has been diligently working with the Attorney General's Office (AG) and the Office of Administrative Law (OAL) to develop template regulatory language for all programs. DCA anticipates finalizing the language shortly.

In the meantime, legal counsel drafted the attached language for Board consideration. The language was modeled after draft template language currently being reviewed by the AG and OAL. If DCA makes changes prior to the meeting, Board staff will provide the updated language to the members.

Action Requested:

Please review and consider approving the proposed regulatory changes implementing AB 2138.

Attachment:

- Proposed amendments to CCR sections 2040 (Substantial Relationship Criteria) and 2041 (Criteria for Rehabilitation)

California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board

PROPOSED LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Article 5

§ 2040. Substantial Relationship Criteria.

(a) For the purposes of denial, suspension, or revocation of a license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions, or duties of a person holding a license under Chapter 11 of Division 2 of the code if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by his or her the license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

(b) In making the substantial relationship determination required under subsection (a) for a crime, the board shall consider the following criteria:

- (1) The nature and gravity of the offense;
- (2) The number of years elapsed since the date of the offense; and
- (3) The nature and duties of a person holding the license.

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

- (a1) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of Chapter 11, Division 2 of the code or other state or federal laws governing the practice of veterinary medicine.
- ~~(b2) Conviction of a crime involving fiscal dishonesty.~~

Note: Authority cited: Sections 481, 493, 4808, Business and Professions Code.
Reference: Sections 141, 480, 481, 488, 490, and 492, and 493, Business and Professions Code.

§ 2041. Criteria for Rehabilitation. **[Option 1]**

(a) When considering the denial of a license under Section 480 of the code on the ground that the applicant was convicted of a crime, the board shall consider whether the

Commented [WT1]: Option 1 allows the Board to consider rehabilitation on a case by case basis. Option 2 below requires the Board to find rehabilitation if the applicant completed their terms of their criminal probation/parole.

applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:

- (1) The nature and gravity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

~~(b) If subdivision subsection (a) is inapplicable, or the board determines that the applicant did not make the requisite showing of rehabilitation based solely on the criteria in subdivision subsection (a), the board shall apply the following criteria in evaluating an applicant's rehabilitation. The Board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license will consider the following criteria, the board finds that the applicant is rehabilitated:~~

- ~~(1) The nature and ~~severity~~ gravity of the act(s) or crime(s) under consideration as grounds for denial.~~
- ~~(2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the code.~~
- ~~(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision paragraph (1) or (2).~~
- ~~(4) ~~The extent to which~~ Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.~~
- ~~(5) The criteria in subsection (a)(1)-(5), as applicable.~~
- ~~(6) Evidence, if any, of rehabilitation submitted by the applicant.~~

Commented [WT2]: Changing to gravity for conformity with AB 2138.

~~(bc) When considering the suspension or revocation of a license on the ground that a person holding a license under Chapter 11 of Division 2 of the code has been convicted of a crime, the board shall consider whether the licensee made a showing of rehabilitation and is presently eligible for a license, if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall, ~~shall in evaluating the rehabilitation of such person and his or her eligibility for a license will~~ consider the following criteria:~~

- (1) The nature and gravity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(d) If subsection (c) is inapplicable, or the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subsection (c), the board shall apply the following criteria in evaluating the licensee's rehabilitation. The board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the licensee is rehabilitated:

- (1) Nature and ~~severity~~gravity of the act(s) or ~~offense~~crime(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or ~~offense~~crime(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of ~~expungement~~dismissal proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

(ee) When considering a petition for reinstatement of license under the provisions of Section 11522 of the Government Code, the board shall evaluate evidence of rehabilitation submitted by the petitioner considering those criteria specified in subsection (a) of this section.

Note: Authority cited: Sections 482 and 4808, Business and Professions Code.
Reference: Sections 475, 480, 481 and 482, 488, 490, and 493, Business and Professions Code.

§ 2041. Criteria for Rehabilitation. [Option 2]

(a) When considering the denial of a license under Section 480 of the code on the ground that the applicant was convicted of a crime, the board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation.

Commented [WT3]: Option 1 allows the Board to consider rehabilitation on a case by case basis. Option 2 below requires the Board to find rehabilitation if the applicant completed their terms of their criminal probation/parole.

(b) If ~~subdivision~~subsection (a) is inapplicable, the board shall apply the following criteria in evaluating an applicant's rehabilitation. The board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license will consider the following criteria, the board finds that the applicant is rehabilitated:

- (1) The nature and ~~severity~~gravity of the act(s) or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial ~~which also could be considered as grounds for denial~~ under Section 480 of the code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in ~~subdivision paragraph~~ (1) or (2).

(4) ~~The extent to which~~ Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

~~(b)(c)~~ When considering the suspension or revocation of a license on the ground that a person holding a license under Chapter 11 of Division 2 of the code has been convicted of a crime, the board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license, if the licensee completed the criminal sentence at issue without a violation of parole or probation, ~~shall in evaluating the rehabilitation of such person and his or her eligibility for a license will~~ consider the following criteria:

(d) If subsection (c) is inapplicable, the board shall apply the following criteria in evaluating the licensee's rehabilitation. The board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the licensee is rehabilitated:

(1) Nature and ~~severity~~ gravity of the act(s) or ~~offense~~ crime(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or ~~offense~~ crime(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of ~~expungement~~ dismissal proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

~~(e)~~ When considering a petition for reinstatement of license under the provisions of Section 11522 of the Government Code, the board shall evaluate evidence of rehabilitation submitted by the petitioner considering those criteria specified in subsection (a) of this section.

Note: Authority cited: Sections 482 and 4808, Business and Professions Code.
Reference: Sections 475, 480, 481 and 482, 488, 490, and 493, Business and Professions Code.



MEMORANDUM

| | |
|----------------|--|
| DATE | January 23, 2019 |
| TO | Veterinary Medical Board |
| FROM | Jessica Sieferman, Executive Officer |
| SUBJECT | Agenda Item 9. Discussion and Possible Board Action on 2019 Legislative Proposals |

A. Update on the 2019 Omnibus Provisions Approved by the Board

During the November 2018 meeting, the Board approved legislative proposals related to Premises Registrations, Managing Licensees, and the Corporate Practice of Veterinary Medicine. The approved language (Attachment 1) has been forwarded to the Senate Business, Professions and Economic Development Committee (Committee); staff will provide any available updates during the January meeting.

B. Potential Legislation Related to Regulating Pet Cremation Service

A legislative proposal regulating pet cremation services has been brought to the Committee for consideration (Attachment 2). The Committee is seeking feedback from the Board to understand if pet cremation services is an issue, and what action, if any, would be appropriate. Currently in California, the Department of Consumer Affairs, Cemetery and Funeral Bureau (CFB) regulates human cremation services by licensing cremated remains disposers, crematories, and crematory managers. However, there appears to be a lack of oversight related to animal cremations.

On March 2, 2018, NBC4 News (Los Angeles) reported that a “Woman Believes She Received Wrong Ashes After Dogs Cremation.” In the story, pet owner, Ms. Hillarie Levy, claimed she received the wrong ashes because her 26-pound Cocker Spaniel’s ashes weighed 6.5 oz, yet her 12-pound Miniature Pinscher’s ashes weighed 8 oz. Ms. Levy further claimed both dogs were cremated in groups, even though Ms. Levy requested and paid for individual cremation of both dogs. The NBC4 News segment can be viewed [here: https://www.nbclosangeles.com/on-air/as-seen-on/Woman-Believes-She-Received-Wrong-Ashes-After-Dogs-Cremation_Los-Angeles-475713293.html](https://www.nbclosangeles.com/on-air/as-seen-on/Woman-Believes-She-Received-Wrong-Ashes-After-Dogs-Cremation_Los-Angeles-475713293.html).

The legislative proposal being reviewed by the Committee aims to make the Board responsible for oversight and random inspection of pet cremation facilities, and require veterinarians and premises to pay increased licensing and registration fees to offset the Board’s costs of enforcing the proposal. In addition, the proposal would require the cremation facilities to install cameras to document and maintain records of the cremation process for each animal and impose fines on facilities that do not comply with the proposal.

Action Requested: The Committee's Chief Consultant requests the Board discuss this issue and help determine the best course of action.

Attachments:

1. Board Approved Legislative Proposals Submitted to Committee
2. Pet Cremation Services Proposal

Veterinary Medical Board

Recommendation on Premises Registration Fee Exemption for Non-Profit or Not-For-Profit Entities Providing Low-Cost Vaccination and/or Immunization Services at Scheduled Vaccination Events

Purpose: To keep costs down for vaccination events provided to low-income communities.

Intent: Although a non-profit or not-for-profit entity that provides vaccines, immunizations, and preventative procedures for parasite control must be registered with the Veterinary Medical Board (Board) pursuant to Business and Professions Code section 4853, the Board determined at its November 15, 2018 board meeting that such entities should be entitled to an exemption from premises registration fees. Such exemption will help these entities keep costs down for the vaccination services provided to low income communities, which will benefit the health, safety, and welfare of consumers and their pets.

Recommended legislation

Amend Section 4905 of the Business and Professions Code as follows:

4905.

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

- (a) The fee for filing an application for examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars (\$350).
- (b) The fee for the California state board examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars (\$350).
- (c) The fee for the Veterinary Medicine Practice Act examination shall be set by the board in an amount it determines reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed one hundred dollars (\$100).
- (d) The initial license fee shall be set by the board not to exceed five hundred dollars (\$500) except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be set by the board not to exceed two hundred fifty dollars (\$250). The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.
- (e) The renewal fee shall be set by the board for each biennial renewal period in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed five hundred dollars (\$500).
- (f) The temporary license fee shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed two hundred fifty dollars (\$250).

(g) The fee for filing an application for a university license shall be one hundred twenty-five dollars (\$125), which may be revised by the board in regulation but shall not exceed three hundred fifty dollars (\$350).

(h) The initial license fee for a university license shall be two hundred ninety dollars (\$290), which may be revised by the board in regulation but shall not exceed five hundred dollars (\$500).

(i) The biennial renewal fee for a university license shall be two hundred ninety dollars (\$290), which may be revised by the board in regulation but shall not exceed five hundred dollars (\$500).

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

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

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

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

(n) The initial and annual renewal fees for registration of veterinary premises shall be set by the board in an amount not to exceed four hundred dollars (\$400) annually. A non-profit or not-for-profit entity that only provides low-cost or no-cost vaccination and/or immunization services at scheduled vaccination events shall be exempt from initial and annual renewal fees for registration of veterinary premises.

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

VETERINARY MEDICAL BOARD

Corporate Practice of Veterinary Medicine

Proposed revisions are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Statutory Proposals:

Business and Professions Code, Division 2, Chapter 11

Article 3. Issuance of Licenses.

4853.

(a) All premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

(b) "Premises" for the purpose of this chapter shall include a building, kennel, mobile unit, or vehicle. Mobile units and vehicles shall be exempted from independent registration with the board when they are operated from a building or facility which is the licensee manager's principal place of business and the building is registered with the board, and the registration identifies and declares the use of the mobile unit or vehicle.

(c) Every application for registration of veterinary premises shall set forth in the application the name of the responsible licensee manager who is to act for and on behalf of the licensed premises. Substitution of the responsible licensee manager may be accomplished by application to the board if the following conditions are met:

(1) The person substituted qualifies by presenting satisfactory evidence that he or she possesses a valid, unexpired, and unrevoked license as provided by this chapter and that the license is not currently under suspension.

(2) No circumvention of the law is contemplated by the substitution.

(d) This section does not authorize any person, corporation, or artificial legal entity, other than a licensed practitioner of veterinary medicine or a veterinary corporation practicing pursuant to Article 6 (commencing with Section 4910) of this Chapter and the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), to furnish to any person or animal patient any advice, services, or treatment within the scope of veterinarian licensure under this chapter. This section does not authorize any person, other than a licensed veterinarian within the scope of his or her license, to engage directly or indirectly in the practice of veterinary medicine, surgery, and dentistry. This section does not regulate, govern, or affect in any manner the practice of veterinary medicine, surgery, or dentistry by any person duly licensed to engage in such practice.

Commented [WT1]: Tracks HSC § 1209 ban on clinic practice of medicine.

Article 6. Veterinary Corporations

4910.1. (a) Corporations and other artificial legal entities shall have no professional rights, privileges, or powers.

Commented [WT2]: Tracks BPC § 2400 prohibition on corporate practice under Med Pract Act.

(b) The provisions of subdivision (a) do not apply to a veterinary corporation practicing pursuant to the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code) and this article, when such corporation is in compliance with the requirements of these statutes and all other statutes and regulations now or hereafter enacted or adopted pertaining to such corporations and the conduct of their affairs.

Commented [WT3]: Tracks BPC § 2402 corporate medical practice ban.

4910.2. (a) A professional corporation, foreign professional corporation, or other legal entity not owned exclusively by one or more licensed veterinarians shall not engage in the practice of veterinary medicine.

4918. (a) Except as provided in Section 13403 of the Corporations Code, a veterinary clinic or hospital that is owned by a general corporation, foreign corporation, or other legal entity but is not exclusively owned by one or more licensed persons shall be registered with the board pursuant to Section 4853 and may employ, or enter into contracts or other arrangements with, any person or persons licensed under this chapter, but no such employment, contract, or arrangement shall provide for the rendering, supervision, or control of professional judgment or services other than as authorized by law.

Commented [WT4]: Similar to BPC § 2401(b) and 2411.

Commented [WT5]: Cross-reference to existing premises permit statute for which any owner, including a corporation, already has to apply; this is not a new registration requirement.

(b) The veterinary clinic or hospital shall not interfere with, control, or otherwise direct the professional judgment of any licensed veterinarian, registered veterinary technician, or veterinary assistant.

(c) The board may require any information the board deems is reasonably necessary for the enforcement of this section.

Commented [WT6]: Similar to Pharmacies requirement in BPC § 4111(c).

4919. (a) A veterinarian or group of veterinarians, whether or not incorporated, may employ, or enter into a contract or other arrangements with a management services organization to provide management services to the veterinarian or the veterinary practice, but no such employment, contract, or arrangement shall provide for the management services organization to render control, supervision, or intervention in a veterinarian's practice of veterinary medicine, or violate Section 650.

(b) For purposes of this section, "management services organization" means a person or entity that provides management or administrative services.

Commented [WT7]: Added "administrative" to encompass processing of time sheets, ordering supplies, advertising, etc., that a corp would attempt to argue were not included in the general definition of "management."

(c) The board may require any information the board deems is reasonably necessary for the enforcement of this section.

Commented [WT8]: Similar to Pharmacies requirement in BPC § 4111(c).

Veterinary Medical Board
Premises Permit Registration Holder and Licensee Manager Statutes

Amend Business and Professions Code Sections 4853.1 and 4853.6 as follows:

4853.

(a) All premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

(b) "Premises" for the purpose of this chapter shall include a building, kennel, mobile unit, or vehicle. Mobile units and vehicles shall be exempted from independent registration with the board when they are operated from a building or facility which is the licensee manager's principal place of business and the building is registered with the board, and the registration identifies and declares the use of the mobile unit or vehicle.

