

VETERINARY MEDICAL BOARD TELECONFERENCE MEETING MINUTES

Pursuant to Governor Gavin Newsom's Executive Order N-29-20, issued on March 17, 2020, the Veterinary Medical Board met via teleconference/WebEx Events with no physical public locations on **Thursday, April 23, 2020.**

10:00 a.m., Thursday, April 23, 2020

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

Dr. Jaymie Noland called the Veterinary Medical Board (Board) meeting to order at 10:02 a.m. Executive Officer Ms. Jessica Sieferman called roll; eight members of the Board were present, and a quorum was established.

Board Members Present

Jaymie Noland, Doctor of Veterinary Medicine (DVM), President
Kathy Bowler, Public Member, Vice President
Christina Bradbury, DVM
Jennifer Loreda, Registered Veterinary Technician (RVT)
Mark Nunez, DVM
Dianne Prado, Public Member
Cheryl Waterhouse, DVM
Alana Yanez, Public Member

Staff Present

Jessica Sieferman, Executive Officer
Timothy Rodda, Administration/Licensing Manager
Patty Rodriguez, Hospital Inspection Program Manager
Robert Stephanopoulos, Enforcement Manager
Terry Perry, Enforcement Technician
Justin Sotelo, Lead Administrative & Policy Analyst
Karen Halbo, Regulations Unit Legal Counsel, Department of Consumer Affairs (DCA)
Tara Welch, Legal Counsel, DCA

Guests Present

Kelly Achee
Jennifer Artinian
Karen Atlas, President, Animal Physical Therapy Coalition
Clara Avalos
GV Ayers, Lobbyist, Gentle Rivers Consulting LLC
Summer Aymar, Doctor of Osteopathic Medicine
E Bennett
Isabella Bermingham, Student

Elyce Berrigan-Dunlop
Ainjil Bills, DVM
Laura Birdsall
Samantha Brekke
Serena Brenner
Sue Brodbeck, RVT
Mark Brunet
Bradley Brunskill
Laura Bunke
Summer Burke-Irmiter
Julia Buzby
Fernando Cabangon
Kyle Cabral
Stephanie Cataldo
Mitchell Colbert
Pamela Collier, RVT
Casey Connors
Elizabeth Coronel, DCA, SOLID
Nathan Cote, DVM
Shea Cox, DVM
Jean Dodds, DVM, President, Hemopet
Diane Edwards
Nancy Ehrlich, California Registered Veterinary Technicians Association (CaRVTA)
David Emanuel, San Francisco Dog Owners Group
Christine Evans
Alicia Everett, Student
Amy Farcas
Melina Fazlic
Jennifer Fearing
Valerie Fenstermaker, California Veterinary Medical Association (CVMA)
Ann Fisher, DCA, SOLID
Cheyanne Flerx
Andi Flory
Adam Greenbaum
Kristen Hagler, RVT
Destiny Haney
Branon Hanono
Paul Hansbury, Lovingly and Legally Grown
Melody Harwood
Jennifer Hawkins
Kaylee Hawkins
Lynn Hendrix, DVM
Annamarie Hill
Barbara Hodges, DVM
Scott Horner
Anita Levy Hudson, RVT, CaRVTA

