

## 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, May 14, 2020.

**10:00 a.m. Thursday, May 14, 2020**

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

Dr. Jaymie Noland called the Veterinary Medical Board (Board) meeting to order at 10:00 a.m. Executive Officer Jessica Siefertman called roll; seven members of the Board were present, and a quorum was established. Dr. Christina Bradbury was absent.

#### Board Members Present

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

#### Staff Present

Jessica Siefertman, Executive Officer  
Timothy Rodda, Administration/Licensing Manager  
Patty Rodriguez, Hospital Inspection Program Manager  
Robert Stephanopoulos, Enforcement Manager  
Jacqueline French, Administrative Analyst  
Joclynn July, Inspection Analyst  
Lori Kent, Inspection Analyst  
Terry Perry, Enforcement Technician  
Justin Sotelo, Lead Administrative & Policy Analyst  
Tara Welch, Legal Counsel, Department of Consumer Affairs (DCA)

#### Guests Present

Marta Alpay  
Eric Anderson  
Lee Anderson  
Stanley Baker  
Danielle Bays  
Ainjil Bills, DVM  
Jessica Bogosian, RVT

Mark Brunet  
Henry Brzenzinski, California Animal Welfare Association  
Deborah Calantropi-Covington  
J Chamberlin  
Jonathan Chapman, DVM, Director of Veterinary Education, San Diego Humane Society  
Brian Clifford, DCA  
Pam Collier, RVT  
Shea Cox, DVM  
Brian Cronin, Chief of Animal Care and Control, San Bernardino County  
Mark Cushing, Animal Policy Group  
Diana Duncan  
Jean Dodds, DVM, President, Hemopet  
Nancy Ehrlich, California Registered Veterinary Technicians Association (CaRVTA)  
Kenneth Evans  
Amy Farcas, DVM  
Valerie Fenstermaker, California Veterinary Medical Association (CVMA)  
Charis Fifield, Chief of Staff, VETCBD  
Sally Foote, DVM  
Lindsay Hamrick  
Paul Hansbury, Lovingly and Legally Grown  
Trina Hazzah, DVM  
Jacqueline Heringding  
Barbara Hodges, DVM  
Scott Horner  
Jeffrey Leacox, Greenberg Traurig  
Anita Levy Hudson, RVT, CaRVTA  
Aubrey Jacobsen, Legislative Analyst, DCA, Division of Legislative Affairs  
David K, Veterinary Student  
Christie Kamiya, DVM, Chief of Shelter Medicine, UC Davis Koret Shelter Medicine Program  
Erin Karol  
Lisa Killian, DVM  
Annette Kim  
Brandy Kuentzel, General Counsel, San Francisco Society for the Prevention of Cruelty to Animals (SF SPCA)  
Sara Leimgruber, Hospital Director, Monte Vista Small Animal Hospital  
Rochelle Low  
Bonnie Lutz, Esq., Klinedinst  
Judy Mancuso, Founder/Chief Executive Officer (CEO)/President, Social Compassion in Legislation  
Carol Marienthal-Skaar, DVM  
Ali McIntyre  
Diana McNeil, DVM  
Max Mikalonis, Legislative Advocate, K Street Consulting  
Grant Miller, DVM, CVMA

Ashley Morgan  
Mandy Newkirk, UC Davis Koret Shelter Medicine Program  
Ken Niedziela  
Erin Norwood  
Brit Oiulfstad, DVM  
Lisa Ottomanelli, Associate General Counsel, National Veterinary Associates  
Kim P  
Ken Pawlowski, DVM, CVMA  
Kristi Pawlowski, RVT, Board Multidisciplinary Advisory Committee (MDC)  
Ryan Perez  
Jeff Pollard, DVM, MDC  
John Pyne  
Gary Richter, DVM  
Susan Riggs, American Society for the Prevention of Cruelty to Animals (ASPCA)  
Rene Rowland, Paw Pack  
Pam Renquist  
Nickolaus Sackett, Social Compassion in Legislation  
Robert Santos, DVM  
Anna Sarfaty, DVM  
Jessica Simpson  
Becky Smith  
Richard Sullivan, DVM, MDC  
Lindsay Tang, Associate General Counsel, SF SPCA  
Julianna Tetlow, Director of Government Relations, San Diego Humane Society  
Susan Tibbon, Lovingly and Legally Grown  
Holly Trief, DVM  
Andrew Triolo, DVM  
Jill Tucker, CEO, California Animal Welfare Association  
Ledy VanKavage, Senior Legislative Attorney, Best Friends Animal Society  
Jessica Vogelsang, DVM  
Bruce Wagman, SF SPCA  
Peter Weinstein, DVM  
Linda Yang  
Scott Young  
Dennis Zanchi, Moderator, DCA, SOLID

## **2. Introductions**

Dr. Noland stated that for each agenda item, she would refer to her Board member list and sequentially ask for each member's comments. She also indicated that all written comments received by May 12, 2020, were distributed to Board members; therefore, it was not necessary for members of the public to reiterate those comments during Agenda Item 3 (Public Comment on Items Not on the Agenda). She also mentioned that members of the public would have the opportunity to provide additional comment during each agenda item.

