

**Veterinary Medical Board
January 27 & 28, 2009
Sacramento, California**

The Veterinary Medical Board (VMB) held a meeting on January 27 & 28, 2009 at The California State Capitol, 10th Street, between L & N, 1st Floor Committee Hearing Room 113, Sacramento, CA.

January 27, 2009

1. Call to Order

Ms. Starr called the closed session portion of the Veterinary Medical Board meeting to order on Tuesday, January 27, 2009, at 2:10 p.m. to review disciplinary cases during closed session.

Roll Call

Members: Linda Starr, Public Member, President
Terri Becker, DVM, Vice-President
Stephanie Ferguson, DVM
Lisa Newell, DVM
Tom Kendall, DVM

Staff: Susan Geranen, Executive Officer; Paul Sanchez, Assistant Executive Officer; Linda Kassis, Administrative Analyst; Sandra Monterrubio, Enforcement Program Manager

Legal Counsel: Shela Barker

2. Closed Session

Review Disciplinary Cases

AV 2007 28

Default Decision and Order

The Board voted to adopt the default decision

AV 2006 14

Non-adopt decision

The Board deliberated on the non-adopt decision and referred the case to Staff Counsel.

3. Recess

Motion, Seconded, Passed (MSP)

A motion was made by Dr. Newell and seconded by Dr. Kendall to adjourn the meeting at 5:10 p.m. and recess until Wednesday morning at 9:00 a.m. Motion passed unanimously.

January 28, 2009

4. Call to Order

Ms. Starr called the meeting to order on Wednesday, January 28, 2009 at 9:10 a.m.

Roll Call

Members: Linda Starr, Public Member, President
Terri Becker, DVM, Vice President
Stephanie Ferguson, DVM
Lisa Newell, DVM
Tom Kendall, DVM

Staff: Susan Geranen, Executive Officer; Paul Sanchez, Assistant Executive Officer; Linda Kassis, Administrative Analyst; Sandra Monterrubio, Enforcement Program Manager

Legal Counsel: Shela Barker

Members of the Audience: Nancy Ehrlich, RVT, CaRVTA Legislative Liaison; Pamela Maurer, RVT, President, CaRVTA; Valerie Fenstermaker, Executive Director, California Veterinary Medical Association (CVMA); Dan Segna, DVM, Assistant Executive Director, CVMA; Ron Kelp, DVM, Legislative Liaison, CVMA; Jennifer Boyle, VCA Animal Hospitals; Alex Henderson, RVT; Virginia Curtis, Registered Veterinary Technician Committee (RVTC) Co-Chair; Carol Schumacher, RVT, RVTC; Richard Johnson, DVM, RVTC; Diane Sokoloff, Deputy Attorney General (DAG).

Special Guests from the Department of Consumer Affairs (DCA): Carrie Lopez, Director, DCA; Spencer Walker, Special Assistant to the Director, DCA; Katherine Demos, Division of Legislation & Policy Review, (DCA); Rachel Hongal, Division of Legislation & Policy Review, DCA; Amy Edelen, Division of Legislation & Policy Review, DCA.

5. Closed Session continued (if necessary)

Additional time was not required.

Special Guest

Ms. Starr acknowledged Department of Consumer Affairs Director Carrie Lopez and invited her to address the Board and its audience.

Ms. Lopez stated that she has been trying to devise ways for Board's to communicate regarding common challenges and achieve common solutions, and she welcomes the opportunity to talk to the Boards about new ideas. Ms. Lopez stated that the Department is considering holding its next Professionals Achieving Consumer Trust (PACT) Summit in January 2010.

Ms. Lopez stated that at least half of the Department is affected by the budget situation, either directly or indirectly. Ms. Lopez stated that the Department is looking at ways to provide consumer protection smarter or more efficiently.

Ms. Lopez stated that licensees are the backbone of this State, and that it is not about being lenient but about being straightforward. Ms. Lopez stated that it is a goal of the Department to make sure licensees are continually updated to ensure compliance with our rules and other government rules.

Ms. Starr thanked Carrie Lopez for taking time to meet with us today and for making herself available. Ms. Starr thanked Ms. Lopez for the successful PACT Summit.

Ms. Geranen asked Ms. Lopez about getting a facilitator for the Board and Committees Strategic Planning Retreat in March. Ms. Geranen stated that she had contacted the Department regarding getting a facilitator and that the Department's SOLID Training team was not available. Ms. Lopez recommended that the Ms. Geranen contact other Boards that are currently using contract facilitators and coordinate with them to get an approved vendor.