Liz Hughston, RVT, National Veterinary Professions Union & CaRVTA
Lori Hutchins
Sarah Irani, DCA, SOLID
Aubrey Jacobsen, DCA, Division of Legislative Affairs
McKenna Jenkins
Carrie Journey, DVM
Madhu Karawatt
Erin Karol, RVT
L Kent
Lisa Killian
Zoey Knittel, Executive Director, Spay Neuter Project of Los Angeles
Brandy Kuentzel, General Counsel, San Francisco Society for the Prevention of Cruelty to
Animals (SF SPCA)
Barbie Laderman-Jones, DVM, Director of Shelter Medicine, SF SPCA
Hannah Lau, DVM
Erica Lazaldi
Jeffrey Leacox
Jennifer Lee
Tiffany Lee, Student
Bruce Lindsey
Bonnie Lutz, Esq., Klinedinst
M Sz
Rachel Mar
E Marshall
Sheila McLalin
Kelsey Medina
Max Mikalonis, Legislative Advocate, K Street Consulting
Brianna Miller, DCA, Office of Board and Bureau Services
Jim Moore
Christina Mote
Erin Norwood
Sean O'Connor, Moderator, DCA, Office of Information Services
Brit Oiulfstad
Elizabeth Oreck
Sheryl Owyang, DVM, SF SPCA
Hina P.
John Pascoe, DVM, University of California, Davis
Bryce Penney, DCA, Office of Public Affairs
Kim Phillips
Jennifer Pimentel
Felicia Pohl
Jeff Pollard, DVM, Board Multidisciplinary Advisory Committee (MDC)
Lauren Prince, Student
Laura Putnam, DVM
Charlotte Pyle
Aidin Rahbari-Kharazi

Susan Riggs
Mumsie Roonie
Shianne Sampson
Mike Sanchez, DCA, Office of Public Affairs
Cindy Savely, Sacramento Valley Veterinary Technician Association (SVVTA)
Jennifer Scarlett, DVM, President, SF SPCA
Sam Schopler
Michael Shirley
David Sierra
Gina Spadafori
Trisha St. Clair, DCA, SOLID
Salomon Stupp
Richard Sullivan, DVM, MDC
Shannon Sullivan
Sara Swenson
Blake Tafoya, Student
Lindsay Tang
Andrea Torres
Bruce Truman
Alyss Tsukayama
Jena Valdez
Ann Valenti
Ledy VanKavage, Senior Legislative Attorney, Best Friends Animal Society
Diego Veronica
Jessica Vogelsang, DVM
Kimberly Vu, Student
Helena Wallentin
Arcana Whitney
Steven Wolkenstein
Vince Wong
Brent Wooden
Jenny Wu
Dirk Yelinek
Scott Young
Dennis Zanchi, Co-Moderator, DCA, SOLID
Nicolette Zarday, DVM

2. Introductions

Dr. Noland indicated that Agenda Item 5 (Update, Discussion, and Possible Action on 2019-2020 Legislation) would be postponed for a later meeting date or teleconference due to the current state of affairs and the uncertainty of pending legislation. She added the Board currently did not have enough information to discuss the bills adequately.

3. Public Comment on Items Not on the Agenda

Dr. Noland welcomed comments from members of the public and asked that comments be limited to three minutes.

Dr. Ainjil Bills, a veterinarian from southern California, asked if the Board could consider more lenient requirements with regard to telemedicine and veterinarian-client-patient relationships (VCPRs) during the COVID-19 pandemic.

Ms. Ledy VanKavage, an attorney with Best Friends Animal Society, thanked the Board and commented on the importance of expanded veterinary telemedicine during the COVID-19 crisis. She stated the Board should expand telemedicine in order to protect clients and veterinary medical staff. She added that numerous states have expanded telemedicine during this time.

Dr. Carrie Journey, a veterinary neurologist in the San Francisco Bay Area, stated that we all are facing an unprecedented emergency and that she disagrees with the restrictive definition of VCPR. She indicated that there are times when telemedicine is not appropriate; however, she asked the Board, during this emergency, to give her the flexibility to protect and serve her patients in the best way she knows how.

Ms. Lauren Prince, a fourth-year veterinary student, indicated that she would be graduating in three weeks. She expressed concern with delays in the processing of initial license applications and asked the Board to provide guidance during this time. Dr. Noland thanked Ms. Prince for her comment, asked that she email the Board, and indicated that Mr. Timothy Rodda would respond to her.