Dr. Noland introduced MDC members Dr. Jeff Pollard and Ms. Kristi Pawlowski, who were participating in the meeting. She also introduced Ms. Tara Welch, the Board's Legal Counsel.

### **3. Public Comment on Items Not on the Agenda**

David K, a fourth-year veterinary student, indicated that he would be providing public comment during Agenda Item 7.

Christie Kamiya, Chief of Shelter Medicine at UC Davis Koret Shelter Medicine Program, shared her support for Senate Bill (SB) 1347, and for shelters being able to provide basic preventive care.

Susan Riggs, of ASPCA, asked that the Board reconsider its position regarding telemedicine. She stated that social distancing is critical and that animals should be able to receive care via telemedicine, or they may receive no care at all. She added that this reconsideration would be in alignment with the Board's mission.

Jacqueline Heringding, of San Diego, CA, shared her support for telemedicine. She asked why telemedicine was available through her primary care physician at Kaiser, but not available through her veterinarian.

### **4. Update, Discussion, and Possible Action on Section 2032.1, Article 4, Division 20, Title 16 of the California Code of Regulations Regarding Veterinarian-Client-Patient Relationship and Telemedicine**

Ms. Sieferman presented this agenda item and indicated that she would highlight key elements. She stated that Governor Gavin Newsom proclaimed a State of Emergency in California, as a result of the impacts of COVID-19. She explained that the State of Emergency would do three main things: make additional resources available; formalize emergency actions already underway; and, help the State prepare to respond to an increasing number of individuals requiring medical care and hospitalization.

Additionally, she reported that the Governor issued a statewide stay at home order on March 19, 2020, but that it did not apply to essential critical infrastructure workers. She stated that workers supporting veterinary hospitals and clinics are deemed essential and can continue to provide veterinary health care services during the pandemic.

Ms. Sieferman reported that, in early March, the Board began receiving a significant number of inquiries from applicants, licensees, and stakeholders regarding the impacts of COVID-19. She stated that the Board began sharing third-party resources to assist everyone; that included information from the American Veterinary Medical Association, CVMA, and the California Department of Public Health.

She shared that the Board received an increasing number of inquiries pertaining to veterinarians' ability to perform telemedicine services. She stated that the Board posted

a statement regarding telemedicine to ensure that everyone received the same easily accessible information. She explained that the statement was supported by the past nine years of Board discussion, careful consideration of all the benefits, as well as the potential harm that could arise. She stated that the Board has been clear that the diagnosis of an animal patient cannot be properly performed via telemedicine and that it can only be performed via an in-person examination.

Ms. Sieferman explained that there are two exemptions to the veterinarian-client-patient relationship (VCPR) requirements: when treating an animal patient whose owner is unknown; and, during a declared State of Emergency. She further explained the provisions under Business and Professions Code (BPC) section 4826.4.

She reminded the members of the significant number of comments received during the last Board meeting, and, therefore, the Board decided to hold another meeting to specifically discuss the issues pertaining to VCPR and telemedicine requirements. She added that all public comments received through 1:45 p.m., on May 12, 2020, were provided to the Board members and posted on the Board's website. She also stated that all subsequent public comments were forwarded to Board members.

Ms. Sieferman explained that the Board essentially has four options to consider: change the regulations through the rulemaking process; request a waiver from the Governor; request a waiver from the Director of DCA; or, decide that no action is warranted at this time.

Dr. Noland opened the meeting up for Board discussion.

Ms. Kathy Bowler stated that she wanted to hear everyone else's comments, but that her initial feelings, as a non-veterinarian, were that she could support waiving the VCPR requirement for clients who already have a VCPR for a different condition. She added that she read all of the public comments and that she understood all of the concerns across the board.

Ms. Jennifer Loreda stated that she understood all of the hesitation to alter current requirements; however, she explained that everyone is experiencing a national pandemic. She stated that the Board needs to take some sort of action now during the declared State of Emergency, and that it does not need to be permanent.

Dr. Mark Nunez indicated that he was going to be in favor of not taking any action on this item. He stated that he did not think that telemedicine was appropriate for veterinary medicine for reasons everyone was probably aware of. He explained that it is critical that the VCPR be established in person. He added that the current situation was different than the northern California fires, in that a vast majority of hospitals are still open at this time. He added that guidelines have been put out by organizations to protect consumers and staff, and that California has done a great job of controlling the outbreak. He stated that he empathizes with people, but that he did not feel there was justification to change the Practice Act.

Ms. Dianne Prado stated that she agreed with Ms. Bowler and Ms. Loredo, and that the Board needs to do something that is going to benefit and protect animals and consumers. She added that it is the Board's job to take measures to ensure that protocols will be in place if this happens again. She stated that the Board could carefully craft a solution that will protect consumers and animals, and to prepare the Board for when a future disaster occurs. She urged the Board to address this now, and that to not take a position would be harmful.