Ms. Lopez reported that the Department is working on fingerprinting all licensees and is recommending that all Boards and Bureaus consider fingerprinting licensees who have not previously been fingerprinted. Ms. Lopez stated that the Department has the authority to move forward on this issue, and is asking all Boards and Bureaus to consider introducing regulations to implement.

6. Approval of Minutes

Ms. Starr reported that the Board has minutes for the July 2008, November 2008, and December 2008 meetings for review and consideration. Ms. Starr asked members for comments regarding the draft minutes.

MSP

A motion was made by Dr. Kendall and seconded by Dr. Ferguson to adopt the July 22, 2008 minutes as amended. Motion passed unanimously.

Ms. Kassis recommended to the Board that the November 20, 2008 minutes be amended to reflect on page 2, case number NV 2007 19, Default Decision, that the "Board voted to adopt the proposed default decision."

MSP

A motion was made by Dr. Kendall and seconded by Dr. Newell to adopt the November 20, 2008 minutes as amended. Motion passed unanimously.

Dr. Kendall recommended that the December 17, 2008 minutes be amended to reflect on page 3, agenda item 3, under the second MSP, that "A motion was made by Dr. Ferguson and seconded by Dr. Kendall to appoint Dr. Johnson to the RVT Committee through June 2009."

MSP

A motion was made by Dr. Kendall and seconded by Dr. Ferguson to adopt the December 17, 2008 minutes as amended. Motion passed unanimously.

7. Executive Officer and Program Reports

Ms. Geranen reported that SB 1584 (Padilla) was signed on September 28, 2008, and became effective on January 1, 2009, and that one of the major requirements is the forming of a multidisciplinary committee. Ms. Geranen stated that the Board will be addressing the formation of the multidisciplinary committee and has invited several people to attend the Board's March Strategic Planning Retreat to help define the role of the committee. Ms. Geranen reported that the Board voted to appoint existing members to the Registered Veterinary Technician Committee (RVTC) in December with staggered terms.

Ms. Geranen reported that SB 1584 (Padilla) also provided the Board increased fee authority. Ms. Geranen reported that this would allow the Board to look at the need to increase fees. Ms. Geranen stated that the first step in a five year plan was to increase fees to the old statutory maximum; second step was to introduce legislation to increase the statutory authority. Those two steps have been completed now. The Board is at the third step which is to look at its fund condition to determine the need for a fee increase. Ms. Geranen reported that initial projections indicate there is a need to increase fees by July 2010. Ms. Geranen stated that staff would be working with the Administrative Committee to look at the fund condition and determine what fee increases are needed.

Ms. Geranen reported that Assembly member Galgiani has introduced AB 107 with language from AB 1760 from last year that affects reciprocity laws for California. Ms. Geranen stated that the discussion regarding regulations for the fingerprinting issue is on the agenda for discussion later today. Ms. Geranen stated that the Board would be holding a Strategic Planning Retreat to update the Board's disciplinary guidelines, Citation and Fine Guidelines, and to review hospital inspection program parameters.

Ms. Starr reported that she and Ms. Geranen attended the CVMA Board of Governors Meeting on Saturday, January 24, 2009. Ms. Geranen stated that they made an announcement that the Board needs hospital inspectors.

Ms. Geranen reported that Senator Padilla's office has asked the Board to be the sponsoring state agency for specialty license plates to fund low cost spay and neuters and that the Board has agreed to participate.

Ms. Geranen asked if the Board had any questions or comments on any of the Program Reports. The Board had no additional no comments.

Mr. Sanchez reported that Sandra Monterubbio has been appointed as the Board's new Enforcement Program Manager.

8. Administrative Committee – Linda Starr

Ms. Geranen stated that the Budget Report included in the binder is a preliminary, snapshot in time. Ms. Geranen stated that staff would be working with the Administrative Committee and the Department of Consumer Affairs Budget Office to look at our fund condition projections to make recommendations regarding any future fee increases.

Ms. Starr asked about the bottom line amount in the Board reserves. Ms. Geranen reported that the statute requires a 3-10 months reserve. Ms. Geranen reported that projections currently indicate that the fund could go below that by July 2010. Ms. Geranen stated that more information would be provided in April.

Dr. Ferguson asked if the two-day furloughs would affect the budget. Ms. Geranen stated that it could positively affect the bottom line with salary savings. Ms. Geranen stated that many things could change the bottom line including: travel; meeting locations; AG fees, etc. Ms. Geranen reported that AG fees are going up as of July 1st. Discussion followed.

