

Department of Consumer Affairs  
**Veterinary Medical Board**



**Board Meeting**

Embassy Suites Anaheim  
400 N. State College Blvd.  
Orange, CA

**Tuesday, October 21, 2014**  
2:30 p.m.

**Wednesday, October 22, 2014**  
9:00 a.m. – 4:00 p.m.

**Board Members**

Tom Kendall, DVM, President  
Jennifer Loreda, RVT  
Mark Nunez, DVM  
Richard Sullivan, DVM  
Cheryl Waterhouse, DVM  
Kathy Bowler, Public Member  
Elsa Florez, Public Member  
Judie Mancuso, Public Member

**Executive Officer**

Annemarie Del Mugnaio

**Veterinary Medical Board**

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

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



**MEETING AGENDA**  
Veterinary Medical Board  
Embassy Suites Anaheim  
400 N. State College Boulevard  
Orange, California

**Tuesday, October 21, 2014 – 9:00 a.m. - 5:00 p.m.**  
**Wednesday, October 22, 2014 – 9:00 a.m. - 4:00 p.m.**

**9:00 a.m. Tuesday, October 21, 2014**

- I. Call to Order - Establishment of a Quorum
- II. Introductions
- III. Ceremonial Swearing In of New Veterinary Medical Board Members
- IV. Approval of July 22-23, 2014 Meeting Minutes
- V. Executive Officer & Staff Reports
  - A. Administrative/Budget
  - B. Enforcement
  - C. Licensing/Examination
  - D. Department of Consumer Affairs BreZE Update- Awet Kidane, Director, Department of Consumer Affairs
- VI. Board Chair Report - Dr. Tom Kendall
  - A. American Association of Veterinary State Boards Update
- VII. Discuss Need for Regulations Regarding Anesthesia-Free Dental Cleaning (BPC Section 4826(d))
  - A. AAVSB Panel Discussion – September 12, 2014
- VIII. Overview and Discussion Regarding the Board's Diversion Program – James L. Weisenberg, Diversion Evaluation Committee Chair
- IX. Proposed Regulations
  - A. Status of Pending Regulations
  - B. Review and Possible Approval of Uniform Standards for Substance Abusing Licensees/Disciplinary Guidelines (BPC Sections 315-315.4)
  - C. Review and Possible Approval of Consumer Protection Enforcement Initiative (CPEI)
- X. 2014 Legislation Report
  - A. AB 1437 – Mullin – Medically Important Antimicrobials: Nontherapeutic Use
  - B. SB 835 – Hill – Food Producing Animals: Medically Important Antimicrobial Drugs.
  - C. AB 1810 – Maienschein – Deposits for Keeping: Abandoned Animals
  - D. AB 1809 – Maienschein – Dogs: Health Certificates
  - E. AB 2058 – Wilk – Open Meetings
  - F. SB 1243 – Lieu – Sunset Extension Bill
  - G. SB 1323 – Lieu – Specialized license plates: Pet Lover's License Plate Program
  - H. AB 1758 – Patterson – Proration of Initial License Fees
  - I. AB 186 – Maienschein – Military spouses: temporary licenses

- XI. Discuss Board Approval Process for California Veterinary Technician Schools
  - A. California University of Management and Sciences
- XII. Discuss Continuing Education Programs Approval Proposal
- XIII. Multidisciplinary Advisory Committee Report – Dr. William Grant
- XIV. Comments from Public/Outside Agencies/Associations
  - Note: The board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code Sections 11125, 11125.7(a)).
- XV. Recess

**9:00 a.m. Wednesday, October 22, 2014**

- XVI. Call to Order - Establishment of a Quorum
- XVII. Introductions
- XVIII. Election of Officers
- XIX. Update on Exempt Appointee Salary Increase

**CLOSED SESSION**

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

**OPEN SESSION**

- XXI. Agenda Items and Next Meeting Dates – January 20-21, 2015; April 21-22, 2015; July 21-22, 2015; October 20-21, 2015
  - A. Agenda Items for Next Meeting
  - B. Multidisciplinary Advisory Committee Meetings 2015
- XXII. Adjourn

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

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

**MISSION**

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



Board Meeting Minutes - Draft  
Veterinary Medical Board  
July 22-23, 2014

Tuesday, July 22, 2014

I. Call to Order

Tom Kendall, DVM called the Board meeting to order at 9:05 a.m. Annemarie Del Muganio, Executive Officer (EO) called roll; six members of the Board were present and thus a quorum was established.

Board Members Present

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

Staff Present

Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board  
Rebecca Bon, Legal Counsel  
Diann Sokoloff, SDAG, Board Liaison  
Ethan Mathes, Administrative Program Coordinator  
Candace Raney, Enforcement Program Coordinator  
Karen Robison, Administrative Analyst  
Patty Rodriguez, Enforcement Analyst  
Lou Galiano, DCA Web Cast

Guests Present

Al Aldrete, DVM, VASE  
Oscar Chavez, B Vet Med  
Nancy Ehrlich, California Registered Veterinary Technician Association  
Val Fenstermaker, Executive Director, California Veterinary Medical Association  
Corrinne Fishman  
Wendy Hand  
Alec Henderson, RVT, VASE  
David Johnson, RVT,  
Grant Miller, DVM, California Veterinary Medical Association  
Marshall Scott, DVM, California Veterinary Medical Association  
Kristi Pawlowski, California Veterinary Medical Association  
Carol Schumacher, RVT  
Dan Segna, DVM, California Veterinary Medical Association

II. Introductions

III. Approval of April 23-24, 2014 Meeting Minutes

- **Motioned and Ms. Judie Mancuso seconded the motion to approve the April 2014 Board meeting minutes with corrections. The motion carried 6-0**

#### IV. Executive Officer & Staff Reports

Ms Del Mugnaio informed the Board that Paul Sanchez and Sandra Monterrubio received promotions in other departments within the Department of Consumer Affairs. She went on to introduce Ethan Mathes as the Staff Services Manager I (SSMI) over the Admin/Licensing/Exam units, Candace Raney as the SSMI over the Enforcement Unit and Patty Rodriguez as the Hospital Inspection coordinator.

Ms. Del Mugnaio informed the Board that she and staff are is recruiting to hire ten to twelve new hospital inspectors. Hospital inspector training is tentatively set for September 2014.

Ms. Del Mugnaio, Rebecca Bon, and Agency have worked with the California Horse Racing Board (CHRB) on the proposed rule regarding Bleeder Medication. Recommended changes have been communicated to the CHRB ad to date the Board has not received any follow up.

The Board, in an effort to gain information of the veterinary assistant population, has a survey up on its website and mailed postcards to managing licensees of registered premises. It was brought up that the survey may be construed as entrapment not data gathering. Dr Richard Sullivan noted we cannot spend a year attempting to gather information; we need to move forward now.

##### A. Administrative/Budget

Mr. Mathes gave an update on BreEZe. He informed the Board that BreEZe can do everything that the current systems can do and more. The Board is dedicating staff toward the project and the release is tentatively set for early 2015.

##### B. Enforcement/Licensing/Examination

- i. RVT Alternate Route/Ad Hoc Application Survey Results – Informational Only

#### V. Board Chair Report - Dr. Tom Kendall

##### A. Petition for Sponsorship of California Veterinary Technician Week- Request of the California Registered Veterinary Technicians Association

- **Dr. Richard Sullivan motioned and Kim Williams, RVT seconded the motion to write a letter of support. The motion carried 5-0**

##### B. American Association of Veterinary State Boards Update

Dr. Kendall gave an update on some of the items the American Association of Veterinary State Boards (AAVSB) will have on its September 2014 meeting agenda. The Board of Directors will be developing standards where alternative medicine will be deemed acceptable through the Registry of Approved Continuing Education (RACE). In addition, tracking of CE for association members will be available soon. A televised discussion on anesthesia free dental will be held on September 12, 2014.

#### VI. Diversion Program Overview

Virginia Matthews gave the overview on the Maximus diversion program. Maximus is working on outreach efforts out to veterinarians, registered veterinary technicians (RVT's), and veterinary assistants (VA's) to participate in their program. The program is rigorous and voluntary which accounts for the low participant rate. Participation in the Maximus program may be included in a stipulated settlement before the Board. Personnel from Maximus will be available to attend the Board meeting in October 2014.

## VII. Candidate Interviews and Appointments to Board Committees

The candidates introduced themselves and stated their interest in serving as a member of the Multidisciplinary Advisory Committee (MDC) or the Diversion Evaluation Committee (DEC). The Board interviewed the candidates to ascertain their qualifications.

### A. Multidisciplinary Advisory Committee

- **The Board voted 6-0 to reappoint David Johnson, RVT to the RVT position on the MDC.**
- **The Board voted 5-1 to appoint Dr. Jeff Pollard to the veterinarian position on the MDC.**

### B. Diversion Evaluation Committee

- **The Board voted 6-0 to appoint Dr. Lane Johnson as the newest member of the DEC.**
- **The Board voted 5-1 to reappoint Dr. Mark Hohne, Carol Kimbrough, RVT, and Jodi Van Tine to the DEC.**

## VIII. Proposed Regulations

### A. Status of Pending Regulations

Ms Del Mugnaio gave a general overview to the status of the actions listed in the proposed regulatory schedule.

### B. Review and Possible Approval of Uniform Standards for Substance Abusing Licensees/Disciplinary Guidelines (BPC Code Sections 315-315.4)

The Board approved the language at the last meeting. The Board discussed inviting Maximus and the Diversion Evaluation Committee to the next Board meeting in order to gain a better understanding of the Diversion Program and how the program intersects with the uniform standards.

### C. Review and Possible Approval of Animal Control Officer Training (Senate Bill 1162- 1/1/2013)

The Board discussed the proposed language and thanked everyone who worked on drafting the guidelines.

- **Ms. Judie Mancuso motioned and Dr. Richard Sullivan seconded the motion to approve the proposed language with amendments and direct staff to move forward with rule making action. The motion carried 6-0**

### D. Review and Possible Approval of Consumer Protection Enforcement Initiative (CPEI)

The Board discussed the recommendations of the Enforcement Committee regarding the CPEI proposal.

720.2(b) – Adopt language to give the EO the authority to adopt stipulated settlements if the licensee agrees to surrender their license without requiring the Board to vote to adopt the settlement.

- **Ms. Judie Mancuso motioned and Dr. Cheryl Waterhouse seconded the motion to give the EO the authority to adopt stipulated surrenders.**
- **Dr. Richard Sullivan motioned and Ms. Judie Mancuso seconded the motion to eliminate default settlements from this proposal. The motion carried 6-0**

720.10 – The Enforcement Committee did not give a recommendation for Revocation for sexual misconduct.

- **Dr. Richard Sullivan motioned and Dr. Mark Nunez seconded the motion to remove the item. The motion carried 6-0**

720.12 – The Enforcement Committee did not give a recommendation for Denial of application for registered sex offender.

- **Dr. Richard Sullivan motioned and Dr. Mark Nunez seconded the motion to remove this item. The motion carried 6-0**

712.14 – Issue already covered; the Enforcement Committee recommended not to implement Confidentiality agreements regarding settlements.

- **Ms. Judie Mancuso motioned and Dr. Richard Sullivan seconded the motion to not implement. The motion carried 6-0**

720.16 – The Enforcement Committee recommended implementing specific provisions of CPEI proposed language; Failure to provide documents and Failure to comply with court order language.

- **Dr. Richard Sullivan motioned and Ms. Judie Mancuso seconded the motion to write regulations for item numbers 3, 4, and 5. The motion carried 6-0**

720.32 – The Enforcement Committee did not give a recommendation for

In the ensuing discussion Ms. Bon noted applicants are not under the jurisdiction of the Board. However Ms. Del Mugnaio noted Business and Professions Code (B&P) section 820 captures licensees.

- **Dr. Richard Sullivan motioned and Dr. Cheryl Waterhouse seconded the motion to remove this item. Motion withdrawn**
- **Dr. Richard Sullivan motioned and Dr. Mark Nunez seconded the motion to direct staff to work on language and bring before the Board for review. The motion carried 6-0**

726(a) & (b) – The Enforcement Committee did not give a recommendation for Sexual misconduct.

- **Dr. Cheryl Waterhouse motioned and Ms. Judie Mancuso seconded the motion to remove this item. The motion carried 6-0**

737 – The Enforcement Committee did not give a recommendation. Failure to provide information or cooperate in an investigation is already mandated through B&P section 4856.

- **Dr. Cheryl Waterhouse motioned and Ms. Judie Mancuso seconded the motion to remove this item. The motion carried 6-0**

802.1 – The Enforcement Committee recommended to adopt language implementing Failure to report an arrest, conviction, etc.

- **Dr. Mark Nunez motioned and Ms. Judie Mancuso seconded the motion to remove this item as it is already required. The motion carried 6-0**

- E. Review and Possible Approval of Telehealth Language (CCR 2032.1 (e)) - Rebecca Bon, Legal Counsel

The Board discussed the proposed telemedicine language that MDC members Drs. Jon Klingborg and Richard Sullivan developed.

- **Dr. Richard Sullivan motioned and Dr. Cheryl Waterhouse seconded the motion to direct staff to notice the proposed regulatory amendment. The motioned carried 5-1 with Ms Judie Mancuso voting nay.**

IX. 2014 Legislation

- A. AB 1437 – Mullin – Medically Important Antimicrobials: Nontherapeutic Use
- B. SB 835 – Hill – Food Producing Animals: Medically Important Antimicrobial Drugs.
- C. AB 1810 – Maienschein – Deposits for Keeping: Abandoned Animals
- D. AB 1809 – Maienschein – Dogs: Health Certificates
- E. AB 2058 – Wilk – Open Meetings
- F. SB 1243 – Lieu – Sunset Extension Bill
- G. SB 1323 – Lieu – Specialized license plates: Pet Lover’s License Plate Program
- H. AB 1758 – Patterson – Proration of Initial License Fees

The Board is continuing to watch the following bills: AB 1437, SB 835, AB 1809, and AB 2058.

AB 1810 was signed by the Governor.

SB 1243 – The Sunset Bill includes clean-up provisions.

SB 1323 - The Board voted to direct Ms. Del Mugnaio to write a letter of support.

AB 1728 – The Board will watch this bill.

X. Comments from Public/Outside Agencies/Associations

Eric Mills with Action for Animals spoke about the rodeo injury report requirement and expressed concern with the amount of rodeos held each year where few reports are submitted..

Carol Schumacher requested the Board to add the alternate route program to the next Board meeting agenda.

XI. Recess at 5:20 p.m.

Wednesday, July 23, 2014

XII. Call to Order

Tom Kendall, DVM called the Board meeting to order at 9:05 a.m. Annemarie Del Mugnaio, Executive Officer (EO) called roll; six members of the Board were present and thus a quorum was established.

Board Members Present

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



### Staff Present

Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board  
Rebecca Bon, Legal Counsel  
Ethan Mathes, Administrative Program Coordinator  
Candace Raney, Enforcement Program Coordinator  
Karen Robison, Administrative Analyst  
Lou Galiano, DCA Web Cast

### Guests Present

Nancy Ehrlich, California Registered Veterinary Technician Association  
Grant Miller, California Veterinary Medical Association  
Marshall Scott, California Veterinary Medical Association

## XIII. Introductions

## XIV. Discuss Statutory Language (Business and Professions Code Section 4853) Regarding Premise Permit Registration and Associated Facilities

Ms. Del Mugnaio gave an overview of the premise permit registration requirements and the issues that have surfaced with the implementation of the new minimum standards. A clear definition of mobile and ambulatory practices may be necessary.

### A. Types of Premises Inspected by the Board

The Board currently inspects fixed, mobile/ambulatory, house call, and vaccination clinics. The Board is working on updating the inspection forms to be specific to the type of practice being inspected.

### B. New Minimum Standards Applied to Specific Premise Types

The MDC will be working on this in conjunction with the minimum standards update.

## **CLOSED SESSION**

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

AV 2014 29

Motion to Adopt Stipulated Settlement - Adopted

AV 2013 34

Motion to Adopt Stipulated Settlement - Adopted

AV 2013 33

Motion to Adopt Proposed Decision - Adopted

IV 2013 6

Motion to Adopt Stipulated Settlement - Adopted

AA 2012 15

Motion to Adopt Proposed Decision - Adopted

AV 2011 53

Motion to Adopt Stipulated Settlement - Adopted

XVI. The Board will also discuss in closed session (pursuant to Government Code Section 11126(a)(1)) to conduct the performance appraisal for the Executive Officer

**OPEN SESSION**

XVII. Agenda Items and Next Meeting Dates

- A. Agenda Items for Next Meeting
- B. Board Meeting Dates - October 21-22, 2014 – Orange County/2015 Meeting Calendar
- C. Multidisciplinary Advisory Committee Meetings 2015

XVIII. The meeting adjourned at 4:00 p.m.



## **Executive Officer's Report**

**Prepared by Annemarie Del Mugnaio**

**October 2014**

### **Staffing**

The Board is in full recruitment mode!

#### Enforcement Program

We have hired a new Associate Governmental Program Analyst (AGPA) in the Formal Discipline Unit, Christy Bell, who is working with the AGO and handling disciplinary cases for the Board.

VMB is currently recruiting for:

- One additional AGPA to work in the formal Discipline Unit
- 3.5 additional Staff Services Analysts (SSA) to handle complaints and investigations
- One Office Technician to assist with complaint intake and tracking of all enforcement cases

#### Administrative/Licensing Program

Jacqueline French, Staff Services Analyst recently joined the Board as of 10/7 and will be providing support in the area of purchasing, contracts, record retention, and other related administrative functions.

VMB is currently recruiting for:

- One AGPA to provide regulation/legislation support and website maintenance
- One SSSA to begin development of the Veterinary Assistant Controlled Substances Permit Licensing Process
- 3 Program Technicians to assist with licensing and continuing education review

#### Hospital Inspection Program

Kellie Flores, Office Technician will begin her employment with the Board on 10/15 and will provide support to the Hospital Inspection Program in term of tracking routine and complaint related inspections and managing the inspector's contracts and payments.

- VMB is currently recruiting for: One SSA to assist with reviewing compliance documentation and issuing preliminary findings.

### **Expert Witnesses Training for Disciplinary Case Review**

The Board is providing Expert Witness Training on November 6, 2014 in Oakland at the Office of the Attorney General. Diann Sokoloff, Board DAG Liaison will be providing the training to approximately 12 experts.

### **Inspection Program**

The Board has contracted with twelve new Hospital Inspectors located throughout the state in an effort to inspect a minimum of 500 registered veterinary premises this fiscal year. The Inspection Team now includes a veterinarian who specializes in avian and exotics, a former Area Director for VCA Hospitals, an equine specialist and a former Associate Dean of External Relations for Clinical Rotations for Western University. Staff completed an extensive Inspection Training Workshop September 3-5, 2014, and the feedback regarding the training was overwhelmingly positive. We are scheduling an interactive training with DEA staff to address the more common deficiencies Inspectors encounter while in the field. We will also be asking DEA to address new reporting requirements for Schedule IV drugs recently added.

The Inspectors have all received their assignments are conducting inspections every week. Complaint and probation-related inspection numbers are increasing; there are 25 complaint and probation-related inspections pending. Once the new Inspectors have completed several inspections and are comfortable with the inspection process, they will be assigned their respective complaint-related assignments.

**Publications/Outreach:**

*Social Media for the VMB!* We currently have both a Facebook Page and Twitter Account! The account is being managed by VMB staff with assistance of the DCA's Public Affairs Unit. Check us out on both Facebook and Twitter! Also, we welcome your input on relevant postings; discussion topics, videos, articles, etc.

<https://www.facebook.com/pages/California-Veterinary-Medical-Board/1452060421747924>

<https://twitter.com/DCAnews/status/502526208882384896>

**Updates on VMB Topics of Interest:**

*California Horse Racing Board – Proposed Rule on Bleeder Medication.* Rebecca Bon and I are continuing our work with the CHRB on technical changes to the proposed rule for the administration of Lasix. The CHRB submitted an amended draft of the *Bleeder Medication Proposed Rule* to the CHRB oversight agency, the California Business, Consumer Services and Housing Agency (BCSH) early September 2014 for review and consultation by BCSH Legal Counsel. A telephonic meeting was held on October 15, 2014 with BCSH Counsel, Rebecca Bon, and me to discuss the outstanding issues with the proposal rule. A short update of the issues will be provided at the Board meeting during the Executive Officer Report.

*CARES Conference March 18-20, 2015.* The Board has learned that Banfield Hospital is no longer partnering with Western University to provide the CARES Conference. As such, the VMB may be asked to take a more significant role in putting on the conference. In the past, the Executive Officer and perhaps one staff person would travel to Western to present information regarding licensing laws and professional ethics. However, since statutory and regulatory provisions BPC 4848 & CCR 2021.3 require the offering of the coursework for the purposes of reciprocity, it may become incumbent upon the Board to assist with the administration of the conference in the future.