Dr. Cheryl Waterhouse explained that the Board heavily debated telemedicine in 2018, and that human medicine is very different than veterinary medicine. She stated that, in summary, she agreed with Dr. Nunez. She added the Board has to protect animals, as much as protecting consumers; in order to protect both, the Board should not change anything.

Ms. Alana Yanez stated that the Board should relax the rules at this time. She explained that a lot of veterinary staff are people of color and that they are more exposed and at a higher risk. She stated that COVID-19 is very serious, and it is the Board's responsibility to protect people. She added that the Board currently has the luxury to meet via teleconference, while many people are making sacrifices and taking risks. She stated that she was voting to change the rules at this time.

Dr. Noland indicated that she agreed with Dr. Nunez and Dr. Waterhouse, and that she felt very strongly that it was not an appropriate time to relax the current regulations. She stated that she understood that this is a unique time. She also added that there is a misconception that veterinarians are not allowed to practice with the use of telemedicine, and that is not true – veterinarians have defined telemedicine to protect animals.

Ms. Loredo added that she hears veterinarians say they cannot diagnose certain things via telemedicine; however, veterinarians have the ability to decline to practice by telemedicine.

Dr. Noland asked how long it would take for a DCA Director waiver to be issued. Ms. Siefertman stated that it could take approximately one month. She explained that the Director was delegated authority for limited circumstances to waive specific requirements.

Ms. Siefertman provided clarification that, when talking about waiver requests, there are two types that can be considered: waiving the VCPR requirement completely to allow telemedicine; or allowing a VCPR to not be condition specific. She explained that if a waiver is considered, the Board would need to specify exactly what it is requesting.

Ms. Bowler added that she appreciated what all of the veterinarians were saying. She stated the Board's goal is to protect and have the highest quality care for animals. She stated that if the Board did consider any sort of waivers, they should be limited.

Ms. Yanez stated that the care of animals is extremely important; however, she did not see putting the lives of animals over the lives of veterinary staff. She also added that she agreed with Ms. Loredo – veterinarians have the ability to decline telemedicine if it is not appropriate. She again stated that the Board should take some sort of action during the pandemic.

Ms. Loredo agreed that telemedicine is a big term that the Board has been talking about for a decade; however, she explained that these are unprecedented times, and the Board could take some sort of temporary action. She stated that she would be in favor of asking the DCA Director for a waiver to not have the VCPR be condition specific. Ms. Yanez indicated that she agreed with Ms. Loredo.

Ms. Prado added that animals receiving care versus not receiving care was something that needed to be considered.

Dr. Noland welcomed comments from members of the public.

Dr. Anna Sarfaty, a small animal veterinarian from Los Angeles, expressed her support for the ability of veterinarians to use their discretion with regard to telemedicine. She clarified that she supported establishing a VCPR once with a client, and then being able to use telemedicine for any new condition. She stated that she was confident with her personal ability to do this and to provide high quality care.

Dr. Jonathan Chapman, Director of Veterinary Education at San Diego Humane Society, stated that he was representing his colleagues to urge the Board to adopt revised regulations for telemedicine during the pandemic, and beyond. He explained that one of the largest barriers to receiving animal care is limited transportation options for pet owners. He stated that this has been further exacerbated by stay at home orders and quarantine requirements. He urged the Board to consider relaxing the requirements.

Dr. Ainjil Bills, a small animal veterinarian from Southern California, stated that she supported telemedicine because it is her obligation to protect her staff from unnecessary exposure to COVID-19. She shared that she was also concerned about clients foregoing care or worse, using a potential harmful home remedy. She agreed that telemedicine is not always acceptable, but that everyone should be focusing on a solution during this time.

Bonnie Lutz, Esq., shared that she was concerned about the message this would give the public if the rules were relaxed. She explained that veterinarians can now use telemedicine with an existing VCPR for a specific condition. She added that if the Board does decide to relax the rules, it should be made clear that it is up to the veterinarian to use discretion, so that the public is aware.

Ms. Anita Levy Hudson, an RVT from San Jose, stated that she sees benefits on both sides of the discussion.

Dr. Shea Cox, a veterinarian from Berkeley, urged the Board to allow veterinarians to use their own judgement. She stated that she was speaking for thousands and that they were asking for the Board's help. She added that California is the most restrictive state when it comes to this issue, and that she did not understand why veterinarian judgement was not trusted.

Bruce Wagman, SF SPCA, suggested that the Board could adopt a new interpretation without changing its regulations. He added that the Board could issue a statement with a temporary interpretation, expanding the definition of "examination."

Nancy Ehrlich, RVT, CaRVTA, stated that the mission of the Board is to provide minimum standards, not maximum standards.

Dr. Barbara Hodges stated that she would be submitting a letter supporting the expanded use of telemedicine during the pandemic.

Brandy Kuentzel, General Counsel for SF SPCA, stated that the Board is ignoring conditions up and down the state; many people do not have cars and cannot take their animals to a veterinarian. She explained that these are unprecedented times, and people should not have to jeopardize their health. She urged the Board to revise its position on this matter.

Dr. Richard Sullivan, member of the MDC; stated that the VCPR should not be relaxed because that would be lowering the standard of care. He explained that once you have the VCPR, you can do telemedicine.