Ms. Geranen stated that appointments to the Board and the Committee currently operate on a fiscal year basis with appointments in June and elections in April. Ms. Geranen stated that with the Board president taking over in July, it can be difficult because legislation is based on a calendar year. Ms. Geranen stated that staff is proposing that the Board hold elections in

October with appointments effective in January, rather than holding elections in April. Ms. Geranen reported that the RVTC voted at their meeting yesterday to hold elections in April to reappoint committee members, and discuss changing elections to October after the committee is reappointed due to this item needing to be on their agenda to take further action.

MSP

A motion was made by Dr. Becker and seconded by Dr. Newell to adopt changes to move elections from April to October. Motion passed unanimously.

Ms. Geranen stated that SB 1584 authorizes the RVTC to meet three times a year. Ms. Geranen reported that our current schedule is to meet four times a year plus our Strategic Planning Retreat. Ms. Barker stated that the RVTC will have met three times as of April 2009, and that the Board would need to authorize them to meet five times per year to include the meetings scheduled for July and October. Discussion followed.

MSP

A motion was made by Dr. Ferguson and seconded by Dr. Becker to allow the RVTC to meet five times as scheduled in 2009. Motion passed unanimously.

9. Legislation/Regulations Committee – Linda Starr

2009 Legislative Proposals

Discuss Government Sales Tax for Veterinary Services

Ms. Starr indicated that there was a lot of discussion regarding this topic at the CVMA Board of Governors meeting last weekend and deferred to Ms. Geranen to report. Ms. Geranen stated that she didn't have a lot of information to report other than the Board has gotten phone calls from people who wanted to know the Board's position. Ms. Geranen stated that although this is outside the purview of the Board she welcomed CVMA comments.

Ms. Fenstermaker stated that they are still working on this issue and that it is on the agenda for the Legislature, and the Tax Commission to discuss. Ms. Fenstermaker stated that the entire community has bombarded the governor's office with phone calls and that his office now has a special phone line devoted to this issue due to the volume of calls they have been receiving.

Dr. Kendall stated that he was at a national meeting a couple weeks ago and the opinion was that this would have a strong economic effect on emergency clinics and specialty practices but that it hasn't yet filtered down to the general practice clinics. Dr. Kendall stated that this proposal would essentially affect all three types of practice.

Ms. Geranen asked Dr. Kendall if they are seeing people who would choose euthanasia as opposed to extended treatment. Dr. Kendall stated that less people are using emergency services, and people providing these services both nationally and locally are being laid off. Dr. Kendall stated that what is happening with specialty practices right now because of the economy is clients are being referred to specialty practices and are then returning to general practitioners and choosing to euthanize rather than provide extended treatment.

Valeria Fenstermaker stated that if this legislation does pass, it will be difficult to define a "service", and where the line drawn. Ms. Fenstermaker stated that CVMA received a letter

from a member asking in regards to “thinking” and “diagnosing” how you would put a price on these services. Ms. Fenstermaker stated that it would be very complicated to assess how to apply sales tax to veterinary services.

AB 107 (Galgiani) Veterinarians and Registered Veterinary Technicians

Ms. Geranen stated that this is a bill from Assembly member Galgiani and is comparable to AB 1760 introduced last year. Ms. Geranen stated that the most significant affect of this bill is in regards to reciprocity licensure, by reducing the number of practice years required from four years to two years. Ms. Geranen stated that Board supported this bill last year, and has received a call from Galigiani’s staff asking whether the Board would support the bill this year. Ms. Geranen reported that some of the clean up language has already been added to SB 1584. Ms. Geranen stated that Galigiani’s office was unaware this language was no longer necessary, therefore the bill will be amended to remove unnecessary language. Ms. Geranen stated there were no new provisions added to this bill, and asked if the Board wanted to take a position on AB 107 at this time. Ms. Starr asked the Board for discussion.

Dr. Kendall asked if the Board takes a position now would they be informed of any changes made to this proposal. Ms. Geranen stated yes this would be brought back to the Board for further discussion as the legislation develops.

MSP

A motion was made by Dr. Kendall and seconded by Dr. Becker to support AB 107 (Galgiani). Motion passed unanimously.

AB 2423 (Bass) Professions and Vocations: Licensure

Ms. Barker that AB 2423 (Bass) was passed by the legislature and signed by the governor during the last legislative session and that it will have some substantial impacts on Boards who deny licenses based on criminal convictions. Ms. Barker stated that this Board is impacted specifically as it pertains to RVTs. Ms. Barker stated that currently when an application comes in from a candidate for the RVT examination, staff will make a determination based on a criminal conviction whether or not to deny an application, and if challenged the case will go to the AGs office for a statement of issues. Ms. Barker stated that the process will likely change because the denial letter must be plead with such specificity under this bill that it is likely that staff will no longer be able to handle. Ms. Barker stated that there would probably be more information at the March Strategic Planning Retreat, and as of right now staff counsel are meeting internally at DCA and intend to meet with Executive Officers and AGs once they have a proposal.