**VETERINARY MEDICAL BOARD - 0777**  
**BUDGET REPORT**  
**FY 2014-15 EXPENDITURE PROJECTION**  
**Aug-2014**

OBJECT DESCRIPTION	FY 2013-14		FY 2014-15				
	ACTUAL	PRIOR YEAR	BUDGET	CURRENT YEAR	PERCENT	PROJECTIONS	UNENCUMBERED
	EXPENDITURES	EXPENDITURES	STONE	EXPENDITURES	SPENT	TO YEAR END	BALANCE
	(MONTH 13)	8/31/2013	2013-14	8/31/2014			
<b>PERSONNEL SERVICES</b>							
Salary & Wages (Staff)	513,801	84,586	1,088,614	74,930	7%	958,593	130,021
Statutory Exempt (EO)	84,989	14,030	81,732	14,310	18%	84,460	(2,728)
Temp Help Reg (Seasonals)	57,280	4,540	33,000	5,753		34,518	(1,518)
BL 12-03 Blanket							0
Temp Help (Exam Proctors)							0
Board Member Per Diem	8,900		14,108		0%	9,000	5,108
Committee Members (DEC)	2,200		10,400		0%	2,000	8,400
Overtime	9,928			4,570		25,000	(25,000)
Staff Benefits	321,376	48,697	592,223	55,577	9%	423,462	168,761
<b>TOTALS, PERSONNEL SVC</b>	<b>998,474</b>	<b>151,853</b>	<b>1,820,077</b>	<b>155,140</b>	<b>9%</b>	<b>1,537,033</b>	<b>283,044</b>
<b>OPERATING EXPENSE AND EQUIPMENT</b>							
General Expense	29,150	128	30,757	1,324	4%	30,000	757
Fingerprint Reports	196		6,259	118	2%	500	5,759
Minor Equipment	8,810		22,000	21,018	96%	22,000	0
Printing	17,468	3,327	19,566	3,217	16%	19,566	0
Communication	9,697	42	20,909	394	2%	10,000	10,909
Postage	34,097	7,052	28,149	4,818	17%	32,000	(3,851)
Insurance			0				0
Travel In State	39,612	2,030	148,423	4,023	3%	45,000	103,423
Travel, Out-of-State			0				0
Training	430		20,297		0%	1,000	19,297
Facilities Operations	107,516	86,722	102,456	107,635	105%	112,000	(9,544)
Utilities			0				0
C & P Services - Interdept.	116,000		0	109,000		109,000	(109,000)
C & P Services - External	37,117	33,468	109,889	44,352	40%	44,352	65,537
<b>DEPARTMENTAL SERVICES:</b>							
Departmental Pro Rata	199,220	55,342	295,085	73,771	25%	295,085	0
Admin/Exec	130,412	32,247	140,769	35,192	25%	140,769	0
Interagency Services			49,915		0%	0	49,915
IA w/ OER	17,406		0	40,573		40,573	(40,573)
DOI-ProRata Internal	4,170	1,034	4,406	1,102	25%	4,406	0
Public Affairs Office	4,819	1,454	4,300	1,075	25%	4,300	0
CCED	4,759	1,237	4,701	1,175	25%	4,701	0
<b>INTERAGENCY SERVICES:</b>							
Consolidated Data Center	1,070	49	10,535	196	2%	2,500	8,035
DP Maintenance & Supply			4,647	92	2%	750	3,897
Central Admin Svc-ProRata	110,291	27,573	141,779	35,445	25%	141,779	0
<b>EXAM EXPENSES:</b>							
Exam Supplies			557				557
Exam Freight			0				0
Exam Site Rental			5,399				5,399
C/P Svcs-External Expert Administrative	46,420	46,420	0	51,652		51,652	(51,652)
C/P Svcs-External Expert Examiners			30,699				30,699
C/P Svcs-External Subject Matter	16,694		0	12,007		15,000	(15,000)
<b>ENFORCEMENT:</b>							
Attorney General	451,008	37,703	460,176	52,928	12%	460,176	0
Office Admin. Hearings	77,225		59,253		0%	59,253	0
Court Reporters	3,885		0			4,000	(4,000)
Evidence/Witness Fees	176,881	18,876	163,297	8,350	5%	163,297	0
DOI - Investigations	360,240	88,365	622,120	155,530	25%	622,120	0
Major Equipment			66,000			66,000	0
Special Items of Expense			0				0
Other (Vehicle Operations)	24		2,580			750	1,830
<b>TOTALS, OE&amp;E</b>	<b>2,004,617</b>	<b>443,069</b>	<b>2,574,923</b>	<b>764,987</b>	<b>30%</b>	<b>2,502,529</b>	<b>72,394</b>
<b>TOTAL EXPENSE</b>	<b>3,003,091</b>	<b>594,922</b>	<b>4,395,000</b>	<b>920,127</b>	<b>38%</b>	<b>4,039,562</b>	<b>355,438</b>
Sched. Reimb. - External/Private	(3,575)	(490)					0
Sched. Reimb. - Fingerprints			(11,000)		0%	(11,000)	0
Sched. Reimb. - Other			(15,000)			(15,000)	0
Unsched. Reimb. - Other	(142,931)	(10,747)		(21,066)			0
<b>NET APPROPRIATION</b>	<b>2,856,585</b>	<b>583,685</b>	<b>4,369,000</b>	<b>899,061</b>	<b>21%</b>	<b>4,013,562</b>	<b>355,438</b>
<b>SURPLUS/(DEFICIT):</b>							<b>8.1%</b>

**Veterinary Medical Board**  
**Summary of FY 2014/15 Expenditure by Line Item**

Updated 9/26/2014

Line Item	Budget Appropriation	Summary of Expenses
<b>Personal Services:</b>		
Civil Service - Permanent	1,170,346	Board staff and EO's salaries
Civil Service - Temporary	33,000	Wages for temporary help such as a permanent-intermittent employees, students, seasonal employees, etc.
Appointed Per Diem	24,508	Board and Committee members' per-diem
Staff Benefits	592,223	OASDI, Dental, health, retirement, life, vision, Medicare
Salary Savings		Deduction for positions that are not continuously filled
<b>Total Personal Services</b>	<b>1,820,077</b>	

<b>Operating Expenses &amp; Equipment:</b>		
General Expense	30,757	Office supplies, freight
Fingerprint Reports	6,259	Fingerprint expenses – reimbursed by candidate
Minor Equipment	22,000	Equipment less than \$5K per unit
Printing	19,566	Printed forms, office copier, copying service
Communications	20,909	Phones, cellular phones
Postage	28,149	Stamps, DCA and EDD facility mailed postage
In-State Travel	148,423	Board, Committee, and Staff Air, car, bus, taxi, incidentals, service fees
Out-of-State Travel	0	Same as above - out-of-State
Training	20,297	Registration fees, subscriptions
Facilities Operations	102,456	Rent, storage, security
C&P Services External	109,889	Outside DCA contracts - includes: BreZe - \$22k, CURES \$225k, Maximus - \$18k, PSI - \$45k
<b>Examinations:</b>		
<i>Exam materials</i>	557	
<i>Exam site rental</i>	5,399	Facility rental charge for vet exams administration
<i>Expert Examiners (SME)</i>	30,699	Subject matter experts for item writing, review and Angoff workshops VET and RVT
Department Distributed - (DCA Prorata)	449,261	DCA Svcs: Info systems, Administrative Svcs (HR, Accounting, Budgets, etc.), Legal, Publications, Public Affairs
Department Services	49,915	Office of Professional Examination Services
Consolidated Data Centers	10,535	CAS/Teale Data Center
Data Processing	4,647	Data processing supplies and maintenance
Statewide Prorata (Central Admin Services)	141,779	State services pro-rata (DGS, DOF, etc)
<b>Enforcement:</b>		
<i>Attorney General</i>	460,176	Office of the Attorney General/DAG legal services
<i>Office of Admin Hearings</i>	59,253	Office of Administrative Hearings, Admin. Law Judge and court reporter services
<i>Evidence &amp; Witness Fees</i>	163,297	Expert Witness and In-house Consultants enforcement case review
<i>Div of Investigation</i>	622,120	DCA Division of Investigation services
Major Equipment (Replacement/Additional Equipment)	66,000	Equipment more than \$5k per unit
Vehicle Operations	2,580	Leasing & maintenance of State vehicle (CPEI BCP)
<b>Total OE&amp;E</b>	<b>2,574,923</b>	
<b>Total Personal Services (above)</b>	<b>1,820,077</b>	
<b>Totals, Expenditures</b>	<b>4,395,000</b>	
Reimbursements	(26,000)	Fingerprints and Document Sales
<b>Net Total Expenditures</b>	<b>4,369,000</b>	

ENFORCEMENT STATISTICS FISCAL YEAR 2014 - 2015  
**Veterinary Medical Board**

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2014 - 2015 TOTAL
<b>COMPLAINTS AND CONVICTIONS</b>					
Complaints Received	122				
Convictions Received	2				
Average Days to Intake	82				
Closed	158				
Pending	532				

*Average Days to Intake - Average cycle time from complaint received, to the date the complaint was assigned to an investigator.*

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2014 - 2015 TOTAL
<b>INVESTIGATIONS Desk</b>					
Assigned	182				
Closed	134				
Average Days to Complete	299				
Pending	341				

*Average Days to Complete Desk Investigations - Average cycle time from complaint receipt to closure of the investigation process.*



ENFORCEMENT STATISTICS FISCAL YEAR 2014 - 2015  
 Veterinary Medical Board

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2014 - 2015 TOTAL
<b>INVESTIGATIONS Sworn</b>					
Assigned	1				
Closed	12				
Average Days to Complete	432				
Pending	61				

*Average Days to Complete Sworn Investigations - Average cycle time from complaint receipt to closure of the investigation process.*

**ALL TYPES OF INVESTIGATIONS**

Closed Without Discipline	131				
Cycle Time - No Discipline	271				

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2014 - 2015 TOTAL
<b>CITATIONS/Cease&amp;Desist</b>					
Issued	16				
Avg Days to Complete Cite	482				
Cease & Desist Letter	5				

*Average Days to Issue a Citation - Average cycle time from complaint receipt to the effective date of the citation.*

ENFORCEMENT STATISTICS FISCAL YEAR 2014 - 2015  
**Veterinary Medical Board**

	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	FY 2014 - 2015 TOTAL
<b>ATTORNEY GENERAL CASES</b>					
Initiated / Referred to the AG	7				
Pending at the AG	82				
Statement of Issues Filed	1				
Accusations Filed	2				

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2014 - 2015 TOTAL
<b>ATTORNEY GENERAL CASE ACTIONS</b>					
Closed Without Discipline					13
Closed With Discipline					10
Probation					3
Public Letter of Reprimand					0
Surrender of License					4
License Revoked					1
License Denied (SOI)					0
W/D, Dismissed, Declined					2
Average Days to Close					928

*Average Days to Close a Discipline Case - Average cycle time from complaint receipt to the effective date of the disciplinary order.*

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2014 - 2015 TOTAL
<b>CLOSED ATTORNEY GENERAL CASE ACTIONS BY TYPE</b>					
Substance Abuse (A)					0
Unsafe/Unsanitary Cond (E)					2
Aiding or Abetting					0
Incompetence/Gross Negligence (N)					2
Unprofessional Conduct (R)					2
Criminal Conduct/Conv (V)					3
Discipline by Another State					0
Unlicensed Activity (U)					0
Drug Related Offenses (D)					1

ENFORCEMENT STATISTICS FISCAL YEAR 2014 - 2015  
 Veterinary Medical Board

	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	FY 2014 - 2015 TOTAL
<b>PROBATION</b>					
New Probation Cases	9				
Probation Completed	1				
Active Cases	51				
Tolled	3				
Petition to Revoke	2				
Compliance	34				
Pending Compliance Issues	17				

## ENFORCEMENT STATISTICS FISCAL YEAR 2013 - 2014

Veterinary Medical Board

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2013 - 2014 TOTAL
<b>COMPLAINTS AND CONVICTIONS</b>					
Complaints Received	159	122	148	219	648
Convictions Received	11	18	25	30	84
Average Days to Intake	44	129	125	60	90
Closed					798
Pending	249	261	94	239	239

*Average Days to Intake - Average cycle time from complaint received, to the date the complaint was assigned to an investigator.*

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2013 - 2014 TOTAL
<b>INVESTIGATIONS Desk</b>					
Assigned	63	94	324	77	558
Closed	202	143	208	96	649
Average Days to Complete	397	314	271	311	323
Pending	268	209	315	292	292

*Average Days to Complete Desk Investigations - Average cycle time from complaint receipt to closure of the investigation process.*

**ENFORCEMENT STATISTICS FISCAL YEAR 2013 - 2014**  
 Veterinary Medical Board

	<b>QTR 1</b> <b>Jul - Sep</b>	<b>QTR 2</b> <b>Oct - Dec</b>	<b>QTR 3</b> <b>Jan - Mar</b>	<b>QTR 4</b> <b>Apr - Jun</b>	<b>FY 2013 - 2014 TOTAL</b>
<b>INVESTIGATIONS</b> <b>Sworn</b>					
Assigned	12	24	9	6	51
Closed	28	17	30	12	87
Average Days to Complete					758
Pending	90	97	76	70	70

*Average Days to Complete Sworn Investigations - Average cycle time from complaint receipt to closure of the investigation process.*

**ALL TYPES OF INVESTIGATIONS**

Closed Without Discipline	212	140	216	96	664
Cycle Time - No Discipline					369

	<b>QTR 1</b> <b>Jul - Sep</b>	<b>QTR 2</b> <b>Oct - Dec</b>	<b>QTR 3</b> <b>Jan - Mar</b>	<b>QTR 4</b> <b>Apr - Jun</b>	<b>FY 2013 - 2014 TOTAL</b>
<b>CITATIONS/Cease&amp;Desist</b>					
Issued	44	3	38	12	97
Closed					92
Avg Days to Complete Cite					595
Cease & Desist Letter	17	8	29	1	55

*Average Days to Issue a Citation - Average cycle time from complaint receipt to the effective date of the citation.*

## ENFORCEMENT STATISTICS FISCAL YEAR 2013 - 2014

Veterinary Medical Board

	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	FY 2013 - 2014 TOTAL
<b>ATTORNEY GENERAL CASES</b>					
Initiated / Referred to the AG	4	15	12	12	43
Pending at the AG	83	86	83	91	91
Statement of Issues Filed	1	0	6	5	12
Accusations Filed	4	3	9	19	35

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2013 - 2014 TOTAL
<b>ATTORNEY GENERAL CASE ACTIONS</b>					
Closed Without Discipline					0
Closed With Discipline					19
Probation					13
Public Letter of Reprimand					0
Surrender of License					1
License Revoked					5
License Denied (SOI)					4
W/D, Dismissed, Declined					9
Average Days to Close					1159*

*Average Days to Close a Discipline Case - Average cycle time from complaint receipt to the effective date of the disciplinary order. \*Oldest pending case was referred to the Attorney General on 9/28/11.*

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2013 - 2014 TOTAL
<b>AG CASE/VIOLATION TYPE</b>					
Substance Abuse (A)					0
Unsafe/Unsanitary Cond (E)					0
Aiding or Abetting					0
Incompetence/Gross Negligence (N)					8
Unprofessional Conduct (R)					4
Criminal Conduct/Conv (V)					5
Discipline by Another State					1
Unlicensed Activity (U)					1

## ENFORCEMENT STATISTICS FISCAL YEAR 2013 - 2014

Veterinary Medical Board

Jul - Sep
Oct - Dec
Jan - Mar
Apr - Jun
FY 2013 - 2014 TOTAL

PROBATION					
New Probation Cases	5	1	5	1	12
Probation Completed	0	0	0	1	1
Active Cases					43
Tolled					3
Petition to Revoke					3
Compliance					35
Pending Compliance Issues					8

# Examination/Licensing Report

Prepared by Ethan Mathes

October 2014

## Applications

Applications Received		
	Jul. 2013 - Jun. 2014	Jul. 2014 - Jun. 2015
Veterinarian Apps. Received	640	78
Veterinary Technician Apps. Received	883	179
Veterinary Premise Apps. Received	232	155

## Examinations

CALIFORNIA STATE BOARD EXAMINATION			
November 2013 – April 2014		May 2014 – October 2014	
Candidates	Pass Pct.	Candidates	Pass Pct.
507	87%	283	94%

November 2013/December 2013		April 2014	
Candidates	Pass Pct.	Candidates	Pass Pct.
341	85%	78	65%

Jan. – Feb 2014		Mar. – Jun. 2014		Jul. – Dec. 2014	
Candidates	Pass Pct.	Candidates	Pass Pct.	Candidates	Pass Pct.
213	73%	125	66%	170	61%

Mar./Apr. 2014		Jul./Aug. 2014		Nov./Dec. 2014	
Candidates	Pass Pct.	Candidates	Pass Pct.	Candidates	Pass Pct.
53	70%	279	62%	-	-

## Examination Development and Workshops

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

Both California State Board and Veterinary Technician Examination Workshops are complete for the current examination development cycle. Workshops will again resume in Spring 2015.

The November 2014 – April 2015 California State Board will be the first examination using the most recent veterinary occupational analysis. Due to this factor, the examination will be held for eight weeks from release in November for Office of Professional Examination Services psychometricians to review examination performance.



## Licensing

<b>Licensees</b>	
<i>as of October 2014</i>	
Veterinarian Licenses*/**	16,968/11,761
Veterinarian Licenses – California**	9,241
Registered Veterinary Technician Licenses*/**	9,830/6,114
Registered Veterinary Technician Licenses – California**	5,677
Premise Permits**	3,443
Premise Permits – Exempt**	80
<i>*includes delinquent, inactive, and clear licensees; **clear licensees</i>	

	<i>Jan. 2013 - Dec. 2013</i>	<i>Jan. 2014 - Dec. 2014</i>
Veterinarian	595	430
Reciprocity	52	36
Intern	29	21
Registered Veterinary Technician	406	334
Premises	123	122

## BreEZe

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

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

It is anticipated approximately 40-50% of key staff will be dedicated to BreEZe tasks in the next six to ten months.

*Update [Oct. 2014]* – Board staff is currently in a four-week Part 2 Profile Report configuration review of the Versa Regulation portion of the BreEZe database project. Versa Regulation is the back-office component of the BreEZe database and is utilized for internal processes that guide an initial application through licensure. Part 2 review activities are scheduled for completion on October 20.

Additionally, staff is currently in a two-week review of sample data records (applicant and licensee) that have been converted from legacy databases to the BreEZe testing environment database. The current round of Data validation activities is scheduled for completion on October 6; there will be approximately five more rounds of data verification activities.

## **Publications/Outreach/Social Media**

*Diversion Program Pamphlet* – Board staff is finalizing the Diversion Program Pamphlet update and redesign. Once the Pamphlet has been updated and approved by Board staff and legal counsel the Pamphlet will be posted to the Board's website and used as an outreach tool for licensees who have been identified as potential participants.

*Twitter/Facebook* – Effective August 2014, the Board established an online social media presence on Twitter and Facebook. These new social media tools will be used to update on any number of Board and profession-specific news such as application and examination updates, scheduled Board meetings, rulemaking action, enforcement activity updates, professional/association events, and other newsworthy notifications.

*Hospital Standards Self-Evaluation Checklist* – Board staff recently reviewed and updated the Checklist to correspond with new minimum standards regulations. Once the updates are finalized, the Board will distribute the Checklist at inspection and post on the Board's website.



## **American Association of Veterinary State Boards Report**

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**Prepared by Tom Kendall, DVM, CVPM**

**September, 2014**

The American Association of Veterinary State Boards (AAVSB) met in St. Petersburg, Florida, September 9-13, 2014 for its annual conference. The advance sign up had 148 people attending. Also in attendance from California was Annemarie Del Mugnaio, VMB Executive Officer, Susan Geranen, past VMB EO and Kim Williams, former RVT member of the VMB. Kim is on the AAVSB Veterinary Technician National Exam Committee which produces VTNE which California started using January 1, 2014. The VMB wishes to thank Kim for all her efforts in supporting California RVT's!

I attended two meetings of the Registry of Approved Continuing Education (RACE) where there was extensive discussion about RACE developing a new category for Complimentary Alternative Veterinary Medicine (CAVM) course approval. At the direction of the AAVSB Board of Directors, the RACE committee will be developing standards for CAVM at a RACE meeting in early November, 2014.

At the Friday afternoon General Session, Sue Geranen led a lively panel discussion on "Anesthesia-Free Dentistry". Also on the panel was Dr. Curt Coffman a Board Certified Veterinary Dentist, Dr. Kate Knutson, former president of the American Animal Hospital Association who has a veterinary practice limited to veterinary dentistry and Dr. Kristy Lund, who offers anesthesia free dentistry in her practice in Florida. Since Nevada, earlier this summer changed its Practice Act to restricting veterinary dentistry to only be performed under anesthesia by veterinarians; there was a spirited discussion of what was going on in other states. Sue explained the 20 year history of veterinary dentistry in California and our response to so called "cosmetic teeth cleaning". The panel discussion was 1 hour and can be viewed on the AAVSB website in the near future along with other AAVSB session presentations.

On Saturday morning a presentation was made by the Practice Act Model (PAM) task force which I have served on for the last two years. In the update, approved by the AAVSB House of delegates, was proposed language for University Faculty Licensure and recommending all states develop language for Veterinary Premise Permits. The language in the California Practice Act was used as a model. This next year the PAM task force will be looking at Veterinary Telemedicine, the Veterinary-Client-Patient - Relationship (VCPR), Shelter Medicine, Standards of Practice in Veterinary Facilities and Veterinary Technicians performing tasks in remote areas.

During the AAVSB Business session I was elected President-Elect of the AAVSB and will begin my 3 year term (President-Elect, President and Past President) September 13, 2014.