(c) Every application for registration of veterinary premises shall set forth in the application the name of the premises owner, who will be the holder of the premises permit registration, and the name of the responsible licensee manager, who is to act for and on behalf of the licensed registered premises. Substitution of the responsible licensee manager may be accomplished by application to the board if the following conditions are met:

(1) The person substituted qualifies by presenting satisfactory evidence that he or she possesses a valid, unexpired, and unrevoked license as provided by this chapter and that the license is not currently under suspension.

(2) No circumvention of the law is contemplated by the substitution.

(d) The premises permit registration is non-transferrable. In the event of change of ownership of the premises, the premises permit registration holder shall notify the Board of the change of ownership within thirty (30) days after any such change.

Commented [WT1]: The Board needs to know who owns the building and who is the premises registration holder.

Commented [WT2]: To address problems where ownership is transferred without the Board being notified of the change in ownership. This is increasingly a concern as small veterinary hospitals and clinics are being sold to corporate owners.

4853.1

(a) Each application to register a premises pursuant to Section 4853 shall be made on a form provided by the board. An application for renewal of that registration shall be made annually.

(b) The application shall contain a statement to the effect that the applicant premises owner and licensee manager have ~~has~~ not been convicted of a felony, ~~has~~ have not been the subject of professional disciplinary action taken by any public agency in California or any other state or territory, or in any foreign , and ~~has~~ have not violated any of the provisions of this chapter. If the

statement, the application shall contain a statement of the conviction, professional discipline, or violation.

(c) In reviewing an application to register a premises, the board may consider acts of the premises owner, including acts of any incorporators, officers, directors, and

Commented [WT3]: Proposed revisions to clarify who is the applicant and that both the premises owner and licensee manager have to disclose convictions, professional discipline, or violations.

Commented [WT4]: Will be superseded by AB 2138 as of July 1, 2020; the premises owner and licensee manager will not have to state of the application any convictions; convictions and discipline in another state/territory/foreign country will only count if within the past 7 years.

Commented [WT5]: Similar to authority under BPC 7712.5, crematories.

stockholders of the premises owner, and responsible licensee manager which shall constitute grounds for the denial of a premises registration under Division 1.5 (commencing with Section 475).

(d) Upon receipt of an application for a premises registration, the board may cause an inspection to be made of the proposed veterinary premises to ensure compliance with the minimum standards as established by the board.

(e) The board may, as part of the renewal or application for substitution of the licensee manager process, make necessary inquiries of the applicant premises owner and current or proposed licensee manager and conduct an inspection in order to determine if cause for disciplinary action exists.

4853.6.

The board shall withhold, suspend or revoke registration of veterinary premises:
 (a) When the licensee manager set forth in the application in accordance with Section 4853 ceases to become responsible for management of the registered premises and no substitution of the responsible licensee manager has been made by application as provided for in Section 4853.

(b) When the premises registration holder or licensee manager, has, under proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the license to practice veterinary medicine, surgery, and dentistry revoked or suspended.

(c) The board shall not renew the premises registration if it is in violation of subdivision (a).

4875.2.

If, upon completion of an investigation, the executive officer has probable cause to believe that a veterinarian, a registered veterinary technician, a veterinary assistant controlled substance permit holder, a premises registration holder, or an unlicensed person acting as a veterinarian, ~~or a registered veterinary technician, a veterinary assistant controlled substance permit holder, or a premises registration holder~~ has violated provisions of this chapter, he or she may issue a citation to the veterinarian, registered veterinary technician, veterinary assistant controlled substance permit holder, premises registration holder, or unlicensed person, as provided in this section. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of this chapter alleged to have been violated. In addition, each citation may contain an order of abatement fixing a reasonable time for abatement of the violation, and may contain an assessment of a civil penalty. The citation shall be served upon the veterinarian, registered veterinary technician, veterinary assistant controlled substance permit holder, premises registration holder, or unlicensed individual personally or by any type of mailing requiring a return receipt. Before any citation may be issued, the executive officer shall submit the alleged violation for review

Commented [WT6]: Proposed revisions to clarify discipline when licensee manager is found to have violated the Act, even though that licensee manager is subsequently removed and replaced by a new licensee manager.

Commented [WT7]: To address situations where the revoked licensee still owns the premises and is operating the business though removed as the MGL.

Commented [WT8]: Adds Board citation authority against VACSP holders and premises registration holders for unlawful conduct instead of forcing the Board to file an accusation for violations.

and investigation to at least one designee of the board who is a veterinarian licensed in or employed by the state. The review shall include attempts to contact the veterinarian, registered veterinary technician, veterinary assistant controlled substance permit holder, premises registration holder, or unlicensed person to discuss and resolve the alleged violation. Upon conclusion of the board designee's review, the designee shall prepare a finding of fact and a recommendation. If the board designee concludes that probable cause exists that the veterinarian, registered veterinary technician, veterinary assistant controlled substance permit holder, premises registration holder, or unlicensed person has violated any provisions of this chapter, a civil citation shall be issued to the veterinarian, registered veterinary technician, veterinary assistant controlled substance permit holder, premises registration holder, or unlicensed person.

Legislative Proposal
Hillary Levy

Currently no oversight or regulations exist over animal cremations. Legislation is necessary to mandate oversight over this billion-dollar plus industry. To prevent thousands of grieving unsuspecting CA pet owners from being continually scammed by pet cremation companies, a legislative idea would be to have all cremation companies install cameras where pets can be easily viewed when they are rolled into the oven. This information must be stored on a computer for a year, for random inspections of the information by inspectors provided by the Veterinary Board. If portions of the film are missing or if more than one pet is viewed being rolled into the oven, fines are administered. This proposed legislation would not cost the state any additional funds. The Veterinary Board would charge additional yearly fees to maintain Veterinary licenses and other services to pay for the inspectors. Veterinarians would also be assured the pet cremation business they contract with, would perform the service for which they are being paid.

Veterinary Medical Board

Recommendation on Premises Registration Fee Exemption for Non-Profit or Not-For-Profit Entities Providing Low-Cost Vaccination and/or Immunization Services at Scheduled Vaccination Events

Purpose: To keep costs down for vaccination events provided to low-income communities.

Intent: Although a non-profit or not-for-profit entity that provides vaccines, immunizations, and preventative procedures for parasite control must be registered with the Veterinary Medical Board (Board) pursuant to Business and Professions Code section 4853, the Board determined at its November 15, 2018 board meeting that such entities should be entitled to an exemption from premises registration fees. Such exemption will help these entities keep costs down for the vaccination services provided to low income communities, which will benefit the health, safety, and welfare of consumers and their pets.

Recommended legislation

Amend Section 4905 of the Business and Professions Code as follows:

4905.

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

- (a) The fee for filing an application for examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars (\$350).
- (b) The fee for the California state board examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars (\$350).
- (c) The fee for the Veterinary Medicine Practice Act examination shall be set by the board in an amount it determines reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed one hundred dollars (\$100).
- (d) The initial license fee shall be set by the board not to exceed five hundred dollars (\$500) except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be set by the board not to exceed two hundred fifty dollars (\$250). The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.
- (e) The renewal fee shall be set by the board for each biennial renewal period in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed five hundred dollars (\$500).
- (f) The temporary license fee shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed two hundred fifty dollars (\$250).

(g) The fee for filing an application for a university license shall be one hundred twenty-five dollars (\$125), which may be revised by the board in regulation but shall not exceed three hundred fifty dollars (\$350).

(h) The initial license fee for a university license shall be two hundred ninety dollars (\$290), which may be revised by the board in regulation but shall not exceed five hundred dollars (\$500).

(i) The biennial renewal fee for a university license shall be two hundred ninety dollars (\$290), which may be revised by the board in regulation but shall not exceed five hundred dollars (\$500).

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

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

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

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

(n) The initial and annual renewal fees for registration of veterinary premises shall be set by the board in an amount not to exceed four hundred dollars (\$400) annually. A non-profit or not-for-profit entity that only provides low-cost or no-cost vaccination and/or immunization services at scheduled vaccination events shall be exempt from initial and annual renewal fees for registration of veterinary premises.

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

VETERINARY MEDICAL BOARD

Corporate Practice of Veterinary Medicine

Proposed revisions are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Statutory Proposals:

Business and Professions Code, Division 2, Chapter 11

Article 3. Issuance of Licenses.

4853.

(a) All premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

(b) "Premises" for the purpose of this chapter shall include a building, kennel, mobile unit, or vehicle. Mobile units and vehicles shall be exempted from independent registration with the board when they are operated from a building or facility which is the licensee manager's principal place of business and the building is registered with the board, and the registration identifies and declares the use of the mobile unit or vehicle.

(c) Every application for registration of veterinary premises shall set forth in the application the name of the responsible licensee manager who is to act for and on behalf of the licensed premises. Substitution of the responsible licensee manager may be accomplished by application to the board if the following conditions are met:

(1) The person substituted qualifies by presenting satisfactory evidence that he or she possesses a valid, unexpired, and unrevoked license as provided by this chapter and that the license is not currently under suspension.

(2) No circumvention of the law is contemplated by the substitution.

(d) This section does not authorize any person, corporation, or artificial legal entity, other than a licensed practitioner of veterinary medicine or a veterinary corporation practicing pursuant to Article 6 (commencing with Section 4910) of this Chapter and the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), to furnish to any person or animal patient any advice, services, or treatment within the scope of veterinarian licensure under this chapter. This section does not authorize any person, other than a licensed veterinarian within the scope of his or her license, to engage directly or indirectly in the practice of veterinary medicine, surgery, and dentistry. This section does not regulate, govern, or affect in any manner the practice of veterinary medicine, surgery, or dentistry by any person duly licensed to engage in such practice.

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Article 6. Veterinary Corporations

4910.1. (a) Corporations and other artificial legal entities shall have no professional rights, privileges, or powers.

Commented [WT2]: Tracks BPC § 2400 prohibition on corporate practice under Med Pract Act.

(b) The provisions of subdivision (a) do not apply to a veterinary corporation practicing pursuant to the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code) and this article, when such corporation is in compliance with the requirements of these statutes and all other statutes and regulations now or hereafter enacted or adopted pertaining to such corporations and the conduct of their affairs.

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4910.2. (a) A professional corporation, foreign professional corporation, or other legal entity not owned exclusively by one or more licensed veterinarians shall not engage in the practice of veterinary medicine.

4918. (a) Except as provided in Section 13403 of the Corporations Code, a veterinary clinic or hospital that is owned by a general corporation, foreign corporation, or other legal entity but is not exclusively owned by one or more licensed persons shall be registered with the board pursuant to Section 4853 and may employ, or enter into contracts or other arrangements with, any person or persons licensed under this chapter, but no such employment, contract, or arrangement shall provide for the rendering, supervision, or control of professional judgment or services other than as authorized by law.

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(b) The veterinary clinic or hospital shall not interfere with, control, or otherwise direct the professional judgment of any licensed veterinarian, registered veterinary technician, or veterinary assistant.

(c) The board may require any information the board deems is reasonably necessary for the enforcement of this section.

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4919. (a) A veterinarian or group of veterinarians, whether or not incorporated, may employ, or enter into a contract or other arrangements with a management services organization to provide management services to the veterinarian or the veterinary practice, but no such employment, contract, or arrangement shall provide for the management services organization to render control, supervision, or intervention in a veterinarian's practice of veterinary medicine, or violate Section 650.

(b) For purposes of this section, "management services organization" means a person or entity that provides management or administrative services.

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(c) The board may require any information the board deems is reasonably necessary for the enforcement of this section.

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Veterinary Medical Board
Premises Permit Registration Holder and Licensee Manager Statutes

Amend Business and Professions Code Sections 4853.1 and 4853.6 as follows:

4853.

(a) All premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

(b) "Premises" for the purpose of this chapter shall include a building, kennel, mobile unit, or vehicle. Mobile units and vehicles shall be exempted from independent registration with the board when they are operated from a building or facility which is the licensee manager's principal place of business and the building is registered with the board, and the registration identifies and declares the use of the mobile unit or vehicle.

(c) Every application for registration of veterinary premises shall set forth in the application the name of the premises owner, who will be the holder of the premises permit registration, and the name of the responsible licensee manager, who is to act for and on behalf of the licensed registered premises. Substitution of the responsible licensee manager may be accomplished by application to the board if the following conditions are met:

(1) The person substituted qualifies by presenting satisfactory evidence that he or she possesses a valid, unexpired, and unrevoked license as provided by this chapter and that the license is not currently under suspension.

(2) No circumvention of the law is contemplated by the substitution.

(d) The premises permit registration is non-transferrable. In the event of change of ownership of the premises, the premises permit registration holder shall notify the Board of the change of ownership within thirty (30) days after any such change.

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Commented [WT2]: To address problems where ownership is transferred without the Board being notified of the change in ownership. This is increasingly a concern as small veterinary hospitals and clinics are being sold to corporate owners.

4853.1

(a) Each application to register a premises pursuant to Section 4853 shall be made on a form provided by the board. An application for renewal of that registration shall be made annually.

(b) The application shall contain a statement to the effect that the applicant premises owner and licensee manager have ~~has~~ not been convicted of a felony, ~~has~~ have not been the subject of professional disciplinary action taken by any public agency in California or any other state or territory, or in any foreign country, and ~~has~~ have not violated any of the provisions of this chapter. If the applicant premises owner and licensee manager are ~~is~~ unable to make that statement, the application shall contain a statement of the conviction, professional discipline, or violation.

(c) In reviewing an application to register a premises, the board may consider acts of the premises owner, including acts of any incorporators, officers, directors, and

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stockholders of the premises owner, and responsible licensee manager which shall constitute grounds for the denial of a premises registration under Division 1.5 (commencing with Section 475).

(d) Upon receipt of an application for a premises registration, the board may cause an inspection to be made of the proposed veterinary premises to ensure compliance with the minimum standards as established by the board.

(e) The board may, as part of the renewal or application for substitution of the licensee manager process, make necessary inquiries of the applicant premises owner and current or proposed licensee manager and conduct an inspection in order to determine if cause for disciplinary action exists.

4853.6.

The board shall withhold, suspend or revoke registration of veterinary premises:
 (a) When the licensee manager set forth in the application in accordance with Section 4853 ceases to become responsible for management of the registered premises and no substitution of the responsible licensee manager has been made by application as provided for in Section 4853.

(b) When the premises registration holder or licensee manager, has, under proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the license to practice veterinary medicine, surgery, and dentistry revoked or suspended.

(c) The board shall not renew the premises registration if it is in violation of subdivision (a).

4875.2.