Ms. Geranen stated that the Board was contacted by Bill Kinst, Legislative Aide, from Senator Patricia Wiggins’ office regarding the consideration of proposing legislation to require the labeling of poisonous plants for pets and small children and he may come to the meeting to discuss it with the Board.

Regulations

Discuss Regulatory Calendar

Ms. Geranen reported that the Board is discussing prioritizing the Board’s resources and determine what we can realistically accomplish in the next 2-3 years. Ms. Geranen stated that this calendar reflects the current packages that the Board has before it. Ms. Geranen reported that the exam clean-up package is based on changes resulting from computer based testing.

Ms. Geranen reported that the March retreat will include discussion regarding the citation and fine guidelines. Ms. Geranen stated that the disciplinary guidelines are currently incorporated by reference into our regulations. Ms. Geranen stated that once the disciplinary guidelines and citation and fine guidelines have been updated they could be incorporated by reference into the Veterinary Practice Act.

Dr. Kendall asked Ms. Geranen if she is stating that the citation and fine guidelines would become a regulation. Ms. Geranen stated yes, that similarly to how the disciplinary guidelines are currently incorporated by reference these guidelines could also be incorporated by reference once amended. Ms. Geranen stated that we will also have to do a rulemaking package to change the date of the disciplinary guidelines from 2002. Ms. Geranen stated that the guidelines were last updated in 2002 and that we have recommendations from Gina Bayless, the Board's previous Enforcement Program Manager, who worked with the AG in 2004. Ms. Geranen stated that the recommended amendments to the current guidelines would be discussed at the March meeting along with working on applying the guidelines to cases to determine their effectiveness.

Dr. Ferguson asked if the Board is limited by the current structure in the disciplinary guidelines. Ms. Geranen stated that the only limitation is working within the Board's authority as defined in the Veterinary Practice Act. Ms. Geranen stated the Board has authority for negligence, incompetence, unprofessional conduct, fraud, deception and that would define that structure the Board must work within. Dr. Ferguson asked if the Board could take a category and elaborate. Ms. Barker stated yes this would be allowed.

Proposed regulations for veterinary staff identification requirement

Ms. Geranen stated this is an update of what the Board looked at before regarding licensees wearing identification. Ms. Barker stated that the draft language is presented for consideration and whether to direct staff to move forward with a regulatory package. Ms. Barker reported the draft proposed language comes directly out of Business & Professions (B&P) Code Section 680, which actually commands that licensees wear nametags. Ms. Barker stated that the size of the type is taken from the existing mandatory language as is the exemption providing that if a license is prominently displayed that they don't have to wear a nametag. Ms. Barker stated that this is simply a starting point to implement B&P Section 680 for the Boards discussion and consideration.

Ms. Starr asked whether regulations would be required to implement. Ms. Barker stated that the Board may need to do regulations to define "prominently displayed" and what meets this requirement to allow an exemption for not wearing nametags. Discussion followed.

Dr. Kendall had a question related to item (d) referring to assistants as unregistered assistants, and stated that he has reservations about referring to everyone who is not licensed as an unregistered assistant although he would be in favor of everyone being identified. Ms. Barker stated that (d) was drafted to address when nametags are not used on the premises based on the exemption. Discussion followed.

Ms. Fenstermaker asked if the Board needed to make their decision prior to forming the multi-disciplinary committee and receiving additional input. Ms. Fenstermaker stated that there are a lot of issues surrounding the wearing of nametags and recommended discussion with practice owners and others to get input to define further. Ms. Fenstermaker also suggested the Board look at language from other healthcare fields that have set precedence.

Dr. Johnson asked whether this is an “either/or” and if there is a choice to display your license or wear a nametag. Dr. Johnson stated that the RVTC has been working to develop this issue for three years, and that the goal is to get licensees to wear nametags including their title so that the public knows who is providing care for their pet.

Ms. Sokoloff, AG, stated that if taken as a given, either/or, that doesn’t resolve Dr. Johnson’s concern. Ms. Sokoloff stated that based on Ms. Geranen’s statement that the statute provides that you must conspicuously display your license, that means it’s really not an either or, and that a license must be displayed, and there is a choice of whether or not to wear a name tag. Ms. Geranen stated that the Board may want to consider dealing with this issue by amending the statute to make it a requirement to display the license and wear a nametag.