Dr. Sally Foote, a veterinarian from Illinois, discussed the benefits of video chat, in that it allows veterinarians to see how animals behave in their home environment. She agreed that nothing compares to a physical exam; however, a veterinarian can evaluate how an animal functions in their home environment.

Dr. Amy Farcas stated that the current requirement is too restrictive. She added that a physical exam is great, but it is not everything. She also stated that she did not believe that veterinarians are not pressured by clients.

Lee Anderson stated that taking an animal into a hospital is difficult, especially for elderly clients. He stated that a veterinarian should be able to screen. He also stated that he did not understand why there was opposition to relaxing the rules.

Dr. Noland thanked members of the public for their comments.

She also asked Ms. Tara Welch to respond to the suggestion about re-interpreting the regulation. Ms. Welch stated that she would advise against re-interpreting the regulation



because that would be considered an underground regulation that has not gone through the Administrative Procedure Act process. She also added that attempting to re-interpret terminology would be contrary to how the telemedicine regulation was substantiated in the rulemaking file.

Dr. Noland asked for further comments from Board members.

Ms. Bowler stated that she was in favor of a motion asking the DCA Director for a portion of a waiver of the VCPR; a temporary waiver to remove the condition specific language and to allow for telemedicine would be appropriate if a veterinarian deems it appropriate on a patient when a VCPR already exists. She also added that the waiver could be temporary until Phase 4 of the Governor's Executive Order.

Ms. Loreda stated that she was still of the opinion that, during the declared State of Emergency, the Board should temporarily ask for a waiver from the DCA Director.

Dr. Nunez expressed his concern with the unintended consequences, and that this could do more harm than good. However, he also shared that he was aware of the unique situation before the Board. He stated that the only option he could support would be allowing the DCA Director to apply for some sort of relief from the VCPR requirement. He added that he would be comfortable with something on a temporary basis, allowing a veterinarian to do telemedicine on a condition that was not previously diagnosed (if there was a previously established VCPR).

Ms. Prado indicated that she would agree with requesting a narrowly crafted VCPR waiver from the DCA Director.

Dr. Waterhouse stated that she was not in favor of lowering standards or relaxing requirements.

Ms. Yanez stated that she was in favor of Ms. Loreda's and Mr. Prado's proposal of a narrowly crafted waiver through the DCA Director. She explained that the waiver should be for existing clients/patients and that they would not need to see a veterinarian for a new issue.

Dr. Nunez stated that he also would be sympathetic to a six-month extension or continuation of care (i.e., prescription refill) under an established VCPR.

Dr. Noland asked if the DCA Director had accepted waivers from other health-related boards during this pandemic. Ms. Siefertman stated that a full list of approved waivers was on the DCA website; however, she was not aware of anything specifically related to telemedicine.

Dr. Noland also asked if there was language in the waivers specifying when they would expire. Ms. Siefertman responded that there were waivers that listed specific timeframes and some that specify timeframes or deadlines after the State of Emergency is lifted.

Ms. Siefertman suggested that, if a waiver is requested, the Board may want to tie it to the State of Emergency.

Dr. Noland asked Ms. Welch if she would be willing to assist with crafting a motion based on the Board's discussion. Ms. Welch agreed to craft the motion(s).

*Ms. Welch offered the following motions for the Board's consideration:*

Motion 1 (Waive condition-specific requirement of VCPR)

To enable California consumers and their animals temporary access to telemedicine veterinary services under an established veterinarian-client-patient relationship for medical conditions not previously diagnosed or treated, and to protect the health, safety, and welfare of consumers, animals, and veterinary staff by avoiding unnecessary exposure to or transmission of COVID-19 for medical treatment of an animal for a condition that can be properly diagnosed and treated through the use of telemedicine under the discretion of the California licensed veterinarian, I move to request the Director of the Department of Consumer Affairs to issue a temporary waiver of subsection (b)(3) of section 2032.1 of title 16 of the California Code of Regulations, to the extent it requires a veterinarian to have communicated with the client a course of treatment appropriate to the circumstance in order to establish a veterinarian-client-patient relationship. This waiver is requested to be effective for the duration of the current State of Emergency issued by Governor Gavin Newsom on March 4, 2020, or until January 1, 2021, whichever date is earlier.

- Ms. Alana Yanez moved and Ms. Kathy Bowler seconded the language in Motion 1 (Waive condition-specific requirement of VCPR), as stated above. The motion carried 5-2, with Dr. Cheryl Waterhouse and Dr. Jaymie Noland voting no.

Motion 2 (Waive one-year deadline of prescribing prescription)

To enable California consumers and their animals to temporarily receive drug prescriptions for a duration longer than one year from the date of the last examination and to protect the health, safety, and welfare of consumers, animals, and veterinary staff by avoiding unnecessary exposure to or transmission of COVID-19 for medical treatment of an animal with an existing medical condition, I move to request the Director of the Department of Consumer Affairs issue a temporary waiver of subsection (c) of section 2032.1 of title 16 of the California Code of Regulations, to the extent it prohibits a veterinarian from prescribing a drug for a duration longer than one year from the date the veterinarian examined the animal and prescribed the drug. This temporary waiver is requested for issuance of prescriptions for a duration of no longer than 18 months from the date of last examination and prescription of the medication or until the Declaration of Emergency ends, whichever date is earlier.