If, upon completion of an investigation, the executive officer has probable cause to believe that a veterinarian, a registered veterinary technician, a veterinary assistant controlled substance permit holder, a premises registration holder, or an unlicensed person acting as a veterinarian, ~~or a registered veterinary technician, a veterinary assistant controlled substance permit holder, or a premises registration holder~~ has violated provisions of this chapter, he or she may issue a citation to the veterinarian, registered veterinary technician, veterinary assistant controlled substance permit holder, premises registration holder, or unlicensed person, as provided in this section. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of this chapter alleged to have been violated. In addition, each citation may contain an order of abatement fixing a reasonable time for abatement of the violation, and may contain an assessment of a civil penalty. The citation shall be served upon the veterinarian, registered veterinary technician, veterinary assistant controlled substance permit holder, premises registration holder, or unlicensed individual personally or by any type of mailing requiring a return receipt. Before any citation may be issued, the executive officer shall submit the alleged violation for review

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and investigation to at least one designee of the board who is a veterinarian licensed in or employed by the state. The review shall include attempts to contact the veterinarian, registered veterinary technician, veterinary assistant controlled substance permit holder, premises registration holder, or unlicensed person to discuss and resolve the alleged violation. Upon conclusion of the board designee's review, the designee shall prepare a finding of fact and a recommendation. If the board designee concludes that probable cause exists that the veterinarian, registered veterinary technician, veterinary assistant controlled substance permit holder, premises registration holder, or unlicensed person has violated any provisions of this chapter, a civil citation shall be issued to the veterinarian, registered veterinary technician, veterinary assistant controlled substance permit holder, premises registration holder, or unlicensed person.

VETERINARY MEDICAL BOARD

Corporate Practice of Veterinary Medicine

Proposed revisions are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Statutory Proposals:

Business and Professions Code, Division 2, Chapter 11

Article 3. Issuance of Licenses.

4853.

(a) All premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

(b) "Premises" for the purpose of this chapter shall include a building, kennel, mobile unit, or vehicle. Mobile units and vehicles shall be exempted from independent registration with the board when they are operated from a building or facility which is the licensee manager's principal place of business and the building is registered with the board, and the registration identifies and declares the use of the mobile unit or vehicle.

(c) Every application for registration of veterinary premises shall set forth in the application the name of the responsible licensee manager who is to act for and on behalf of the licensed premises. Substitution of the responsible licensee manager may be accomplished by application to the board if the following conditions are met:

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Legislative Proposal
Hillary Levy

Currently no oversight or regulations exist over animal cremations. Legislation is necessary to mandate oversight over this billion-dollar plus industry. To prevent thousands of grieving unsuspecting CA pet owners from being continually scammed by pet cremation companies, a legislative idea would be to have all cremation companies install cameras where pets can be easily viewed when they are rolled into the oven. This information must be stored on a computer for a year, for random inspections of the information by inspectors provided by the Veterinary Board. If portions of the film are missing or if more than one pet is viewed being rolled into the oven, fines are administered. This proposed legislation would not cost the state any additional funds. The Veterinary Board would charge additional yearly fees to maintain Veterinary licenses and other services to pay for the inspectors. Veterinarians would also be assured the pet cremation business they contract with, would perform the service for which they are being paid.



MEMORANDUM

| | |
|----------------|--|
| DATE | January 23, 2019 |
| TO | Veterinary Medical Board |
| FROM | Jessica Sieferman, Executive Officer |
| SUBJECT | Agenda Item 10. Discussion on AB 1753 (Low, Chapter 479, Statutes of 2018) Regarding Serialized Controlled Substance Prescription Forms |

Assembly Bill (AB) 1753 (Low, Chapter 479) was signed into law in 2018 and became effective January 1, 2019. This bill requires controlled substance security prescription forms to include a unique serialized number in a formal approved by the Department of Justice (DOJ). This bill did not include any transition period to allow for continued use of old controlled substance prescription forms on or after January 1, 2019.

On December 27, 2018, the California State Board of Pharmacy released the attached [memo](#) to all California licensed pharmacists and California pharmacies informing them of the new law and anticipated that *“some prescribers will nonetheless continue to use old prescription forms on and after January 1, 2019. And that pharmacists and pharmacies will be placed in the uncomfortable position of having to decide between providing needed medications to patients, and compliance with the law.”*

Acknowledging the prescribers may not have been able to obtain compliant prescription pads by January 1, 2019, the CSBP’s Enforcement Committee *“recommended to the board and to the executive officer that, prior to July 1, 2019, the board not make an enforcement priority any investigation or action against a pharmacist who, in the exercise of his or her professional judgment, determines that it is in the best interest of patient or public health or safety to nonetheless fill such prescription.”*

Due to the impact to all healing arts professions, the Department of Consumer Affairs provided the attached template to use as outreach to all licensees. This information will be posted on the VMB’s website, sent to the California Veterinary Medical Association and disseminated to all VMB email subscribers.

Attachment

1. DCA Template Memo



MEMORANDUM

| | |
|----------------|---|
| DATE | January 7, 2019 |
| TO | California Licensed Veterinarians |
| FROM | Veterinary Medical Board |
| SUBJECT | Controlled Substance Prescription Form – Serial Number Requirement |

Effective January 1, 2019, [Assembly Bill 1753 \(Low, Chapter 479, Statutes of 2018\)](#) requires a unique serialized number to be printed on each controlled substance prescription form in a format approved by the Department of Justice (DOJ).

Thus, as of January 1, 2019:

- (1) Each controlled substance prescription form used for prescribing on or after that date must include a unique serialized number in an approved format (Health & Safety Code, section 11162.1, subdivision (a)(15)); and
- (2) No person shall prescribe a controlled substance on or after that date, nor fill, compound, or dispense a prescription for a controlled substance written on or after that date, without this security feature (Health & Safety Code, section 11164, subdivision (a)).

Under the amended statutes, the new serialized controlled substance prescription forms will be the exclusive means to write paper-controlled substance prescriptions as of January 1, 2019, and any prescription written on a controlled substance prescription form that does not bear all of the 15 security features will be presumptively invalid.

The Veterinary Medical Board encourages you to order new forms that comply with the new serial number requirement and utilize e-prescribing when applicable. Visit DOJ’s website [here](#) for more information. Also, attached is a DOJ notice dated December 27, 2018, regarding submission of data into CURES, and a notice dated December 27, 2018, posted by the California State Board of Pharmacy ([here](#)) providing implementation guidance to their licensees.



MEMORANDUM

| | |
|----------------|---|
| DATE | January 23, 2019 |
| TO | Veterinary Medical Board |
| FROM | Jessica Sieferman, Executive Officer |
| SUBJECT | Agenda Item 11. American Association of Veterinary State Boards Call for 2019 Elected Leadership Nominations |

The [American Association of Veterinary State Boards](#) (AAVSB) is calling for 2019 Leadership Nominations.

The [AAVSB Call for Nominations for 2019](#) provides detailed information on the open positions and criteria for each (Attachment 1). The AAVSB also provided Roles and Responsibilities for the Board of Directors (Attachment 2) and the Nominating Committee (Attachment 3).

Action Requested:

Discuss and potentially nominate Board Members to serve in AAVSB leadership positions.

Attachment

1. AAVSB Call for Nominations for 2019
2. Roles and Responsibilities for the Board of Directors
3. Roles and Responsibilities for the Nominating Committee



American Association of Veterinary State Boards
380 West 22nd Street, Suite 101, Kansas City, Missouri 64108
1.877.698.8482 | www.aavsb.org

MEMORANDUM

To: AAVSB® Member Board Members, Executive Directors and Registrars
From: AAVSB Nominating Committee - Dr. Tod Schadler, Elected Member and Chair
Dr. Elizabeth Farrington, Appointed Member
Dr. Frank Walker, Appointed Member
Date: December 28, 2018
Subject: Call for Nominations – **Nominations Due May 30, 2019**

Each year, the Nominating Committee of the AAVSB sends out a **Call for Nominations** to provide Member Boards information regarding the open elected positions and to request nominations. The Nominating Committee is charged with preparing a ballot of candidates for all elected positions to be filled. This process is vital to the AAVSB's ability to carry out its mission.

There are 4 easy steps to complete the annual AAVSB nomination process.

- | | |
|---------------------------|---|
| January – February | Review and distribute open positions |
| February – March | Discuss open opportunities with your Board |
| March – April | Complete the nomination packet with 3 items <ol style="list-style-type: none">1. Nominating Form2. Brief Biography3. Statement from Nominator on Rationale for the Nomination |
| By May 30 | Upload the packet online at www.aavsb.org/nominations or by email, fax or mail to the AAVSB office. |

Prior to submitting a nomination packet, the Committee asks you to confirm that the candidate is willing to accept a nomination.

Packets must be received in the AAVSB office by May 30, 2019.

The 2018 AAVSB Annual Meeting is being held **September 26-28, 2019 in St. Louis, Missouri**. The Delegates will vote on the candidates during the Annual Meeting.

Should you have any questions or need additional information, please contact Ms. Daphne Tabbytite, staff contact for the Nominating Committee, at dtabbytite@aavsb.org or 1-877-698-8482 ext. 223.



American Association of Veterinary State Boards

Nominating Form for 2019-2020

3 Requirements for a Completed Nomination Packet

- 1. Nominating Form (one for each nominee)
2. Biographical Information (2 page limit)
3. Statement from nominator on rationale for the nomination

Please note: The bio and statement will be distributed to the AAVSB Member Boards.

SUBMIT BY MAY 30, 2019

ONLINE: http://bit.ly/2AEQSeR

EMAIL: dtabbytite@aavsb.org

FAX: (816) 931-1604

MAIL: AAVSB

Attention: Nominating Committee
380 West 22nd Street, Suite 101
Kansas City, MO 64108

2019-2020 Open Positions

Indicate the desired position(s)

- President-Elect (1 position - 3-year term)
Treasurer (1 position - 2-year term)
Director (3 positions - 2-year terms)
Nominating Committee Member (1-year term)
Nominating Committee Member (2-year term)
ICVA Representative (1 Licensed Veterinarian position - 3-year term)

Nominee Information

Name: State or Province:

Work Phone: Cell Phone:

E-mail:

Check all that apply:

- Board Member Term began: Current term expires: Eligible for re-appointment: Yes / No (explanation required if nominee's term has expired, but is still serving on the Board)
Board Administrator Current AAVSB Board of Director
AAVSB Associate Member AAVSB Committee Chairperson
Current ICVA Representative Licensed Veterinarian in Public/Private Practice
Delegate or Alternate Delegate

Year(s) attended the AAVSB Annual Meeting:

Nominated By

Member Board Name:

Contact Name:

Contact Phone # and Email:

Return or complete online by May 30, 2019



American Association of Veterinary State Boards

Biographical Information

3 Requirements for a Completed Nomination Packet

1. Nominating Form (one for each nominee)
2. Biographical information (2 page limit)
3. Statement from nominator on rationale for the nomination.

Please note: The bio and statement will be distributed to the AAVSB Member Boards.

The following biographical information should be provided for each nominee. The information should not exceed two pages.

- Candidate's Name
- Position Nominated
- Member Board Experience and Roles Served
- Experience with the AAVSB and Roles Served
- Other Affiliations
- Work History
- Education
- Leadership Positions Held



American Association of Veterinary State Boards

Information on Board of Directors Elected Positions for 2019-2020

Current 2018-2019 AAVSB® Board of Directors

Immediate Past President: Mark Olson, DVM from Kansas
President: Michael Gotchey, DVM from Colorado
President-Elect: Roger Redman, DVM from Ohio
Treasurer: Chris Runde, DVM from Maryland
Director: Vito DelVento, DVM from District of Columbia
Director: Kim Gemeinhardt, DVM from North Carolina
Director: Leslie Knachel, Executive Director from Virginia
Director: Timothy Kolb, DVM from Ohio
Director: Larry McTague, DVM from Oklahoma
Director: Frank Richardson, DVM from Nova Scotia

Upcoming 2019-2020 AAVSB Board of Directors

Immediate Past President: Michael Gotchey, DVM
President: Roger Redman, DVM

President-Elect: _____ OPEN _____ (3-year commitment)

Treasurer: _____ OPEN _____ (2-year term)
(Dr. Chris Runde is currently serving the second year of a first 2-year term)

Director: _____ OPEN _____ (2-year term)
(Dr. Kim Gemeinhardt is eligible to be nominated to an Officer position.)

Director: _____ OPEN _____ (2-year term)
(Ms. Leslie Knachel is eligible to be nominated to an Officer position.)

Director: _____ OPEN _____ (2-year term)
(Dr. Tim Kolb is currently serving the second year of a first 2-year term.)

Director: Vito DelVento, DVM
(Dr. DelVento is currently serving the first year of a second 2-year term)

Director: Larry McTague
(Dr. McTague is currently serving the first year of a second 2-year term)

Director: Frank Richardson, DVM
(Dr. Richardson is currently serving the first year of a first 2-year term)

James T. Penrod, CAE, FASLA, as Executive Director serves as Secretary and as an ex-officio non-voting member of the Board of Directors.

Overview

The AAVSB Board of Directors is a body of elected Directors which govern the Association and provide the strategic plan for the future of the Association.

Responsibilities

- Governs and sets the course for the AAVSB's future.
- Ensures the overall strength and health of the AAVSB.
- Develops, supports and maintains focus on the strategic objectives and priorities.
- Commits to the mission and goals of the AAVSB.
- Attends the Association's Annual Meeting, Board of Director meetings, planning meetings, and assigned committee and/or task force meetings.
- Prepares for all meetings and seeks opportunities to expand knowledge about the organization.
- Shares wisdom and insights to help the Board of Directors make good decisions and policy.
- Ensures Board effectiveness.
- Hires, supports and develops the chief executive to lead and manage the AAVSB into the future.
- Ensures the availability of adequate resources and the long-term financial stability of the AAVSB.
- Approves annual budgets, audit, and Form 990 as well as updates to financial policies.
- Stays informed and supportive of the governing documents of the organization, e.g. Articles of Incorporation, Bylaws, policies, strategic plan, and budget.
- Accepts the legal duties of loyalty and care while serving as a director and complies with applicable laws, regulations, Bylaws, policies and code of conduct.
- Understands that all power rests with the full Board of Directors, not individual directors.

Expected Time Commitment – Approximately 150 hours per

- Monthly conference calls (1 hour of preparation and 1.5 hours of participation per call)
- In-Person meeting in January each year (2-3 days of meetings with 2 hours of preparation time plus travel time).
- In-Person meeting in June each year (2-3 days of meetings with 2 hours of preparation time plus travel time).
- Annual Meeting in September (4 days of meetings with 3 hours of preparation time plus travel time).
- Frequent opportunities to attend AVMA meetings, ICVA Board meetings, or special assignments (approximately 2 days each).
- Additional time may be required if assigned as a liaison to a committee; the amount of additional time is dependent on the specific committee.
- Additional time is required of the Officers of the Board of Directors.

Bylaws Specifications (Article VII)

The AAVSB Bylaws prescribe the authority, composition, and election of the Board of Directors which are described below.

Authority

The Board of Directors shall manage the affairs of the Association, including the establishment of an annual budget for the Association and the transaction of all business for and on behalf of the Association as authorized under these Bylaws. The Board of Directors shall carry out the resolutions, actions, or policies as authorized by the Delegates, subject to the provisions of the Association Articles of Incorporation and Bylaws.