Dr. Jean Dodds, President of Hemopet, indicated that she submitted a written statement to the Board on April 21, 2020, which covered the material she would comment on. She stated that allegations were made about her business and videos were sent out by People for the Ethical Treatment of Animals (PETA), which prompted a Department of Food and Agriculture investigation of her facility. She added that all of the accusations made were unfounded and unsubstantiated. Dr. Dodds indicated that she also wanted to comment on proposed legislation involving community volunteer donor animals; she stated that the two pending bills should be postponed until next year, when more is known about the current pandemic.

Dr. Jennifer Scarlett, President of SF SPCA, asked the Board to relax the strict interpretation of the VCPR and allow veterinarians and pet guardians to provide care through telemedicine. She added that veterinarians and pet guardians have the right tools, ethics, and competence to provide care to appropriate cases via telemedicine; this will allow individuals to stay safe and comply with the Governor's shelter in place order during this pandemic.

Dr. Summer Aymar, a human family physician in southern California, indicated that she is concerned that California is increasing the risk of spreading disease by limiting the scope of the VCPR. She added that this is not consistent with the guidelines for human physicians, which have recently been relaxed even more during this crisis.

Dr. Jessica Vogelsang, a veterinarian from San Diego, asked the Board to reconsider the requirement that the VCPR must be re-established in person for every new diagnosis. She added that, while there is no replacement for an in-person exam, it is unrealistic to think that this is always feasible during an unprecedented global pandemic. She stated that utilizing virtual care with existing clients, in appropriate cases, is in the best interest of animals and people. She indicated that she had forwarded a petition, signed by 4,700 people as of that morning, requesting that veterinarians be allowed to use telemedicine for established patients for any condition they deem appropriate.

Ms. Elizabeth Oreck, a resident of Los Angeles, indicated that she fosters many cats and kittens. She explained that virtual care, during the pandemic, would be safer, would eliminate unnecessary stress to her animals, and would save time for the veterinarians. She added that she would even like to see the VCPR requirements be less stringent beyond the current pandemic.

Dr. Barbara Hodges indicated that she was speaking on behalf of the Humane Society Veterinary Medical Association and that they were submitting an organizational letter signed by sixty-two veterinary professionals in support of expanding telemedicine services in California during the current public health crisis period. She explained that they were also asking that telemedicine be allowed without a VCPR, for both existing and new medical conditions.

Ms. Helena Wallentin, a pet owner, asked the Board to join the many other states that have already allowed telemedicine for both new and existing pet patients during this pandemic.

Dr. Barbie Laderman-Jones, Director of Shelter Medicine at SF SPCA, indicated that her comment pertained to the strict interpretation of regulations regarding telemedicine. She explained that veterinarians are competent and trusted medical professionals, and they should be permitted to use their own best judgement in deciding what can be treated via telemedicine and which patients require an in-person visit. She added that requirements should be temporarily relaxed during the pandemic because animals are not getting the care they need, and pet owners are having more in-person contact than they should.

Ms. Jennifer Pimentel, a pet owner from the Los Angeles area, stated that it is important the Board allow the VCPR to be established by telemedicine.

Ms. Kaylee Hawkins, a pet owner from the Los Angeles area, commented that the Board should expand telemedicine.

Mr. David Emanuel, a member of the San Francisco Dog Owners Group, indicated that they would like the Board to relax its policy guidelines, so that veterinarians, at their discretion, can conduct telemedicine consults with their clients and pet patients.

Mr. Max Mikalonis, a Legislative Advocate with K Street Consulting, stated his appreciation the Board advised the public that agenda item number five was pulled. No additional comment.

Ms. Summer Burke-Irmiter, a president of two hospitals in the San Francisco Bay Area, asked the Board to consider relaxing the telemedicine rules, as recently outlined by the CVMA.

Ms. Destiny Haney, a pet owner, urged the Board to expand telemedicine in California to allow for the VCPR to be established by telemedicine.

Ms. Sheila McLalin, a dog owner, indicated that she wanted to express the same sentiment as others that telemedicine guidelines should be expanded in California.