- Ms. Alana Yanez moved and Ms. Jennifer Loreda seconded the language in Motion 2 (Waive one-year deadline of prescribing prescription), as stated above. The motion carried 7-0.

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

### A. Assembly Bill (AB) 1953 (Bloom, 2020) Veterinary medicine

Ms. Sieferman reported that AB 1953 was pulled during this legislative session and that it will come back next year. She stated that the Board did not need to discuss the bill at this time.

### B. AB 2028 (Aguiar-Curry, 2020) State agencies: meetings

Ms. Sieferman reported that AB 2028 would require that a board post all writings and materials to its website at least 10 days prior to a board meeting in order to discuss those items at its meeting. She explained that she had concerns with the bill because issues can change rapidly, and if updated information cannot be posted prior to a meeting, Board members would not have all of the necessary information, or the most up to date information, in order to make critical decisions. She added that it is always staff's goal to post information as quickly as possible, and making documents accessible can also take 24 to 48 hours.

Dr. Nunez stated that the Board has been criticized for not being able to post information.

Dr. Noland, Ms. Bowler, and Ms. Yanez shared Ms. Sieferman's concerns and indicated that they would want all of the information, and the most up to date information, in order to make decisions.

- Dr. Mark Nunez moved and Dr. Cheryl Waterhouse seconded the motion to take an Oppose position on AB 2028. The motion carried 7-0.

### C. AB 2185 (Patterson, 2020) Professions and vocations: applicants licensed in other states: reciprocity

Ms. Sieferman reported that she had no concerns with AB 2185 and that the Board would still be required to do the same things.

Ms. Bowler stated that she did not have any issues with the bill, but she is always concerned with how bills can be amended.

- Dr. Jaymie Noland moved and Dr. Cheryl Waterhouse seconded the motion to take a Watch position on AB 2185. The motion carried 7-0.

### D. AB 2855 (Committee on Business and Professions, 2020) Veterinary Medical Board

Ms. Sieferman reported that AB 2855 was the Board's Sunset bill. She informed the Board that, on the previous day, she had received notification that the 2020 sunset hearings were postponed until next year. She stated that the only Sunset legislation going through at this time would be a bill that extends the Board's Sunset date by one year. She added that no other modifications to existing statutes or requests from the Board would be considered at this time, with regard to the sunset review process. She stated that a position on AB 2855 was not required at this time.

**E. Senate Bill (SB) 627 (Galgiani, 2019) Cannabis and cannabis products: medicinal use on an animal: veterinary medicine**

Ms. Sieferman reported that SB 627 had not been amended since the Board last saw it, and that the Board's prior position on the bill was support, if amended. She also referenced recent letters the Board had received regarding the bill. Ms. Sieferman asked if the Board would like to maintain its position or consider changing it.

Dr. Noland asked if the amendments the Board had requested were considered or addressed. Ms. Sieferman clarified that the bill had not been amended since August 2019. Ms. Welch also clarified that the bill had not been amended to address the Board's prior concerns. Ms. Sieferman stated that the sponsors, Lovingly and Legally Grown, were in support of the amendments the Board had requested.

Ms. Welch explained that Lovingly and Legally Grown had reported back to the Board at least twice and that they had concerns about consumers being able to obtain cannabis for pets from recreational retailers without any veterinarian guidance. She added that they believe animals are much safer if cannabis products are received from a medicinal retailer.

Ms. Prado stated that the Board should maintain its current position.

Dr. Waterhouse stated that if cannabis products are being used as medicine, then they need to go through the drug approval process, just like any other drug. She stated that the Board should oppose the bill. Dr. Noland stated that she agreed with Dr. Waterhouse, and that the Board should take an oppose, unless amended position.

Dr. Noland welcomed comments from members of the public.

Mr. Paul Hansbury, of Lovingly and Legally Grown, explained that they were not opposed to the Board's requested amendments. He stated that the bill was written for the health and safety of animals. He clarified his request for the Board to send letters to the Governor, the Assembly Appropriations Chair, and the Business and Professions Committee Chair stating its concerns. Mr. Hansbury added they are working with legislative counsel to get the requested amendments added to the bill. He stated that they want the bill to be done properly.

Mr. Max Mikalonis, of K Street Consulting, stated that he appreciated the Board's previous support, if amended position, and asked that the Board maintain that position.

Gary Richter, DVM, expressed concerns about pet owners circumventing the veterinarian and being allowed to self-treat their animals. He explained that the prior amendment to the bill was not about accessibility, but about money. He stated that it is the veterinarian's responsibility to be the advocate for the patient; and, it is the Board's responsibility to advocate for the client or consumer. He urged the Board to oppose the last amendment and get back to advocating for responsible use of cannabis products. He stated that veterinarians need to make the diagnoses, not clients, and that he supported the bill, minus the prior amendment.

