



Veterinary Medical Board Meeting
April 21 & 22, 2009
Sacramento, CA

The Veterinary Medical Board (VMB) held a meeting on April 21 & 22, 2009 at the Board Office in the Hearing Room and Lake Tahoe Room, located at 2005 Evergreen Street, Sacramento, CA.

1. Call to Order

Ms. Starr called the meeting to order on Tuesday, April 21, 2009 at 2:10 p.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; Sandra Monterrubio, Enforcement Program Manager

Legal Counsel: Shela Barker

2. Reinstatement Hearing – Edgington

The Board held the hearing for the petition requesting reinstatement and then went into closed session deliberations with the judge.

3. Closed Session

Review Disciplinary Cases Pursuant to Government Code Section 11126(c)(3)

AV 2007 5

Stipulated Settlement and Disciplinary Order

The board voted to adopt the order.

AV 2007 6

Stipulated Settlement and Disciplinary Order

The board voted to adopt the order.

AV 2007 28

Order Granting Petition for Reconsideration

The board voted to grant the petition for reconsideration.

Recess 5:50 p.m.

4. Call to Order

Ms. Starr called the meeting to order on Wednesday, April 22, 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; Amy Edelen, Administrative Analyst; Sandra Monterrubio, Enforcement Program Manager; Liz Parker-Smith, Administrative Assistant

Legal Counsel: Shela Barker

Members of the Audience: Virginia Curtis, Co-Chair, Registered Veterinary Technician Committee (RVTC); Richard Johnson, DVM, RVTC; Pamela Maurer, RVT, President, California Registered Veterinary Technicians Association (CaRVTA); Valerie Fenstermaker, Executive Director, California Veterinary Medical Association (CVMA); Dan Segna, DVM, Assistant Executive Director, CVMA; Rich Bennett, DVM; Nancy Ehrlich, RVT, CaRVTA; Jennifer Boyle, RVT, VCA Animal Hospitals; Ron Kelpke, DVM, CVMA; Katherine Demos, Department of Consumer Affairs, Division of Legislative & Policy Review

5. Additional Closed Session if Necessary

Additional time was not required.

6. Approval of Minutes

Motion, Seconded, Passed (MSP)

A motion was made by Ms. Starr, and seconded by Dr. Kendall, to approve the minutes from the Veterinary Medical Board Meeting held January 27 & 28, 2009, with typographical corrections on page 6 and 13. The motion passed.

7. Executive Officer Report and Program Reports

Ms. Geranen provided an update on Senate Bill 1441 (Ridley-Thomas), effective January 1, 2009, which requires the Substance Abuse Coordination Committee to develop uniform standards applicable to healing arts substance abusing licensees by January 1, 2010. Ms. Edelen informed the board that a staff working group is developing draft uniform standards in preparation for a roundtable discussion at a public meeting on May 6, 2009, followed by discussion and decision by the committee on May 18, 2009. Further information is available on the Department of Consumer Affairs' website under SB 1441 Substance Abuse Coordination Committee. Ms. Geranen has also been participating in a working group that is developing a new Request for Proposal to obtain a diversion programs vendor.

Ms. Geranen reported that Assembly Bill 2423 (Bass), effective January 1, 2009, set parameters establishing conditions under which licensing boards can deny licenses and grant probationary licenses.

Ms. Geranen reported that AB 107 (Galgiani), a bill that mirrors previously introduced AB 1760 from last session, is moving through the legislative process unopposed. AB 107 would require the California exam for veterinarians to be given no less than two times per year and would reduce the number of years required for reciprocity from 4 years to 2 years.

Ms. Geranen reported that Antonnette Sorrick, Executive Officer for the Board of Guide Dogs, asked the board to consider supporting SB 475 (Padilla), which would increase the Board of Guide Dogs' statutory authority to set fees charged to schools that train guide dogs, and to their prospective owners.

Ms. Geranen reported that AB 583 (Hayashi) would require health practitioners to wear nametags or comply with other posting requirements.

Ms. Geranen reported that the National Veterinarian Technician Examination was discussed by the RVTC and would be reported on later in the agenda.

Ms. Geranen reported that the RVTC deferred review of the RVT mandatory education regulations because legal counsel was not present.

Ms. Geranen reported that the Department of Consumer Affairs is requesting that all boards consider adopting regulations to require retroactive fingerprinting of its licensees, and that this item would be discussed later in the agenda.

Ms. Geranen reported that there would be an update relevant to RVT eligibility categories later in the agenda.

Ms. Geranen reported that staff is working on budget projections and recommendations to the board.