**Veterinary Medical Board**

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

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**MEMORANDUM**

<b>DATE</b>	October 8, 2014
<b>TO</b>	Veterinary Medical Board
<b>FROM</b>	Annemarie, Executive Officer DCA/Veterinary Medical Board
<b>SUBJECT</b>	Anesthesia-Free Dentistry

Attached are recently adopted statutes and regulations in Nevada regarding veterinary dentistry wherein Nevada has limited dentistry to that performed under general anesthesia by a licensed veterinarian.

As mentioned in Dr. Kendall's Board Chair Report, the issue of anesthesia-free dental cleaning was addressed by a panel of experts at the 2014 AAVSB Conference on September 12 where issues such as the following were discussed:

- The benefits and risks associated with Non-Anesthetic Dental Scaling (NADS) and professional veterinary teeth cleaning under anesthesia.
- Any education programs that teach NADS?
- Lay persons performing NADS and the appropriate level of veterinarian supervision
- Consumer demand for anesthesia-free dental cleanings (less expensive and appears less risky).
- How are states regulating veterinary dentistry?
- Does anesthesia-free dental cleaning fall within the 'standard of care' of veterinary medicine?

**Attachments:**

- Nevada Laws Related to Veterinary Dentistry
- Adopted Regulations of the Nevada State Board of Veterinary Medical Examiners



### **New Nevada Law (Effective Date 6/24/2014)**

1. Except as otherwise provided in NAC 638.0525(Veterinary technician in training duties which includes dental prophylaxis) or 638.053 (LVT duties which includes dental prophylaxis), veterinary dentistry may only be performed by a licensed veterinarian. □2. Veterinary dentistry must be performed under general anesthesia with the use of an endotracheal tube with an inflated cuff unless, based on the species of the animal, the Board determines otherwise. □3. Nothing in this section shall be construed to prohibit a person from using cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean an animal's teeth. □4. As used in this section, "veterinary dentistry" means: □(a) The application or use of any instrument or device to any portion of an animal's tooth, gums or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of the animal's tooth, gums or related tissue; and □(b) Preventive dental procedures pertaining to an animal, including, without limitation, the removal of calculus, soft deposits, plaque or stains and the smoothing, filing, floating or polishing of the surfaces of the animal's tooth.

### **New Nevada law (effective 1/1/2016)**

Except as otherwise provided in this section, a licensed veterinarian may perform dental surgery, periodontal surgery, endodontics and exodontia on an animal only in a veterinary facility that has the capacity to perform intraoral radiology. In an emergency, a licensed veterinarian may perform dental surgery, periodontal surgery, endodontics and exodontia on an animal in a veterinary facility that does not have the capacity to perform intraoral radiology if the licensed veterinarian determines, based on his or her professional judgment and the species of the animal, that the radiology which the veterinary facility has the capacity to perform is adequate for the particular procedure.





**ADOPTED REGULATION OF THE NEVADA STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS**

**LCB File No. R063-13**

§§1-23 and 25 become effective June 23, 2014  
§24 becomes effective January 1, 2016

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-10, 12-16 and 21-25, NRS 638.070; §11, NRS 638.070, 638.100, 638.116, 638.122 and 638.132; §17, NRS 638.070 and 638.124; §§18 and 19, NRS 638.070 and 638.132; §20, NRS 638.070 and 638.119.

A REGULATION relating to veterinary medicine; prescribing the duties of a supervising veterinarian in a veterinary facility where animals are boarded; setting forth the requirements pursuant to which veterinary dentistry may be performed; revising certain continuing education requirements for licensees; adopting by reference a code of ethics for veterinary technicians; defining the term “informed consent” for the purposes of a veterinarian-client-patient relationship; establishing a fee for the issuance of certain duplicate licenses, registrations and permits; revising the required contents of a medical record of an animal; revising the tasks that a licensed veterinary technician is authorized to perform; revising provisions relating to the labeling of sodium pentobarbital; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest**

Existing law authorizes the Nevada State Board of Veterinary Medical Examiners to adopt regulations to carry out the practice of veterinary medicine, including, without limitation, regulations relating to the rights, responsibilities and licensing of veterinarians, veterinary technicians, euthanasia technicians and the licensing and maintenance of veterinary facilities. (NRS 638.070, 638.119, 638.124, 638.132)

**Section 3** of this regulation provides that, with limited exceptions, only a person who is a diplomate from an approved specialty board of the American Veterinary Medical Association and is licensed to practice veterinary medicine pursuant to a specific state statute may use the title “veterinary specialist.”

**Section 4** of this regulation authorizes a licensed veterinarian (a veterinarian who is licensed and on active status to practice in this State) to consult with another veterinarian, but provides that the licensed veterinarian who sought the consultation retains responsibility for any medical decisions he or she makes regarding the animal. **Section 4** also defines the term “consult” for the purposes of that section.

**Section 5** of this regulation sets forth the duties of a supervising veterinarian in a veterinary facility where animals are boarded.

**Section 6** of this regulation: (1) defines the term “veterinary dentistry”; (2) provides, with limited exceptions, that veterinary dentistry may only be performed by a licensed veterinarian; and (3) requires veterinary dentistry to be performed under general anesthesia. **Section 2** of this regulation defines the term “general anesthesia.”

**Sections 24 and 25** provide, that effective January 1, 2016, with limited exceptions, certain dental procedures on an animal may only be performed by a licensed veterinarian in a veterinary facility that has the capacity to perform intraoral radiology. **Sections 7, 8, 12, 13, 14 and 15** of this regulation revise the requirements concerning continuing education for licensees, including, without limitation: (1) providing that the Board will grant credit for continuing education to a licensee for providing instruction or presenting at a course of continuing education and for attending the portion of a meeting of the Board relating to complaints before the Board; and (2) increasing the number of hours of continuing education that may be completed in distance learning or correspondence courses from 5 to 10 of the 20 hours of continuing education required for renewal of a license as a veterinarian.

**Section 9** of this regulation adopts by reference the “Veterinary Technician Code of Ethics” of the National Association of Veterinary Technicians in America as a standard of professional conduct for veterinary technicians and provides that a violation of the provisions of that Code constitutes cause for disciplinary action.

**Section 10** of this regulation defines the term “informed consent” for the purposes of a veterinarian-client-patient relationship.

**Section 11** of this regulation provides that the Board will charge and collect a fee of \$10 for a duplicate of certain licenses, registrations and permits issued by the Board.

**Section 16** of this regulation: (1) expands the required contents of the medical record of the animal that a licensed veterinarian is required to maintain, including, without limitation specific information that is required to be included by a licensed veterinarian who is not associated with a veterinary facility if controlled substances or prescription drugs are administered to the animal; and (2) requires the Board or its representative to evaluate each medical record inspected for compliance with state statutes and regulations governing veterinarians.

**Section 17** of this regulation adds administration of a therapeutic laser to the tasks that a licensed veterinary technician is authorized to perform under the immediate, direct or indirect supervision of a supervising veterinarian.

**Section 18** of this regulation requires the person in charge of a veterinary facility to be a licensed veterinarian who practices veterinary medicine in this State.

**Section 20** revises the requirements for the labeling of sodium pentobarbital by a euthanasia technician.

**Section 21** of this regulation authorizes a licensed veterinarian to conduct the required physical examination of an animal after rather than before the veterinarian puts the animal under general anesthesia if the licensed veterinarian determines that the animal is fractious.

Existing regulations require a physical therapist or a chiropractor who has been issued a certificate of registration to practice animal physical therapy or animal chiropractic by the Board to: (1) maintain a separate written medical record of each animal receiving animal physical therapy or animal chiropractic by the physical therapist or the chiropractor, as applicable; and (2) under certain circumstances, mail or transmit by facsimile machine a complete copy of the medical record and a progress report to the veterinarian under whose direction the physical therapist or chiropractor performed. (NAC 638.780, 638.830) **Sections 22 and 23** of this regulation require those medical records to be available for inspection by the Board or its representative and provide for the transmission of the copy of the medical record and the progress report to the veterinarian to be made electronically rather than by facsimile machine.

**Section 1.** Chapter 638 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

**Sec. 2.** *“General anesthesia” means a controlled state of unconsciousness caused by a drug or combination of drugs that is sufficient to produce a state of unconsciousness or disassociation and a blocked response to pain or alarming stimulus.*

**Sec. 3.** *Except for a person described in subsection 3 of NRS 638.015, only a person who is a diplomate from an approved specialty board of the American Veterinary Medical Association and is licensed to practice veterinary medicine pursuant to subsection 2 of NRS 638.105 may use the title “veterinary specialist.”*

**Sec. 4. 1.** *A licensed veterinarian may consult with another veterinarian, but the licensed veterinarian who sought the consultation shall retain responsibility for any medical decisions he or she makes regarding the animal.*

**2.** *As used in this section, “consult” means to seek advice or assistance that is given in person, or by telephone or other electronic means, or by any other method of communication, from a veterinarian whose expertise, in the opinion of the veterinarian seeking the advice or assistance, would benefit an animal.*

**Sec. 5.** *The supervising veterinarian in a veterinary facility where animals are boarded shall ensure that:*

*1. The animals being boarded are cared for in a manner that does not violate a provision of chapter 574 of NRS;*

*2. The staff of the veterinary facility is trained in the care of the animals being boarded;*

*3. The staff of the veterinary facility reports to the supervising veterinarian if an animal being boarded is or appears to be sick or injured;*

*4. Veterinary services are provided to each sick or injured animal being boarded;*

*5. Written procedures are developed for the staff of the veterinary facility to use to assess any animal being boarded to ensure that a veterinarian is contacted concerning those animals with certain identifiable conditions and that those animals receive the appropriate treatment; and*

*6. An owner of an animal being boarded or the owner's designee is notified, in writing, concerning whether the portion of the veterinary facility that provides boarding services will be staffed 24 hours each day or if there are times when the animal being boarded will be left unattended.*

NEW FIRST  
PARALLEL  
SECTION

**Sec. 6.** *1. Except as otherwise provided in NAC 638.0525 or 638.053, veterinary dentistry may only be performed by a licensed veterinarian.*

*2. Veterinary dentistry must be performed under general anesthesia with the use of an endotracheal tube with an inflated cuff unless, based on the species of the animal, the Board determines otherwise.*

*3. Nothing in this section shall be construed to prohibit a person from using cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean an animal's teeth.*

4. *As used in this section, “veterinary dentistry” means:*

*(a) The application or use of any instrument or device to any portion of an animal’s tooth, gums or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of the animal’s tooth, gums or related tissue; and*

*(b) Preventive dental procedures pertaining to an animal, including, without limitation, the removal of calculus, soft deposits, plaque or stains and the smoothing, filing, floating or polishing of the surfaces of the animal’s tooth.*

**Sec. 7.** *1. The Board will grant credit for continuing education to a licensee who provides instruction or presents at a course of continuing education approved by the Board.*

*2. Except as otherwise provided in this subsection and subsection 3, the credit granted by the Board pursuant to subsection 1 will include the actual time the licensee spent preparing for the instruction or presentation. The Board will grant not more than 2 hours of credit for each hour the licensee spent providing instruction or presenting.*

*3. Any credit granted by the Board pursuant to subsections 1 and 2 may be counted only once toward the hours of continuing education required by subsection 1 or 2 of NAC 638.041, as applicable, even if the instruction or presentation is given more than once during the applicable period of licensing set forth in subsection 1 or 2 of NAC 638.041.*

**Sec. 8.** *1. Except as otherwise provided in subsection 2, the Board will grant credit for continuing education, not to exceed:*

*(a) Four hours during a period of licensing toward the hours of continuing education required by subsection 1 of NAC 638.041, to a licensed veterinarian for attending the portion of a meeting of the Board relating to complaints before the Board; and*

*(b) Two hours during a period of licensing toward the hours of continuing education required by subsection 2 of NAC 638.041, to a licensed veterinary technician for attending the portion of a meeting of the Board relating to complaints before the Board.*

*2. The Board will grant credit pursuant to subsection 1 if the meeting of the Board for which credit for continuing education is being sought is not a hearing in which the licensed veterinarian or licensed veterinary technician is participating as the result of a disciplinary action.*

*3. One hour of credit will be given for each hour spent attending the relevant portion of the meeting of the Board as described in subsection 1.*

**Sec. 9.** *1. The Board adopts by reference the “Veterinary Technician Code of Ethics” of the National Association of Veterinary Technicians in America as a standard for professional conduct for veterinary technicians. A violation of the provisions of the “Veterinary Technician Code of Ethics” constitutes cause for disciplinary action.*

*2. The “Veterinary Technician Code of Ethics” of the National Association of Veterinary Technicians in America is available, free of charge:*

*(a) By mail from the National Association of Veterinary Technicians in America, P.O. Box 1227, Albert Lea, Minnesota 56007; or*

*(b) On the Internet at [http://www.navta.net/files/navta\\_vt\\_code\\_of\\_ethics\\_07.pdf](http://www.navta.net/files/navta_vt_code_of_ethics_07.pdf).*

**Sec. 10.** NAC 638.0175 is hereby amended to read as follows:

638.0175 *1.* For the purposes of this chapter, a veterinarian shall be deemed to have a “veterinarian-client-patient relationship” concerning a nonhuman animal if the veterinarian satisfies all of the following conditions:

~~111~~ (a) The veterinarian assumes the responsibility for making medical judgments concerning the health of the animal and the need for medical treatment of the animal.

~~121~~ (b) The veterinarian has knowledge of the present care and health of the animal sufficient to provide at least a general or preliminary diagnosis of the medical condition of the animal. This knowledge must be acquired by:

~~1(a)~~ (1) Conducting a physical examination of the animal; or

~~1(b)~~ (2) Visiting the premises where the animal is kept in a timely manner that is appropriate to the medical condition of the animal.

~~131~~ (c) The veterinarian obtains the informed consent of the client for medical treatment of the animal.

~~141~~ (d) The veterinarian obtains the agreement of the client to follow the instructions provided by the veterinarian for the care and medical treatment of the animal.

*2. As used in this section, "informed consent" means that the client, after having been informed in a manner that would be understood by a reasonable person, of the diagnostic and treatment options, risk assessment and prognosis for the animal and of an estimate of the fees expected for provision of veterinary services to be rendered to the animal, has consented to the recommended treatment.*

**Sec. 11.** NAC 638.035 is hereby amended to read as follows:

638.035 The Board will charge and collect the following fees:

For an application and examination for a license to practice veterinary  
medicine or a license to practice as a diplomate .....\$200  
For an application for a license to practice as a veterinary technician.....100



For an application or examination for a license to practice as a euthanasia technician.....	200
For a 2-year registration to practice as a veterinary technician in training .....	50
For a permit to operate a facility owned by a licensed veterinarian .....	50
For a permit to operate a facility owned by a nonlicensed veterinarian .....	300
For a permit to operate a nonprofit facility .....	100
For a registration to practice animal chiropractic.....	50
For a registration to practice animal physical therapy .....	50
For the reinstatement of a veterinary or diplomate license .....	200
For the reinstatement of a veterinary technician license .....	100
For the annual renewal of an active license to practice veterinary medicine.....	250
For the annual renewal of an inactive license to practice veterinary medicine.....	130
For the annual renewal of a license to practice as a veterinary technician .....	75
For the annual renewal of a license to practice as a euthanasia technician.....	100
For the annual renewal of a registration to practice as an animal physical therapist .....	25
For the annual renewal of a registration to practice as an animal chiropractor.....	25
For the annual renewal of a permit for a facility owned by a licensed veterinarian .....	25
For the annual renewal of a permit for a facility owned by a nonlicensed veterinarian .....	300
For the annual renewal of a permit for a nonprofit facility .....	100
<i>For a duplicate of a license, registration or permit described in this section .....</i>	<i>10</i>

**Sec. 12.** NAC 638.041 is hereby amended to read as follows:

638.041 1. As a prerequisite for each renewal of his or her license to practice veterinary medicine or to practice veterinary medicine as a diplomate licensed pursuant to NRS 638.105, a licensee must complete, during the 12-month period immediately preceding the beginning of the new licensing year, at least 20 hours of continuing education approved by the Board. Not more than ~~5~~ 10 hours may be completed in distance learning or correspondence courses.

2. A licensed veterinary technician must annually complete at least 10 hours of continuing education approved by the Board as a prerequisite for renewal of his or her license. Not more than 5 hours may be completed in distance learning or correspondence courses.

3. A licensee who does not comply with the requirements of this section may be subject to disciplinary action.

**Sec. 13.** NAC 638.0423 is hereby amended to read as follows:

638.0423 1. A licensee must attest to his or her compliance with the requirements for continuing education set forth in NAC 638.041 at the time for the renewal of his or her license. The attestation must be made on a form provided by the Board.

2. A licensee shall maintain documentation of ~~this or her completion of a course~~ *the hours* of continuing education *he or she completed to comply with the requirements for continuing education set forth in NAC 638.041* for 4 years after the completion of ~~the course~~ *those hours*.

**Sec. 14.** NAC 638.0425 is hereby amended to read as follows:

638.0425 1. The Board may perform random audits of licensees to ensure compliance with the requirements for continuing education.

2. If the Board chooses to conduct an audit of a licensee, the Board will notify the licensee, in writing, of its decision to conduct an audit.

3. If audited by the Board:

(a) A licensed veterinarian or a person who is licensed by the Board as a diplomate pursuant to NRS 638.105 shall, not later than 30 days after receiving written notice, provide proof that he or she has participated in at least ~~15~~ 20 hours of continuing education during the 12 months immediately preceding the beginning of the new licensing year by submitting to the Board copies of the documentation of completion maintained pursuant to NAC 638.0423.

(b) A veterinary technician shall, not later than 30 days after receiving written notice, provide proof that he or she has participated in at least ~~5~~ 10 hours of continuing education during the 12 months immediately preceding the beginning of the new licensing year by submitting to the Board copies of the documentation of completion maintained pursuant to NAC 638.0423.

4. Each copy of the documentation submitted to the Board pursuant to subsection 3 must include:

(a) The name *and license number* of the licensee;

(b) The number of hours of continuing education *that were* awarded ~~{for the course;}~~ *to the licensee;*

(c) A description of the ~~{course;}~~ *continuing education that was received by the licensee;*  
and

(d) The date *on which and place where* the course *or the meeting, as applicable,* was conducted.

**Sec. 15.** NAC 638.0447 is hereby amended to read as follows:

638.0447 1. A veterinarian or veterinary technician whose license is forfeited pursuant to NRS 638.127 may apply to the Board to have the license reinstated if, in addition to complying with the provisions of NRS 638.127, he or she files with the Executive ~~Secretary~~ *Director* of the Board:

(a) An application for reinstatement of the license which is signed by the veterinarian or veterinary technician and notarized;

(b) Proof that he or she has:

(1) If he or she is a veterinarian:

(I) Completed at least ~~15~~ *20* hours of continuing education approved by the Board in the year immediately preceding the filing of the application; and

(II) Passed, within the 5 years immediately preceding the filing of the application, the North American Veterinary Licensing Examination of the National Board of Veterinary Medical Examiners for an initial license, or any other examination required by the Board; or

(2) If he or she is a veterinary technician, completed at least ~~5~~ *10* hours of continuing education in the year immediately preceding the filing of the application; and

(c) If he or she is licensed or has been licensed in any other state, a letter of good standing from the licensing agency of each state in which he or she is licensed or has been licensed. Each letter must, if applicable, include detailed information concerning any disciplinary action that has been taken against the licensed veterinarian or veterinary technician or that is pending in that state.

2. If a veterinarian or veterinary technician files an application pursuant to this section which contains any false information, the Board may immediately revoke his or her license.

**Sec. 16.** NAC 638.0475 is hereby amended to read as follows:

638.0475 1. Each licensed veterinarian shall maintain in this State for at least 4 years a separate medical record of each animal receiving veterinary services, including, without limitation, an examination conducted pursuant to NAC 638.610, from the licensed veterinarian or under his or her supervision. The records must be available for inspection by *the Board or its representative or* the owner of the animal during normal business hours at least 5 days each week. Except as otherwise provided in this subsection, the licensed veterinarian shall provide a copy of that record to *the Board or its representative or* the owner of the animal receiving veterinary services not later than 48 hours after receiving a request from *the Board or its representative or* the owner of the animal. The licensed veterinarian is not required to provide a copy of any radiographs or other diagnostic images in the medical record to the owner of the animal receiving veterinary services.