Trina Hazzah, DVM, stated that cannabis products for animals need to be in medical dispensaries, not in recreational dispensaries, and urged the Board to do the right thing to support veterinarians.

Dr. Pollard, MDC Chair, stated that he was in total agreement with Dr. Richter, Dr. Hazzah, and Mr. Hansbury. He explained that if cannabis products are being treated as a medicine, then they should only be available in medical dispensaries.

Susan Tibbon, of Lovingly and Legally Grown, explained that the original intent was to rectify a problem that exists right now, in that caregivers and pet owners do not have guidance with regard to cannabis products. She explained that SB 627 would bring veterinarians into parity with their colleagues in the medical community with regard to recommendations of appropriate medicine. She added that the bill, in its current state, does not serve the public or animals, and it is not ethical or medically appropriate. She asked that the Board issue letters to Senator Cathleen Galgiani, Assemblymembers Lorena Gonzalez and Evan Low, and Governor Newsom expressing the following points: medical cannabis for pets must be purchased and administered under the guidance of a veterinarian with a written recommendation; and medical cannabis for pets is not an over the counter or recreational product. She added that access is not the issue and that there are more medical dispensaries in California than recreational dispensaries. She also stated that administering products to animals without medical guidance or a recommendation was animal abuse. She thanked the Board and expressed that it was important to get back to the original intent of the bill.

Jessica Bogosian, an RVT in the Bay Area, stated that she personally opposed the previous amendment to the bill, which would allow pet owners to purchase products from recreational dispensaries. She added that this allowance would be below the standard of care for veterinary medical professionals.

Dr. Sullivan stated that if the Board takes an oppose, unless amended position, he felt the Board would be at risk of losing the bill.

Ms. Valerie Fenstermaker indicated that CVMA had spent a lot of time working on the bill with the author's office. She stated that the public should be informed that they need

to get recommendations from their veterinarians. She indicated that they would be supporting the bill.

Dr. Hazzah asked about the risk of requesting too many amendments versus just supporting the bill, as is, and having the Board provide specific guidelines to its licensees.

Ms. Welch indicated that the Board would not be able to clarify in regulation the statutes in question because they fall under the Bureau of Cannabis Control. She stated that the Board could perhaps maintain its support, if amended position and explain its concerns regarding recreational dispensaries. She also added that instead of making line by line proposed revisions to the bill, the Board could perhaps make a general statement that it would support the bill if generally, throughout the bill, the provisions limit access of animal cannabis products to medicinal facilities.

Dr. Noland stated that she would be in favor of a support, if amended position, as long as the Board addressed the issue of limiting access of products to medicinal dispensaries.

Ms. Bowler recommended that the Board maintain its previous recommendations and that the August 2019 amendments be removed.

Ms. Loreda stated that the Board's requested research stills needs to be addressed.

Dr. Nunez stated that he agreed with the proposal that Ms. Welch made.

Ms. Prado stated that she would agree with the Board maintaining its support, if amended position.

Dr. Waterhouse expressed concern that a support, if amended position is not taken seriously – they only see “support.” She stated that the Board should therefore take an oppose, unless amended position. Ms. Yanez agreed with Dr. Waterhouse's concerns.

Dr. Nunez stated that it would be a misstep if the Board opposed the bill. He added that if the Board opposed the bill, it would send the wrong message, and the Board would be left out of the discussion.

Ms. Loreda stated that she was still leaning towards an oppose, unless amended position; however, she would support a support, if amended position.

Dr. Waterhouse suggested that the Board consider a watch position, as the Board's recommended amendments had not been incorporated into the bill. Ms. Welch advised the Board that she would not recommend a watch position, because that means no position at all.

Ms. Yanez stated that the Board should definitely take a position, but not a watch position. She asked for clarification on whether any of the Board's recommended amendments had been incorporated into the bill. Ms. Sieferman stated that they had not been added to the bill. Ms. Yanez indicated that she would be ok with a support, if amended position.

Mr. Hansbury clarified that the Board's recommended amendments had not been ignored, and that all of the amendments would be included in the bill. He stated that they are working with legislative counsel and that all of the amendments will be in the bill when it moves to the Appropriations Committee. He also added that there is no fiscal impact with the bill.

Ms. Tibbon provided some additional background information. She stated that legislators had been asked by the Governor to reduce their usual 18 bills to three bills. She explained that Senator Galgiani decided to include SB 627 as one of her three bills and that she is terming out this year. She stated that Senator Galgiani believes that this bill is crucial right now because it is about health and safety. She also added that the amendment that everyone is concerned about has a fiscal impact associated with it.

Dr. Richter stated that if this bill fails, the status quo is that medical cannabis for animals will be sold through recreational dispensaries. He added that no action or an oppose position would effectively accomplish the opposite of what the Board is trying to do.

- Dr. Mark Nunez moved and Ms. Dianne Prado seconded the motion to maintain a Support, if Amended position on SB 627, and to recommend an additional amendment to the author that cannabis products for animals be sold only in medicinal dispensaries and only with a licensed veterinarian recommendation. The motion carried 6-1, with Dr. Cheryl Waterhouse voting no.

