



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 offer a recommendation.

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 motion 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

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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.