2. The medical record must contain the following information, in legible form:

- (a) The name, address and telephone number of the animal's owner;
- (b) The name or identifying number, or both, of the animal;
- (c) The age, sex, weight and breed of the animal;
- (d) The dates of care, custody or treatment of the animal;
- (e) *Documentation of the informed consent of the client for medical treatment of the animal;*
- (f) A short history of the animal's condition as it pertains to the animal's medical status;
- ~~(f)~~ (g) The results of and notations from an examination of the animal, including, without limitation, the temperature, pulse and respiration rate of the animal and laboratory data pertaining to the animal;

~~(e)~~ (h) The diagnosis or condition at the beginning of custody of the animal, including, without limitation, results of tests;

~~(f)~~ (i) The immunization record of the animal;

~~(g)~~ (j) All clinical information pertaining to the animal, including, without limitation, sufficient information to justify the diagnosis or determination of the medical status of the animal and to warrant any treatment recommended for or administered to the animal;

~~(h)~~ (k) The notes taken during surgery, including, without limitation:

- (1) The name and quantity of any drug administered for anesthesia and preanesthesia;
- (2) The procedure performed;
- (3) The times at which the surgery begins and ends;
- (4) If the surgery is performed in a veterinary facility using general anesthesia:

(I) The vital signs of the animal at the beginning and end of the surgery that are appropriate to the species and condition of the animal at the time of surgery, which may include, without limitation, the temperature, pulse, heart rate, respiration, blood pressure, capillary refill time and oxygen levels of the animal; and

(II) The vital signs of the animal recorded at least every 5 minutes during the surgery, including, without limitation, the pulse, heart rate and respiration of the animal;

~~(i)~~ (l) Any medication and treatment administered, including, without limitation, the amount and frequency;

~~(j)~~ (m) The progress and disposition of the case;

~~(k)~~ (n) The name of each person who is not an employee of the veterinarian who provided professional advice or performed treatments, examinations or other services pertaining to the animal;

~~(n)~~ (o) *The signature, initials or other identifying mark of the person who made the entry in the medical record;*

(p) Any radiographs other than ~~inter-oral~~ *intraoral* dental radiographs. Each radiograph other than an ~~inter-oral~~ *intraoral* dental radiograph must be labeled ~~in the emulsion film~~ *on the image* as follows:

- (1) The name of the veterinarian or facility that took the radiograph;
- (2) The name or identifying number, or both, of the animal;
- (3) The name of the animal's owner;
- (4) The date on which the radiograph was taken; and
- (5) The anatomical orientation depicted by the radiograph; and

~~(o)~~ (q) Any ~~inter-oral~~ *intraoral* dental radiographs or other diagnostic images. For each ~~inter-oral~~ *intraoral* dental radiograph or other diagnostic image, the medical record must include the information set forth in subparagraphs (1) to (5), inclusive, of paragraph ~~(n)~~ (p) with regard to the ~~inter-oral~~ *intraoral* dental radiograph or other diagnostic image. That information may be included:

- (1) In a hard copy of the medical record if the medical record is maintained as a written record; or
- (2) In the computer file which contains the ~~inter-oral~~ *intraoral* dental radiograph or other diagnostic image if the medical record is maintained as a computer record.

3. *The Board or its representative will evaluate each medical record inspected pursuant to subsection 1 for compliance with the provisions of this chapter and chapter 638 of NRS.*

4. Each radiograph or other diagnostic image is the property of the veterinarian who caused it to be prepared. A radiograph or other diagnostic image may be released to the owner of the

animal. A radiograph or other diagnostic image must be released within 48 hours after the request is made to another veterinarian who has the authorization of the owner of the animal to which it pertains. The radiograph or other diagnostic image must be returned within a reasonable time to the veterinarian to whom it belongs.

~~14.1~~ 5. The medical records required by this section must be written records or computer records. If the medical records are computer records:

- (a) The security of the computer must be maintained.
- (b) The computer records must be backed-up daily and cumulatively backed-up monthly using technology designed to store data permanently.
- (c) The computer records must be inalterable or clearly indicate when they have been altered and the manner in which they have been altered.
- (d) The computer records must not contain information relating to a physical examination that is automatically generated by the computer.
- (e) Any such computer records relating to the administration, prescribing or dispensing of a prescription drug must contain the initials of the person who administered, prescribed or dispensed the prescription drug. The initials of the person who administered, prescribed or dispensed the prescription drug may be manually entered into the computer record or automatically generated by the computer.

~~15.1~~ 6. *In addition to the requirements of subsection 2, if a licensed veterinarian is not associated with a veterinary facility, and any controlled substances or prescription drugs are administered to the animal, the medical record required by this section must include the same information that a veterinary facility which:*



*(a) Maintains a stock of controlled substances for administration and dispensing is required to ensure is contained in a log for the veterinary facility pursuant to paragraphs (d) and (e) of subsection 3 of NAC 638.0628; and*

*(b) Dispenses prescription drugs is required to ensure is contained in the medical records of the animal pursuant to paragraph (e) of subsection 1 of NAC 638.0629.*

7. In a practice concerned with herds of animals, records must be kept on each herd and may be kept on individual animals.

~~6.~~ 8. If a veterinarian ceases his or her practice without providing for the continuation of treatment of the animals under the veterinarian's care, the President of the Board may appoint a master to supervise his or her records, the treatment of those animals and the mailing of notices to the owners of the animals which had been under his or her care.

~~7.~~ 9. The medical record of an animal is confidential and may not be released except:

- (a) As otherwise provided in subsection 1;
- (b) In response to a court order; or
- (c) As required to ensure compliance with any federal, state and local statutes, regulations or ordinances.

~~8.~~ 10. Nothing in this section is intended to prevent the sharing of veterinary medical information among veterinarians, law enforcement officials, and members, agents or officers of a society for the prevention of cruelty to animals who are acting to protect the welfare of an animal.

~~9.~~ 11. As used in this section, "other diagnostic image":

- (a) Includes, without limitation, an ultrasound, magnetic resonance imaging and computerized axial tomography scan; and

(b) Does not include a radiograph.

**Sec. 17.** NAC 638.053 is hereby amended to read as follows:

638.053 1. A licensed veterinary technician may not perform the following tasks of animal health care:

(a) Surgery.

(b) Diagnosis and prognosis of animal diseases.

(c) Except as authorized by a veterinarian, administer, prepare to dispense or dispense drugs, medicines or appliances.

(d) Any other activity which represents the practice of veterinary medicine or which requires the knowledge, skill and training of a licensed veterinarian.

2. A licensed veterinary technician may perform the following tasks under the immediate supervision of a supervising veterinarian:

(a) Application of casts or splints for the immobilization of fractures.

(b) Removal of:

(1) Teeth that have extreme mobility and stage 4 periodontal disease; and

(2) Retained deciduous teeth other than retained deciduous canine teeth.

(c) Assisting a licensed veterinarian in surgery.

(d) Euthanasia.

(e) Fluid aspiration from a body cavity.

(f) Suturing an existing surgical skin incision or gingival incision.

3. A licensed veterinary technician may perform the following tasks under the immediate or direct supervision of a supervising veterinarian:

(a) Induction of anesthesia.

- (b) Endotracheal intubation.
- (c) Blood administration.
- (d) Internal anal gland expression.
- (e) Application of casts and splints.
- (f) Tasks listed in subsection 4, if the animal is anesthetized.
- (g) External noninvasive ultrasonography and ultrasonography for the purpose described in paragraph (h).

(h) Cystocentesis to obtain a urine specimen, performed with or without the aid of ultrasonography.

- (i) Dental prophylaxis.
- (j) Physical therapy.

4. A licensed veterinary technician may perform the following tasks under the immediate, direct or indirect supervision of a supervising veterinarian:

- (a) Administration of enemas.
- (b) Administration of an electrocardiogram.
- (c) Application of bandages.
- (d) Catheterization of an unobstructed bladder.
- (e) Introduction of a stomach tube.
- (f) Ear flushing with pressure or suction.
- (g) Positioning of animals for radiographs or other diagnostic images.
- (h) Operation of radiographic or other diagnostic imaging machines.
- (i) Administration of oral and rectal radio-opaque materials.
- (j) Administration of oral and topical medications, including controlled substances.

- (k) Starting and restarting of intravenous fluids.
- (l) Collection of a laboratory specimen for analysis, including, but not limited to, blood, urine, skin, parasites and microorganisms.
- (m) Collection of tissue during or after a postmortem examination by a licensed veterinarian.
- (n) Administration of intramuscular, subcutaneous or intravenous injections.
- (o) Placement of an intravenous catheter.
- (p) Implantation of a subcutaneous identification microchip into the animal.
- (q) Monitoring of vital signs.
- (r) External anal gland expression.
- (s) Collection of skin scrapings.
- (t) Administration of a therapeutic laser.*

→ No examination within the previous 12 hours is required for the collection of laboratory specimens.

5. As used in this section, “other diagnostic image” has the meaning ascribed to it in NAC 638.0475.

**Sec. 18.** NAC 638.0603 is hereby amended to read as follows:

638.0603 1. It is unlawful for a person to operate a veterinary facility unless the facility is registered with the Board and the Board has issued a permit for its operation.

2. *The person in charge of a veterinary facility must be a licensed veterinarian who practices veterinary medicine in this State.*

3. The veterinarian who will be in charge of the veterinary facility which seeks a permit to operate must submit to the Board a notarized application for registration in the form provided by the Board.

~~13.1~~ 4. Upon receipt of a completed application for registration and the applicable fee required pursuant to NAC 638.035, the Board will issue a permit to operate the facility. The Board will act upon an application for such a permit within 90 days after receipt of the application.

~~14.1~~ 5. The permit issued to a facility by the Board must be displayed in a conspicuous place within the facility.

~~15.1~~ 6. If a change in the ownership of a facility is anticipated, the veterinarian in charge of the facility for which the permit was issued shall notify the Board, in writing, of the anticipated change 30 days before the date on which the change in ownership is to become effective. The new owner shall register with the Board and apply for a permit to operate the facility pursuant to this section at least 30 days before the date on which the change in ownership is to become effective. The facility shall not, under changed ownership, provide any veterinary services until its permit to operate has been approved.

**Sec. 19.** NAC 638.0655 is hereby amended to read as follows:

638.0655 A person who operates a veterinary facility where animals are ~~kept~~ *retained for treatment or hospitalization* during the hours that the veterinary facility is not regularly open to the public shall notify, in writing, an owner of an animal or his or her designee if the animal will be left unattended.

**Sec. 20.** NAC 638.530 is hereby amended to read as follows:

638.530 1. An agency shall provide for the storage and security of sodium pentobarbital, needles and syringes.

2. If a euthanasia technician is not on duty, sodium pentobarbital, needles and syringes must be kept in a metal safe which is securely attached to the building in which it is housed.

3. If sodium pentobarbital, needles and syringes are stored in a safe that can be opened by an employee other than the euthanasia technician, the sodium pentobarbital must be kept in the safe in a separate locked container made of metal that is accessible only by the euthanasia technician.

4. The temperature and environment in the safe must be adequate to assure the proper storage of the sodium pentobarbital.

5. The euthanasia technician shall label each container of sodium pentobarbital with the name of the drug, the strength, the date that the sodium pentobarbital was received or prepared ~~†~~ ~~a warning of the hazards, and the name and address of the euthanasia technician.†~~ *and the expiration date of the drug.*

6. If a euthanasia technician is on duty and an animal is being euthanized, the euthanasia technician may keep sodium pentobarbital, needles and syringes in a temporary storage cabinet that is constructed of strong material and locked. Only the euthanasia technician may have the key to the cabinet.

**Sec. 21.** NAC 638.710 is hereby amended to read as follows:

638.710 ~~††~~ A veterinarian shall comply with the following requirements when putting an animal under general anesthesia:

~~{(a)—The}~~

1. *Except as otherwise provided in this subsection, the* animal must be given a physical examination not more than 12 hours before the anesthetic is administered. *If the veterinarian determines that the animal is fractious, the veterinarian may conduct the physical examination of the animal after the anesthetic is administered.* The physical examination

*required pursuant to this subsection* must include, without limitation, an examination and written notation of:

- ~~1~~ (a) The temperature;
- ~~2~~ (b) The pulse rate;
- ~~3~~ (c) The respiration;
- ~~4~~ (d) The color of the mucous membrane; and
- ~~5~~ (e) The thoracic auscultation,

↪ of the animal.

~~1~~ 2. The animal must be under continuous observation while it is under general anesthesia until the swallowing reflex of the animal has returned.

~~2~~ 3. The animal must not be released until it has been examined by a veterinarian and it is ambulating. This ~~paragraph~~ *subsection* must not be construed to prohibit the direct transfer of an animal under general anesthesia to an appropriate facility for observation.

~~3~~ 4. The following equipment must be available in the veterinary facility and must be in working order at all times:

~~1~~ (a) An anesthetic machine with breathing bags appropriate to the size of the animal under general anesthesia;

~~2~~ (b) An assortment of cuffed endotracheal tubes; and

~~3~~ (c) An oxygen delivery system.

~~4~~ 5. If it is appropriate for the species of animal when the swallowing reflex is impaired, the animal must be intubated and administered an appropriate concentration of oxygen.

~~5~~ 6. A method of monitoring respiration must be used, which may include, without limitation:

~~†(1)†~~ (a) Observing the chest movements of the animal;

~~†(2)†~~ (b) Watching the rebreathing bag; or

~~†(3)†~~ (c) Using a respirometer.

~~†(g)†~~ 7. A method of monitoring cardiac activity must be used, which may include, without limitation, the use of:

~~†(1)†~~ (a) A stethoscope; or

~~†(2)†~~ (b) An electrocardiographic monitor.

~~†(h)†~~ 8. Adequate surgical support, including, without limitation, an intravenous catheter, fluids and monitoring, as indicated by the status of the animal and the standard of care required of a licensed veterinarian under the circumstances, must be available.

~~†(i)†~~ 9. A written history must be maintained by the veterinarian for each animal put under general anesthesia, which must include, without limitation:

~~†(1)†~~ (a) The name or identification number of the animal.

~~†(2)†~~ (b) The medical history of the animal that is relevant to the administration of general anesthesia, which must include, without limitation, a description of any preexisting medical conditions and tests performed on the animal before surgery.

~~†(3)†~~ (c) A description of the general anesthesia used at the time of surgery.

~~†(4)†~~ (d) The method of monitoring that was used to comply with ~~†paragraphs (f) and (g)†~~.  
~~—2.— As used in this section, “general anesthesia” means a controlled state of unconsciousness caused by a drug or combination of drugs that is sufficient to produce a state of unconsciousness or disassociation and a blocked response to pain or alarming stimulus.† subsections 6 and 7.~~

**Sec. 22.** NAC 638.780 is hereby amended to read as follows:



638.780 1. A physical therapist who has been issued a certificate of registration pursuant to NAC 638.760 may practice animal physical therapy only:

(a) Under the direction of a veterinarian licensed in this State who has established a valid veterinarian-client-patient relationship concerning the animal receiving the animal physical therapy before the animal physical therapy is performed; and

(b) If the physical therapist assumes individual liability for the quality of the animal physical therapy performed.

2. The veterinarian under whose direction the physical therapist performs the animal physical therapy:

(a) Is not required to supervise the physical therapist during the animal physical therapy.

(b) Is not liable for the acts or omissions of the physical therapist who performs the animal physical therapy.

3. Each physical therapist who has been issued a certificate of registration shall:

(a) Maintain in this State for at least 4 years a separate written medical record of each animal receiving animal physical therapy from the physical therapist.

(b) Within 48 hours after the initial visit with the animal, mail or transmit ~~by facsimile machine~~ *electronically* a complete copy of the medical record to the veterinarian under whose direction the physical therapist performs the animal physical therapy.

(c) Within 48 hours after each subsequent visit with the animal, mail or transmit ~~by facsimile machine~~ *electronically* a progress report to the veterinarian under whose direction the physical therapist performs the animal physical therapy.

4. *Any medical record made pursuant to subsection 3 must be available for inspection by the Board or its representative.*

5. The veterinarian shall include the copy of the medical record received pursuant to subsection 3 in the medical record required pursuant to NAC 638.0475. The written medical record must include, without limitation:

- (a) The name, address and telephone number of the owner of the animal;
- (b) The name or identifying number, or both, of the animal;
- (c) The age, sex and breed of the animal;
- (d) The dates of care, custody or treatment of the animal;
- (e) The results of a basic rehabilitation examination related to physical therapy;
- (f) The diagnosis and treatment plan related to physical therapy recommended by the physical therapist for the animal; and
- (g) The progress and disposition of the case.

**Sec. 23.** NAC 638.830 is hereby amended to read as follows:

638.830 1. A chiropractor who has been issued a certificate of registration pursuant to NAC 638.810 may practice animal chiropractic only:

(a) Under the direction of a veterinarian licensed in this State who has established a valid veterinarian-client-patient relationship concerning the animal receiving the animal chiropractic before the animal chiropractic is performed; and

(b) If the chiropractor assumes individual liability for the quality of the animal chiropractic performed.

2. The veterinarian under whose direction the chiropractor performs the animal chiropractic:

(a) Is not required to supervise the chiropractor during the animal chiropractic.

(b) Is not liable for the acts or omissions of the chiropractor who performs animal chiropractic.

3. Each chiropractor who has been issued a certificate of registration shall:
  - (a) Maintain in this State for at least 4 years a separate written medical record of each animal receiving animal chiropractic.
  - (b) Within 48 hours after the initial visit with the animal, mail or transmit ~~by facsimile machine~~ *electronically* a complete copy of the medical record to the veterinarian under whose direction the chiropractor performs the animal chiropractic.
  - (c) Within 48 hours after each subsequent visit with the animal, mail or transmit ~~by facsimile machine~~ *electronically* a progress report to the veterinarian under whose direction the chiropractor performs the animal chiropractic.
4. *Any medical record made pursuant to subsection 3 must be available for inspection by the Board or its representative.*
5. The veterinarian shall include the copy of the medical record received pursuant to subsection 3 in the medical record required pursuant to NAC 638.0475. The written medical record must include, without limitation:
  - (a) The name, address and telephone number of the owner of the animal;
  - (b) The name or identifying number, or both, of the animal;
  - (c) The age, sex and breed of the animal;
  - (d) The dates of care, custody or treatment of the animal;
  - (e) The results of a basic physical examination related to musculoskeletal manipulation;
  - (f) The diagnosis and treatment plan related to musculoskeletal manipulation recommended by the chiropractor for the animal; and
  - (g) The progress and disposition of the case.

**Sec. 24.** Section 6 of this regulation is hereby amended to read as follows:

Sec. 6. 1. Except as otherwise provided in NAC 638.0525 or 638.053, veterinary dentistry may only be performed by a licensed veterinarian.

2. Veterinary dentistry must be performed under general anesthesia with the use of an endotracheal tube with an inflated cuff unless, based on the species of the animal, the Board determines otherwise.

3. *Except as otherwise provided in this subsection, a licensed veterinarian may perform dental surgery, periodontal surgery, endodontics and exodontia on an animal only in a veterinary facility that has the capacity to perform intraoral radiology. In an emergency, a licensed veterinarian may perform dental surgery, periodontal surgery, endodontics and exodontia on an animal in a veterinary facility that does not have the capacity to perform intraoral radiology if the licensed veterinarian determines, based on his or her professional judgment and the species of the animal, that the radiology which the veterinary facility has the capacity to perform is adequate for the particular procedure.*

4. Nothing in this section shall be construed to prohibit a person from using cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean an animal's teeth.

~~4.~~ 5. As used in this section, "veterinary dentistry" means:

(a) The application or use of any instrument or device to any portion of an animal's tooth, gums or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of the animal's tooth, gums or related tissue; and

(b) Preventive dental procedures pertaining to an animal, including, without limitation, the removal of calculus, soft deposits, plaque or stains and the smoothing, filing, floating or polishing of the surfaces of the animal's tooth.

**Sec. 25.** 1. This section and sections 1 to 23, inclusive, of this regulation become effective on June 23, 2014.

2. Section 24 of this regulation becomes effective on January 1, 2016.



## MEMORANDUM

<b>DATE</b>	October 20, 2014
<b>TO</b>	Veterinary Medical Board
<b>FROM</b>	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
<b>SUBJECT</b>	Overview and Discuss Diversion Program

### **Background:**

At its July 2014 meeting, the Veterinary Medical Board (Board) was provided an overview of the Board Diversion Program from Ginny Matthews, MAXIMUS Project Manager. At this meeting the Board requested additional information on Diversion Program costs, the historical number of Diversion Program participants and a Diversion Program participant flowchart.

In accordance with CCR section 2070, participants in the Diversion Program pay a fee of \$2,000, to be paid to the Board through MAXIMUS in a lump sum or installments. Participants are not considered having completed the Diversion Program until all Board fees have been paid. Additionally, MAXIMUS invoices the Board per Participant, per month. The current fee is \$306.14 per participant. Participants are required to be in the Program for a minimum of three years.

MAXIMUS has been the Board's Diversion Program contractor since July 2003. In that time it has seen 24 total participants of which nine have successfully completed the Program (and two are currently in the Program).