**F. SB 1115 (Wilk, 2020) Commercial blood banks for animals: animal blood donors**

Ms. Sieferman reported that former Board member Judy Mancuso requested that the Board support SB 1115. She explained that the bill modifies the definition of commercial blood banks for animals.

Ms. Bowler stated that she appreciated the work of authors Bloom and Wilk in working to address a lot of concerns. She added that her concern was that, this year, under existing conditions, obtaining all stakeholder input was not possible, and this is a very complex issue. She added that there is a lot at stake, and she would be concerned with seeing this bill go forward at this time.

Ms. Loreda stated that the bill is well intentioned, but she had reservations.

Dr. Nunez also stated that the bill has good intentions, but a lot of the details need to be worked out. He suggested that the Board take a watch position. Ms. Prado also agreed that the bill was well intentioned.

Dr. Waterhouse stated that she likes parts of this bill. She indicated that she likes the idea of community donor dogs, as long as the blood is tested. She stated that she is still concerned about supply, and there is a huge demand in California. She added that when talking about phase out, both supply and demand should be considered. Phase out should be done over a period of time. She stated that the pandemic is a good example of potential problems with community donations; community donor facilities may close down whenever there is a large scale disaster. She stated that all types of blood products need to be looked at, as well. She also expressed concern about safety and risks associated with infected blood. She added that she understands the reasoning behind the bill, but there are still specific issues that need to be addressed.

Ms. Yanez stated that the Board should not vote on the bill at this time, as it was her understanding that the Governor will call all of the stakeholders together again. Therefore, she stated that the Board should take a watch position.

Dr. Noland indicated that she agreed with many of the Board members. She stated that she had a great deal of respect for Ms. Mancuso's intentions with this bill, and Ms. Mancuso has done a lot of good work; however, Dr. Noland stated that she still had concerns. She added that she also had concerns with the addition of "all animals" to the bill.

Ms. Welch stated that she wanted to mention a couple of items for the Board's consideration. She stated that there is a provision that allows local law enforcement officers to have access to documents; however, the Board should also have access to these documents because it deals with veterinarians and animal care.

Dr. Jean Dodds of Hemopet stated that they have opposed the bill, unless amended. She indicated that there is a problem with having a phase out timeline without knowing what the need will be. She also stated that if community donor programs are allowed, there is going to be cost associated with that. She also stated that, during a pandemic, it is not a good time to be looking at community donor programs.

Mr. Jeffrey Leacox, of Greenberg Traurig, stated that he wanted to clarify a few items. He stated that the bill was heard earlier that week in the Senate Agriculture Committee, and the author took two amendments: changing the base year of 2019-2020 to 2018-2019; and, providing for a multi-year phase out. He stated that SB 1115 is exactly the bill that the Board supported last year with SB 202, with only the addition of the trigger language that they have concerns about as well, and are still trying to work out.

Ms. Mancuso stated that there would be two triggers, one for cats, and one for dogs. She explained that 2018-2019 would be the threshold, and once that threshold can be reached, then the commercial banks, as they stand, would be phased out. She added



that through the process, they have talked to several stakeholders. She stated that the bill does mimic SB 202, which was supported by the Board; however, they have to go one step further with a phase out, which was in the Governor's veto message for SB 202.

Nickolaus Sackett, of Social Compassion in Legislation, stated that because the legislative session was interrupted, they did not have as much time as they would have liked to work with stakeholders on the phase out language; however, there will be further discussion regarding phase out. Mr. Sackett also clarified that SB 1115 would pertain to just dogs and cats, not all animals.

- Ms. Kathy Bowler moved and Dr. Waterhouse seconded the motion to take a Watch position on SB 1115. The motion carried 7-0.

#### **G. SB 1347 (Galgiani, 2020) Veterinary medicine: authorized care and registration**

Ms. Siefertman reported that SB 1347 would extend the exemption for specified acts and additional care with regard to veterinary care. She stated that the bill does not provide a definition of a shelter. She also explained that the bill would remove Board oversight of shelter facilities providing such veterinary care.

Ms. Bowler stated that she opposed the language in the bill.

Ms. Loreda stated that everything about the bill is the opposite of what the Board wanted, and she strongly opposed the bill.

Dr. Nunez stated that a lack of resources cannot be a reason for allowing facilities to do whatever they want to do; he opposed the bill.

Dr. Waterhouse stated that she had huge concerns with the bill; the language "but not be limited to" would allow facilities to do anything they want. She stated that she strongly opposed the bill.

Ms. Jill Tucker, CEO of California Animal Welfare Association, stated that the perception of the bill is very different than the intent. She explained that the purpose of the bill is to address the 25% of shelter facilities that cannot obtain a premises permit for a variety of reasons. She stated that they are looking for a solution for shelters and the intent is to allow those shelters to have basic things to protect animals.

Mr. Henry Brzenzinski, of California Animal Welfare Association, stated that they are working on definitions for shelters.