Ms. Kelley Achee, a volunteer at three rescue groups, indicated that she wanted to comment on the importance of expanding telemedicine. She added that the elderly and immune compromised individuals should not be exposed to unnecessary risk.

Dr. Shannon Sullivan, a veterinarian practicing for thirteen years, commented that there are some significant limitations to telemedicine. She added that if standards become less stringent, she would ask that it only be temporary. Dr. Sullivan explained that one of her reasons for calling in was to express concern that licenses she had disassociated with were still attached to her license. She added that she has brought this matter to the attention of Assemblymember James Gallagher. Additionally, she shared that there was a processing issue and delay with her recent license renewal due to the fingerprinting requirement.

Dr. Laura Putnam, a veterinarian in Santa Barbara, indicated that she acknowledged the comments of her colleagues with regard to telemedicine. She urged the Board to relax the restrictions, to allow veterinarians to use telemedicine for new conditions, and to allow veterinarians to use their professional judgement in determining when telemedicine is appropriate.

Ms. Isabella Bermingham, a fourth-year veterinary student, indicated that she would be graduating in three weeks. She expressed concerns with processing times for initial license applications.

Ms. Susan Riggs acknowledged the concerns that had been previously shared and asked the Board to follow the lead of the broader medical community.

Ms. Alyss Tsukayama, a dog owner in Los Angeles, stated that it is important the Board expand telemedicine in California to allow the VCPR to be established by telemedicine.

Ms. Samantha Brekke, a cat owner and veterinary clinic manager from Los Angeles, asked the Board to join the increasing number of states that have already implemented expansions of veterinary telemedicine.

Ms. Zoe Knittel, Executive Director of Spay Neuter Project of Los Angeles, asked the Board to implement expansion of veterinary telemedicine.

Dr. Nathan Cote, a veterinarian in the Bay Area, expressed similar concerns raised in previous comments with regard to telemedicine.

Ms. Laura Birdsall indicated that she is in a community medicine program that provides veterinary care to under-resourced communities in San Francisco. She asked the Board to reconsider the restrictions placed on telemedicine.

Dr. Nicolette Zarday, a medical director at a large hospital in San Francisco, urged the Board to relax restrictions on telemedicine during shelter in place.

Ms. Brandy Kuentzel, General Counsel for the SF SPCA, encouraged the Board to engage the Governor's Office on the issue of telemedicine and consider seeking an executive order to temporarily suspend or waive the VCPR requirements during this period. She also urged the Board to take up the matter more formally at a future meeting by placing it on the Board's agenda.

Mr. Blake Tafoya, a fourth-year veterinary student, acknowledged the concerns of previous students. Additionally, he expressed concern with cancelled exams and not being able to get licensed in time. He asked the Board to consider alternatives for initial licensure during the pandemic.

Ms. Tiffany Lee, a fourth-year veterinary student, provided comments and concerns with regard to the California licensure process, and particularly how it is impacting new graduates. Ms. Lee proposed the idea of expanding the testing cycle, due to test site closures and delays. This would assist graduates who have offers of employment. Additionally, she proposed a more effective communication strategy between the Board and students/recent graduates.

Ms. Alicia Everett, a fourth-year veterinary student in Arizona, expressed concerns about the initial licensure process in California. More specifically, she expressed concern with application processing times and in-person, and limited, testing in California. She mentioned that Arizona was offering online testing options. She asked the Board to consider alternatives for new graduates working towards initial licensure in California.

Ms. Kimberly Vu, a fourth-year veterinary student, expressed similar concerns regarding initial licensure in California. She also asked the Board to consider expanding the testing window past April 30.

Dr. Shea Cox, a veterinarian and owner of a hospice in the greater Bay Area, stated that telehealth is a vital tool for their practice, and they have been using it successfully for over eight years. She commented that putting up barriers to health care is the opposite of what should be done to protect pets and people. She added that veterinarians should be allowed to use sound judgment and their medical training regarding telemedicine without fear of repercussion. She asked why California is not following other states by making changes to laws in order to better serve pets and their people.