Ms. Barker stated that the AG’s office is correct and that licensees would need to display their license based on the statute, but when dealing with nametags, the Board cannot draft a regulation requiring it because the exemption for nametags already exists in statute. Ms. Barker stated that the Board could amend an existing statute, not necessarily B&P Code 680 since this statute applies to all of the healthcare boards and is too broad, but that the Board could possibly modify the existing statute that states you must conspicuously display your license to add: “and wear a nametag”. Ms. Barker stated that the Board could move forward with defining what “prominently” and “conspicuously” display means when it takes into consideration the mandatory display of the license and nametags.

Ms. Geranen asked Ms. Barker whether in light of what she just said does the Board have authority under B&P Section 680 to require nametags. Ms. Barker stated not under B&P Section 680, but she could look at other statutory authority and requirements in the practice act. Ms. Geranen asked if this language is sufficient to move forward. Ms. Barker stated yes, that the proposed regulatory language recognizes there is an exemption in statute and was drafted as an option for the Board to consider in lieu of legislation. Ms. Barker stated that this was a proposal for a regulation that could be implemented under existing statute and that the Board was given a draft legislative proposal for consideration last year. Discussion followed.

Dr. Johnson, RVTC volunteered to compile more information regarding the issues for discussion at the March Strategic Planning Retreat and for the RVTC to bring recommendations back to the Board in April.

MSP

A motion was made by Dr. Kendall and seconded by Dr. Ferguson to accept the RVTC offer to provide more information for further discussion at the retreat in March and to request that the issue be added to the April Board agenda. Motion passed unanimously.

The Board discussed the parameters of the public meeting requirements for the retreat in March. Ms. Geranen reported that although it is a public meeting, the Board does not take action at its retreats, but refers action to the Board at its next regularly scheduled meeting. Ms. Geranen stated that other than a public comment period at the beginning of the meeting, the Board is not required to interact with the public at its retreats.

Recess – The Board took a ten-minute recess

Radiation Safety Training verification – minimum standard record keeping requirement

Ms. Geranen reported that the Health and Safety (HS) Code requires persons other than veterinarians and RVTs be trained in radiological equipment. Ms. Geranen stated that the Board has a radiation safety guide, and the Board discussed whether they should make it a specific requirement for the training. Ms. Geranen stated that the guide could be an option for veterinarians to train assistants to fulfill this requirement. Ms. Geranen stated that the Board then discussed whether proof of training should be retained. Ms. Geranen stated that this was a voluntary program and then the RVTC asked the Board whether there should be a mandatory requirement to produce and should it be a minimum standard requirement to require verification of proof of training.

Ms. Starr deferred discussion to the veterinarians on this issue. Dr. Kendall stated he feels this is very important and the potential for exposure during pregnancy. Dr. Ferguson stated that she doesn't have a particular opinion due to her type of practice not requiring x-rays or a lot of staff and feels there may be another option less burdensome would be preferred although she appreciates that it is very valuable and there is a potential for danger. Dr. Becker stated that she believes it's important but is not sure whether or not a regulation is required to retain proof of training documents. Dr. Newell stated that she works in a busy practice and they use the utmost safety training and techniques and doesn't believe a regulation is necessary and hopes that veterinarians are already complying with this standard.

Carol Schumacher, RVT, RVTC, stated that the current regulation requires that people be trained, and this would be a reminder regarding the importance of training, and would allow inspectors to verify training is occurring. Ms. Schumacher reported that their practice recently obtained digital radiology equipment and the radiologist came to her alarmed that they are receiving studies that they are getting huge numbers of images; instead of two films they are now getting 20 films due to instant verification of film obtained. Ms. Schumacher stated Matt Wright has put out alerts and has published a book for radiation technician training on radiation safety and the long-term health effects.

Jennifer Boyle, RVT works with 40 different VCA hospitals and sees small and large practices. Ms. Boyle stated her job is to make sure they are following federal and state regulations, including radiation safety training. Ms. Boyle stated that she found it interesting that unregistered assistants were completely unaware of training requirements or radiation safety concerns, and that many veterinarians were unaware of the recommendation to teach radiation safety training. Ms. Boyle uses the radiation safety handbook, combined with training using sand bags, to bring awareness to staff about the effects of radiation.

Dr. Johnson stated that he agreed with Ms. Boyle's comments and that he believes that if it's not regulated and not mandatory the training will not be provided.

Ms. Ehrlich, RVT, CARVTA, stated that with an open book test everyone is supposed to pass, and that reading the test and answering fifteen questions helps to educate people to at least know the minimum radiation safety standards needed to protect them.

Dr. Kendall asked Ms. Schumacher if there was additional information regarding the number of films taken and the concerns regarding digital radiographic equipment. Dr. Kendall stated that he was not sure whether this was within the Boards purview but that this is a red flag that should warrant at least a newsletter article.