Ms. Ledy VanKavage, Senior Legislative Attorney for Best Friends Animal Society, urged the Board to work with California Animal Welfare Association.

Ms. Prado urged the Board to not close the door on underserved areas and to keep the conversation going.

- Ms. Jennifer Loreda moved and Ms. Kathy Bowler seconded the motion to take an Oppose position on SB 1347. The motion carried 5-2, with Ms. Dianne Prado and Ms. Alana Yanez voting no.

#### **6. Review, Discussion, and Possible Action on Multidisciplinary Advisory Committee Recommendation to Adopt Legislative Proposal Regarding Premises Registration and Corporate Practice of Veterinary Medicine**

Dr. Noland asked Dr. Pollard and Ms. Kristi Pawlowski to present the agenda item. Ms. Pawlowski stated that the proposal before the Board was two years' worth of work and encompassed the interests of all stakeholders. She summarized all of the proposed revisions to the statutes.

Ms. Bowler and Dr. Noland thanked Dr. Pollard, Ms. Pawlowski, and Ms. Welch for all of their work on this item.

Mr. Mark Cushing, of Animal Policy Group, provided comment and expressed concern with the proposed language under BPC section 4883, subsection (t), and the term "inducement." After discussion by members of the Board, Ms. Welch offered an amendment in response to the concern and discussion, which utilized language from California Code of Regulations (CCR), title 16, section 2032.

- Dr. Jaymie Noland moved and Ms. Kathy Bowler seconded the motion to approve the revised legislative proposal regarding premises registration and corporate practice of veterinary medicine, as amended, and include it in the Board's Sunset legislation next year. The motion carried 7-0.

#### **7. Update and Discussion on Board Response to COVID-19**

Ms. Siefertman reported on the impacts of COVID-19 and how the Board has responded, and continues to respond, to those impacts. Areas and/or issues that the Board has responded to included: internal Board operations; Live Scan Services; Continuing Education; Examination Sites; Fourth Year Students; Practice Related Questions; budget related matters; etc. Ms. Siefertman also highlighted that: the DCA Director issued an Order waiving license renewal requirements (i.e., continuing education) for licenses expiring between March 31 and June 30, 2020; some Prometric testing sites were reopening; the Board was in communication with veterinary schools; and the Board launched a fourth-year student information page on its website.

She added that she was also requesting that the Board take action on the following items: discuss whether the "face-to-face" presentation requirement of the California Temporary License Curriculum (CaTLC) was necessary in light of the current pandemic and consider that the DCA Director temporarily waive the requirement in CCR section

2021.3, subsection (a); discuss how the remaining 2020 Board meetings would be held; and discuss whether the Board would like to hold upcoming petition hearings through the Office of Administrative Hearing's (OAH) video conferencing capabilities and whether the Board would like to hold those hearings as part of its July meeting, or on a separate day(s).

Dr. Nunez stated that he was ok with waiving the face-to-face requirement. Dr. Waterhouse indicated that it would be a good idea to conduct the CaTLC through video platform.

David K, a fourth-year veterinary student, urged the Board to help students get licensed in California. He explained that the current impacts affect future employment for graduates. He shared that he was scheduled to take the California State Board Exam that day in Massachusetts, but the exam was cancelled without notice and the site would be closed until June. He asked that the Board consider waiving the California exam for one year.

Dr. Noland thanked David K for addressing the Board and stated that she understood the concerns that he shared.

Ms. Siefertman stated that the Board is bound by what PSI does and its limitations, and the Board does not have much control when it comes to out-of-state exam sites. She also added that it has been made clear that the DCA Director would not be waiving any examination requirements due to the Legislature's position and consumer protection concerns.

- Dr. Cheryl Waterhouse moved and Ms. Bowler seconded the motion to submit a request to the Director of DCA to issue a temporary waiver, until the end of Governor Newsom's March 4, 2020 Declaration of Emergency, of CCR, title 16, section 2021.3(a), to the extent it requires the California Temporary License Curriculum (CaTLC) to be presented face-to-face in this state, to address the closing of universities and colleges across the state following the March 4, 2020 Declaration of Emergency and to enable a temporary licensee to complete the CaTLC requirement by virtual means. The motion carried 6-0 (Ms. Alana Yanez was not present for the vote).

Ms. Siefertman stated that due to the COVID-19 crisis, special funded programs have been asked to take immediate action for cost savings.

Board members discussed holding their next quarterly meeting via teleconference/WebEx in July (a two-day meeting), and at that time, would discuss whether a face-to-face meeting would be possible in October, depending on future circumstances. It was also acknowledged that holding meetings via WebEx was a cost savings for the Board.

Ms. Siefertman also indicated that the Board would need to hold seven petition hearings. She shared that OAH had video conferencing technology that the Board could utilize. Per the preference of Board members, she indicated that the hearings could be spread out over a couple of days and that members would be polled on possible dates.

Dr. Noland thanked staff for all of their work.

## **8. Future Agenda Items**

*No future agenda items were recommended or discussed.*

## **9. Adjournment**

Dr. Noland adjourned the meeting at 7:02 p.m.

DRAFT