Composition

There shall be ten (10) members of the Board of Directors including four (4) Officers and six (6) Directors at Large. The Officers shall be identified as President, President-Elect, Immediate Past President and Treasurer. The Officers and Directors at Large are collectively referred to as the Board of Directors. The Officers may, at times be collectively referred to as the Executive Committee. Notwithstanding any other provisions of these Bylaws, the Board of Directors shall be comprised of at least six Licensed Veterinarians and one Affiliate Member. The Executive Director shall serve as Secretary and as an ex-officio non-voting member of the Board of Directors.

Qualifications

a. Officers

To be eligible to serve as an Officer, a candidate shall when nominated and elected be currently serving on the Board of Directors, be a Delegate, Alternate Delegate, or be a member of a Member Board.

b. Directors at Large

To be eligible to serve as a Director at Large, a candidate shall when nominated be a Delegate, Alternate Delegate, member of a Member Board or have served as a member of a Member Board as of June 1st of the year preceding the election year.

If a Director ceases to meet eligibility criteria stated above, such Board of Director member shall, after completion of the current term, be eligible to serve one additional term on the Board of Directors.

Elections

The Board of Directors shall be elected at the Annual Delegate Assembly of the Association by the Delegates, either from nominations submitted by the Nominating Committee, or by nominations from the floor. Each Director shall assume office at the close of the Annual Delegate Assembly at which the member is elected and shall serve as specified in these Bylaws or until a successor is elected.

Terms of Office

For purposes of these Bylaws, the offices of Immediate Past President, President, and President-Elect shall be considered one (1) term. The terms of the Board of Directors shall be as follows:

- a. Immediate Past President. The Immediate Past President shall serve a one (1) year term automatically following the term as President. The Immediate Past President shall only vote on matters before the Board of Directors to break a tie.*
- b. President. The President shall serve a one (1) year term automatically following the term as President-Elect. In the event of a vacancy, the President-Elect shall succeed to the Presidency to fill the unexpired term and may, thereafter, complete the President's term.*
- c. President-Elect. A President-Elect shall be elected at the Annual Delegate Assembly to serve a one (1) year term and shall automatically succeed to the office of President and, thereafter, the office of Immediate Past President. Thus, the President-Elect office is a three (3) year commitment, one year as President-Elect, one year as President, and one year as Immediate Past President and is limited to one elected term. In the event of a vacancy, the President in consultation with the Board of Directors may appoint the office of President-Elect. In any event and under these circumstances, at the next Annual Delegate Assembly, there shall be an election for both President and President-Elect.*
- d. Treasurer. A Treasurer shall be elected at the Annual Delegate Assembly to serve a term of two (2) years. In the event of a vacancy, the Treasurer position shall be appointed by the President in consultation with the Board of Directors until the next Annual Delegate Assembly at which time an election shall be held. The Treasurer shall serve no more than two (2) consecutive terms.*
- e. Directors at Large. Directors at Large shall be elected at the Annual Delegate Assembly to serve two (2) year terms. In the event of a vacancy, the President in consultation with the Board of Directors shall appoint the Director at Large position until the next Annual Delegate Assembly at which time an election shall be held to fill the unexpired term. Directors at Large shall serve no more than two (2) consecutive terms.*
- f. No member of the Board of Directors shall hold more than one seat on the Board of Directors at any time. Any person appointed or elected to fill an unexpired term of less than one year for Treasurer or Director at Large may be eligible for election to the same position for two additional consecutive terms after completion of the unexpired term. If the unexpired term is more than one year, the person may be eligible for one additional consecutive term.*



American Association of Veterinary State Boards

Information on Nominating Committee Elected Position for 2019-2020

Current 2018-2019 Nominating Committee

Elizabeth Farrington, DVM from Nebraska (special appointed position)

Tod Schadler, DVM, Chair, from North Carolina (elected position)

Frank Walker, DVM from North Dakota (appointed position)

Upcoming 2019-2020 Nominating Committee

Each year the President of AAVSB shall appoint a third member of the Committee. Currently, Dr. Walker is serving in this position.

OPEN (2-year term)

(Dr. Tod Schadler is not eligible for nomination as he is currently completing the second year of a 2-year term.)

OPEN (1 year of an unexpired term)

(Dr. Elizabeth Farrington was appointed when there was not a nominee at the 2018 Annual Meeting for the elected position. Dr. Farrington is not eligible for nomination.)

Overview

The overall role of the Nominating Committee is to review nominations and confirm eligibility of nominees from AAVSB Member Boards for the open elected positions.

Responsibilities

- Prepares a Call for Nominations for the Member Boards which includes a nomination form and information on the open positions.
- Receives nominations from Member Boards for open positions 120 days prior to the upcoming Annual Delegate Assembly.
- Reviews nominations received and possibly distribute a questionnaire to nominees.
- Develops a ballot of candidates for mailing to Member Boards 30 days prior to Annual Delegate Assembly.

Expected Time Commitment – Approximately 12 hours per year

- Participates in 4 conference calls (1 hour for preparation time and 1 hour for participation per call).
- Meets in September at Annual Meeting (1 hour meeting plus travel time).
- Additional time is required of the Committee Chair.

Bylaws Specifications (Article X, Section 1 and Article IX, Section 3)

The AAVSB Bylaws prescribe the role, number of members, method of appointment, composition and terms of office of the Nominating Committee which are described below.

Role

The Nominating Committee shall review the qualifications of the applicants, verify sponsors and references on all applications submitted, and shall submit to the Member Boards at least thirty (30) days before the Annual Delegate Assembly, a ballot containing candidates for each position on the Board of Directors, the Nominating Committee and the National Board of Veterinary Medical Examiners to be filled. The ballot shall contain the names of all candidates who have been found to be eligible and their applications verified as accurate by the Nominating Committee. In determining the slate of candidates for the Board of Directors, the Nominating Committee shall make every effort to ensure at least a majority of Members at Large are currently members of Member Boards. Persons serving on the Nominating Committee shall be ineligible to be on the ballot or elected to any position within the Association within their elected term.

Number of Members: Three members.

Elections and Qualifications

Two of the three Committee members are elected at the Annual Delegate Assembly by a plurality of votes, either from nominations submitted by the Nominating Committee or by nominations from the floor. Prior to nomination, the elected members to the Committee must have attended at least one Delegate Assembly meeting. At the time of nomination and election, candidates for the Committee must be a Delegate or Alternate Delegate, a member of a Member Board, a current Associate Member, or a chairperson of an Association committee. The President shall appoint the third member of the Committee and name the chair of the Committee.

Terms of Office

The terms of the elected members are two (2) years. The President shall appoint a third member of the Committee whose term will be one (1) year. Nominating Committee members may not serve consecutive terms, but are eligible for reelection consistent with this Article X, Section 1. The President shall name the chair of the Committee. In the event of a vacancy, the President in consultation with the Board of Directors shall appoint the Nominating Committee member until the next Annual Delegate Assembly at which time an election shall be held to fulfill the unexpired term.



American Association of Veterinary State Boards

Information on Representatives to the ICVA Elected Positions for 2019-2020

Current 2018-2019 AAVSB Representatives to the ICVA

Jon Betts, DVM from Oregon (Licensed Veterinarian)

Kathy Bowler from California (Public Member)

Bruce Louderback, DVM from Colorado (Licensed Veterinarian)

Helen Tuzio, DVM from New York (Licensed Veterinarian)

Upcoming 2019-2020 AAVSB Representatives to the ICVA

OPEN (Licensed Veterinarian position; 3-year term)

(Dr. Bruce Louderback is currently serving the third year of second 3-year term and is eligible for nomination to a third term.)

Jon Betts, DVM

(Dr. Betts is currently serving the first year of a third 3-year term)

Kathy Bowler

(Ms. Bowler is currently serving the first year of a second 3-year term)

Helen Tuzio, DVM

(Dr. Tuzio is currently serving the second year of first 3-year term)

Bylaws Specifications (Article IX)

The AAVSB Bylaws prescribe the composition, duties, election, qualifications and terms as described below.

Composition

There shall be a minimum of four AAVSB representatives to the International Council of Veterinary Assessment (ICVA).

Duties

The Representatives shall attend all meetings of the ICVA and shall report to the AAVSB Board of Directors following each ICVA or subcommittee meeting. The Representatives shall present the consensus opinions of the Association at such meetings and shall not vote in conflict with the AAVSB Bylaws.

Election

Delegates at the Annual Delegate Assembly shall elect the Representatives at the Annual Delegate Assembly of the Association either from nominations submitted by the Nominating Committee or by nomination from the floor. Each Representative shall assume his or her responsibilities at the close

of the Annual Delegate Assembly at which elected and shall serve as specified in these Bylaws or until a successor is elected and qualified.

Qualifications

- *Three representatives must, when nominated and elected, be Licensed Veterinarians currently practicing in public or private practice and be either (i) a member of a Member Board, or (ii) have been a member of the AAVSB Board of Directors within the previous year, or (iii) have been a member of the ICVA within the previous year, or (iv) be a current Associate Member.*
- *One Representative must, when nominated and elected, be a Public Member and be either (i) a member of a Member Board, or (ii) have been a member of the AAVSB Board of Directors within the previous year, or (iii) have been a member of the ICVA within the previous year, or (iv) be a current Associate Member.*

Terms

Representatives can be eligible for three 3-year terms.

Expectations

Please contact the AAVSB office for additional information on the AAVSB representatives to the ICVA.



AAVSB Board of Directors

General Information on Roles and Responsibilities

OVERVIEW

The AAVSB Board of Directors is a body of elected Directors which govern the Association and provide the strategic plan for the future of the Association.

BOARD MEMBER RESPONSIBILITIES

- Support and be committed to accomplishing the AAVSB’s mission, vision, values and strategic goals.
- Understand the Board’s responsibilities in governing the organization and setting the course for its future including distinctions between governance and management roles.
- Adhere to the confidentiality and code of conduct policies and all other applicable association policies to include the AAVSB’s technology protocols.
- Attend the organization’s Annual Meeting, Board of Director meetings, planning meetings, and assigned committee and/or task force meetings.
- Prepare for all meetings and seek opportunities to expand knowledge about the organization.
- Accept the legal duties of loyalty, care, and obedience and ensure legal and ethical integrity.
- Ensure that organizational information is accurately reported and keep private the information which legally or ethically must remain private.
- Recruit, hire, support, and develop the chief executive to effectively lead and manage the AAVSB into the future.
- Lead the organization.
 - Determine the organization’s strategic direction and focus and how the organization fits into the “bigger picture.”
 - Determine the organization’s intermediate term (2-3 years) and long-term goals.
 - Maintain a strategic perspective and focus, govern versus manage.
 - Seek and encourage opportunities for innovation.
 - Determine core programs and services, strengthen programs and services, and make sure programs are consistent with the organization’s mission.
- Establish proactive policies to guide executive decision making and organizational programs and link plans and policies to resource allocation.
- Secure and manage resources.
 - Enable the organization to secure the resources necessary to implement its programs and services to accomplish mission, vision and goals.
 - Safeguard the use of resources and assets including appropriate management of risk.
 - Make sure resources are used efficiently and effectively to ensure the overall strength, health, and long term financial stability of the organization.
 - Review and approve annual budgets, audit, and Form 990.
- Ensure effective links with constituents.
 - Facilitate effective two-way, ongoing communication and maintain strong relationships

- between the organization and its key stakeholders.
 - Enhance the external image and credibility of the organization.
 - Monitor external trends for their organizational implications and share information with the organization.
- Ensure Board effectiveness.
 - Perform the functions and work of the Board of Directors to the best of one's ability, regularly self-evaluate personal performance on the Board of Directors.
 - Engage in regular Board assessment and development planning.
 - Stay informed and supportive of the governing documents of the organization, e.g. Articles of Incorporation, Bylaws, policies, and strategic plan.
 - Understands the current budget and financial statements.
 - Understand that all power rests with the full Board of Directors, not individual directors.
 - Share wisdom and insights to help the Board of Directors make good decisions and policy.
 - Resign from the Board of Directors when no longer able to support the mission or devote the necessary time.

PRESIDENT RESPONSIBILITIES

- As a partner to the Executive Director and other Board members, the Board President provides leadership and direction to the Board to make sure the mission, vision and values of the organization are achieved.
- Enhanced understanding of the organization's Articles of Incorporation, Bylaws, policies, financial and legal situation, and strategic plan.
- Acts as a spokesperson to the larger community.
- Model appropriate behavior and set high standards for Board conduct. Intervene if conflicts of interest or confidentiality issues arise.
- Address the membership at the Annual Meeting and preside over the Delegate Assembly.
- Preside over the Board and Executive Committee meetings.
 - Work with the ED to develop agendas.
 - Make sure that the topics on the agenda are given complete consideration, that consensus is achieved and that everyone has an opportunity to be heard.
 - Make sure matters are dealt with in an orderly, efficient manner to include guiding and stimulating discussion and keeping on track. Balance discussion with efficiency in moving through the agenda.
 - Lead the Board in handling difficult issues.
 - Guide and mediate Board actions with respect to organizational priorities and governance.
 - Arrange for President-elect to Chair meetings in absence of the President.
 - Call special meetings if necessary.
- Ensure Board members understand their jobs and are able to fulfill expectations.
 - See that the Board functions effectively, interacts with management effectively, and fulfills all of its duties.
 - Play a crucial role in new Board member orientation and work with ED to carry out orientation and training.
 - Encourage the Board's role in strategic planning.

- Create opportunities for continuing education for Board members.
- Mentor the President-elect
- Periodically consult with Board members on their roles and help them assess their performance.
- Annually focus the Board's attention on matters of governance and be assured that the Board is satisfied it has fulfilled all of its responsibilities. (Board assessment)
- Work closely with while not micromanaging the Executive Director.
 - Provide encouragement and serve as a sounding board and advisor for the ED.
 - Support the ED as the ED implements the organization's strategic plan.
 - Partner with the ED to ensure that Board decisions are carried out.
 - In conjunction with the Exec Committee, coordinate an annual evaluation of the ED and ensure the ED is compensated fairly.
 - Serve as liaison between ED and the full Board.
- Per the Bylaws:
 - Appoint a third member of the Nominating Committee and name the Chair.
 - Upon approval of the Board of Directors, appoint the non-designated members to the Finance Committee.
 - With the exception of the Finance Committee, appoint a non-voting liaison from the Board of Directors to each committee.
 - Appoint Ad-hoc committees as needed, with approval from the Board of Directors.