Mr. Michael Shirley, an owner of a small animal hospital in Tennessee, indicated that he supported colleagues in California who were in support of the use of the telemedicine platform to meet the veterinary needs of clients, while protecting the health of veterinary teams and clients.

Ms. Karen Atlas, President of Animal Physical Therapy Coalition, stated that her group has been active in furthering common-sense animal rehabilitation regulations and legislation in California. She explained that animal rehabilitation has been a highly debated issue with the Board for about 15 years. She discussed the Board's recent regulatory proposal pertaining to animal rehabilitation and expressed concern that voices were not being heard during the public comment period due to the pandemic. She stated that they requested that the public comment period on the Board's animal physical rehabilitation rulemaking be extended, but the request was denied by the Board.

Ms. Erin Karol, an RVT in Los Angeles, commented that she acknowledged the sentiments of others with regard to immediately relaxing telemedicine restrictions for veterinary services in California.

Ms. Sheryl Owyang, a veterinarian for SF SPCA, indicated that this is the first time they have ventured into telemedicine and her clients are very appreciative of that type of service. She stated that she trusts that, as doctors, they will use their best judgements to determine what is best for the individual patients and whether there is a need for an in-person exam. She strongly urged the Board to relax the telemedicine restrictions.

Ms. Lynn Hendrix, a veterinarian in Davis who provides palliative and end of life care to animal patients, indicated that relaxing restrictions would allow her business to continue having the ability to do telemedicine and help animals who would not otherwise be seen at the end of life without putting their owners at risk.

Dr. Hannah Lau, a veterinarian from the Bay Area, stated that well-established telemedicine is an integral part of the profession's future, as well as essential for the safety of staff, clients, and patients during this time. She added that telemedicine is a support service that cannot replace the physical exam; however, it does have an important place in the practice. She urged the Board to reconsider restrictions on the use of telemedicine.

Ms. Kristen Hagler, an RVT and veterinary technician specialist in Physical Rehabilitation, expressed her support for the statements of her colleagues with regard to telemedicine. She also expressed her support for not changing the public comment period for the regulatory proposal pertaining to animal physical therapy because the topic has been discussed extensively. Additionally, she stated her support for the proposal.

Dr. Jeff Pollard, MDC Chair, mentioned a letter he submitted to Ms. Siefertman. He noted that he is terming off of the MDC and shared that it was an honor to work for the Board. He asked that Ms. Siefertman share his letter with the Board members.

Mr. Soloman Stupp was present during the meeting and requested to make a public comment, but he experienced technical difficulties in connecting audio to the meeting. Accordingly, Ms. Siefertman indicated that she had received two written comments from Salomon Stupp. The comments were read into the record by Ms. Siefertman. The first comment pertained to precautions, effects, and risks of the injectable antibiotic, Convenia. The second comment requested the Board not enable the deceptive practice of injecting Convenia into animals without explaining to pet owners, or owners' agents, the reality about the antibiotic. Additionally, the

second comment made reference to a petition prepared for the Governor with more than 3,300 supporters that denounces hiding critical information about Convenia.

Dr. Noland thanked all of the members of the public who shared their thoughtful comments. She stated that the comments were acknowledged, and the Board could agendaize the issue of telemedicine at one of its next meetings. She also stated the Board is working closely with veterinary schools, the Office of Professional Examination Services, and PSI to resolve testing issues. She added that she acknowledges the stress that students are experiencing during this time, but encouraged students to email the Board individually. She also stated the Board does not have authority to waive licensing requirements, including examinations; but the Board has had discussions on how to help students get through the licensing process. Dr. Noland, on behalf of the Board, also thanked Dr. Pollard for his service and hard work with the Board.