Mr. Sanchez reported on the impacts of the staff furlough and state budget situation. He stated that licensing is the most impacted area but staff is working together to ease the impact. Ms. Starr requested that staff members attend board meetings to meet the board.

Valerie Fenstermaker questioned the last sentence in the Executive Officer's Report about microchips. CVMA found the sentence to be confusing and removed it from their article. Ms. Geranen clarified that reporting ownership information on an animal's microchip is outside of the scope of the board's and does not constitute unprofessional conduct.

Enforcement Report

Ms. Monterrubio reported that the VMB is accepting applications for hospital inspectors until June/July. There will be a workshop in August. Interested parties should submit a letter of interest and a resume. The board is considering hiring inspectors on an ad hoc basis and smaller regions for inspectors would be a possibility if enough applications were received. CVMA will include a blurb to recruit hospital inspectors in the CVMA newsletter.

Ms. Novak reported that exam workshops will be held May 28 & 29, 2009, followed by a passing score workshop in June 2009. Board members can sit in on the workshops if desired. The exam banks have been transferred to the Department of Consumer Affairs, Office of Professional Examination Resources.

8. Administrative Committee

Review of Budget and Fund Condition Projections for Possible Fee Increase

Ms. Starr asked Ms. Geranen to provide the Administration Committee update. Ms. Geranen presented an Analysis of Fund Condition prepared by the Department of Consumer Affairs, Budget Office and explained that it represents the status quo. If present conditions continue, the board would have .8 months in its reserves by the end of Fiscal Year (FY) 2009/10 and would be in the red by the end of FY 2010/11. The board needs to review its budget and fees to ensure that reserves are sufficient. Multiple scenarios for increasing fees have been developed by board staff. The Multidisciplinary Committee may be able to assist in this area. The Attorney General's hourly rate is increasing. Retreat expenditures were not reflected in the analysis. The board is statutorily required to have 3-10 months in reserve, and must return excess reserves.

Strategic Plan Update

Ms. Geranen reported that the Strategic Plan was reviewed at the board's March 2009 retreat and changes discussed at the retreat are reflected in the handout. The board will review the changes and further discuss at the July 2009 board meeting.

Dan Segna asked about the shelter policy developed per Strategic Plan Item 1.7 under Enforcement as CVMA has found general confusion about it and what shelter staff can and cannot do. The board will include clarification that the shelter policy is just a guideline in its next newsletter.

Nominations for AAVSB Board of Directors and National Board of Veterinary Medical Examiners

MSP

It was moved by Dr. Ferguson, and seconded by Dr. Newell, to nominate Ellen O'Connor for the AAVSB Board of Directors and National Board of Veterinary Medical Examiners. The motion passed.

MSP

It was moved by Dr. Ferguson, and seconded by Dr. Newell, to nominate Linda Starr for the AAVSB Board of Directors and National Board of Veterinary Medical Examiners. The motion passed.

9. Legislation/Regulations Committee

SB 1441 (Ridley-Thomas)

Discussed previously in the agenda.

AB 2423 (Bass) Professions and Vocations: Licensure

Ms. Barker explained that AB 2423 relates to the manner in which RVT license applications are evaluated based on Business and Professions Code Section 480 regarding criminal convictions related to drug addiction. AB 2423 sets forth considerations for issuance of a probationary license with no appeal right instead of issuance of a full unrestricted license. Ms. Barker elaborated that the denial process is now more onerous for board staff; there are special considerations that must be taken; analysis must be completed; and very specific information must be sent to license applicants. The Legal Office has formed a working group with the Attorney General's Office because the District Attorney Generals (DAGs) get involved at an earlier stage – before an appeal rather than after – and DAGs will now write Denial Statements of Reason.

AB 107 (Galgiani) Veterinarians and Registered Veterinary Technicians

MSP

It was moved by Dr. Kendall, and seconded by Dr. Ferguson, to support AB 107, and send a letter of support to Assemblymember Galgiani. The motion passed unanimously.

AB 583 (Hayashi)

Ms. Geranen provided an overview of AB 583, which would require health practitioners to wear nametags or comply with other posting requirements. This requirement would be in addition to the board's statute requiring that licenses be conspicuously displayed.

SB 475 (Padilla) Guide Dogs

Antonnette Sorrick, Executive Officer, Board of Guide Dogs, provided an overview of SB 475 (Padilla), a fee increase bill sponsored by the Board of Guide Dogs, and asked the board to support the bill. The bill is supported by the California Council of the Blind, a sub-organization of the Guide Dog Users of California. The bill is opposed by the California Association of Guide Dogs, a sub-organization of the National Federation of the Blind, California. The Department of Consumer Affairs has not yet taken a position on the bill, but the Administration has reviewed the bill and does not presently have any concerns. The bill was heard by the Senate Business and Professions Committee on Monday, April 18, 2009, and was passed by 9 votes in favor, none opposed, with bipartisan support.