TREASURER RESPONSIBILITIES

- Serve as the Chairperson of the Finance Committee.
- Facilitate all Committee meetings and related functions. Guide, mediate and stimulate discussion. Make sure matters are dealt with in an orderly, efficient matter to include keeping discussions on track and seeking consensus. Committee meetings include regular conference calls and two in-person meetings during June and September (in conjunction with the Annual Meeting).
- Work with the Executive Director and other management staff as assigned by the Executive Director to develop agendas, work plans, and orientation/training for Committee members.
- Work with the ED and management staff to develop a concise understanding of the internal financial functions of the organization.
- Make a report at each Board of Directors meeting and work with the Executive Director, CPA consultant, and assigned management staff to make sure that appropriate financial reports and investment reports are made available to the Board on a timely basis.
- Create Treasurer's Report for the membership in collaboration with Executive Director and assigned management staff. Deliver Treasurer's Report to the membership during the business session of the AAVSB Annual Meeting.
- Assist the Executive Director, assigned management staff, and the CPA consultant in the preparation of the annual operating and capital budgets. Present the budgets to the Finance Committee for their input and to the Board of Directors for final approval.
- Review the annual audit as prepared by the organizations' outside auditor and the Form 990 as prepared by the organization's CPA consultant. Facilitate the presentation of both documents to the Finance Committee for their input, and present both documents to the Board of Directors for their final approval.

- Ensure ongoing review (with the Finance Committee) of accounting policies, investment policies, and insurance coverage. Present Finance Committee recommendations to the Board of Director for their final approval.

EXECUTIVE COMMITTEE RESPONSIBILITIES

Per the Bylaws, the Officers are identified as the President, President-Elect, Immediate Past-President, and Treasurer and may be collectively referred to as the Executive Committee. The Executive Committee reports to the Board of Directors.

- Executive Committee may manage the following:
 - Executive Director annual review and compensation.
 - Work with ED and Legal Counsel to finalize major contracts and make recommendations to the full Board.
 - Regular monitoring of the investment accounts.
 - Emergency management
 - Board and Leadership Development
 - Prepare and educate members to work and serve effectively including orientation and ongoing training and mentoring.

BYLAWS SPECIFICATIONS (Article VII)

The AAVSB Bylaws prescribe the authority, composition, and election of the Board of Directors which are described below.

Authority

The Board of Directors shall manage the affairs of the Association, including the establishment of an annual budget for the Association and the transaction of all business for and on behalf of the Association as authorized under these Bylaws. The Board of Directors shall carry out the resolutions, actions, or policies as authorized by the Delegates, subject to the provisions of the Association Articles of Incorporation and Bylaws.

Composition

There shall be ten (10) members of the Board of Directors including four (4) Officers and six (6) Directors at Large.

The Officers shall be identified as President, President-Elect, Immediate Past President and Treasurer. The Officers and Directors at Large are collectively referred to as the Board of Directors. The Officers may, at times be collectively referred to as the Executive Committee. Notwithstanding any other provisions of these Bylaws, the Board of Directors shall be comprised of at least six Licensed Veterinarians and one Affiliate Member. The Executive Director shall serve as Secretary and as an ex-officio non-voting member of the Board of Directors.

Qualifications

a. Officers

To be eligible to serve as an Officer, a candidate shall when nominated and elected be currently serving on the Board of Directors, be a Delegate, Alternate Delegate, or be a member of a Member Board.

b. Directors at Large

To be eligible to serve as a Director at Large, a candidate shall when nominated be a Delegate, Alternate Delegate, member of a Member Board or have served as a member of a Member Board as of June 1st of the year preceding the election year.

If a Director ceases to meet eligibility criteria stated above, such Board of Director member shall, after completion of the current term, be eligible to serve one additional term on the Board of Directors.

Election

The Board of Directors shall be elected at the Annual Delegate Assembly of the Association by the Delegates, either from nominations submitted by the Nominating Committee, or by nominations from the floor. Each Director shall assume office at the close of the Annual Delegate Assembly at which the member is elected and shall serve as specified in these Bylaws or until a successor is elected.

Terms of Office

For purposes of these Bylaws, the offices of Immediate Past President, President, and President-Elect shall be considered one (1) term. The terms of the Board of Directors shall be as follows:

- a. Immediate Past President. The Immediate Past President shall serve a one (1) year term automatically following the term as President. The Immediate Past President shall only vote on matters before the Board of Directors to break a tie.*
- b. President. The President shall serve a one (1) year term automatically following the term as President-Elect. In the event of a vacancy, the President-Elect shall succeed to the Presidency to fill the unexpired term and may, thereafter, complete the President's term.*
- c. President-Elect. A President-Elect shall be elected at the Annual Delegate Assembly to serve a one (1) year term and shall automatically succeed to the office of President and, thereafter, the office of Immediate Past President. Thus, the President-Elect office is a three (3) year commitment, one year as President-Elect, one year as President, and one year as Immediate Past President and is limited to one elected term. In the event of a vacancy, the President in consultation with the Board of Directors may appoint the office of President-Elect. In any event and under these circumstances, at the next Annual Delegate Assembly, there shall be an election for both President and President-Elect.*
- d. Treasurer. A Treasurer shall be elected at the Annual Delegate Assembly to serve a term of two (2) years. In the event of a vacancy, the Treasurer position shall be appointed by the President in consultation with the Board of Directors until the next Annual Delegate Assembly at which time an election shall be held. The Treasurer shall serve no more than two (2) consecutive terms.*
- e. Directors at Large. Directors at Large shall be elected at the Annual Delegate Assembly to serve two (2) year terms. In the event of a vacancy, the President in consultation with the Board of Directors shall appoint the Director at Large position until the next Annual Delegate Assembly at which time an election shall be held to fill the unexpired term. Directors at Large shall serve no more than two (2) consecutive terms.*
- f. No member of the Board of Directors shall hold more than one seat on the Board of Directors at any time. Any person appointed or elected to fill an unexpired term of less*

than one year for Treasurer or Director at Large may be eligible for election to the same position for two additional consecutive terms after completion of the unexpired term. If the unexpired term is more than one year, the person may be eligible for one additional consecutive term.

Approved by the AAVSB Board of Directors on June 22, 2013. Updated with Bylaws changes from 2014, 2015 and 2016. Approved by the AAVSB Board of Directors on January 20, 2017. Updated with Bylaws changes in 2018.



AAVSB Nominating Committee

General Information on Roles and Responsibilities

OVERVIEW

The overall role of the Nominating Committee is to review nominations and prepare a ballot of candidates from AAVSB Member Boards for elected positions.

RESPONSIBILITIES

- Support the AAVSB's mission and be responsible for submitting a ballot of candidates for each elected position to the Member Boards in accordance with the Bylaws.
- Adhere to the Timeline as described below.
- Adhere to the confidentiality and code of conduct policies as well as all other applicable association policies to include the AAVSB's technology protocols.

TIMELINE

- President appoints the third member of the Nominating Committee and names a Chair within 45 days following the previous annual delegate assembly.
- Nominating Committee meets via conference call and finalizes the **Call for Nominations** and information regarding the elected positions for the upcoming year within 90 days following the previous Annual Delegate Assembly and delivers final documents to the Association office. Upon receipt of the information from the Nominating Committee, the Association office forwards the information to all Member Boards.
- Per the Bylaws, the deadline to accept written nominations from the Member Boards is 120 days prior to the upcoming Annual Delegate Assembly.
- Nominating Committee meets via conference call within 30 days after the cutoff date to review nominations and possibly distribute a **questionnaire to the nominees**.
- Nominating Committee meets via conference call to discuss interviews and develop the ballot of candidates no later than 60 days prior to the Annual Delegate Assembly.
- The ballot of candidates is presented to the Board of Directors and to the AAVSB office no later than 45 days prior to the Annual Delegate Assembly.
- Per the Bylaws, the AAVSB office submits the **ballot and additional information** on nominees to the Member Boards at least thirty (30) days prior to the Annual Delegate Assembly.

CALL FOR NOMINATIONS

The Committee submits a Call for Nominations to the Member Boards to include the nomination form and information on the elected positions on the Board of Directors, the Nominating Committee and the NBVME Representatives. The nominating form should include the nominee's name, position being sought with AAVSB, licensure Board Category (i.e. Board Member, Board Administrator), licensee (i.e. Veterinarian or Veterinary Technician) and length of service on/for licensure board. The form should also include information on the nominating Member Board.

NOMINEE QUESTIONNAIRE

The Committee may wish to send questionnaires to the nominees in order to provide additional information to the Member Boards on the candidates. Possible questions to ask the nominees include the following.

- Why seeking a position with the AAVSB
- Qualifications for serving in a national position with the AAVSB
- Long-range goals for the AAVSB
- Ability to fulfill the time commitment based on information provided on meetings
- Previous activities with the AAVSB
- Leadership roles served in the past three years

BALLOT AND OTHER INFORMATION

The Committee submits a ballot to the Member Boards. Along with the ballot, the Nominating Committee may choose to provide a copy of the nomination forms, the CV, and the answers to a questionnaire, if available, to the Member Boards.

BYLAWS SPECIFICATIONS (Article X, Section 1)

The AAVSB Bylaws prescribe the role, number of members, method of appointment, composition and terms of office of the Nominating Committee which are described below.

Role

The Nominating Committee shall review the qualifications of the applicants, verify sponsors and references on all applications submitted, and shall submit to the Member Boards at least thirty (30) days before the Annual Delegate Assembly, a ballot containing candidates for each position on the Board of Directors, the Nominating Committee and the National Board of Veterinary Medical Examiners to be filled. The ballot shall contain the names of all candidates who have been found to be eligible and their applications verified as accurate by the Nominating Committee. In determining the slate of candidates for the Board of Directors, the Nominating Committee shall make every effort to ensure at least a majority of Members at Large are currently members of Member Boards. Persons serving on the Nomination Committee shall be ineligible to be on the ballot or elected to any position within the Association within their elected term.

Number of Members: Three members.

Method of Appointment and Composition

Two of the three Committee members are elected at the Annual Delegate Assembly. Prior to nomination, the elected members to the Committee must have attended at least one Delegate Assembly meeting. At the time of nomination and election, candidates for the Committee must be a Delegate or Alternate Delegate, a member of a Member Board, a current Associate Member, or a chairperson of an Association committee. The President shall appoint the third member of the Committee and name the chair of the Committee.

Terms of Office

The term of the elected members are two (2) years. The President shall appoint a third member of the Committee whose term will be one (1) year. Nominating Committee members may not serve consecutive

terms, but are eligible for reelection consistent with this section. The President shall name the chair of the Committee. In the event of a vacancy, the President in consultation with the Board of Directors shall appoint the Nominating Committee member until the next Annual Delegate Assembly at which time an election shall be held to fulfill the unexpired term.

Reviewed and approved by the AAVSB Board of Directors on June 27, 2011; revised and approved by the AAVSB Board of Directors on June 22, 2013 and December 16, 2015.



MEMORANDUM

| | |
|----------------|---|
| DATE | January 23, 2019 |
| TO | Veterinary Medical Board |
| FROM | Jessica Sieferman, Executive Officer |
| SUBJECT | Agenda Item 12. Update, Discussion, and Possible Action Regarding the Administration of the California Veterinary Technician Examination |

Administration of California Registered Technician Examination (CRTE)

A question was posed at the last Board meeting whether the CRTE could be administered and taken by mail or online. Currently, Business and Professions Code (BPC) section 4841.4 requires the Board to examine applicants for veterinary technician registration, and the examination must consist of both a national licensing examination and an examination specific to the animal health care tasks limited to California RVTs.

The Office of Professional Examination Services (OPES) previously opined on the administration of a mail-in or online examination. According to OPES, a mail-in exam is more a teaching tool rather than a true examination. In California, examinations to determine professional qualifications are typically required to pass standards for review, which are listed under BPC section 139 and include minimum requirements for psychometrically sound examination validation, examination development, and an occupational analysis to make certain that the examination is still relevant as a profession advances.

Notably, veterinarians must take and pass three examinations: (1) national licensing examination; (2) California state board examination; and (3) Veterinary Medicine Practice Act statutes and regulations examination. (BPC § 4848(a)(2).) Of those three examinations, only the third examination is administered by regular mail, email, or by both regular mail and email. (BPC § 4848(a)(2)(C).)

Should the Board decide that the CRTE should be administered by mail or online, it will likely need to recommend to the Legislature an amendment to BPC section 4841.4 to provide for mail or online administration of the CRTE.

Cost to Take California Registered Veterinary Technician Examination

BPC section 4842.5 provides that the fee for the California registered veterinary technician examination shall be set by the Board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the registration and enforcement of RVTs, not to exceed

\$300.00. The current fee to take the exam is \$175, which was found in the last Board audit, dated July 2017, to be less than the total cost of the exam, \$232 (see https://www.vmb.ca.gov/licensees/fees_2.pdf, p. 13).

Additional Research

Board staff is researching which states administer supplemental practical examinations and the method for delivery. Any additional information received will be provided at the meeting.



MEMORANDUM

| | |
|----------------|-------------------------------------|
| DATE | January 23, 2018 |
| TO | Veterinary Medical Board |
| FROM | Ethan Mathes. Operations Manager |
| SUBJECT | Administrative/Budget Report |

Expenditure Report and Fund Condition Status

The most current Expenditure Report, going through Fiscal Month 4 (October) of Fiscal Year (FY) 2018-19, will be hand carried to the meeting as staff is clarifying certain discrepancies within the report with the Budget office.

The latest Fund Condition Statement is attached.

Budget Activities

Budget Change Proposal(s): As part of Senate Bill 1491 (Hill, 2018), effective January 1, 2019, the Board is mandated to annually inspect 20% of veterinary premises; the Board's request for additional staff and funding to implement this program was approved by the Department of Finance, effective FY 2019-20.

Staff will begin the recruitment process in early-2019 in anticipation of hiring new staff by the July 1, 2019 appropriation effective date.

FI\$Cal: The State's new FI\$Cal system continues to be a challenge to quickly and effectively monitor the Board's expenditures and revenues. Staff will continue to work with the Department's Budget Office to provide timely and accurate information and realign Expenditure Reports to better reflect actual cost areas where expenditures are drawn.

MEMORANDUM

| | |
|----------------|--|
| DATE | January 24, 2018 |
| TO | Veterinary Medical Board |
| FROM | Robert Stephanopoulos, Enforcement Manager |
| SUBJECT | Enforcement Report |

Staff Update

All vacant enforcement positions have been filled; however, due to the large number of pending complaints (see below), management will continue to search for and implement process improvements to address the large caseload. Further, should these improvements be insufficient to address the ongoing number of complaints, it will be necessary to obtain additional enforcement positions.

Management has begun to sit down with each member of the enforcement team to shadow and map their “as-is” processes. The resulting maps will be used to (hopefully) improve procedures by identifying items which can be added, streamlined, and/or eliminated. Moreover, the maps will serve as a blueprint to chart workload vs bandwidth and determine whether additional staff is necessary.

Currently, the investigation unit (comprised of two analysts) is responsible for investigating over 600 cases each (a typical caseload is around 80-100), while the discipline unit (comprised of two analysts) handles the resulting discipline. This type of siloed enforcement is common in larger boards; however, it does have several drawbacks, which include: miscommunication of information between analysts and the Deputy Attorney General (DAG), loss of physical documents or pertinent information, and overall engagement in the investigation.