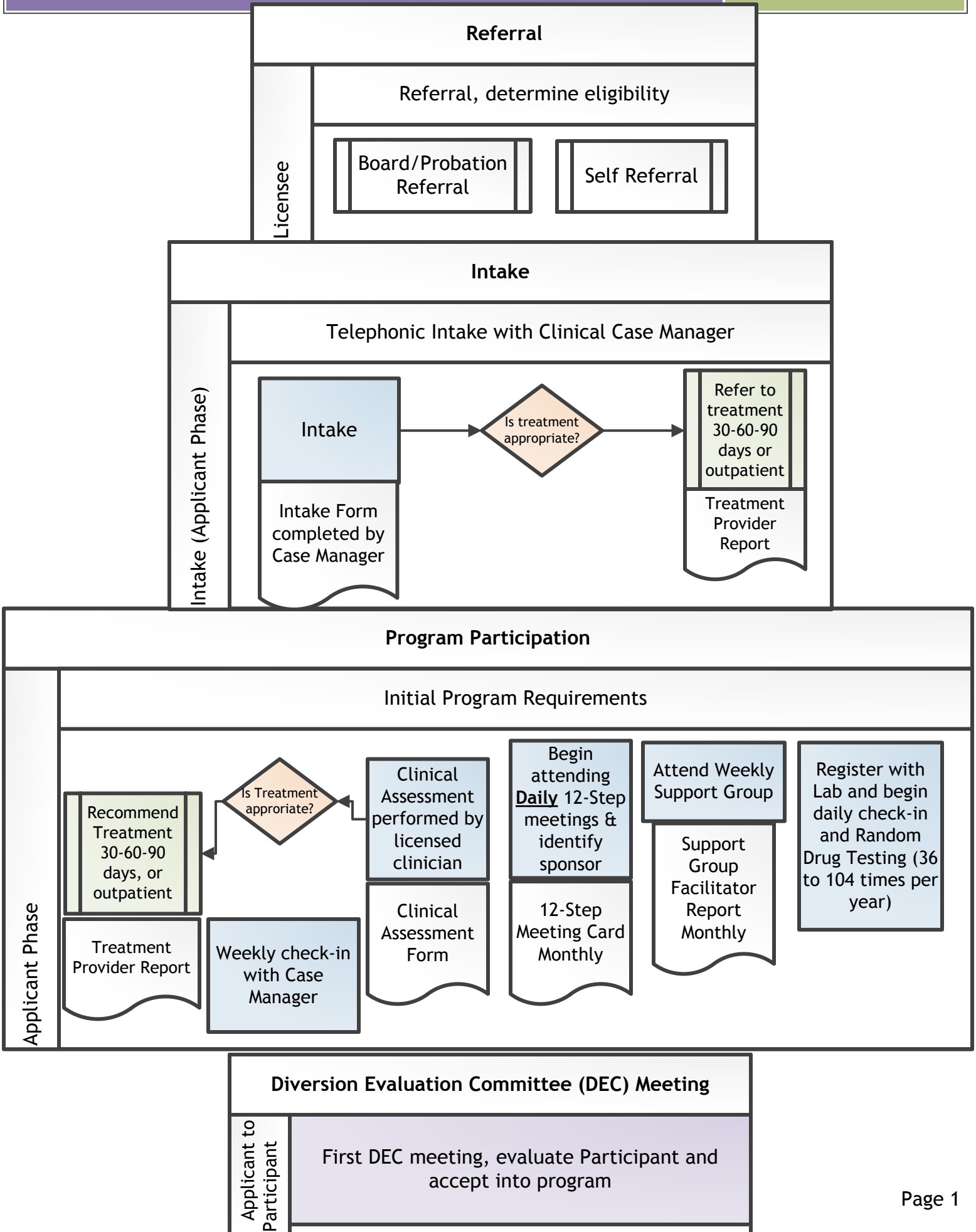
### **Action(s) Requested**

No action requested - informational

### **Attachment(s):**

Diversion Program Participant Process



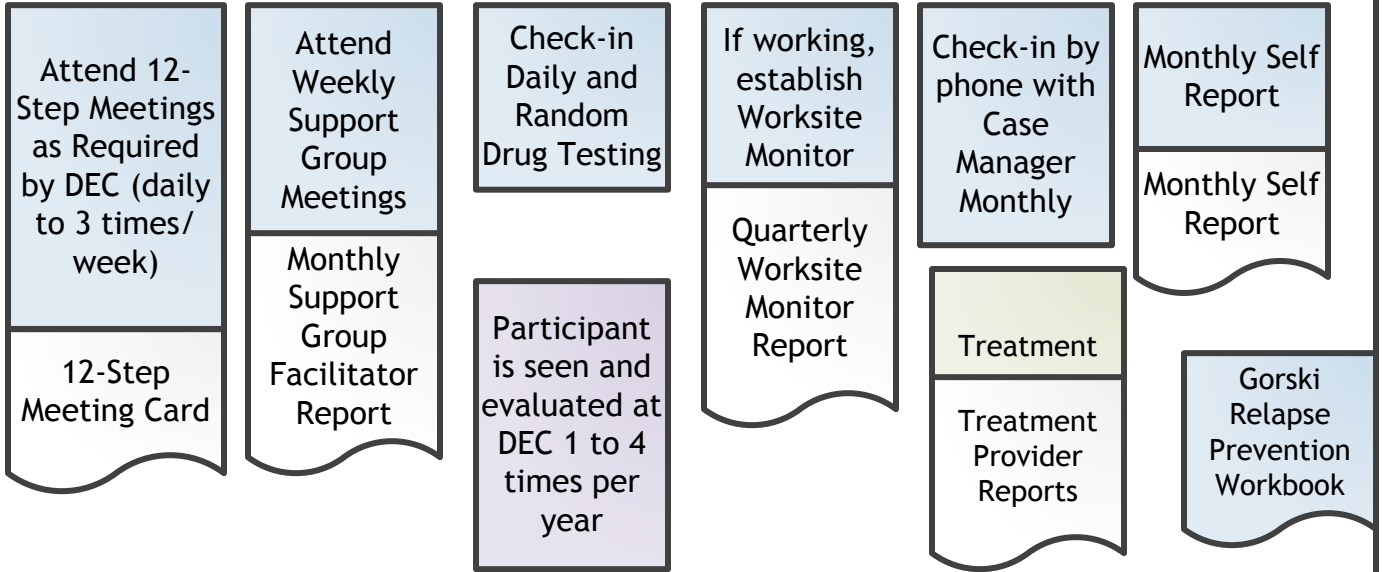




**Program Participation**

Continue Program Participation, meet program requirements, 2 to 5 years

Recovery Phase (Participant)

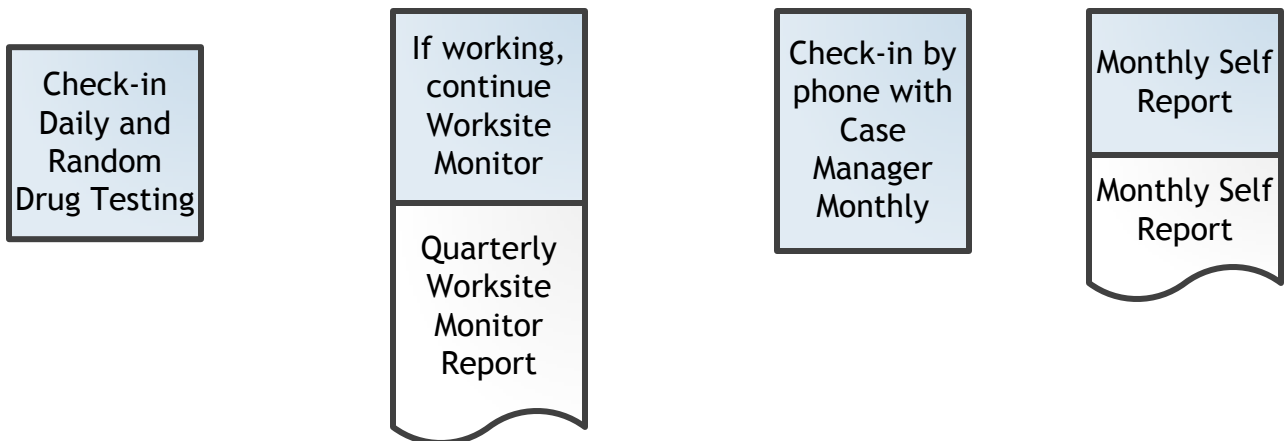


**Transition**

Participant may request transition once there have been 2 years of negative drug tests and good compliance with program requirements

Must apply for Transition by completing an essay about the Participant's life before, during and after program participation, and by submitting letters of reference from sponsor, spouse, employer and two others. Packet is considered at DEC and Transition granted or denied.

Transition Phase (Participant)



Successful Completion as determined by DEC, following one year of compliance and negative drug tests



# Diversion Program

A confidential program for the rehabilitation of veterinary practitioners impaired due to chemical dependency.

## What is the diversion program?

The purpose of the Diversion Program is to identify and rehabilitate licensed veterinary professionals whose competency is impaired due to the abuse of drugs and/or alcohol.

The Diversion Program is designed so that impaired veterinary professionals can be counseled, guided to appropriate treatment, and returned to practice in a manner that will not endanger public health or safety.

Services provided include:

- » Confidential consultation with professionals in the field of chemical dependency.
- » Intervention services.
- » Assessment of treatment needs and referral to appropriate resources.
- » Assistance in the development of a recovery plan.
- » Monitoring of compliance.
- » Encouragement and peer support.



**A program of help.**

**A program of hope.**

**A program of voluntary participation.**

### **Why this service?**

An alcohol or drug problem left untreated may cause a veterinary professional to risk her or his health or life and the safety of patients. The Diversion Program provides hope, help, and alternatives to veterinary professionals experiencing such problems.

### **There are places to turn to for help**

Veterinary professionals are not immune from the disease of chemical dependency. In fact, there may be an even greater risk of such problems among all medical professionals due to the availability and accessibility of drugs in the workplace and work related stresses.

Not recognizing or dealing with chemical dependency problems can make them more serious and difficult to solve. Often, the impaired individual is too close to the problem to be objective and his or her individual efforts only result in more stress, increasing the severity of the situation.

The first step in dealing with a chemical dependency problem is for the individual to admit he or she has a substance abuse problem. Having trouble handling problems isn't an easy thing to admit to another person. Unfortunately, professional veterinarians can buy into the myth that as professionals they are able to handle their chemical dependency problems alone. What is a tremendous burden to one person can become a lighter load when shared with someone trained to counsel and help others with chemical dependency.



### **Who provides the service?**

The Veterinary Medical Board of California has contracted with MAXIMUS Inc. to provide confidential intervention, assessment referral, and monitoring services.

Founded in 1975 with the single mission of "Helping government serve the people" MAXIMUS has served thousands of local, state, and federal governmental clients with unwavering integrity and an unmatched commitment to quality. MAXIMUS is a team of dedicated, talented, and conscientious professionals, who, through their daily efforts in the support of the government, improve the lives of individuals and families across the country.

### **Who is eligible?**

This innovative program accepts referrals on a voluntary basis. Any State of California licensed veterinary professional who is experiencing a drug or alcohol problem can voluntarily seek assistance by calling MAXIMUS' 24-hour, toll-free number: 800.522.9198. All voluntary requests for information and assistance are strictly confidential.

The Veterinary Medical Board may refer eligible veterinary professionals, who are impaired by chemical dependency, from disciplinary proceedings to this voluntary program.

### **A confidential service for voluntary participation**

All information with the program is confidential by law and not subject to discovery or subpoena. Those who use the program are assured that their problem and its deposition will remain confidential.

### **Referral to the program**

Persons wanting to obtain information, arrange an intervention, or apply to the Diversion Program may call MAXIMUS at 800.522.9198.

Family, friends, employers, and colleagues are also encouraged to contact the program for information and assistance. MAXIMUS can provide consultative assistance to any concerned party in developing strategy or techniques for confronting and positively motivating a veterinary professional who they perceive as impaired to seek assistance.

If consultation is needed regarding the relationship of the program to the Veterinary Medical Board, the types of services available, confidentiality issues, and the benefits of participation in the program, contact the Board's Diversion Program Coordinator at 916.515.5220.



**PROPOSED REGULATORY SCHEDULE 2014/2015**

<b>Priority</b>	<b>Subject</b>	<b>CCR Section(s)</b>	<b>Current Status/Action</b>
<b>PENDING ACTIONS</b>			
1.	<b>RVT AVMA School Approval</b>	2064 et. seq.	9/2/14 – Approved by OAL; Effective 1/1/2015
2.	<b>VTNE Transition</b>	2002 et. seq.	7/10/14 – Approved by OAL; Effective 10/1/2015
3.	<b>Pet Lovers License Plate</b>	2090 et. seq.	10/8/2013 - Public hearing 1-year deadline – 8/22/14; DCA/DOF approval pending
<b>PROPOSED ACTIONS – 2013/2014</b>			
1.	<b>Citation and Fine Program Update</b>	2043	October 2014 – Publish 45-day Notice ; January 2015 – Public Hearing
2.	<b>Uniform Standards for Substance Abuse (SB 1441)</b>	2006, 2006.5, and 2076	October 2014 – Board review
3.	<b>Animal Control Officer’s Training</b>	TBD	July 2014 – Board approved; 45-day Notice pending
4.	<b>CPEI (SB 1111)</b>	TBD	October 2014 – Board review
5.	<b>Animal Rehabilitation</b>	2038.5	July 2014 – Board approved; 45-day Notice pending
6.	<b>Veterinary Assistants</b>	TBD	TBD
<b>PROPOSED ACTIONS – MDC</b>			
1.	<b>RVT Student Exemption (BPC 4841.1)</b>	TBD	Aug. 2014 – MDC Discussion
2.	<b>RVT Alternate Route School Approval</b>	TBD	Aug. 2014 – MDC Discussion



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 ~~s~~ 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 ~~s~~ 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 holds ~~ing~~ a valid, unrestricted license to practice ~~with in~~ 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; ~~;~~ license type; ~~;~~ licensee's history; ~~;~~ length of sobriety; ~~;~~ scope and pattern of substance abuse; ~~;~~ treatment history; ~~;~~ medical history; ~~;~~ current medical condition; nature, duration and severity of substance abuse; and whether the licensee is a threat to himself/herself or others.

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



**Veterinary Medical Board**

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

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

**MEMORANDUM**

<b>DATE</b>	October 4, 2014
<b>TO</b>	Veterinary Medical Board
<b>FROM</b>	Annemarie, Executive Officer DCA/Veterinary Medical Board
<b>SUBJECT</b>	CPEI Proposal

**Background/Rationale**

The VMB reviewed the nine proposed Consumer Protection Enforcement Initiative (CPEI), regulatory concepts at its July 22-23, 2014 meeting and delegated staff to draft language for three of the nine DCA recommended provisions:

- 1) Delegation for the Executive Officer to adopt stipulated settlements for the surrender of the license.
- 2) Requiring the following incidents to be reported to the Board within 30-day:
  - a. The conviction of a licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor.
  - b. Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.
  - c. Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board.
- 3) Authorize the Board to order an applicant for licensure to be examined by a physician or psychologist if it appears that the applicant may be unable to safely practice the licensed profession due to a physical or mental illness: authorize the Board to deny the application if the applicant refuses evidence of the applicant's ability to safely practice.

With respect to item 3 above, the Board requested information regarding whether other boards have adopted similar provisions. The following boards have pursued the authority to order an applicant to be examined for physical and/or mental fitness to practice; Dental Board, Occupational Therapy Board, Respiratory Care Board, Physician Assistant Board, Speech-Language Pathology, Audiology, & Hearing Aid Dispensers Board, Vocational Nursing and Psychiatric Technicians Board, Acupuncture Board and Pharmacy Board (attached are sample provisions).

Other CPEI provisions reviewed by the VMB and the decision:

**720.10 – Revocation for sexual misconduct:** Require an Administrative Law Judge (ALJ) who has issued a decision finding that a licensee engaged in any act of sexual contact with a patient or who has committed or been convicted of sexual misconduct to order revocation which may not be stayed. *VMB: Do not move forward, provision appears to remove discretion of the ALJ and possibly the Board in examining the merits of individual circumstances.*

**720.12 – Denial of application for registered sex offender:** Require the Board to deny a license to an applicant or revoke the license of a licensee who is registered as a sex offender. *VMB: Do not move forward, provision appears to remove discretion of the Board in examining the merits of individual circumstances.*

**712.14 – Confidentiality agreements regarding settlements:** Confidentiality agreements regarding settlements can cause delay and thwart a Board’s effort to investigate possible cases of misconduct, thereby preventing the Board from performing its most basic function – protection of the public. *VMB: No necessity because already covered when codified in law (AB 2570 Stats 2012, now BPC § 143.5).*

**726(a) & (b) – Sexual misconduct:** Currently defined in B&P Code 726. *VMB: Do not move forward.*

**737 – Failure to provide information or cooperate in an investigation:** Make it unprofessional conduct for a licensee to fail to furnish information in a timely manner or cooperate in a disciplinary investigation. *VMB: No necessity; covered in statute BPC § 4856 (attached) already mandates cooperation.*

**802.1 – Failure to report an arrest, conviction, etc.:** Require a licensee to report to the Board any felony indictment or charge or any felony or misdemeanor conviction. *VMB: Do not move forward with requiring licensees to report arrests; convictions are covered in item 2 above.*

**Action:**

- Review proposed language and direct staff to notice proposed regulations.

**Attachments:**

- Proposed CPEI regulations
- Other healing arts boards relevant provisions

## **CPEI – PROPOSED LANGUAGE**

### **California Code of Regulations Article 5.2- Review of Applicants and Licensees**

#### **Delegation of Functions.**

(a) Except for those powers reserved exclusively to the "agency itself" under the Administrative Procedure Act (Section 11500 et seq. of the Government Code), the board delegates and confers upon the executive officer of the board all functions necessary to the dispatch of the board in connection with investigative and administrative proceedings under the jurisdiction of the board, including the ability to approve settlement agreements for the surrender or interim suspension of a license.

(b) The executive officer is further authorized to investigate and evaluate each applicant for licensure under the Act; and to issue a license in conformance with the provisions of the Act and this chapter.

#### **Unprofessional Conduct.**

Grounds for the denial, revocation, or suspension of a license or registration 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:

Failure to report to the board within 30 days any of the following:

(1) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.

(2) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

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

#### **Mental or Physical Examination of Fitness for Licensure.**

In addition to any other requirements for licensure, whenever it appears that an applicant for a license may be unable to practice veterinary medicine safely because the applicant's ability to practice may be impaired 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. The board shall pay the full cost of such examination. 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.





## **BUSINESS AND PROFESSIONS CODE:**

### **820.**

Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

### **821.**

The licentiate's failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license.

### **822.**

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

## **RESPIRATORY CARE PRACTICE ACT**

§ 3756. Fitness to practice; Professional competency examination; Petition of charges before board

(a) A respiratory care practitioner who provides respiratory care may be ordered to undergo a professional competency examination approved by the board if, after investigation and review by one or more respiratory care practitioner consultants of the board, there is reasonable cause to believe that the person providing respiratory care is unable or unwilling to practice respiratory care with reasonable skill and patient safety. Reasonable cause shall be determined by the board and may include, but shall not be limited to, the following:

- (1) Negligence.
  - (2) A pattern of inappropriate direct or indirect administration of respiratory care protocols, procedures, therapeutic regimens, or diagnostic testing of monitoring techniques.
  - (3) An act of incompetence or negligence causing death or serious bodily injury.
  - (4) A pattern of substandard care.
  - (5) Violation of any provision of this chapter.
- (b) The matter shall be presented by the board's executive officer or designee by way of a written petition detailing the reasonable cause. The petition shall contain all conclusions and

facts upon which the presumption of reasonable cause is based. A copy of the petition shall be served on the person who shall have 45 days after receipt of the copy of the petition to file written opposition to the petition. Service of the petition and any order shall be in accordance with the methods of service authorized by subdivision

(c) of Section 11505 of the Government Code. (c) The board shall review the petition and any written opposition from the person who has charges brought against him or her, or the board may hold a hearing in accordance with the Administrative Procedure Act to determine if reasonable cause exists, as specified in subdivision (a). The person who has charges brought against him or her shall have the right to be represented at that hearing by a person of his or her choice. If the board is satisfied that reasonable cause exists that is considered by the board as unprofessional conduct, the board shall issue an order compelling the person who has charges brought against him or her to undergo an examination of professional competency, as measured by community standards. For purposes of this section, "community standards" means the statewide standards of the community of licensees. Failure to comply with the order duly served the person charged shall constitute unprofessional conduct for purposes of disciplinary proceedings and failure to pass the examination shall result in denial, suspension, or revocation of the license, or registration which shall be determined by the board in its discretion.

(d) If the board proceeds pursuant to Sections 3755 and 3756 and the person charged passes the professional competency examination administered, the board shall be precluded from filing an accusation of incompetency based solely on the circumstances giving rise to the reasonable cause for the examination.

(e) If the board determines there is insufficient cause to file an accusation based on the examination results, then all agency records of the proceedings, including the petition and order for the examination, investigative reports, if any, reports of staff or the board's consultants, and the reports of the examiners, shall be kept confidential and shall not be subject to discovery or subpoena.

(f) If no further proceedings are conducted to determine the person's fitness to practice during a period of five years from the date of the petition under Section 3756, then the agency shall purge and destroy all records pertaining to the proceeding.

#### § 3757. Mental illness or chemical dependency

The board may refuse to issue a license or an authorization to work as a "respiratory care practitioner applicant" whenever it appears that the applicant may be unable to practice his or her profession safely due to mental illness or chemical dependency. The procedures set forth in Article 12.5 (commencing with Section 820) of Chapter 1 shall apply to any denial of a license or authorization pursuant to this section.

### **OCCUPATIONAL THERAPY BOARD**

#### **4148. Mental or Physical Examination of Fitness for Licensure.**

In addition to any other requirements for licensure, whenever it appears that an applicant for a license may be unable to practice occupational therapy safely because the applicant's ability to practice may be impaired due to mental illness 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. The board shall pay the full cost of such examination. 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.

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Sections 2570.6 and 2570.26, Business and Professions Code.