Dr. Kelpé, CVMA stated that there is a higher energy requirement to produce these digital films and a higher level of radiation.

Dr. Becker stated that her experience has been that due to the quality it was her understanding they are using less because of the ability to more easily manipulate the image.

Dr. Newell stated that at her hospital technicians are required to receive veterinarian's approval before taking additional films.

Ms. Fenstermaker stated that these hazards need to be addressed and this could possibly be accomplished by adding a question regarding digital radiography to the licensing examination.

Ms. Geranen stated that the Board may need to determine if there is a need in our laws to restate the requirements in our laws, and if there is a need to require proof of training.

Ms. Barker stated that for the Board to require the mandatory use of this test it would require exam validation. Ms. Barker stated that the Board could adopt a regulation that you have to require training for the protection of the animal as part of our minimum standard and state that this guide would be one method that could be used for training but not limit it to this guide when something else may suffice.

Dr. Ferguson asked what would be involved in updating this guide. Dr. Johnson volunteered to have the RVT Committee review and discuss the radiation safety guide at the March retreat.

MSP

A motion was made by Dr. Ferguson and seconded by Dr. Kendall to request that the RVTC take a look at the radiation safety exam to provide recommendations to update the material and discuss at the March retreat. Motion passed unanimously.

Mandatory Continuing Education for RVTs

Ms. Geranen reported that the RVTC just received this language yesterday and will be reviewing it at its meeting in April.

RVT Eligibility Categories, Internship & Residency Program Proposed Regulations – OAL Rejections, 15-day notice required

Ms. Geranen reported that regulatory package to amend the RVT eligibility categories received no opposition or comments and was moving forward, but due to clerical and mathematical errors the file was rejected by Office of Administrative Law (OAL). Ms. Geranen reported that the Board has 120 days to fix the file and resubmit for review. Ms. Geranen stated that staff would make changes and post the language on our web site for 15 days and if no comments are received we can move forward with re-filing with OAL. If adverse comments received the Board would need to have a teleconference meeting or bring it back in March for review.

Ms. Geranen reported that the RVT Limited Term Eligibility Window package was filed with OAL on December 23, 2008 and we are anticipating hearing from OAL soon. Ms. Geranen stated that this proposal will impact the board because we have at least 100-200 contacts from people who want to apply. Ms. Geranen stated that she has asked members of the

RVTC to assist with reviewing these applications to determine the requirements are met and to set the standard for reviewing applications.

Dr. Johnson asked about notifying the southern California association(s) about the new category and to get the word out. Carol Schumacher offered to notify the northern California association(s).

Ms. Geranen reported that this proposal is for a one year window and that any applications submitted in that one year that are determined to be eligible will be accepted. Ms. Geranen reported that the windows to be examined are January – June and July – December. Ms. Geranen stated that even though total time will be less than 12 months, applicants who apply during the first window could be given a second opportunity during the second window. Ms. Geranen stated that if they fail a second time, time permitting applicants could reapply before the December 31, 2009 deadline.

Ms. Ehrlich asked what application the Board would use. Ms. Geranen stated that it is the same application and that applicants will need to write Limited Term Eligibility Window on the application.

Proposal for regulations for fingerprinting licensees not fingerprinted at the time of licensing

Ms. Barker reported that due to media from the LA Times, it has been requested by the Director that all of the healthcare boards consider retroactive fingerprinting for all licensees who have not been fingerprinted. Ms. Barker stated that there is a need to determine how far back to go, and in what manner to implement. Ms. Barker stated that it is her understanding that veterinarians there is substantial amount of time it has been done, but there is a substantial gap for the RVTs between 1980 and sometime in 2000s. Ms. Barker stated that the director is requesting this information be collected so that criminal background checks can be run on existing licensees. Ms. Barker stated that it was her intent that the proposed regulatory language be submitted for the Board to consider whether to move forward with the adoption of regulations. Ms. Geranen stated that we are guesstimating 3, 000 or less licensees who have not been fingerprinted (2,000 RVTs; 1,000 DVMs). Ms. Geranen reported that the proposal is to inform licensees of the need for fingerprints at the time of renewal. Ms. Barker stated that this would be a multi-step process to obtain regulatory authority, identify who to fingerprint, and how to implement. Discussion followed. Ms. Starr asked the Board if there is a motion.

A motion was made by Dr. Ferguson and seconded by Dr. Newell to move forward with the proposal to adopt regulations to require fingerprinting of licensees who have not been fingerprinted. Motion passed unanimously.

Ms. Barker stated that the proposal would be brought back to the Board in April for review and consideration for submission to OAL.