In an effort make these numbers more manageable, the enforcement unit will be shifting its current investigation process to a “start to finish” process, permitting a single analyst to handle the investigation *and* discipline process. This provides better continuity regarding the transfer of information and a better impression of the information obtained. It also puts all analysts on the same level, with the same workload, allowing better collaboration between team members when discussing individual cases, resulting in more consistent thought processes. Perhaps most importantly, it gives the analyst a sense of ownership in

their case - the analyst doesn't feel like they are simply relinquishing or receiving a portion of a case; they have the opportunity to see it all the way through, which engages the analyst much more in their work and furthers pride of ownership.

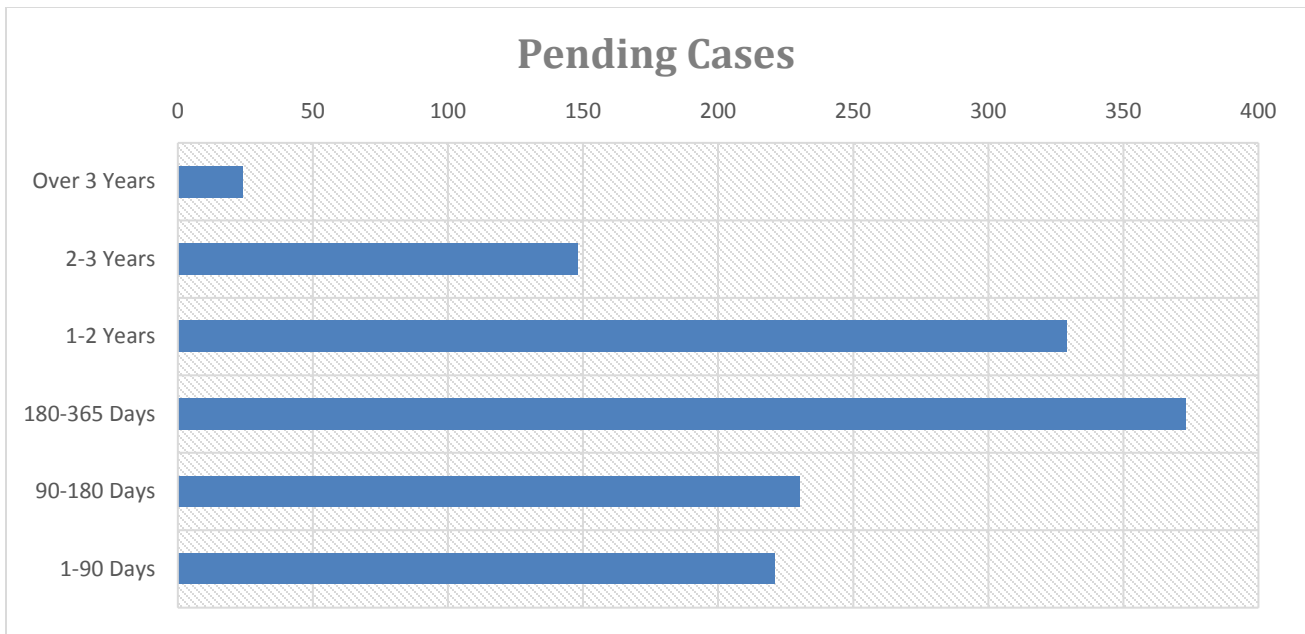
Enforcement Program Updates

The Board has reached out to the Attorney General's (AG) office to discuss cycle times for formal discipline cases. In response, the AG's office has agreed to allow us to participate in their "fast track" pilot program. This program allows the AG's office to process less complicated cases on a much quicker timeline by starting them disciplinary process immediately, which should reduce our overall cycle times.

In addition, the Board will begin using cloud technology to send and receive disciplinary documents to the Sacramento AG's office, which should slightly improve cycle times and eliminate the possibility of documents being lost in the mail. Board management also met with DCA's Office of Information Services (OIS) to discuss utilizing DCA's own cloud technology to streamline enforcement processes. The cloud will now be utilized for transmittal of documents to and from Board experts, as well as for the transmittal of school transcripts for licensing purposes.

Enforcement continues to work with DCA's Division of Investigation (DOI) to ensure cases are addressed timely and adequate follow-up is achieved. DOI and Board management have committed to facilitating frequent and open communication in the interest of consumer protection. As previously mentioned (and whenever possible), enforcement staff will continue to address portions of the investigation through the desk analyst and/or the inspection unit to reduce wasted resources for cases at or slated for DOI.

Complaint Investigation



As shown in the graph above, the Board has more than 500 cases over a year old, some of which have passed the three-year milestone. In response, staff have been instructed to work their cases by age, starting with the oldest (except for high priority and companion cases). As a result, the number of cases over 3 years has been cut in half since the prior Board meeting report. Consequently, the focus on working older cases will result in increased cycle times because of their age.

As mentioned in the prior Board meeting’s enforcement report, pending intake complaints for FY 18/19 rose to 141 due to the Board’s vacant enforcement positions and staffing issues. However, through the hard work of the intake unit, last quarter’s numbers dropped to 71 with 340 complaints assigned for desk investigation (up from 95). In addition, due to the efforts of the investigations unit, cases closed without discipline nearly doubled over the prior quarter coming in at 156. Further, 4 citations were issued last quarter resulting from the Board’s newly created enforcement templates.

The Board received a total of 230 complaints during the second quarter of the 18/19 fiscal year, bringing the total number of pending cases up to 1277. As mentioned above, this is a rather large number of cases when compared to the number of enforcement staff; however, all efforts will be made, and any opportunities will be explored to work cases as quickly as possible to ensure consumer protection. Further, overtime will continue to be offered to continue to bring down our pending numbers and cycle times.

Probation Monitoring

The Board is currently monitoring a total of 108 probationers on active probation.

The Board currently has a total of 17 Petitions to Revoke Probation pending against probationers for issues of non-compliance.

Statistical Report

| COMPLAINTS AND CONVICTIONS | | | | | | | | | | |
|---|----------------------|----------------------|----------------------|----------------------|------|----------------------|----------------------|----------------------|----------------------|-----|
| Complaints and Convictions | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Complaints Received | 281 | 238 | 265 | 238 | 1022 | 235 | 230 | | | 465 |
| Convictions Received | 20 | 22 | 22 | 15 | 79 | 14 | 28 | | | 42 |
| Average Days to Intake | 3 | 3 | 7 | 12 | 6 | 50 | 56 | | | 53 |
| Closed at Intake | 0 | 0 | 0 | 0 | 0 | 1 | 1 | | | 2 |
| Pending at intake | 0 | 4 | 28 | 20 | 20 | 141 | 71 | | | 71 |
| <i>Average Days to Intake - Average cycle time from complaint received, to assignment to an investigator.</i> | | | | | | | | | | |

| UNLICENSED ACTIVITY COMPLAINTS RECEIVED | | | | | | | | | | |
|---|----------------------|----------------------|----------------------|----------------------|-----|----------------------|----------------------|----------------------|----------------------|-----|
| Unlicensed Activity Complaints | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Received | 34 | 27 | 9 | 24 | 94 | 19 | 8 | | | 27 |

| DESK INVESTIGATIONS | | | | | | | | | | |
|--|----------------------|----------------------|----------------------|----------------------|------|----------------------|----------------------|----------------------|----------------------|-----|
| Desk Investigation | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Assigned | 304 | 257 | 263 | 264 | 1088 | 95 | 340 | | | 435 |
| Closed | 201 | 268 | 186 | 114 | 769 | 98 | 171 | | | 269 |
| Average Days to Complete | 235 | 178 | 261 | 316 | 247 | 351 | 345 | | | 347 |
| Pending | 807 | 779 | 851 | 1002 | 1002 | 996 | 1151 | | | 996 |
| <i>Average Days to Complete Desk Investigations - Average cycle time from complaint receipt to closure</i> | | | | | | | | | | |

| SWORN INVESTIGATIONS | | | | | | | | | | |
|--|----------------------|----------------------|----------------------|----------------------|-----|----------------------|----------------------|----------------------|----------------------|-----|
| Sworn Investigations | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Assigned | 4 | 32 | 19 | 17 | 72 | 6 | 10 | | | 16 |
| Closed | 15 | 13 | 16 | 11 | 55 | 23 | 17 | | | 40 |
| Average Days to Complete | 490 | 279 | 482 | 345 | 349 | 279 | 400 | | | 331 |
| Pending | 60 | 77 | 81 | 81 | 81 | 62 | 55 | | | 55 |
| <i>Average Days to Complete Sworn Investigations - Average cycle time from complaint receipt to closure.</i> | | | | | | | | | | |

| ALL TYPES OF INVESTIGATIONS | | | | | | | | | | |
|-----------------------------|----------------------|----------------------|----------------------|----------------------|------|----------------------|----------------------|----------------------|----------------------|------|
| All Types of Investigations | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Closed Without Discipline | 176 | 243 | 155 | 263 | 837 | 83 | 156 | | | 239 |
| Cycle Time - No Discipline | 261 | 161 | 233 | 333 | 247 | 330 | 369 | | | 362 |
| All pending cases | 867 | 860 | 960 | 1103 | 1103 | 1199 | 1277 | | | 1277 |

| CITATIONS | | | | | | | | | | |
|--|----------------------|----------------------|----------------------|----------------------|-----|----------------------|----------------------|----------------------|----------------------|------|
| Citations | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Issued | 13 | 2 | 2 | 8 | 25 | 0 | 4 | | | 4 |
| Avg Days to Complete Cite | 703 | 175 | 753 | 755 | 596 | N/A | 1081 | | | 1081 |
| Citations appealed | 3 | 0 | 0 | 0 | 3 | 0 | 0 | | | 0 |
| <i>Average Days to Issue a Citation - Average cycle time from complaint receipt to the effective date of the citation.</i> | | | | | | | | | | |

| ATTORNEY GENERAL CASES | | | | | | | | | | |
|--------------------------------|----------------------|----------------------|----------------------|----------------------|-----|----------------------|----------------------|----------------------|----------------------|-----|
| Attorney General Cases | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Initiated / Referred to the AG | 27 | 19 | 15 | 5 | 66 | 10 | 8 | | | 18 |
| Pending at the AG | 95 | 100 | 95 | 86 | 86 | 75 | 74 | | | 149 |
| Statement of Issues Filed | 11 | 8 | 16 | 8 | 43 | 1 | 1 | | | 2 |
| Accusations Filed | 9 | 11 | 5 | 11 | 36 | 8 | 2 | | | 10 |

| ATTORNEY GENERAL CASES | | | | | | | | | | |
|---|----------------------|----------------------|----------------------|----------------------|-----|----------------------|----------------------|----------------------|----------------------|-----|
| AG Case Action | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Closed Without Discipline | 2 | 2 | 0 | 1 | 5 | 4 | 5 | | | 9 |
| Closed With Discipline | 11 | 10 | 9 | 15 | 45 | 12 | 14 | | | 26 |
| Probation | 7 | 5 | 7 | 11 | 30 | 7 | 9 | | | 16 |
| Public Letter of Reprimand | 0 | 0 | 0 | 0 | 0 | 1 | 2 | | | 3 |
| Surrender of License | 1 | 3 | 0 | 4 | 8 | 2 | 2 | | | 4 |
| License Revoked | 3 | 1 | 2 | 0 | 6 | 0 | 1 | | | 1 |
| License Denied (SOI) | 0 | 1 | 0 | 0 | 1 | 2 | 0 | | | 2 |
| W/D, Dismissed, Declined | 2 | 2 | 0 | 1 | 5 | 4 | 5 | | | 9 |
| Average Days to Close | 756 | 553 | 566 | 909 | 696 | 807 | 643 | | | 725 |
| <i>Average Days to Close a Discipline Case - Average cycle time from complaint receipt to the effective date of disciplinary order.</i> | | | | | | | | | | |

| ATTORNEY GENERAL CASES | | | | | | | | | | |
|-----------------------------------|----------------------|----------------------|----------------------|----------------------|-----|----------------------|----------------------|----------------------|----------------------|-----|
| AG Case Violation Type | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Substance Abuse (A) | 0 | 1 | 0 | 0 | 1 | 2 | 1 | | | 3 |
| Unsafe/Unsanitary Cond (E) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | 0 |
| Applicant Investigation (I) | 2 | 3 | 5 | 6 | 16 | 0 | 8 | | | 8 |
| Incompetence/Gross Negligence (N) | 3 | 2 | 2 | 4 | 11 | 0 | 2 | | | 2 |
| Unprofessional Conduct (R) | 3 | 1 | 0 | 2 | 6 | 2 | 1 | | | 3 |
| Criminal Conduct/Conv (V) | 2 | 1 | 2 | 0 | 5 | 0 | 0 | | | 0 |
| Discipline by Another State (T) | 0 | 1 | 0 | 0 | 1 | 1 | 0 | | | 1 |
| Unlicensed Activity (U) | 1 | 0 | 0 | 1 | 2 | 1 | 0 | | | 1 |
| Drug Related Offenses (D) | 0 | 1 | 0 | 0 | 1 | 1 | 0 | | | 1 |
| Fraud (F) | 0 | 0 | 0 | 2 | 2 | 1 | 1 | | | 2 |
| PROBATION | | | | | | | | | | |
| Probation | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| New Probation Cases | 11 | 4 | 8 | 8 | 31 | 10 | 8 | | | 18 |
| Probation Completed | 4 | 7 | 2 | 0 | 13 | 8 | 6 | | | 14 |
| Active Cases | 108 | 106 | 104 | 100 | 100 | 104 | 108 | | | 212 |
| Probationary Licenses | 4 | 1 | 0 | 1 | 6 | 0 | 5 | | | 5 |
| All applicants pending licensure | 17 | 22 | 18 | 16 | 16 | 22 | 20 | | | 42 |
| Tolled | 6 | 7 | 6 | 8 | 8 | 8 | 8 | | | 16 |
| Petition to Revoke | 4 | 9 | 12 | 18 | 18 | 15 | 17 | | | 32 |



MEMORANDUM

| | |
|----------------|-------------------------------------|
| DATE | January 23, 2019 |
| TO | Veterinary Medical Board |
| FROM | Ethan Mathes. Operations Manager |
| SUBJECT | Licensing/Examination Report |

Applications

| Applications Received | | | | | | | | | | |
|-----------------------|---------------------|---------|---------|---------|------|---------------------|---------|---------|---------|------|
| | Fiscal Year 2017-18 | | | | | Fiscal Year 2018-19 | | | | |
| | Q1 | Q2 | Q3 | Q4 | YTD | Q1 | Q2 | Q3 | Q4 | YTD |
| | Jul-Sep | Oct-Dec | Jan-Mar | Apr-Jul | | Jul-Sep | Oct-Dec | Jan-Mar | Apr-Jul | |
| VET | 142 | 235 | 378 | 231 | 986 | 126 | 316 | | | 442 |
| UNIV | 0 | 0 | 52 | 16 | 68 | 24 | 9 | | | 33 |
| RVT | 246 | 193 | 206 | 250 | 895 | 250 | 205 | | | 455 |
| HSP | 82 | 78 | 57 | 85 | 302 | 54 | 53 | | | 107 |
| VACSP | 425 | 531 | 467 | 502 | 1925 | 426 | 421 | | | 847 |
| Total | 895 | 1037 | 1160 | 1084 | 4176 | 880 | 1004 | | | 1884 |