## PHARMACY BOARD

### § 1769. Criteria for Rehabilitation.

(a) In addition to any other requirements for licensure, when considering the approval of an application, the board or its designee may require an applicant to be examined by one or more physicians and surgeons or psychologists designated by the board if it appears that the applicant may be unable to safely practice due to mental illness or physical illness affecting competency. An applicant's failure to comply with the examination requirement shall render his or her application incomplete. 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 an examination is required. The board shall receive the examiner's evaluation within 60 days of the date the examination is completed. The report of the examiner shall be made available to the applicant.

If after receiving the report of the evaluation, the board determines that the applicant is unable to safely practice, the board may deny the application.

## DENTAL BOARD

### § 1020. Application Review and Criteria for Evaluating Rehabilitation.

(a)(1) In addition to any other requirements for licensure, when considering the approval of an application, the Board or its designee may require an applicant to be examined by one or more physicians and surgeons or psychologists designated by the Board if it appears that the applicant may be unable to safely practice due to mental illness or physical illness affecting competency. An applicant's failure to comply with the examination requirement shall render his or her application incomplete. The report of the examiners shall be made available to the applicant. The Board shall pay the full cost of such examination. If after receiving the report of evaluation, the Board determines that the applicant is unable to safely practice, the Board may deny the application, or may issue the applicant a license that is placed on probation with terms and conditions. If the Board issues a license on probation, the probationary order shall include an order that the license be revoked, stayed and placed on probation for the entire term of probation. In issuing a license on probation, the Board may consider any or all of the following terms and conditions:

(i) Requiring the licensee to obtain additional training or pass an examination upon completion of training, or both. The examination may be written, oral, or both, and may be a practical or clinical examination or both, at the option of the Board;

(ii) Requiring the licensee to submit to a mental or physical examination, or psychotherapy during the term of probation under the terms and conditions provided for in the "Dental Board of California Disciplinary Guidelines With Model Language" revised 08/30/2010, in \_\_\_\_\_ by \_\_\_\_\_ reference at Section 1018; or,

(iii) Restricting or limiting the extent, scope or type of practice of the licensee.

(2) If the Board determines, pursuant to proceedings conducted under this subdivision, that there is insufficient evidence to bring an action against the applicant, then all Board records of the proceedings, including the order for the examination, investigative reports, if any, and the report of the physicians and surgeons or psychologists, shall be kept confidential. If no further proceedings are conducted to determine the applicant's fitness to practice during a period of five years from the date of the determination by the Board of the proceedings pursuant to this subdivision, then the Board shall purge and destroy all records pertaining to the proceedings. If new proceedings are instituted during the five-year period against the applicant by the Board, the records, including the report of the physicians and surgeons or psychologists, may be used in the proceedings and shall be available to the applicant pursuant to the provisions of Section 11507.6 of the Government Code.

(b) When considering the denial of a license under Section 480 of the Code, the Board in evaluating the rehabilitation of the applicant and his present eligibility for a license, will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(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 (1) or (2).

(4) The extent to which 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.

(c) When considering the suspension or revocation of a license on the grounds of conviction of a crime, the Board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:

(1) The nature and severity of the act(s) or offense(s);

(2) Total criminal record;

(3) The time that has elapsed since commission of the act(s) or offense(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 proceedings pursuant to Section 1203.4 of the Penal Code;

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

(d) When considering a petition for reinstatement of a license, the Board shall evaluate evidence of rehabilitation, considering those criteria of rehabilitation listed in subsection (c).

Note: Authority cited: Sections 482 and 1614, Business and Professions Code. Reference: Sections 480, 482 and 820, Business and Professions Code; and Section 11519, Government Code.

## **PHYSICIAN ASSISTANT BOARD**

### **§ 1399.507.5. Physical or Mental Examination of Applicants.**

In addition to any other requirements for licensure, whenever it reasonably appears that an applicant for a license may be unable to perform as a physician assistant safely because the applicant's ability to perform may be impaired due to mental illness 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. The applicant shall pay the full cost of such examination. 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.

Note: Authority cited: Sections 3504.1 and 3510, Business and Professions Code. Reference: Sections 3514.1 and 3519.5, Business and Professions Code.

## **SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY**

### **§ 1399.151. Application for License.**

(a) An application for a license as a speech-language pathologist or audiologist shall be filed with the board at its principal office.

(b) Every application shall be typed or written in ink, signed under the penalty of perjury and accompanied by the appropriate application fee and by such evidence, statements, or documents as therein required.

(c) The applicant shall be notified, in writing, of the results of the evaluation of the application for license if the application is rejected.

(d) An applicant shall be deemed to have abandoned his or her licensure application if the requirements for licensure are not completed within two years from the date on which application was filed unless the applicant has requested extension by the board. An application submitted subsequent to an abandoned application shall be treated as a new application.

(e) In addition to any other requirements for licensure, whenever it appears that an applicant for a license may be unable to practice speech-language pathology or audiology safely because the applicant's ability to practice may be impaired 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. The board shall pay the full cost of such examination. 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.

Note: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 475, 480, 820, 2531.02, 2531.4, 2532.1 and 2533, Business and Professions Code.

## **VOCATIONAL NURSING**

### **§ 2509. Evaluation of Applicants.**

(a) In addition to any other requirements for licensure, whenever evidence exists that an applicant for a license may be unable to practice safely because the applicant's ability to practice may be impaired due to mental illness, 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. The board shall pay the full cost of such examination. An applicant's failure to comply with the requirement shall render his or her application incomplete.

(b) The report of the evaluation shall be made available to the applicant.

(c) If after receiving the evaluation report the Board determines that the applicant is unable to safely practice, the Board may deny the application.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 480, 820, 822, 2841.1, 2866, 2878, 2878.6, 2878.9 and 2879, Business and Professions Code.

## **PSYCHIATRIC TECHNICIANS**

### **§ 2568. Evaluation of Applicants.**

(a) In addition to any other requirements for licensure, whenever evidence exists that an applicant for a license may be unable to practice safely because the applicant's ability to practice may be impaired due to mental illness, 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. The board shall pay the full cost of such examination. An applicant's failure to comply with the requirement shall render his or her application incomplete.

(b) The report of the evaluation shall be made available to the applicant.

(c) If after receiving the evaluation report the Board determines that the applicant is unable to safely practice, the Board may deny the application.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 480, 820, 822, 4501.1, 4511, 4521, 4521.1, 4521.6, 4522 and 4523, Business and Professions Code.

# Legislation

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## **A. AB 1437 – MULLIN - MEDICALLY IMPORTANT ANTIMICROBIALS: LIVESTOCK AND POULTRY**

**AMENDED: 4/22/14**

**STATUS: Held in Committee**

**BOARD POSITION: Watch**

Under existing law, the Department of Food and Agriculture is responsible for enforcing provisions relating to the importation of animals, milk and milk products, produce dealers, and other agricultural regulations. Existing law, the California Meat and Poultry Inspection Act, establishes a meat and poultry inspection program and, in connection with the operation of that program by the department, authorizes the Secretary of Food and Agriculture to adopt, by regulation, standards and requirements that meet those prescribed by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act.

This bill would prohibit a livestock or poultry product from being sold in California if the livestock or poultry product is constituted of livestock or poultry that was administered a medically important antimicrobial for nontherapeutic use, such as growth promotion, feed efficiency, weight gain, or disease prevention. The bill would also prohibit a livestock or poultry product sold in California to be constituted of livestock or poultry that was administered a medically important antimicrobial for nonroutine disease control unless certain conditions are met. The bill would prohibit a livestock or poultry product from being sold in California unless the livestock or poultry product is constituted wholly or in part of livestock or poultry that was slaughtered at a registered slaughter facility and the slaughter facility annually reports specified information to the department regarding the use of medically important antimicrobials. The bill would also prohibit a medically important antimicrobial from being administered to a food-producing animal unless the medically important antimicrobial is administered for a therapeutic use and consistently with specified veterinarian provisions. The bill would require the department to establish, by regulation, a schedule for the implementation of these provisions and require that they be fully implemented on or before January 1, 2020. The bill would require the department to post the information reported by the slaughter facilities on an Internet Web site commencing on or before December 31, 2017.

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

**AMENDED: 7/3/2014**

**STATUS: Vetoed by Governor**

**BOARD POSITION: Watch**

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

This bill would prohibit the secretary from registering a medically important antimicrobial drug, as defined, that is administered to food animals, as defined, through feed or drinking water, unless prescribed requirements are met. The bill would, except as specified, provide that a medically important



antimicrobial drug currently registered with the ~~department~~ *Department of Food and Agriculture* that does not meet the prescribed requirements has until January 1, 2017, to meet the prescribed requirements and reregister with the secretary. The bill would ~~require~~ *prohibit a person from administering a medically important antimicrobial through feed or drinking water except pursuant to* a veterinarian-client-patient relationship, as ~~described, to exist prior to the use of a medically important antimicrobial drug administered to food animals through feed or drinking water~~ *described*. Because a violation of the bill's provisions would be a crime, the bill would impose a state-mandated local program.

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

**STATUS: Signed by the Governor 7/7/14**

**BOARD POSITION:** Support

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

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

**AMENDED:** 7/1/2014

**STATUS: Signed by the Governor 9/20/14**

**BOARD POSITION:** Watch

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

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

This bill would make a violation of its provisions an infraction punishable by a fine not to exceed \$250 for each dog for which a violation has occurred, and would authorize animal control personnel to issue a

correction warning in lieu of the fine, subject to specified exceptions. By creating a new crime, the bill would impose a state-mandated local program.

**E. AB 2058 – WILK – OPEN MEETINGS**

**AMENDED:** 6/19/2014

**STATUS:** Vetoed by the Governor 9/27/14

**BOARD POSITION:** Watch

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

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

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

In Addition, CBA states that making advisory activities of one or two members open to the public will greatly increase costs as a staff member would need to travel to attend the meeting for the purpose of recording minutes. Agencies would also need to contract for meeting space that would be able to accommodate the public, thus incurring further costs.

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

**AMENDED:** 8/18/2014

**STATUS:** Signed by the Governor 9/17/14

**BOARD POSITION:** Support

Existing law regulates the practice of veterinary medicine. Existing law, until January 1, 2016, provides for a Veterinary Medical Board within the Department of Consumer Affairs. Existing law, until January 1, 2016, authorizes the board to appoint a person exempt from civil service to be designated as an executive officer of the board, as specified. This bill would extend those provisions until January 1, 2017.

*See Attached Clean-up Provisions*

**G. SB 1323- LIEU – SPECIAL LICENSE PLATE: PET LOVER’S LICENSE PLATE PROGRAM**

**AMENDED:** 8/22/2014

**STATUS:** Signed by the Governor 9/16/14

**BOARD POSITION:** Conceptual Support

Existing law establishes a specialized license plate program and requires the Department of Motor Vehicles (DMV) to issue specialized license plates to a sponsoring state agency that meets certain requirements. Existing law requires the DMV to charge specified additional fees for the issuance, renewal, or transfer of specialized license plates, and requires that these additional fees, less the DMV's administrative costs, be deposited in the Specialized License Plate Fund for appropriation and allocation to each sponsoring state agency, as specified.

This bill would require the DMV to deposit the additional fees for a specialty license plate issued under the Pet Lover's License Plate Program sponsored by the Veterinary Medical Board, or a successor specialty license plate program sponsored by the board, into the Pet Lover's Specialized License Plate Fund. *This bill would declare that it is to take effect immediately as an urgency statute.*

#### **H. AB 1758- PATTERSON- PRORATION OF INITIAL LICENSE FEES**

**AMENDED:** 8/4/2014      **STATUS:** Held under submission

**BOARD POSITION:** None/ See Fiscal Impact\*

Existing law requires that licenses issued to certain licensees, including, among others, architects, acupuncturists, dental hygienists, dentists, occupational therapists, physical therapists, physicians and surgeons, psychologists, and veterinarians, expire at 12 a.m. on either the last day of the birth month of the licensee or at 12 a.m. of the legal birth date of the licensee during the 2nd year of a 2-year term if not renewed.

This bill would require that the fee for an initial temporary or permanent license, or an original license, as specified, imposed pursuant to these provisions be prorated on a monthly basis, but would authorize a board or committee, as applicable, to impose an additional fee to cover the reasonable costs of issuing an initial or original license that expires in less than 12 months, as specified. The bill would limit the total amount of the prorated fee and the additional fee imposed for an initial or original license that expires in less than 12 months to  $\frac{1}{2}$  of the fee for an initial or original license, as specified.

\*DCA Budget Office estimates a **loss in revenue of \$77,600 annually** due to the prorated fees. \$55,000 for Veterinarian renewal revenue and \$20,600 for RVT renewal revenue.



**AB-1810 Deposits for keeping: abandoned animals.** (2013-2014)

**Assembly Bill No. 1810**

CHAPTER 86

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

[ Approved by Governor July 07, 2014. Filed with Secretary of State July 07, 2014. ]

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

This bill would allow a person to turn an abandoned animal over to a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or nonprofit animal rescue group, provided that the shelter or rescue group has been contacted and has agreed to take the animal.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

**1834.5.** (a) Notwithstanding any other provision of law, whenever an animal is delivered to a veterinarian, dog kennel, cat kennel, pet-grooming parlor, animal hospital, or any other animal care facility pursuant to a written or oral agreement entered into after the effective date of this section, and the owner of the animal does not pick up the animal within 14 calendar days after the day the animal was initially due to be picked up, the animal shall be deemed to be abandoned. The person into whose custody the animal was placed for care shall first try for a period of not less than 10 days to find a new owner for the animal or turn the animal over to a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or nonprofit animal rescue group, provided that the shelter or rescue group has been contacted and has agreed to take the animal. If unable to place the animal with a new owner, shelter, or rescue group, the animal care facility may have the abandoned animal euthanized.

(b) If an animal so abandoned was left with a veterinarian or with a facility that has a veterinarian, and a new owner cannot be found pursuant to this section, the veterinarian may euthanize the animal.

(c) Nothing in this section shall be construed to require an animal care facility or a veterinarian to euthanize an abandoned animal upon the expiration of the 10-day period described in subdivision (a).

(d) There shall be a notice posted in a conspicuous place, or in conspicuous type in a written receipt given, to warn a person depositing an animal at an animal care facility of the provisions of this section.

(e) An abandoned animal shall not be used for scientific or any other type of experimentation.

**SEC. 2.** Section 1834.6 of the Civil Code is repealed.



**AB-1809 Dogs: health certificates.** (2013-2014)

**Assembly Bill No. 1809**

CHAPTER 498

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

[ Approved by Governor September 20, 2014. Filed with Secretary of State September 20, 2014. ]

LEGISLATIVE COUNSEL'S DIGEST

AB 1809, Maienschein. Dogs: health certificates.

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

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

This bill would make a violation of its provisions an infraction punishable by a fine not to exceed \$250 for each dog for which a violation has occurred, or, in lieu of punishment as an infraction, would authorize animal control personnel to issue an administrative fine for the same amount or a correction warning, subject to specified exceptions. By creating a new crime, the bill would impose a state-mandated local program.

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

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

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

**CHAPTER 1.5. Dog Importation: Health Certificates**

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

(2) The person seeking to bring the dog into this state or importing dogs into this state for the purpose of resale or change of ownership shall submit the health certificate to the county health department as provided in subdivision (c). The person shall submit the health certificate to the county health department by any method accepted by the receiving agency, including, but not limited to, electronic transmission and facsimile.

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

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

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

**121721.** (a) This chapter does not apply to a person who brings a dog into the state that will not be offered for resale or if the ownership of the dog is not expected to change.

(b) This chapter does not apply to the import of a dog used for law enforcement or military work, a guide dog, as defined by subdivision (d) of Section 365.5 of the Penal Code, or a dog imported as a result of a declared emergency as described by Section 8558 of the Government Code or an investigation by law enforcement of an alleged violation of state or federal animal fighting or animal cruelty laws.

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

**121723.** (a) A person who violates a provision of this chapter is guilty of an infraction, punishable by a fine not to exceed two hundred fifty dollars (\$250) for each dog for which a violation has occurred.

(b) In lieu of punishment pursuant to subdivision (a), authorized enforcement personnel may issue an administrative fine in the same amount specified in subdivision (a) or a correction warning to a person who violates a provision of this chapter, unless the violation endangers the health or safety of the animal, the animal has been wounded as a result of the violation, or an administrative fine or a correction warning has previously been issued to the individual. The administrative fine or correction warning shall require the person to correct the violation.

**SEC. 2.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because of both of the following:

(a) A local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

(b) This act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



**Senate Bill No. 1243**

CHAPTER 395

An act to amend Sections 101.7, 149, 201, 312, 4800, 4804.5, 4836.2, 4841.5, 4844, 11506, and 22259 of, and to add Sections 154.1, 211, and 312.1 to, the Business and Professions Code, relating to professions and vocations.

[ Approved by Governor September 17, 2014. Filed with Secretary of State September 17, 2014. ]

LEGISLATIVE COUNSEL'S DIGEST

SB 1243, Lieu. Professions and vocations.

(1) Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations. Existing law requires those agencies to hold public meetings and provide public notice of a meeting.

This bill would require each of those agencies to offer a person requesting to receive notice of a meeting the option to receive that notice by regular mail, email, or both regular mail and email, and would require the agency to comply with that request. The bill would require an agency that intends to Web cast a meeting, to provide notice of intent to Web cast the meeting.

(2) Existing law authorizes certain agencies within the department, upon investigation and with probable cause to believe that a person is advertising in a telephone directory with respect to the offering or performance of services, without being properly licensed by or registered with the agency, to issue a citation including an order of correction. Existing law authorizes those agencies to notify the Public Utilities Commission if a person does not comply with a final order of correction, and requires the commission to require the telephone corporation providing the telephone services to disconnect the service.

This bill would apply those provisions to all agencies that comprise the department, and would delete the requirement that the advertising appear in a telephone directory.

(3) Existing law imposes specified duties on the department and allows the department to levy a charge for the estimated administrative expenses in advance on a pro rata share basis against funds of an agency comprising the department.

This bill would require the department to submit an annual report of the accounting of the pro rata calculation of administrative expenses to the appropriate policy committees of the Legislature, on or before July 1, 2015, and on or before July 1 of each subsequent year. The bill would require the department to conduct a one-time study of its system for prorating administrative excesses, and to include the findings of the study in the report it is required to submit on or before July 1, 2015. The bill would also require the department, if it engages a third-party consultant to assess the department's operations, to promptly, upon receipt of the consultant's final report on that assessment, submit that report to the appropriate policy committees of the Legislature including the entire study upon its completion.



The bill would require the department to develop and make available training courses for employees who perform enforcement functions to develop knowledge of enforcement practices for all employees who perform enforcement functions.

(4) Existing law requires an agency comprising the department to investigate a consumer accusation or complaint against a licensee and, where appropriate, the agency is authorized to impose disciplinary action against a licensee. Under existing law, an agency comprising the department may refer a complaint to the Attorney General or Office of Administrative Hearings for further action. Existing law requires the Director of Consumer Affairs to submit an annual report to the Governor and the Legislature, on or before January 1, that includes information regarding consumer complaints and the action taken on those complaints.

This bill would require the director's report to include specific, detailed information regarding those complaints and actions. The bill would require the Office of Administrative Hearings to submit a report to the department, the Governor, and the appropriate policy committees of the Legislature, on or before January 1, 2016, and on or before January 1 of each subsequent year, that includes specified information regarding the actions taken by the Office of Administrative Hearings pertaining to accusations and cases relating to consumer complaints against a person whose profession or vocation is licensed by an agency comprising the department.

(5) Existing law regulates the practice of veterinary medicine. Existing law, until January 1, 2016, provides for a Veterinary Medical Board within the Department of Consumer Affairs. Existing law, until January 1, 2016, authorizes the board to appoint a person exempt from civil service to be designated as an executive officer of the board, as specified.

This bill would extend those provisions until January 1, 2017.

(6) Existing law, beginning January 1, 2015, requires a veterinary assistant to obtain a controlled substance permit from the board in order to administer a controlled substance, and requires the board to revoke a veterinary controlled substance permit upon notification that the veterinary assistant has been convicted of a state or federal felony controlled substance violation.

This bill would, instead, beginning July 1, 2015, authorize the board to deny, suspend, or revoke the controlled substance permit of a veterinary assistant after notice and hearing if the veterinary assistant has been convicted of a state or federal felony controlled substance violation.

(7) Existing law regulates the practice of common interest development managers, and makes those provisions effective only until January 1, 2015.

This bill would extend the effectiveness of those provisions until January 1, 2019, and subject those provisions to review by the appropriate policy committees of the Legislature. The bill would also delete an obsolete reference.

(8) Existing law establishes the California Tax Education Council, a nonprofit organization, and requires the council to register and regulate tax preparers. Existing law makes those provisions effective only until January 1, 2015.

This bill would extend the effectiveness of those provisions until January 1, 2019.

(9) This bill would make technical, nonsubstantive, and conforming changes.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 101.7 of the Business and Professions Code is amended to read:

**101.7.** (a) Notwithstanding any other provision of law, boards shall meet at least three times each calendar year. Boards shall meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

(b) The director at his or her discretion may exempt any board from the requirement in subdivision (a) upon a showing of good cause that the board is not able to meet at least three times in a calendar year.

(c) The director may call for a special meeting of the board when a board is not fulfilling its duties.

(d) An agency within the department that is required to provide a written notice pursuant to subdivision (a) of Section 11125 of the Government Code, may provide that notice by regular mail, email, or by both regular mail and email. An agency shall give a person who requests a notice the option of receiving the notice by regular mail, email, or by both regular mail and email. The agency shall comply with the requester's chosen form or forms of notice.