10. Examination/Licensing Committee Report – Terri Becker, DVM

Dr. Becker deferred to Dr. Kendall the discussion regarding exemption for externship students. Dr. Kendall reported that he attended a meeting last week and there is a national report that should be published in the next couple months regarding senior students and the reasons they choose internships.

Ms. Geranen stated that she spoke with Bennie Osborne, Dean of the University of Davis Veterinary School on Saturday regarding his thoughts on this proposal and it is her

understanding that if a student is coming in from out of state but they are under the auspices of Western University or UC Davis then the school is taking responsibility for that student. Ms. Geranen asked Dr. Kendall if this proposal is for students coming in under the auspices UC Davis or Western University. Dr. Kendall stated that this recommendation is to coordinate with other AVMA approved schools. Ms. Starr asked the Board for comments.

Dr. Ferguson asked what would be required to do this. Ms. Barker stated there are current statutory limits for these schools and this change would require a legislative proposal. Discussion followed.

Ms. Barker asked if this could possibly be resolved by getting the UC Davis and Western University to enroll these students exclusively for the purposes of externships and then they would clearly fall within the exemption authorized for UC Davis or Western University.

Dr. Kelpé stated that these are senior students and part of their learning program and in order to encourage these students to come to this state we need to provide them greater education opportunities. Dr. Kendall stated whether legislation takes a year or more, he believes there is a need and recommends the Board pursue this proposal to provide opportunities.

Dr. Johnson asked Dr. Kendall if he thinks that any practice could provide this training, or should the types of practices be limited. Dr. Kendall stated he provided information to Ms. Barker and Ms. Geranen regarding existing externship, and in the document there is a list of tasks they are trying to expose the doctor to. Dr. Kendall stated that in the case of UC Davis the list is very specific. Dr. Johnson asked if we put this together as a benefit to the consumer and a benefit to California, and a benefit to the education of these individuals would the legislature consider this an extension of the existing program for Western University and UC Davis and use the term AVMA approved schools.

Ms. Geranen stated that one of the questions is who is taking the liability for these students not under the auspices of UC Davis and Western University. Ms. Geranen stated that when the exemption for Western University was proposed there was a concern because they didn't have a teaching hospital so B&P Section 4854.5 was added to require that every off campus facility shall display in a conspicuous manner a consumer notification that the medical facilities are used for the diagnosis or treatment of animals provided by graduate students. Ms. Geranen stated a concern was who provides oversight and where does a consumer go for recourse. Discussion followed.

Dr. Becker asked Ms. Geranen if the Board receives a lot of complaints regarding students. Ms. Geranen stated not many. Ms. Geranen stated that the Board also has a one-year temporary license for internships and that there may be some way to develop a program for externships.

Dr. Kelpé if liability is the concern, maybe it could be born by the practitioner who offers the externs to come work in their hospital. Ms. Geranen stated that was the direction she was thinking in using the example for internships, where we have approved teaching hospitals approved by CVMA and it is identified where that training is happening.

Ms. Starr welcomed David Kinst from Senator Wiggins office. Senator Wiggins is considering a bill that would require retailers of all plants specifically for landscaping and house plants to label plants that are harmful to pets (especially dogs and cats) and small children.

Dr. Kendall stated that without seeing the specific language, the concept sounds okay. Craig Cornell, RVTC stated that he would like to point out that there are things that are toxic to dogs and cats that are not toxic to humans and vice versa. Mr. Kinst stated that they are looking more at the residential aspect of this rather than agricultural. Dr. Kelpel stated there are also different levels of toxicity. Mr. Kinst stated that they are looking at focusing on listing the top 10 plants that pose harm to animals and small children.

Ms. Starr thanked Mr. Kinst for coming and stated that the Board would review the legislation when it is drafted. Mr. Kinst invited anyone who was interested to contact his office to help with this issue.

Recess

Ms. Starr announced that the Board was taking a lunch recess beginning at 12:20, and returning promptly at 1:00 p.m.

Ms. Starr called the meeting back to order at 1:07 p.m.

11. Enforcement Committee – Stephanie Ferguson, DVM

Ms. Geranen stated that the Board would need assistance to develop the priority requirements for discipline cases with respect to actual cases.

Ms. Starr stated that the maximum number of people that can participate on the Multi-Disciplinary committee is nine, and that the Board is considering 7 members for now due to budget constraints. Ms. Geranen stated for the purpose of the retreat we will probably have five attendees. The Board is looking at a broad spectrum of people to serve on the committee to represent all the different areas of veterinary medicine.