Examinations

| CALIFORNIA STATE BOARD EXAMINATION | | | | | |
|------------------------------------|-----------|-----------------------|-----------|-----------------|-----------|
| May – Oct. 2017 | | Nov. 2017 – Apr. 2018 | | May – Oct. 2018 | |
| Candidates | Pass Pct. | Candidates | Pass Pct. | Candidates | Pass Pct. |
| 217 | 84% | 334 | 84% | 221 | 76.1 % |

| NORTH AMERICAN VETERINARY LICENSING EXAMINATION | | | | | |
|---|-----------|----------------|-----------|----------------|-----------|
| Mar./Apr. 2017 | | Nov./Dec. 2017 | | Mar./Apr. 2018 | |
| Candidates | Pass Pct. | Candidates | Pass Pct. | Candidates | Pass Pct. |
| 87 | 68% | 412 | 85% | 97 | 60% |

| CALIFORNIA VETERINARY TECHNICIAN EXAMINATION | | | | | |
|--|-----------|------------------|-----------|------------------|-----------|
| Jul. – Dec. 2017 | | Jan. – Jun. 2018 | | Jul. – Dec. 2018 | |
| Candidates | Pass Pct. | Candidates | Pass Pct. | Candidates | Pass Pct. |
| 297 | 78% | 312 | 98% | 369 | 96.2 % |

| VETERINARY TECHNICIAN NATIONAL EXAMINATION | | | | | |
|--|-----------|----------------|-----------|----------------|-----------|
| Nov./Dec. 2017 | | Mar./Apr. 2018 | | Jul./Aug. 2018 | |
| Candidates | Pass Pct. | Candidates | Pass Pct. | Candidates | Pass Pct. |
| 363 | 53% | 262 | 67% | 267 | 68% |

Licensing

| Licensees | |
|--|---------------|
| as of December 2018 | |
| Veterinarian Licenses*/** | 14,540/12,613 |
| Veterinarian Licenses – California** | 11,796 |
| University Veterinarian */** | 75/75 |
| Veterinarian – Internship** | 30 |
| Veterinarian – Reciprocity** | 43 |
| Registered Veterinary Technician Licenses*/** | 8,871/6,896 |
| Registered Veterinary Technician Licenses – California** | 6,869 |
| Premise Permits*/** | 4,057/3,696 |
| Premise Permits – Exempt** | 158 |
| Veterinary Asst. Cont. Sub. Permit*/** | 4,863/3,989 |

**includes delinquent, inactive, and clear licensees; **clear licensees*

| Licenses Issued | | | | | | | | | | |
|-----------------|---------------------|---------|---------|---------|------|---------------------|---------|---------|---------|------|
| | Fiscal Year 2017-18 | | | | | Fiscal Year 2018-19 | | | | |
| | Q1 | Q2 | Q3 | Q4 | YTD | Q1 | Q2 | Q3 | Q4 | YTD |
| | Jul-Sep | Oct-Dec | Jan-Mar | Apr-Jul | | Jul-Sep | Oct-Dec | Jan-Mar | Apr-Jul | |
| VET | 174 | 116 | 81 | 360 | 731 | 177 | 139 | | | 316 |
| UNIV | 0 | 0 | 1 | 37 | 38 | 15 | 22 | | | 37 |
| RVT | 146 | 129 | 154 | 172 | 601 | 144 | 132 | | | 276 |
| HSP | 74 | 61 | 47 | 71 | 253 | 39 | 19 | | | 58 |
| VACSP | 415 | 475 | 303 | 400 | 1593 | 275 | 322 | | | 597 |
| Total | 809 | 781 | 586 | 1040 | 3216 | 650 | 634 | | | 1284 |

Examination Development and Workshops

Examination Development Workshops: Workshops include Item Writing, Item Review, Examination Construction, and Pass Score Setting. Staff recruits and contracts with licensees to serve as Workshop Subject Matter Experts (SME); approximately 6-8 SMEs participate in each Workshop.

For each yearly series of Workshops, the Board acquires two new examination forms for the State veterinary and veterinary technician examinations.

The following are scheduled Workshops for 2019:

| Veterinarian Examination Workshops | |
|---|--------------------------------------|
| February 21-22, 2019 | Occupational Analysis SME Interviews |
| June 27-28, 2019 | Occupational Analysis |
| | |
| May 16-17, 2019 | Exam Construction |
| June 20-21, 2019 | Exam Passing Score |
| July 17-19, 2019 | Exam Construction |
| August 8-9, 2019 | Passing Score |
| Registered Veterinary Technician Examination Workshops | |
| July 30-31, 2019 | Exam Item Writing |
| August 28-29, 2019 | Exam Item Review |
| September 18-20, 2019 | Exam Construction/Passing Score |

Veterinary Occupational Analysis: The Department's Office of Professional Examination Services (OPES) has begun the Occupational Analysis (OA) and comparison study of the veterinary profession starting with the first workshop in October 2018; the last OA of the profession was completed in December 2013. OPES will be working with the American Association of Veterinary State Boards to evaluate the North American Veterinary Law Examination materials and compare its content with the California State Board Examination. Workshops and other OPES work will continue throughout 2019 with the veterinary OA and comparison study scheduled for completion in December 2019.

Veterinary Law Examination: Senate Bill 1491 (Hill, 2018), effective January 1, 2019, has authorized the Board the ability to administer the Veterinary Law Examination (VLE) by electronic means. Board staff will work in cooperation with OPES to develop an electronic VLE and in addition make any necessary regulatory amendments to launch the new electronic VLE.

Diversion Program

The next Diversion Evaluation Committee (DEC) meeting is scheduled for February 2019.

The DEC meets every February, June, and October. There are currently two participants in the Diversion Program; recently, two participants successfully completed the program and expressed their gratitude for the assistance the program provided.

The Board's Diversion Program contract with MAXIMUS expires December 2019; in collaboration with the Department's contract and legal staff, Departmental diversion program

managers are reviewing and updating the diversion program Request for Proposal with a solicitation for a new diversion program vendor to be noticed in early-2019.

Outreach

Website: The Board's new [website](#) look and feel launched on December 20, 2018; the DCA Internet Team and staff were instrumental with the review and design using the State's newest website template that presents a cleaner, more organized look.

Additions to the new website include the addition of specific Inspection and Enforcement program sections and a "How do I Become Licensed" link. Staff will continue to review, refine, and update the website as needed including information on legislation taking effect in 2019.

Personnel

Effective January 11, 2019, and after nine years with the Board, I have taken a position at the Department of Fish and Wildlife. I am proud to have been a part of the many changes and accomplishments during my tenure at the Board. I depart knowing the Board is in great hands and many exciting things are yet to come. Thank you VMB.

Inspection Program Report - January 2019

Staffing

Much needed inspection positions have been approved by the Department of Finance to implement newly approved legislation mandating the inspection of 20% of veterinary premises on an annual basis. Recruitment efforts will begin this Spring.

Ride-alongs

Jessica and OIS staff participated in ride-alongs this month. OIS staff will be working to discover ways to streamline the method Inspectors use to complete Inspection Reports in the field. OIS will also be working with staff to explore other areas to modernize this process including the use of cloud technology.

Outreach

Staff continues to participate in local VMA chapter meetings as requests are received. Inspection FAQs have been completed and are being reviewed by legal counsel.

Inspector Evaluations

Inspector performance evaluations will not take place this fiscal year due to budget constraints.

Statistics (July 1 to December 31, 2018)

- Routine Inspections Assigned: 473
- Routine Inspection Performed: 234
- Complaint/Probation Related Inspections Performed: 29
- Complaint/Probation Related Inspections Pending: 23
- Document Review Status: reviewing compliance documents from June 2017 inspections
- Compliance Rate: approximately 45%
- Expenditures: Approximately \$121,500



MEMORANDUM

| | |
|----------------|--|
| DATE | January 23, 2019 |
| TO | Veterinary Medical Board |
| FROM | Amanda Drummond, Administrative Programs Coordinator |
| SUBJECT | Agenda Item 15.E - Veterinary Medical Board Strategic Action Plan |

Background:

The Veterinary Medical Board (Board) Strategic Action Plan for 2015-2019 was developed at the Board Strategic Planning Meeting [April 1-2, 2015](#). During the April 2015 meeting, the Board discussed and developed objectives for six strategic goal areas: 1. Enforcement, 2. Customer Service and Administration, 3. Outreach, 4. Legislation and Regulations, 5. Licensing and Examinations, and 6. Hospital Inspection Program. Prior to the Strategic Planning Meeting, Board stakeholders were given the opportunity to participate in an online survey and the results of the survey were analyzed and presented to the Board as part of the planning session.

At the [April 28-29, 2015 Board Meeting](#), the Board reviewed the Strategic Action plan for 2015-2019 and approved the plan. The Board was presented with an updated Strategic Action Plan at the [August 2018 meeting](#), but due to time constraints the Board was unable to extensively go over the updates to the Strategic Action Plan.

The 2015-2019 Strategic Action Plan has been updated since that August 2018 meeting and the updates since the August 2018 meeting are in red.

Attachments:

The Veterinary Medical Board Action Planning Session for 2015-2019, updated January 2019.



Veterinary Medical Board Action Planning Session *for 2015-2019*

Updated January 2019

Goal Areas

1. Enforcement *(5 objectives, 17 action items)*

2. Licensing, Examinations & Permitting *(5 objectives, 20 action items)*

3. Legislation & Regulations *(4 objectives, 16 action items)*

4. Customer Service & Administration *(6 objectives, 22 action items)*

5. Outreach *(4 objectives, 12 action items)*

6. Hospital Inspection Program *(5 objectives, 19 action items)*

Total Objectives: 29

Total Action Items: 106

Goal #1: Enforcement

The goal of the Board is to safeguard consumers and the health and safety of their animals by preventing of the unlicensed, illegal, incompetent and unprofessional practice of veterinary medicine.

1.1 Maximize recourse against unlicensed persons to protect animal patients.

Start: TBD

End: TBD

| Success Measure: Decrease unlicensed activity cases. | | Responsibility |
|--|---|---|
| 1.1.1 | Implement new citation and fine regulations for unlicensed practice cases. Complete – Effective Oct 2016 | Enforcement Analyst |
| 1.1.2 | | Executive Officer, Board Members, Program Analyst |
| 1.1.3 | | Enforcement Manager |
| 1.1.4 | | Executive Officer, Enforcement Manager, Program Analyst |

1.2 Expedite all disciplinary case actions through proactive management of the Division of Investigation and Attorney General services to reduce the average disciplinary case time frames.

Start: Q1 2015

End: Ongoing

| Success Measure: Decrease average disciplinary timeframes by 15%. | | Responsibility |
|---|--|---------------------|
| 1.2.1 | | Enforcement Manager |
| 1.2.2 | | Enforcement Manager |

1.3 Improve and measure the quality of subject matter expert services, reports and testimony to encourage fair resolution of all cases.

Start: Q3 2015

End: Ongoing

| Success Measure: Favorable case outcomes. | | Responsibility |
|---|--|---------------------|
| 1.3.1 | Create an expert witness report template. Complete - Disseminated to Experts. | Enforcement Manager |
| 1.3.2 | | Enforcement Manager |

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| 1.3.4 | Partner with SOLID to develop a rating system of the expert witness skill level and evaluate witnesses annually. Pending | Enforcement Manager, SOLID |

1.4 Create a Review Committee for complaints to increase objectivity of the complaint investigation process.

Start: Q2 2015

End: Ongoing

| Success Measure: Increase objectivity of the complaint investigation process. | | Responsibility |
|---|--|---|
| 1.4.1 | Implement multiple consultant reviews prior to initiating action. Complete - Existing procedures require in-house and external expert review. | Enforcement Manager and VMB Consultants |
| 1.4.2 | | Board Members, Executive Officer |
| 1.4.3 | Conduct Board MDC member audit of closed complaints. Ongoing | Board Members |

1.5 Increase and support probation monitoring and quarterly contact with probationers for compliance with disciplinary orders.

Start: Q1 2015

End: Ongoing

| Success Measure: Probationer compliance with specified terms and conditions. | | Responsibility |
|--|---|-------------------|
| 1.5.1 | Conduct in-person interviews with probationers to review disciplinary terms. Complete and ongoing - Existing procedures | Probation Monitor |
| 1.5.2 | Update all probation forms related to compliance orders, supervision/ practice monitoring, continuing education, clinical examination, etc. Complete | Probation Monitor |

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| 1.5.4 | Develop and promote web-based training for probation supervisors. In process - developing a PowerPoint to post on web | Probation Monitor |

Goal #2: Licensing, Examinations & Permitting

The goal of the Board is to make certain that only qualified individuals are issued a license to practice as veterinarians or Registered Veterinary Technicians (RVTs), and that those holding a Veterinary Assistant Controlled Substance Permit have not engaged in the unlawful consumption or sale of controlled substances.

2.1 Complete a cost-benefit analysis of the RVT exam to determine reasonable and equitable fees.

Start: Q3 2016

End: Q3 2017

| Success Measure: Justify costs of the RVT examination. | | Responsibility |
|--|--|--|
| 2.1.1 | Review all aspects of the RVT exam costs. Complete - Fee Audit Report; 07/2017 | Administrative Manager, Program Analyst, Examination Contractors |
| 2.1.2 | Determine appropriate fees and develop the appropriate course of action. Complete - Fee Schedule Regulation Package; 03/05/2018 | Administrative Manager |
| 2.1.3 | Report findings to the Board. Complete – 07/2017 | Executive Officer, Administrative Manager |

2.2 Monitor and approve the education and training offered by RVTs alternative route programs to measure quality and consistency.

Start: Q1 2015

End: Ongoing

| Success Measure: Approval of RVT alternate route programs. | | Responsibility |
|--|---|---|
| 2.2.1 | Determine and develop regulations for RVT alternate route programs. Complete | Administrative Manager, Program Analyst, Multi- Disciplinary Committee (MDC) |
| 2.2.2 | Submit proposed regulations to the Board for approval. Complete | Executive Officer, Program Analyst |

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| 2.2.4 | Implement RVT alternate route program approval. In Process – Pending Approval of Rulemaking File | Administrative Manager, Program Analyst |
| 2.2.5 | Initiate outreach to inform and educate stakeholders. Pending | Administrative Manager, Program Analyst |

2.3 Resolve faculty licensure issue to enforce the minimum standards for licensing applicable to all practice settings.

Start: Q1 2015

End: Q4 2017

| Success Measure: All practice settings require a California veterinary license. | | Responsibility |
|---|--|---|
| 2.3.1 | Continue to work with Board members and stakeholders to develop parameters of licensure. Complete | Executive Officer, MDC, Board Members |
| 2.3.2 | Examine grandfathering issues related to existing personnel at universities. Complete | Executive Officer, MDC, Board Members |
| 2.3.3 | Develop and implement legislation to remove exempt setting. Complete – 01/2017 | Executive Officer, Legal, Board Members |
| 2.3.4 | Communicate to stakeholders any changes made and implement university licensure. Complete – 02/2018 | Administrative Manager, Program Analyst |

2.4 Implement a continuing education audit program for licensees and providers in order to verify compliance.

Start: Q2 2015

End: Ongoing

| Success Measure: Conduct continuing education audits of licensees. | | Responsibility |
|--|--|---|
| 2.4.1 | Research and develop internal continuing education audit guidelines. In Process | Administrative Manager, Administrative Staff |
| 2.4.2 | Create continuing education audit process. Pending | Administrative Manager, Administrative Staff |
| 2.4.3 | Implement the continuing education audits. Pending | Administrative Manager, Administrative Staff |
| 2.4.4 | Report continuing education audits findings to the Board regularly. Pending | Administrative Manager |

2.5 Coordinate with the Department of Consumer Affairs on creating and monitoring performance measures for licensing cycle times to expedite eligibility and renewals.