(e) An agency that plans to Web cast a meeting shall include in the meeting notice required pursuant to subdivision (a) of Section 11125 of the Government Code a statement of the board's intent to Web cast the meeting. An agency may Web cast a meeting even if the agency fails to include that statement of intent in the notice.

**SEC. 2.** Section 149 of the Business and Professions Code is amended to read:

**149.** (a) If, upon investigation, an agency designated in Section 101 has probable cause to believe that a person is advertising with respect to the offering or performance of services, without being properly licensed by or registered with the agency to offer or perform those services, the agency may issue a citation under Section 148 containing an order of correction that requires the violator to do both of the following:

(1) Cease the unlawful advertising.

(2) Notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

(b) This action is stayed if the person to whom a citation is issued under subdivision (a) notifies the agency in writing that he or she intends to contest the citation. The agency shall afford an opportunity for a hearing, as specified in Section 125.9.

(c) If the person to whom a citation and order of correction is issued under subdivision (a) fails to comply with the order of correction after that order is final, the agency shall inform the Public Utilities Commission of the violation and the Public Utilities Commission shall require the telephone corporation furnishing services to that person to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

(d) The good faith compliance by a telephone corporation with an order of the Public Utilities Commission to terminate service issued pursuant to this section shall constitute a complete defense to any civil or criminal action brought against the telephone corporation arising from the termination of service.

**SEC. 3.** Section 154.1 is added to the Business and Professions Code, to read:

**154.1.** (a) The Legislature hereby finds and declares all of the following:

(1) The department is currently providing opportunities for employees of agencies comprising the department who perform enforcement functions to attend an entry level enforcement academy.

(2) It is in the best interest of consumers in the state for the department to continue to provide ongoing training opportunities for employees performing enforcement functions for each agency comprising the department.

(b) The department shall continue to develop and make available training courses for employees who perform enforcement functions. The purpose of the training courses is to develop knowledge of enforcement practices for all employees who perform enforcement functions. The department shall encourage an agency executive officer, registrar, executive director, bureau chief, enforcement manager, supervisor, or staff member to attend enforcement training courses.

(c) The department shall develop the enforcement training curricula in consultation and cooperation with the office of the Attorney General and the Office of Administrative Hearings.

**SEC. 4.** Section 201 of the Business and Professions Code is amended to read:

**201.** (a) (1) A charge for the estimated administrative expenses of the department, not to exceed the available balance in any appropriation for any one fiscal year, may be levied in advance on a pro rata share basis against any of the boards, bureaus, commissions, divisions, and agencies, at the discretion of the director and with the

approval of the Department of Finance.

(2) The department shall submit a report of the accounting of the pro rata calculation of administrative expenses to the appropriate policy committees of the Legislature on or before July 1, 2015, and on or before July 1 of each subsequent year.

(b) The department shall conduct a one-time study of its current system for prorating administrative expenses to determine if that system is the most productive, efficient, and cost-effective manner for the department and the agencies comprising the department. The study shall include consideration of whether some of the administrative services offered by the department should be outsourced or charged on an as-needed basis and whether the agencies should be permitted to elect not to receive and be charged for certain administrative services. The department shall include the findings in its report pursuant to paragraph (2) of subdivision (a) that it is required to submit on or before July 1, 2015.

**SEC. 5.** Section 211 is added to the Business and Professions Code, to read:

**211.** If the department hires a third-party consultant to assess the department's operations, the department shall, promptly upon receipt of the consultant's final report on that assessment, submit that report to the appropriate policy committees of the Legislature after omitting any information that is not subject to disclosure under the California Public Records Act (Chapter 3.5 commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

**SEC. 6.** Section 312 of the Business and Professions Code is amended to read:

**312.** (a) The director shall submit to the Governor and the Legislature on or before January 1, 2003, and annually thereafter, a report of programmatic and statistical information regarding the activities of the department and its constituent entities for the previous fiscal year. The report shall include information concerning the director's activities pursuant to Section 326, including the number and general patterns of consumer complaints and the action taken on those complaints.

(b) The report shall include information relative to the performance of each constituent entity, including, but not limited to, length of time for a constituent entity to reach each of the following milestones in the enforcement process:

(1) Average number of days from when a constituent entity receives a complaint until the constituent entity assigns an investigator to the complaint.

(2) Average number of days from a constituent entity opening an investigation conducted by the constituent entity staff or the Division of Investigation to closing the investigation regardless of outcome.

(3) Average number of days from a constituent entity closing an investigation to imposing formal discipline.

(c) A report submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

**SEC. 7.** Section 312.1 is added to the Business and Professions Code, to read:

**312.1.** The Office of Administrative Hearings shall submit a report to the department, the Governor, and the Legislature on or before January 1, 2016, and on or before January 1 of each subsequent year that includes, at a minimum, all of the following for the previous fiscal year:

(a) Number of cases referred by each constituent entity to each office of the Office of Administrative Hearings for a hearing.

(b) Average number of days from receiving a request to setting a hearing date at each office of the Office of Administrative Hearings.

(c) Average number of days from setting a hearing to conducting the hearing.

(d) Average number of days after conducting a hearing to transmitting the proposed decision by each office of the Office of Administrative Hearings.

**SEC. 8.** Section 4800 of the Business and Professions Code is amended to read:

**4800.** (a) There is in the Department of Consumer Affairs a Veterinary Medical Board in which the administration of this chapter is vested. The board consists of the following members:

(1) Four licensed veterinarians.

(2) One registered veterinary technician.

(3) Three public members.

(b) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature. However, the review of the board shall be limited to those issues identified by the appropriate policy committees of the Legislature and shall not involve the preparation or submission of a sunset review document or evaluative questionnaire.

**SEC. 9.** Section 4804.5 of the Business and Professions Code is amended to read:

**4804.5.** The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

**SEC. 10.** Section 4836.2 of the Business and Professions Code is amended to read:

**4836.2.** (a) Applications for a veterinary assistant controlled substance permit shall be upon a form furnished by the board.

(b) The fee for filing an application for a veterinary assistant controlled substance permit shall be set by the board in an amount the board determines is reasonably necessary to provide sufficient funds to carry out the purposes of this section, not to exceed one hundred dollars (\$100).

(c) The board may deny, suspend, or revoke the controlled substance permit of a veterinary assistant after notice and hearing for any cause provided in this subdivision. The proceedings under this section shall be conducted in accordance with the provisions for administrative adjudication in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The board may revoke or suspend a veterinary assistant controlled substance permit for any of the following reasons:

(1) The employment of fraud, misrepresentation, or deception in obtaining a veterinary assistant controlled substance permit.

(2) Chronic inebriety or habitual use of controlled substances.

(3) The veterinary assistant to whom the permit is issued has been convicted of a state or federal felony controlled substance violation.

(4) Violating or attempts to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, or of the regulations adopted under this chapter.

(d) The board shall not issue a veterinary assistant controlled substance permit to any applicant with a state or federal felony controlled substance conviction.

(e) (1) As part of the application for a veterinary assistant controlled substance permit, the applicant shall submit to the Department of Justice fingerprint images and related information, as required by the Department of Justice for all veterinary assistant applicants, for the purposes of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests and information as to the existence and content of a record of state or federal arrests for which the Department of Justice establishes

that the person is free on bail or on his or her own recognizance pending trial or appeal.

(2) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information that it receives pursuant to this section. The Department of Justice shall review any information returned to it from the Federal Bureau of Investigation and compile and disseminate a response to the board summarizing that information.

(3) The Department of Justice shall provide a state or federal level response to the board pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(4) The Department of Justice shall charge a reasonable fee sufficient to cover the cost of processing the request described in this subdivision.

(f) The board shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for persons described in paragraph (1) of subdivision (e).

(g) This section shall become operative on July 1, 2015.

**SEC. 11.** Section 4841.5 of the Business and Professions Code is amended to read:

**4841.5.** To be eligible to take the written and practical examination for registration as a registered veterinary technician, the applicant shall:

(a) Be at least 18 years of age.

(b) (1) Furnish satisfactory evidence of graduation from, at minimum, a two-year curriculum in veterinary technology, in a college or other postsecondary institution approved by the board, or the equivalent thereof as determined by the board. In the case of a private postsecondary institution, the institution shall also be approved by the Bureau for Private Postsecondary Education.

(2) For purposes of this subdivision, education or a combination of education and clinical practice experience may constitute the equivalent of the graduation requirement imposed under this subdivision, as determined by the board.

**SEC. 12.** Section 4844 of the Business and Professions Code is amended to read:

**4844.** A person who fails to renew his certificate of registration within five years after its expiration may not renew it, and it shall not be restored, reissued, or reinstated thereafter, but that person may apply for and obtain a new certificate of registration if:

(a) He or she is not subject to denial of registration under Section 480.

(b) No fact, circumstance, or condition exists which, if the certificate of registration were issued, would justify its revocation or suspension.

(c) He or she takes and passes the examination, if any, that would be required of him or her if he or she were then applying for a certificate of registration for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he or she is qualified to be a registered veterinary technician.

(d) He or she pays all of the fees that would be required of him or her if he or she were applying for the certificate of registration for the first time.

The board may, by regulation, provide for the waiver or refund of all or any part of the examination fee when a certificate of registration is issued without an examination pursuant to this section.

**SEC. 13.** Section 11506 of the Business and Professions Code is amended to read:

**11506.** This part shall be subject to review by the appropriate policy committees of the Legislature. This part shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

**SEC. 14.** Section 22259 of the Business and Professions Code is amended to read:

**22259.** (a) This chapter shall be subject to review by the appropriate policy committees of the Legislature.

(b) This chapter shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.





**SB-1323 Specialized license plates: Pet Lover's License Plate Program.** (2013-2014)

**Senate Bill No. 1323**

CHAPTER 375

An act relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor September 16, 2014. Filed with Secretary of State September 16, 2014. ]

LEGISLATIVE COUNSEL'S DIGEST

SB 1323, Lieu. Specialized license plates: Pet Lover's License Plate Program.

Existing law establishes a specialized license plate program and requires the Department of Motor Vehicles (DMV) to issue specialized license plates to a sponsoring state agency that meets certain requirements. Existing law requires the DMV to charge specified additional fees for the issuance, renewal, or transfer of specialized license plates, and requires that these additional fees, less the DMV's administrative costs, be deposited in the Specialized License Plate Fund for appropriation and allocation to each sponsoring state agency, as specified.

This bill would appropriate the moneys in the Specialized License Plate Fund derived from the issuance, renewal, transfer, and substitution of a specialized license plate issued under the Pet Lover's License Plate Program sponsored by the Veterinary Medical Board prior to the operative date of the bill to the Veterinary Medical Board for the sole and exclusive purpose of funding grants to providers of no-cost or low-cost animal sterilization services.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Any moneys in the Specialized License Plate Fund derived from the issuance, renewal, transfer, and substitution of a specialized license plate issued under the Pet Lover's License Plate Program sponsored by the Veterinary Medical Board prior to the operative date of Senate Bill 1323 of the 2013-14 Regular Session are hereby appropriated to the Veterinary Medical Board for the sole and exclusive purpose of funding grants to providers of no-cost or low-cost animal sterilization services.

**SEC. 2.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that funds from a specialized license plate program are available as soon as possible to allow the Veterinary Medical Board to support the critically important efforts of city and county animal shelters to address serious animal care and control problems facing the state, it is necessary that this act go into effect immediately.







**AB-186 Professions and vocations: military spouses: temporary licenses.** (2013-2014)

**Assembly Bill No. 186**

CHAPTER 640

An act to add Section 115.6 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

[ Approved by Governor September 27, 2014. Filed with Secretary of State September 27, 2014. ]

LEGISLATIVE COUNSEL'S DIGEST

AB 186, Maienschein. Professions and vocations: military spouses: temporary licenses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Existing law requires that the licensing fees imposed by certain boards within the department be deposited in funds that are continuously appropriated. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This bill would, in addition to the expedited licensure provisions described above, establish a temporary licensure process for specified licensed professions for an applicant who holds a current, active, and unrestricted license in another jurisdiction, as specified, and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders. The bill would require a temporary license issued pursuant to these provisions to expire 12 months after issuance, upon issuance of an expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first.

This bill would also require an applicant seeking a temporary license as a civil engineer, geotechnical engineer, structural engineer, land surveyor, professional geologist, professional geophysicist, certified engineering geologist, or certified hydrogeologist to successfully pass the appropriate California-specific examination or examinations required for licensure in those respective professions by the Board for Professional Engineers, Land Surveyors, and Geologists.

Because the bill would authorize the expenditure of continuously appropriated funds for a new purpose, the bill would make an appropriation.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 115.6 is added to the Business and Professions Code, to read:

**115.6.** (a) A board within the department shall, after appropriate investigation, issue the following eligible temporary licenses to an applicant if he or she meets the requirements set forth in subdivision (c):

- (1) Registered nurse license by the Board of Registered Nursing.
- (2) Vocational nurse license issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- (3) Psychiatric technician license issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- (4) Speech-language pathologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (5) Audiologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (6) Veterinarian license issued by the Veterinary Medical Board.
- (7) All licenses issued by the Board for Professional Engineers, Land Surveyors, and Geologists.
- (8) All licenses issued by the Medical Board of California.

(b) The board may conduct an investigation of an applicant for purposes of denying or revoking a temporary license issued pursuant to this section. This investigation may include a criminal background check.

(c) An applicant seeking a temporary license pursuant to this section shall meet the following requirements:

(1) The applicant shall supply evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) The applicant shall hold a current, active, and unrestricted license that confers upon him or her the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which he or she seeks a temporary license from the board.

(3) The applicant shall submit an application to the board that shall include a signed affidavit attesting to the fact that he or she meets all of the requirements for the temporary license and that the information submitted in the application is accurate, to the best of his or her knowledge. The application shall also include written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing in that jurisdiction.

(4) The applicant shall not have committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license under this code at the time the act was committed. A violation of this paragraph may be grounds for the denial or revocation of a temporary license issued by the board.

(5) The applicant shall not have been disciplined by a licensing entity in another jurisdiction and shall not be the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

(6) The applicant shall, upon request by a board, furnish a full set of fingerprints for purposes of conducting a criminal background check.

(d) A board may adopt regulations necessary to administer this section.

(e) A temporary license issued pursuant to this section may be immediately terminated upon a finding that the temporary licenseholder failed to meet any of the requirements described in subdivision (c) or provided substantively inaccurate information that would affect his or her eligibility for temporary licensure. Upon termination of the temporary license, the board shall issue a notice of termination that shall require the temporary licenseholder to immediately cease the practice of the licensed profession upon receipt.

(f) An applicant seeking a temporary license as a civil engineer, geotechnical engineer, structural engineer, land surveyor, professional geologist, professional geophysicist, certified engineering geologist, or certified hydrogeologist pursuant to this section shall successfully pass the appropriate California-specific examination or examinations required for licensure in those respective professions by the Board for Professional Engineers,

Land Surveyors, and Geologists.

(g) A temporary license issued pursuant to this section shall expire 12 months after issuance, upon issuance of an expedited license pursuant to Section 115.5, or upon denial of the application for expedited licensure by the board, whichever occurs first.





## MEMORANDUM

<b>DATE</b>	October 21, 2014
<b>TO</b>	Veterinary Medical Board
<b>FROM</b>	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
<b>SUBJECT</b>	Approval of California Veterinary Technician Schools

### **Background:**

Business and Professions Code (BPC) Section 4843 authorizes the Board to approve all veterinary technician schools or institutions offering training curriculum and establishes certain specified criteria for approved schools or institutions.

California Code of Regulations (CCR) section 2064 et. seq. further specifies Board approved veterinary technician schools may include schools accredited by the American Veterinary Medical Association (AVMA) or schools reviewed and inspected by the Board. CCR section 2065 et. seq specifies Board approved program requirements such as classroom and clinical instruction requirements, facility requirements, program application requirements, school or institution approval processes, school or institution inspection criteria, probationary and withdrawal terms and reporting requirements.

The Board currently accepts schools accredited by the AVMA and approves one California veterinary technician school, San Diego-Mesa College. The Board has not reviewed and inspected a new application for approval of a veterinary technician school in more than ten years. The Board has a history of inspecting and reviewing veterinary technician schools; however those schools by and large are now AVMA accredited.

### **Issue:**

In an email dated March 4, 2014, the California University of Management and Sciences requested Board approval of their veterinary technology program. Additionally, staff met with David Park, Ph.D. at the Board office on August 22, 2014 where Mr. Park reiterated the request for California approval and that the program has also applied for AVMA accreditation.

In accordance with BPC Section 4843 California veterinary technician school approval may be obtained through 1) AVMA accreditation or, 2) Board review and inspection.

AVMA accreditation requires programs to apply directly to the AVMA; Board review and inspection requires the reconstitution of a Board veterinary technician school approval process.

### **Action(s) Requested**

Review and consider California University of Management and Sciences request veterinary technology program approval and direct staff as appropriate.

**Attachment(s):**

- BPC Section 4846 and CCR section 2064 et. seq.
- California University of Management and Sciences email dated March 4, 2014.

**BUSINESS AND PROFESSIONS CODE - BPC**

**DIVISION 2. HEALING ARTS**

**CHAPTER 11. Veterinary Medicine**

**ARTICLE 2.5. Registered Veterinary Technicians**

**4843.**

The board shall approve all schools or institutions offering a curriculum for training registered veterinary technicians. Application forms for schools requesting approval shall be furnished by the board. Approval by the board shall be for a two-year period. Reapplication for approval by the board shall be made at the end of the expiration date.

**Title 16. Professional and Vocational Regulations**

**Division 20. Veterinary Medical Board**

**Article 6. Registered Veterinary Technicians**

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

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

**§ 2065. Minimum Requirements for Approved Schools or Degree Programs.**

Schools or degree programs seeking approval from the board shall meet all of the following minimum requirements:

(a) The curriculum shall consist of:



- (1) a minimum of 600 hours of classroom instruction,
  - (2) a minimum of 200 hours of clinical instruction, and
  - (3) an externship consisting of at least 200 hours.
- (b) The curriculum shall cover applicable safety training in all coursework. Coursework shall include the following:
- (1) Principles of anatomy and physiology,
  - (2) Biology and chemistry,
  - (3) Applied mathematics,
  - (4) Orientation to the vocation of veterinary technology,
  - (5) Ethics and jurisprudence in veterinary medicine including applicable regulatory requirements,
  - (6) Anesthetic nursing and monitoring including anesthetic evaluation, induction, and maintenance. It shall also include care and use of anesthetic and monitoring equipment,
  - (7) Animal husbandry, including restraint, species and breed identification, sex determination and sanitation,
  - (8) Animal nutrition and feeding,
  - (9) Client communication,
  - (10) Dental care of companion and laboratory animals including prophylaxis and extractions,
  - (11) Diseases and nursing management of companion, food, and laboratory animals including zoonoses,
  - (12) Emergency and critical care nursing,
  - (13) Laboratory procedures to include clinical biochemistry, cytology, hematology, immunology, basic microbiology, parasitology, and urine analysis testing,
  - (14) Imaging to include radiography, basic endoscopy, ultrasound principles, and radiation safety principles,
  - (15) Medical terminology,
  - (16) Medical office management including medical record keeping and drug control,
  - (17) Basic necropsy techniques including specimen collection and handling,
  - (18) Pharmacology, and

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

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

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

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

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

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

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

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

(g) The number of students enrolled shall be at a ratio to the number of faculty and size of the facilities which is not detrimental to the quality of education. When animal patients are used as part of the curriculum the ratio shall be adequate to protect the health and safety of the animal patients and the students, taking into consideration the species of animal being treated.

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

(i) The school or degree program shall be part of an institution that is approved by the Department of Consumer Affairs, Bureau for Private Postsecondary Education, or its successor

agency, or accredited by a regional or national accrediting agency recognized by the United States Department of Education.

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

(k) Any instruction covered under subsection (a)(3) shall be in a facility that is in compliance with registration requirements of Business and Professions Code section 4853.

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

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

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

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

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

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

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

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

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

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

(2) Disapprove the application.

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

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

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

#### **§ 2065.7. Inspections.**

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

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

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

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

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

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



From: jeffb@calums.edu [mailto:jeffb@calums.edu]  
Sent: Tuesday, March 04, 2014 11:38 AM  
To: 'vmb@dca.ca.gov'  
Subject: Application for Approval of Veterinary Technician Program

March 4, 2014

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

Dear Sirs/Mesdames:

We would like to apply as an approved VMB school to offer an associate's degree (2-year) program in veterinary technology. The purpose of the program is to prepare the students to be eligible to take the Registered Veterinary Technician (RVT) examination.

Our school, California University of Management and Sciences, is licensed to operate by the Bureau for Private Postsecondary Education (BPPE) since 1998.

We are accredited by the Accrediting Council for Independent Colleges and Schools (ACICS) since 2006.

May we please be advised on how to proceed with this VMB application?

Thank you.