Ms. Barker stated the structure of the committee does consider nominees, and that the Board may want to solicit nominees for these positions, and indicated that the associations may want to contribute names. Ms. Barker recommended notifying the Southern California Veterinary Medical Association and posting a notice on the web site soliciting nominees for appointments to the multidisciplinary committee. Ms. Geranen stated that the people invited to the Strategic Planning Retreat in March won't necessarily be on the committee and that the purpose of including these guests is to help define what the committee's role will be.

Ms. Schumacher asked whether there would be per diem since it is a voluntary committee. Ms. Barker stated that the statute provides for a \$100.00 honorarium pursuant to B&P 103, along with travel expenses subject to Department of Personnel Administration (DPA) rules for board and committee members.

12. Discuss parameters of Strategic Planning Retreat (March 17 -19, 2009)

Ms. Geranen recommended the Board review the current strategic plan included in the board package and to make note of any issues that need to be addressed in March. Ms. Geranen stated there could be a possible rough draft of the strategic plan in April. Ms. Geranen stated that staff would try to get a facilitator for the March retreat.

13. Registered Veterinary Technician Committee Report – Virginia Curtis, RVTC Co-Chair

Ms. Curtis, Acting Chair of the RVC, reported that the first order of business was when to hold elections, and that the committee decided to extend the titles already in place through this October and begin new appointments in January 2010. Ms. Curtis stated that being a new committee, all the members took the oath of office to serve on the committee, except for Kim Williams who was absent.

Ms. Curtis reported that the RVTC discussed whether there was a need for a RVT subcommittee for disaster planning, and that it was decided that they needed to define the role of the committee in relation to disaster planning and added this item to their March Strategic Planning agenda.

Ms. Curtis stated that Ms. Novak gave the Examination/Licensing Report and reported that the board is still having problems getting school report data, and that some of the numbers still are not matching up.

Ms. Curtis stated that the Legislative/Regulatory Subcommittee gave an update on the government school approval process and reporting requirements and this elicited a lot of issues to address so the committee agreed to gather more data and bring back for discussion at the March retreat.

Ms. Curtis stated that Ms. Geranen provided an update to the committee on the status of the proposed regulations, which was also provided to the Board at today's meeting.

Ms. Curtis reported that in regards to the status on the updated consumer brochure, that the Department is suggesting two brochures, instead of one; one for consumers and one for licensees. Ms. Curtis stated that the RVTC will review suggested changes in March if available.

Ms. Curtis stated that Ms. Barker provided such a well-developed document for the draft language to require mandatory continuing education requirements for RVTs, that the committee agreed to take time to review it and bring it back for discussion at the March retreat.

Ms. Curtis reported that besides the issues already mentioned for the March retreat the committee would like to discuss the use of the National Registered Veterinary Technician Examination, RVT Title Protection, and the subcommittees.

Ms. Starr asked the Board for comments.

Dr. Ferguson asked why do the medical professionals need a brochure. Ms. Geranen stated that one of the comments was about differentiating between registered veterinary technicians and assistants and the restricted job tasks to make it clear what each can do. Ms. Geranen stated that originally we did the brochure as a combination by defining "Who's on Your Team", and the department felt that consumers wouldn't totally understand the technical terms describing the RVT specific job tasks so they recommended doing a separate brochure for consumers to communicate the same message through two separate voices.

14. Review Upcoming Board Meeting Dates and Locations

Ms. Starr stated that Board will be at the Strategic Planning Retreat in March and that the April Board meeting location has been changed to Sacramento. Ms. Starr reported that the

July meeting will also be held in Sacramento. Ms. Starr indicated that we've been invited to meet at the San Diego Zoo in October and that these dates are no longer tentative.

Ms. Schumacher asked the Board if the October Meeting was intended to be on Wednesday and Thursday, October 21 & 22. Ms. Starr stated that the dates on the agenda are incorrect and the October Meeting will be held on Tuesday, October 20, and Wednesday, October 21, 2009 as planned.

Ms. Barker reminded the Board of the requirement to meet at least once time each year in Southern California.

15. Agenda Items for April 2009 Meeting

Discuss Fund Condition and the need for a fee increase

Multi-Disciplinary Committee Nominees

Discuss Consumer Brochure Updates

Strategic Plan – possibly July

Proposed License Plate Legislation

AB 2423 (Bass) Professions and Vocations: Licensure

Draft Proposal for implement fingerprinting requirement for licensees not previously fingerprinted

Discuss RVTC recommendations to address veterinary staff identification requirement issues

Discuss RVTC recommendations to the Radiation Safety Guide

Add a closed session to March retreat if necessary

16. Comments from Public/Outside Agencies/Associations

17. Adjourn

MSP

There being no further business before the Board, a motion was made by Dr. Kendall and seconded by Dr. Becker to adjourn the meeting at 1:45 p.m. Motion passed unanimously.