Start: Q1 2015

End: Ongoing

| Success Measure: Licensing performance measures are created and implemented. | | Responsibility |
|--|---|--|
| 2.5.1 | Provide requested licensing data that documents current benchmarks to DCA and BreZE team. Complete – 09/2015 | Administrative Manager, Program Analyst |

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| 2.5.3 | Implement streamlined procedures based on established performance measures. In Process | Administrative Manager, Administrative Staff |
| 2.5.4 | Continuously monitor cycle times and report findings to the Board. Pending | Administrative Manager, Administrative Staff |

Goal #3: Legislation & Regulations

The goal of the Board is to monitor and uphold the law and participate in the regulatory and legislative processes.

3.1 Take a Board position on issuing temporary licenses for out-of-state veterinarians during disasters in order to provide adequate veterinary care.

Start: Q2 May 2015

End: Q4 October 2015

| Success Measure: Influence appropriate legislation regarding disaster recovery plans. | | Responsibility |
|---|---|---------------------------------------|
| 3.1.1 | Review other states disaster recovery plans for veterinary care. Complete | Executive Officer, Program Analyst |
| 3.1.2 | Communicate Board position to bill author and stakeholders. Complete – Effective 01/2016 | Executive Officer, Board Members |

3.2 Create statutory authority for veterinarians to compound drugs for animal medicine, within Food and Drug Administration guidelines, to enforce minimum standards.

Start: Q1 2016

End: Q1 2017

| Success Measure: Implement statutory authority. | | Responsibility |
|---|--|---|
| 3.2.1 | Draft new laws authorizing veterinarians to compound drugs within existing federal limits. Complete | Executive Officer, Legal Counsel |
| 3.2.2 | Find an author to carry legislation authorizing veterinarians to compound drugs. Complete – Effective 01/2017 | Executive Officer, Board Members |
| 3.2.3 | | Executive Officer, Board Members, Legal Counsel, Program Analyst |

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| 3.2.4 | Communicate limitations on compounding drugs and proposed laws to licensing population. Pending – Pending approval of regulatory package | Executive Officer, Board Members, Program Analyst |
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3.3 Create public and private animal shelter regulations to address minimum standards for shelter medicine.

Start: Q4 Oct 2015

End: Q4 2017

| Success Measure: Adopted minimum standards for shelter medicine. | | Responsibility |
|--|--|---|
| 3.3.1 | Hold stakeholder meetings to obtain feedback regarding minimum standards for shelter medicine. Complete | MDC, Program Analyst, Executive Officer |
| 3.3.2 | Create minimum standards specific to shelter medicine. In Process | MDC |
| 3.3.3 | Develop regulations for minimum standards for shelter medicine. In Process | Program Analyst, Executive Officer |
| 3.3.4 | Submit proposed regulations to the Board for approval. Pending | Executive Officer, Program Analyst |
| 3.3.5 | Finalize rulemaking. Pending | Program Analyst |

3.4 Develop regulation language for large animal practice to establish minimum standards.

Start: Q4 Oct 2015

End: Q4 2017

| Success Measure: Adopted minimum standards for large animal practice. | | Responsibility |
|---|---|---|
| 3.4.1 | Hold stakeholder meetings to obtain feedback regarding minimum standards for large animal practice. Complete | MDC, Program Analyst, Executive Officer |
| 3.4.2 | Create minimum standards specific to large animal practice. Complete – 02/2018 | MDC |

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|-------|---|---------------------------------------|
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| 3.4.4 | Submit proposed regulations to Board for approval. Complete – Board approved language at 11/2018 meeting | Executive Officer, Program Analyst |
| 3.4.5 | Finalize rulemaking. In Process – Pending development of regulatory file | Program Analyst |

Goal 4: Customer Service & Administration

The goal of the Board is to confirm that consumers, licensees, schools and all other stakeholders receive service in a prompt, courteous, accurate and cost-effective manner.

4.1 Review and refine desk manuals and new employee orientation to reduce staff onboarding time.

Start: Q1 2015

End: Ongoing

| Success Measure: Implement new employee orientation and updated desk manuals . | | Responsibility |
|--|---|-------------------------|
| 4.1.1 | Review existing desk manuals and identify areas needing improvement. Complete and In Process | Program Managers, Staff |
| 4.1.2 | Update desk manuals (including lessons learned from BreEZe OCM). Complete and In Process | Program Managers, Staff |
| 4.1.3 | Develop training and related materials for new employee orientation. Complete | Program Managers, Staff |
| 4.1.4 | Conduct training within two weeks of new employee's start date. Complete | Program Managers |

4.2 Update frequently asked questions (FAQs) on the Web site to address consumer and licensee questions in order to improve customer service.

Start: Q3 2015

End: Ongoing

| Success Measure: A reduced number of phone calls the Board receives. | | Responsibility |
|--|---|----------------------------|
| 4.2.1 | Review existing FAQ's and obtain feedback from VMB staff regarding consumer and licensee questions. Completed – 09/2018 | Program Analyst, All Staff |
| 4.2.2 | Update FAQ's on Web site. In process – Website updated 12/20/18, updating FAQs following website update | Program Analyst |
| 4.2.3 | Communicate via social media when there are new changes to the FAQ's. In process – Pending final updates to FAQs | Program Analyst |

| | | |
|--|---|-----------------|
| | Continuously review and update FAQ's to ensure the information is current. Ongoing | Program Analyst |
|--|---|-----------------|

4.3 Streamline the email inquiry submission processes to improve timeliness and efficiency.

Start: Q1 2016 End: Ongoing

| Success Measure: Reduce response times and improve accuracy of email responses. | | Responsibility |
|---|--|-----------------|
| 4.3.1 | Develop a Web site drop down menu for questions. Complete – 01/2018 | Program Analyst |
| 4.3.2 | | Program Analyst |
| 4.3.3 | Communicate to stakeholders regarding the new interface. Complete | Program Analyst |
| 4.3.4 | Continuously update the Web site to ensure information is current. In Process – Ongoing; website was completely updated 12/20/18. | Program Analyst |

4.4 Implement online applications and renewals to improve licensing processing time frames.

Start: Q1 2015 End: Q1 2016

| Success Measure: A seamless transition to BreEZe. | | Responsibility |
|---|---|--|
| 4.4.1 | Work with Organizational Change Management Team (OCM) and BreEZe staff on transition readiness. Complete | Administrative Manager, Executive Officer |
| 4.4.2 | Participate in BreEZe system design and User Acceptance Testing (UAT). Complete | Staff SMEs |
| 4.4.3 | Conduct staff training in BreEZe utilization. Complete | All Staff |

4.5 Implement a consumer satisfaction survey to measure the Board’s effectiveness.

Start: Q1 2015

End: Q3 2015 and Then Ongoing

| Success Measure: Create a performance satisfaction survey. | | Responsibility |
|--|---|-----------------|
| 4.5.1 | Collaborate with SOLID to create a survey instrument. Complete | Program Analyst |
| 4.5.2 | Approve and implement the survey instrument. Complete | Program Manager |
| 4.5.3 | Gather, analyze and report the survey results to the Board. Complete – 10/2017 | Program Manager |

4.6 Complete, deliver and testify to the 2015-2016 supplemental sunset review report.

Start: Q1 2015

End: Q2 2016

| Success Measure: Timely submission of 2015 2016 sunset review report. | | Responsibility |
|---|---|--|
| 4.6.1 | Gather data to respond to supplemental Sunset Review report questions. Complete | Program Managers, Executive Officer |
| 4.6.2 | Draft a supplemental Sunset Review report. Complete | Executive Officer, Board Members, Program Managers |
| 4.6.3 | Present the supplemental report to the Board and obtain approval. Complete | Executive Officer |
| 4.6.4 | Submit the supplemental Sunset Review report to the legislature and testify to the information therein. Complete | Executive Officer |

Goal #5: Outreach

The goal of the Board is to educate consumers and licensees so that they are able to make informed decisions regarding the purchase and provision of veterinary medical services.

5.1 Encourage submission of email addresses for all licensees for efficient and timely communication.

Start: Q1 2016

End: Ongoing

| Success Measure: Comprehensive compilation of email addresses. | | Responsibility |
|--|---|------------------------|
| 5.1.1 | Provide a means by which licensees can provide information. Complete – 01/2016 | Administrative Manager |
| 5.1.2 | Communicate to licensees the value of providing email addresses. Ongoing | Program Analyst |

5.2 Develop and circulate newsletter (at least twice per year) to provide updates on regulatory matters and topics of interest.

Start: Q3 2015

End: Ongoing

| Success Measure: Publish newsletter two times per year. | | Responsibility |
|---|---|---------------------------|
| 5.2.1 | Identify and gather newsworthy information including original and recurring content. In Process – Update via social media and website | All staff, Board Members |
| 5.2.2 | Work with DCA legal and PDE to publish the newsletter. In Process | Program Analyst, DCA, PDE |
| 5.2.3 | Disseminate the newsletter via mail, email, social media and VMB and DCA websites. In Process - Updates are sent via social media as well as website postings. | Program Analyst |

5.3 Provide outreach presentations to local associations, consumer groups and schools to inform and educate stakeholders.

Start: Q1 2015

End: Q1 2016, Ongoing

| Success Measure: Increase outreach presentations statewide. | | Responsibility |
|---|--|---|
| 5.3.1 | | Executive Officer, Program Manager, Program Analyst |
| 5.3.2 | Identify stakeholder groups. Complete - CVMA/VMAs | Executive Officer |
| 5.3.3 | Create and develop presentations. Complete and Ongoing | Executive Officer, Program Manager, Program Analyst |
| 5.3.4 | Deliver and conduct presentations. Complete and Ongoing | Executive Officer, Program Manager, Program Analyst |

5.4 Strengthen social media outlets and information posted on Web site to provide convenient, timely and accessible information.

Start: Q1 2015

End: Q4 2015, Ongoing

| Success Measure: Increased number of followers, positive feedback from stakeholders and up to date information. | | Responsibility |
|---|---|---|
| 5.4.1 | Identify current and relevant topics. Complete and Ongoing | Executive Officer, Board Members, Program Manager, Program Analyst |

| | | |
|-------|--|-----------------|
| | | |
| 5.4.3 | Partner with veterinary organizations to boost social media presence and increase awareness. Complete and Ongoing | Program Analyst |

Goal #6 Hospital Inspection Program

The goal of the Board is to proactively educate veterinarians regarding the minimum standards requirements as provided by the California Veterinary Medicine Practice Act.

6.1 Improve Board member post-inspection feedback to address training issues relevant to hospital inspection processes.

Start: Q1 2015

End: Q3 2015, Ongoing

| Success Measure: Board members are provided regular feedback regarding post inspection feedback. | | Responsibility |
|--|---|--|
| 6.1.1 | Review current post-inspection survey and update as necessary. Complete | Inspection Manager |
| 6.1.2 | Gather and analyze data from completed surveys received. Complete and ongoing | Inspection Manager |
| 6.1.3 | | Inspection Manager |
| 6.1.4 | Report findings to the Board on a regular basis. Ongoing – Standing Board Report | Executive Officer |
| 6.1.5 | Provide additional training as needed. Ongoing | VMB Consultants, Inspection Manager |

6.2 Inspect new hospitals within one year of registration to validate that compliance is achieved.

Start: Q3 2016

End: Q3 2017 and Ongoing

| Success Measure: All newly registered hospitals are inspected within one year of being issued a premise permit. | | Responsibility |
|---|---|--------------------|
| 6.2.1 | Increase the number of hospital inspectors. Complete | Inspection Manager |

| | | |
|-------|---|--------------------|
| | | |
| 6.2.3 | Create assessment criteria for compliance of minimum standards at newly registered hospitals. Complete | Inspection Manager |

6.3 Increase number of training sessions of hospital inspectors to twice a year to encourage ongoing consistency and timely application of minimum standards.

Start: Q3 2015

End: Q4 2016 and Ongoing

| Success Measure: Consistent application of enforcement of all minimum standards. | | Responsibility |
|--|---|--------------------|
| 6.3.1 | Identify areas of complexity that require additional training. Complete – Drug Security, Marijuana, Surgery Suite Minimum Standards, Drugs and Biologics, etc. | Inspection Manager |
| 6.3.2 | Partner with other regulatory agencies to provide additional training in areas identified in 6.3.1. Complete – DEA/DOJ/Depart Public Health/ Radiologic Health Branch/Pharmacy Board | Inspection Manager |
| 6.3.3 | Create a training assessment for inspectors. Complete and ongoing | Inspection Manager |

6.4 Develop and publicize workshops and other educational tools to educate stakeholders on minimum standards.

Start: Q2 2016

End: Q4 2016 and Ongoing

| Success Measure: Conduct minimum standards presentations statewide. | | Responsibility |
|---|---|--|
| 6.4.1 | Define minimum standards topics for outreach presentations. Complete – Controlled Substances, Drug Storage, Medical Records, Surgery Suite Standards, VACSP, Marijuana for Pets, Drugs and Biologics | Executive Officer, Inspection Manager |

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|-------|--|--|
| | | |
| 6.4.3 | Create and develop presentations. Complete and Ongoing | Executive Officer, Inspection Manager |
| 6.4.4 | Deliver and conduct presentations. Complete and Ongoing | Executive Officer, Inspection Manager |

6.5 Distribute hospital inspection checklist with initial premise permits and encourage self-evaluation on minimum standards.

Start: Q1 2016

End: Ongoing

| Success Measure: All initial premise permit holders will receive hospital inspection checklist. | | Responsibility |
|---|---|--|
| 6.5.1 | Reproduce the hospital inspection checklist (at least 1,000/year). Complete | Inspection Manager |
| 6.5.2 | Distribute hospital inspection checklists with initial premise permits. Complete and Ongoing | Licensing Staff, Inspection Manager |
| 6.5.3 | Distribute hospital inspection checklists to hospitals at time of inspection. Complete and Ongoing | Inspectors |
| 6.5.4 | Utilize social media to encourage self-evaluation of minimum standards. Complete – posted to social media on 01/04/2019 | Program Analyst |