Jeffrey Beasca  
Chief Compliance Officer  
California University of Management and Sciences  
721 N. Euclid Street  
Anaheim, CA 92801  
Phone: (714) 533-3946  
Fax: (714) 533-7778  
eMail: jeffb@calums.edu





## MEMORANDUM

<b>DATE</b>	October 21, 2014
<b>TO</b>	Veterinary Medical Board
<b>FROM</b>	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
<b>SUBJECT</b>	Proposed Continuing Education Approval

### **Background:**

Business and Professions Code (BPC) Section 4846.5 describes the Board's authority to approve certain statutorily recognized continuing education providers (such as courses offered by AVMA accredited schools, AVMA medical associations, government agencies, etc.), recognize national continuing education approval bodies (such as AAVSB Registry for Approved Continuing Education), or review and approve individual continuing education providers.

California Code of Regulations (CCR) section 2085.5 further defines the approval process wherein an individual continuing education provider may apply to the Board directly or through a national approval body in order to obtain California continuing education program approval.

The Board accepts statutorily recognized continuing education providers and providers approved by the AAVSB Registry for Approved Continuing Education. The Board has not reviewed or approved any continuing education provider pursuant to CCR section 2085.5 since its operative date of February 2002.

### **Issue:**

In letters dated August and September 2014 and by email in October 2014 the Animal Policy Group has requested the inclusion of North American Veterinary Community, Western Veterinary Conference, CVC, and American Animal Hospital Association as Board approved continuing education providers.

In accordance with BPC Section 4846.5 continuing education program approval may be obtained through 1) statutory recognition, 2) AAVSB Registry for Approved Continuing Education approval, or 3) Board review and approval.

Statutory recognition requires legislative action through the legislative bill process; AAVSB Registry for Approved Continuing Education approval requires programs to apply directly to the AAVSB; Board review and approval requires the creation of a Board continuing education program approval process.

### **Action(s) Requested**

Review and consider Animal Policy Group request for continuing education program approval and direct staff as appropriate.



**Attachment(s):**

- BPC Section 4846.5 and CCR section 2085.5.
- Animal Policy Group letters dated August and September 2014 and October 2014 email letter attachment.

**BUSINESS AND PROFESSIONS CODE  
DIVISION 2. HEALING ARTS**

**CHAPTER 11. Veterinary Medicine  
ARTICLE 3. Issuance of Licenses**

**4846.5.**

(a) Except as provided in this section, the board shall issue renewal licenses only to those applicants that have completed a minimum of 36 hours of continuing education in the preceding two years.

(b) (1) Notwithstanding any other provision of law, continuing education hours shall be earned by attending courses relevant to veterinary medicine and sponsored or cosponsored by any of the following:

(A) American Veterinary Medical Association (AVMA) accredited veterinary medical colleges.

(B) Accredited colleges or universities offering programs relevant to veterinary medicine.

(C) The American Veterinary Medical Association.

(D) American Veterinary Medical Association recognized specialty or affiliated allied groups.

(E) American Veterinary Medical Association's affiliated state veterinary medical associations.

(F) Nonprofit annual conferences established in conjunction with state veterinary medical associations.

(G) Educational organizations affiliated with the American Veterinary Medical Association or its state affiliated veterinary medical associations.

(H) Local veterinary medical associations affiliated with the California Veterinary Medical Association.

(I) Federal, state, or local government agencies.

(J) Providers accredited by the Accreditation Council for Continuing Medical Education (ACCME) or approved by the American Medical Association (AMA), providers recognized by the American Dental Association Continuing Education Recognition Program (ADA CERP), and AMA or ADA affiliated state, local, and specialty organizations.

(2) Continuing education credits shall be granted to those veterinarians taking self-study courses, which may include, but are not limited to, reading journals, viewing video recordings, or listening to audio recordings. The taking of these courses shall be limited to no more than six hours biennially.

(3) The board may approve other continuing veterinary medical education providers not specified in paragraph (1).

(A) The board has the authority to recognize national continuing education approval bodies for the purpose of approving continuing education providers not specified in paragraph (1).

(B) Applicants seeking continuing education provider approval shall have the option of applying to the board or to a board-recognized national approval body.

(4) For good cause, the board may adopt an order specifying, on a prospective basis, that a provider of continuing veterinary medical education authorized pursuant to paragraph (1) or (3) is no longer an acceptable provider.

(5) Continuing education hours earned by attending courses sponsored or cosponsored by those entities listed in paragraph (1) between January 1, 2000, and January 1, 2001, shall be credited toward a veterinarian's continuing education requirement under this section.

(c) Every person renewing his or her license issued pursuant to Section 4846.4 or any person applying for relicensure or for reinstatement of his or her license to active status, shall submit proof of compliance with this section to the board certifying that he or she is in compliance with this section. Any false statement submitted pursuant to this section shall be a violation subject to Section 4831.

(d) This section shall not apply to a veterinarian's first license renewal. This section shall apply only to second and subsequent license renewals granted on or after January 1, 2002.

(e) The board shall have the right to audit the records of all applicants to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a period of four years and shall make these records available to the board for auditing purposes upon request. If the board, during this audit, questions whether any course reported by the veterinarian satisfies the continuing education requirement, the veterinarian shall provide information to the board concerning the content of the course; the name of its sponsor and cosponsor, if any; and specify the specific curricula that was of benefit to the veterinarian.

(f) A veterinarian desiring an inactive license or to restore an inactive license under Section 701 shall submit an application on a form provided by the board. In order to restore an inactive license to active status, the veterinarian shall have completed a minimum of 36 hours of continuing education within the last two years preceding application. The inactive license status of a veterinarian shall not deprive the board of its authority to institute or continue a disciplinary action against a licensee.

(g) Knowing misrepresentation of compliance with this article by a veterinarian constitutes unprofessional conduct and grounds for disciplinary action or for the issuance of a citation and the imposition of a civil penalty pursuant to Section 4883.

(h) The board, in its discretion, may exempt from the continuing education requirement any veterinarian who for reasons of health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted on a form provided by the board.

(i) The administration of this section may be funded through professional license and continuing education provider fees. The fees related to the administration of this section shall not exceed the costs of administering the corresponding provisions of this section.

(j) For those continuing education providers not listed in paragraph (1) of subdivision (b), the board or its recognized national approval agent shall establish criteria by which a provider of continuing education shall be approved. The board shall initially review and approve these criteria and may review the criteria as needed. The board or its recognized agent shall monitor, maintain, and manage related records and data. The board may impose an application fee, not to exceed two hundred dollars (\$200) biennially, for continuing education providers not listed in paragraph (1) of subdivision (b).

## **Title 16. Professional and Vocational Regulations**

### **Division 20. Veterinary Medical Board**

#### **Article 9. Continuing Education: Veterinarian**

##### **§ 2085.5. Approved Providers.**

(a) A continuing education provider shall apply to the Board or the Board recognized national continuing education approval body for approval as a provider.

(b) A continuing education provider shall be issued a continuing education provider number and may represent itself as a California approved provider of continuing education courses for veterinarians, upon satisfactory completion of the provider requirements of the Board. Providers applying for approval must meet the following requirements:

(1)(A) Submit an application to the Board (Form # VMB/CE/2 dated 11/1/01) with payment of the appropriate fees; or

(B) Submit an application (AAVSB National Registry of Approved CE (RACE) Provider Application, in effect as of 8/1/01), to the Board recognized national continuing education approval body, with payment of the appropriate fees;

(2) Provide to each course participant a mechanism for evaluating the individual courses;

(3) Submit written documentation as to the procedures and protocols it will use to comply with the provisions of the Board's continuing education regulations found in Article 9, Division 20, Title 16, CCR.

(c) A continuing education provider approval number issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired continuing education provider approval number, the provider shall, on or before the expiration date of the approval number, apply for renewal to the accreditation agency and pay the two-year renewal fee. A continuing education provider approval number that is not renewed by the expiration date may not be renewed, restored, reinstated, or reissued thereafter, but the provider may apply for a new approval.

(d) Approved provider status is non-transferable. Approved providers shall inform the approving agency in writing no later than 30 days after any changes in their courses, organizational structure and/or person(s) responsible for continuing education program, including name and address changes.

## Executive Summary

### Proposal for Institution of Pre-Approved CE for NAVC, WVC, CVC, and AAHA on Same Basis as AVMA and State VMA's

Veterinary Continuing Education (CE) programs and credits are regulated by state boards of veterinary medicine by delegation from legislatures under state veterinary practice acts. Changes to CE governance do not require approval by state legislatures, only administratively by state veterinary boards. Veterinarians in each state submit CE credit forms to their state veterinary boards for approval and processing to meet annual and bi-annual CE requirements.

State veterinary boards participate in a national trade organization, American Association of Veterinary State Boards (AAVSB), headquartered in Kansas City and led by executive director Robyn Kendrick. AAVSB owns and operates the RACE program for CE approval, as well as other national veterinary service/standards programs, including the Veterinary Technician National Exam (VTNE). CE programs from certain providers, but not others as described below, are required to receive RACE approval for which an application fee is paid per course/instructor.

How state boards across the country regulate CE is fundamental to our proposal, and summarized below (an explanatory chart for all 50 states is attached as Exhibit A):

- **42** states pre-approve AVMA-related CE. "Pre-approved" means that veterinarians may submit courses for credit and it is not required that the offering organization, in this case AVMA, submit the programs and instructors for approval previously by the state board or RACE.
- **40** states pre-approve RACE-approved CE programs. However, RACE approval by AAVSB is a procedure that costs money and time for the offering organization and is program-specific. This is a costly expense,

- administrative burden and source of delay for major organizations such as NAVC, WVC, CVC and AAHA.
- **35** states pre-approve state veterinary medical association (VMA) CE programs without RACE approval.
  - **21** states pre-approve AAHA-related CE programs without RACE pre-approval. Only **2** states pre-approve NAVC-related CE programs, **9** states pre-approve WVC-related CE programs, and **5** states pre-approve CVC-related CE programs.

The net effect of the status quo is that the largest providers nationally of veterinary CE (NAVC, WVC, CVC, AAHA) are discriminated against and treated differently in most jurisdictions than CE provided by AVMA and State VMA's. The latter groups do not have to submit courses and instructors to RACE for approval, or for approval by state boards in most states. By contrast, NAVC, WVC, CVC, and AAHA are required to undergo the expense and staff time of submitting each course and instructor to RACE.

This disparate treatment may be the result of oversight or historical lack of attention, but cannot be justified and should not be maintained going forward. NAVC, WVC, CVC and AAHA should be placed on the same footing as CE providers like AVMA and State VMA's. Such a change will not harm the latter institutions, and will benefit veterinarians across the country, who have come to rely heavily on NAVC, WVC, CVC and AAHA to meet their CE needs.

Even a cursory look (see Exhibit C) at the speakers delivering curriculum of NAVC, WVC, CVC and AAHA when compared with AVMA and State VMA's, demonstrates that there is no qualitative difference among the institutions or programs. All provide high quality CE for veterinarians and vet techs, taught by well-credentialed speakers. All have come to be relied upon by veterinary practitioners around the country, and all should be treated the same for CE accreditation purposes. There is no benefit to the profession or

public in increasing the costs and expenses for NAVC, WVC, CVC and AAHA to provide CE they already are providing for veterinarians in the United States. Exhibit C admittedly is a lengthy document, but makes it easy to discern that all six-program providers deploy high quality instructors for similar courses.

NAVC, WVC, CVC and AAHA are proceeding with a three-stage effort to correct this situation:

1. Present issue and proposal to industry and profession leaders for discussion and support;
2. Present proposal to AAVSB at its annual meeting in September to gain understanding and support; and
3. Submit administrative rule requests to the states grandfathering AVMA and State VMA's so that the governing rules for CE administration include NAVC, WVC, CVC, and AAHA on the same basis.

This proposal levels the playing field and makes it easier and more affordable for the largest national CE providers to meet the needs of America's veterinarians. NAVC, WVC, CVC and AAHA operate at the highest levels alongside AVMA and State VMA's and adoption of this proposal by the AAVSB and state veterinary boards will be an important step forward.

Please direct any questions or comments to:

Mark L. Cushing

[mark.cushing@tonkon.com](mailto:mark.cushing@tonkon.com)

971-344-1347

[www.animalpolicygroup.com](http://www.animalpolicygroup.com)





ANIMAL  
POLICY | GROUP

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ATTORNEYS

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Mark L. Cushing  
Admitted to practice in Oregon

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503.972.3746  
mark.cushing@tonkon.com

September 16, 2014

Via Email & Hardcopy

Tom Kendall, DVM, President  
California Veterinary Medical Board  
1747 N. Market Boulevard Suite 230  
Sacramento, California 95834-2987

Re: Proposed Amendment to Continuing Education Rule

Dear Mr. Kendall:

I am following up on my letter dated August 19, 2014, with the request regarding NAVC, Western Veterinary Conference and CVC.

We have been retained by a fourth client, the American Animal Hospital Association (AAHA), who wishes to be placed equally among other organizations on similar standing for veterinary continuing education.

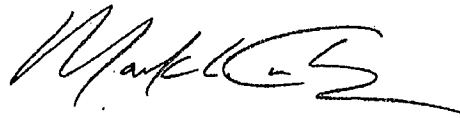
I have attached a newly revised proposed amendment to your administrative rule (Article 3, Section 4846.5, with Article 9, 208.5 for reference).

I would appreciate the opportunity to speak with you about our request at your next convenience. My schedule next week is quite flexible; please let me know your availability.

Page 2

Thank you again for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark L. Cushing". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark L. Cushing

MLC/akm

**VETERINARY MEDICAL BOARD  
MANDATORY CONTINUING EDUCATION REGULATIONS**

**Article 9. Continuing Education**

**2085.5 Approved Providers.**

(a) A continuing education provider shall apply to the Board or the Board recognized national continuing education approval body for approval as a provider.

(b) A continuing education provider shall be issued a continuing education provider number and may represent itself as a California approved provider of continuing education courses for veterinarians, upon satisfactory completion of the provider requirements of the Board. Providers applying for approval must meet the following requirements:

(1) (A) Submit an application to the Board (Form # VMB/CE/2 dated 11/1/01) with payment of the appropriate fees; or

(B) Submit an application (AAVSB National Registry of Approved CE (RACE) Provider Application, in effect as of 8/1/01), to the Board recognized national continuing education approval body, with payment of the appropriate fees;

(2) Provide to each course participant a mechanism for evaluating the individual courses;

(3) Submit written documentation as to the procedures and protocols it will use to comply with the provisions of the Board's continuing education regulations found in Article 9, Division 20, Title 16, CCR.

(c) A continuing education provider approval number issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired continuing education provider approval number, the provider shall, on or before the expiration date of the approval number, apply for renewal to the accreditation agency and pay the two-year renewal fee. A continuing education provider approval number that is not renewed by the expiration date may not be renewed, restored, reinstated, or reissued thereafter, but the provider may apply for a new approval.

(d) Approved provider status is non-transferable. Approved providers shall inform the approving agency in writing no later than 30 days after any changes in their courses, organizational structure and/or person(s) responsible for continuing education program, including name and address changes.

Note: Authority Cited: Sections 4808 and 4846.5, Business and Professions Code. Reference: Section 4846.5, Business and Professions Code.

**BUSINESS AND PROFESSIONS CODE [BPC]**

**DIVISION 2. HEALING ARTS**

**CHAPTER 11. VETERINARY MEDICINE**

**Article 3. Issuance of Licenses**

**Section 4846.5.**

(a) Except as provided in this section, the board shall issue renewal licenses only to those applicants that have completed a minimum of 36 hours of continuing education in the preceding two years.

(b) (1) Notwithstanding any other provision of law, continuing education hours shall be earned by attending courses relevant to veterinary medicine and sponsored or cosponsored by any of the following:

(A) American Veterinary Medical Association (AVMA) accredited veterinary medical colleges.

(B) Accredited colleges or universities offering programs relevant to veterinary medicine.

(C) The American Veterinary Medical Association.

(D) American Veterinary Medical Association recognized specialty or affiliated allied groups.

(E) American Veterinary Medical Association's affiliated state veterinary medical associations.

(F) Nonprofit annual conferences established in conjunction with state veterinary medical associations.

(G) Educational organizations affiliated with the American Veterinary Medical Association or its state affiliated veterinary medical associations.

(H) Local veterinary medical associations affiliated with the California Veterinary Medical Association.

(I) NAVC, Western Veterinary Conference, CVC or AAHA

(J) Federal, state, or local government agencies.

(K) Providers accredited by the Accreditation Council for Continuing Medical Education (ACCME) or approved by the American Medical Association (AMA), providers recognized by the American Dental Association Continuing Education Recognition Program (ADA CERP), and AMA or ADA affiliated state, local, and specialty organizations.

ANIMAL POLICY | GROUP

Mark L. Cushing  
Admitted to practice in Oregon

RECEIVED

AUG 25 2014

VMB / RVTC

August 19, 2014

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ATTORNEYS

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Portland, Oregon 97204

503.802.2046  
503.972.3746  
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Via Email & Hardcopy

Tom Kendall, DVM, President  
California Veterinary Medical Board  
1747 N. Market Boulevard Suite 230  
Sacramento, California 95834-2987

Re: Proposed Amendment to Continuing Education Rule

Dear Mr. Kendall:

We represent the three largest national providers of Continuing Education for Veterinarians: NAVC, Western Veterinary Conference and CVC. NAVC hosts its annual CE conference each January in Orlando plus providing additional CE throughout the year. Western Veterinary Conference hosts its annual CE conference each February in Las Vegas plus providing additional CE throughout the year. CVC hosts three conferences in Washington, DC, Kansas City and San Diego.

I have attached proposed amendments to your administrative rule (Article 3, Section 4846.5, with Article 9, 208.5 for reference) placing these three organizations on similar standing to other large, trusted Veterinary CE providers. We would request that these proposed amendments be placed on the agenda for your Board at its earliest convenience. I would be pleased to discuss these with

Page 2

you, so let me know by email or phone when I may have that opportunity. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark L. Cushing". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark L. Cushing

MLC/akm

**BUSINESS AND PROFESSIONS CODE [BPC]**  
**DIVISION 2. HEALING ARTS**  
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(H) Local veterinary medical associations affiliated with the California Veterinary Medical Association.

(I) NAVC, Western Veterinary Conference or CVC.

(J) Federal, state, or local government agencies.

(K) Providers accredited by the Accreditation Council for Continuing Medical Education (ACCME) or approved by the American Medical Association (AMA), providers recognized by the American Dental Association Continuing Education Recognition Program (ADA CERP), and AMA or ADA affiliated state, local, and specialty organizations.





**VETERINARY MEDICAL BOARD  
MANDATORY CONTINUING EDUCATION REGULATIONS**

**Article 9. Continuing Education**

**2085.5 Approved Providers.**

(a) A continuing education provider shall apply to the Board or the Board recognized national continuing education approval body for approval as a provider.

(b) A continuing education provider shall be issued a continuing education provider number and may represent itself as a California approved provider of continuing education courses for veterinarians, upon satisfactory completion of the provider requirements of the Board. Providers applying for approval must meet the following requirements:

(1) (A) Submit an application to the Board (Form # VMB/CE/2 dated 11/1/01) with payment of the appropriate fees; or

(B) Submit an application (AAVSB National Registry of Approved CE (RACE) Provider Application, in effect as of 8/1/01), to the Board recognized national continuing education approval body, with payment of the appropriate fees;

(2) Provide to each course participant a mechanism for evaluating the individual courses;

(3) Submit written documentation as to the procedures and protocols it will use to comply with the provisions of the Board's continuing education regulations found in Article 9, Division 20, Title 16, CCR.

(c) A continuing education provider approval number issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired continuing education provider approval number, the provider shall, on or before the expiration date of the approval number, apply for renewal to the accreditation agency and pay the two-year renewal fee. A continuing education provider approval number that is not renewed by the expiration date may not be renewed, restored, reinstated, or reissued thereafter, but the provider may apply for a new approval.

(d) Approved provider status is non-transferable. Approved providers shall inform the approving agency in writing no later than 30 days after any changes in their courses, organizational structure and/or person(s) responsible for continuing education program, including name and address changes.

Note: Authority Cited: Sections 4808 and 4846.5, Business and Professions Code. Reference: Section 4846.5, Business and Professions Code.



# **Veterinary Medical Board Action Plan Excerpts 2012 - 2014**

## **Multidisciplinary Committee Proposed Assignments**

*July 2014*

### **EXISTING PRIORITIES**

**4.6 Examine the feasibility of implementing an approval program for alternate routes for obtaining Registered Veterinary Technician licensure.**

- Consider efficacy of ad hoc alternate route in conjunction with approved alternate route programs

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

- Review current license exemption for teachers.

**Review Pharmacy Law related to drug compounding and the 72-hour dispensing requirement**

**Review minimum standards regulation implementation and interpretation issues including veterinary premises, small animal vaccination clinics, veterinary-client-patient relationships, and written prescriptions in absence of original prescribing veterinarian**

**Review Business and Professions Code Section 4830 regarding veterinary student exemption, duties and supervision at a California veterinary university**

**4.5 Pursue regulations to define Registered Veterinary Technician student exemptions.**

### **FUTURE MDC ISSUES**

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

- Review feasibility of 1st year licensure with Multidisciplinary Committee.

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

**5.5 Add English language proficiency as a requirement for licensure.**

- Discuss expanding current regulations to include non-English colleges with MDC.

**5.7 Revisit the provisions for temporary licenses during disaster situations for out-of-state practitioners.**

**5.12 Discuss responsibility for electronic record keeping and confidentiality requirements for electronic records.**

**5.13 Pursue "extended duty" for Veterinary Technicians.**