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

A. Fee for Veterinary Technology School or Degree Program Application for Board Approval and Proposed Amendments to Sections 2070 and 2071 of Article 7 of Division 20 of Title 16 of the California Code of Regulations

Mr. Justin Sotelo provided an overview of the proposed modification to the Board's rulemaking to amend California Code of Regulations (CCR) section 2071. The proposed modification would set the application fee for Board approval of accredited California RVT schools and programs and alternate route programs. Business and Professions Code section (BPC) section 4842.5, subdivision(g), authorizes the Board to charge an application fee not to exceed \$300. Mr. Sotelo explained that during the DCA review of the Board's "RVT Education" regulatory proposal, the Budget Office had questions regarding costs associated with reviewing and approving schools and programs. Through that process, it was noted that the fee to apply for Board approval of an RVT school had not yet been established in regulation. After consulting with the Office of Administrative Law, it was determined that this fee could be added to the Board's Fee Schedule rulemaking package, which is being pursued to permanently implement the recent emergency fee increases. Mr. Sotelo explained that an assessment of the workload and costs associated with approving approximately 25 California schools and programs justified setting the fee at the statutory cap of \$300. He added that those costs would justify raising the statutory cap in BPC section 4842.5, which the Board could consider at a later time.

- Dr. Waterhouse moved and Dr. Bradbury seconded a motion to approve the proposed regulatory changes, which would add a new \$300 application fee for the approval of California RVT schools and programs under CCR section 2071, direct the Executive Officer to take all steps necessary to initiate the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified. The motion carried 8-0.

Ms. Sieferman explained that an amendment to the \$300 statutory fee cap could be discussed when other statutory fee caps are considered, as part of the Board's sunset bill. She added that,

due to the state of affairs, there was a lot of discussion taking place with regard to the status of legislation and sunset bills; however, the Board could have a more detailed discussion on statutory fee caps once the Board knows that its sunset bill is moving forward.

- Dr. Nunez moved and Ms. Bowler seconded a motion to recommend to the Legislature that the \$300 statutory fee cap for approval of California RVT schools and programs under BPC section 4842.5, subdivision (g), be raised. The motion carried 8-0.

5. Update, Discussion, and Possible Action on 2019-2020 Legislation

Due to the uncertainty of legislative matters as a result of the COVID-19 pandemic, Agenda Item 5 was postponed.

- A. Assembly Bill (AB) 613 (Low, 2020) Professions and vocations: regulatory fees**
- B. AB 1953 (Bloom, 2020) Veterinary medicine**
- C. AB 2028 (Aguiar-Curry) State agencies: meetings**
- D. AB 2185 (Patterson, 2020) Professions and vocations: applicants licensed in other states: reciprocity**
- E. AB 2691 (Bauer-Kahan, 2020) Dog training services and facilities: requirements**
- F. AB 2704 (Ting) Healing arts: licensees: data collection**
- G. AB 2855 (Committee on Business and Professions, 2020) Veterinary Medical Board**
- H. Senate Bill (SB) SB 627 (Galgiani, 2019) Cannabis and cannabis products: medicinal use on an animal: veterinary medicine**
- I. SB 1115 (Wilk, 2020) Commercial blood banks for animals: animal blood donors**
- J. SB 1347 (Galgiani, 2020) Veterinary medicine: authorized care and registration**

Open Session recessed at 12:30 p.m.

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

Closed Session convened at 12:48 p.m.

In the Matter of the Third Amended Accusation and Petition to Revoke Probation Against Tejpaul S. Ghumman, DVM, License No. 10812, and Premises Registration No. 4645 – Case No. 4602017000814; OAH Case No. 2018120303

The Board adopted a motion to adopt the corrected proposed decision in its entirety.

Closed Session adjourned at 1:26 p.m.

7. Adjournment Upon Conclusion of Business – due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow closed session, and there will be no other items of business discussed.

Open Session reconvened at 1:27 p.m.

Dr. Noland adjourned the meeting at 1:27 p.m.

DRAFT