MSP

It was moved by Dr. Ferguson, and seconded by Dr. Becker, to support SB 475 and send a letter of support to Senator Padilla. The motion passed.

Discuss Legislation to Implement Use of RVT National Vet Tech Exam

Ms. Geranen reported that Assemblymember Galgiani's office may be willing to add language to AB 107 implementing the use of the RVT National Vet Tech Exam.

MSP

It was moved by Dr. Ferguson, and seconded by Dr. Kendall, to have staff work to implement use of the National Vet Tech Exam and work with the Department of Consumer Affairs, Office of Professional Examination Services to validate the exam. The motion passed.

Proposed Regulations for Fingerprinting Licensees Not Fingerprinted at the Time of Licensing

Ms. Geranen reported that the Department of Consumer Affairs requested that all health care boards capture retroactive electronic fingerprints. Ms. Barker drafted regulations to do so.

MSP

It was moved by Dr. Newell, and seconded by Dr. Ferguson, to have staff move forward with a public hearing on the retroactive fingerprinting regulations. The motion passed.

Proposed Fee Increase Regulations

Ms Geranen reported that language for the proposed fee increase regulations is being developed for the July 2009 board meeting and if approved, the public hearing would be held in October 2009.

Proposed language to amend examination deadlines and requirements relative to computer based testing

Ms. Geranen presented draft proposed language to amend examination deadlines and explained that changes would include acceptance of credit cards, revised dates, clean-up and consistency with current statutes. As drafted, the proposed language would not impact graduation dates.

MSP

It was moved by Dr. Ferguson and seconded by Dr. Newell to have staff move forward with the proposed regulations as drafted. The motion passed.

10. Examination/Licensing Committee Report

Dr. Becker stated that items relevant to the Examination/Licensee Committee items were discussed previously in meeting.

11. Enforcement Committee

Ms. Geranen reviewed action items from the Planning Retreat held March 17-19, 2009. Ms. Geranen reported that the board received three applications for the Multi-Disciplinary Committee – from Jennifer Boyle, an RVT with VCA Animal Hospitals; Diana Woodward Hagle, a former Deputy Attorney General; and Dr. Johnson, member of the RVT Committee. CVMA put forth names for consideration verbally as follows: Dr. Robert Sullivan from Torrance, CA, a small animal practitioner and CVMA past president with 15 years experience on the CVMA Legislative Committee and alternate delegate to the NVMA; Dr. Jon Klingborg from Merced, CA, a small and large animals practitioner who serves as the current co-chair of the CVMA Legislative Committee and has served on several committees and task forces; Dr. Bill Grant, current CVMA president; and Bonnie Lutz, an attorney who represents veterinarians in relation to the Practice Act.

MSP

It was moved by Dr. Ferguson, and seconded by Dr. Newell, that five members be nominated for the Multi-Disciplinary Committee. The motion passed.

MSP

It was moved by Dr. Kendall, and seconded by Dr. Ferguson, that the Multi-Disciplinary Committee be comprised of three veterinarians, one public member and one Registered Veterinary Technician. The motion passed unanimously.

MSP

It was moved by Dr. Ferguson, and seconded by Dr. Newell, to nominate Dr. Rich Johnson for the Multi-Disciplinary Committee. The motion passed.

MSP

It was moved by Dr. Ferguson, and seconded by Dr. Newell, to nominate Dr. Bill Grant, Dr. Rich Johnson, Jennifer Boyle, Diana Hagle and Dr. Klingborg for the Multi-Disciplinary Committee. Dr. Kendall expressed interest in having new people on the committee with new ideas and new ways of looking at things. The motion passed.

MSP

It was moved by Dr. Newell, and seconded by Dr. Ferguson, to appoint Dr. Bill Grant to the Multi-Disciplinary Committee. The motion passed.

MSP

It was moved by Dr. Newell, and seconded by Dr. Ferguson, to appoint Dr. Jon Klingborg to the Multi-Disciplinary Committee. The motion passed.

MSP

It was moved by Dr. Newell, and seconded by Dr. Ferguson, to appoint Dr. Rich Johnson to the Multi-Disciplinary Committee. The motion passed.

MSP

It was moved by Dr. Newell, and seconded by Dr. Ferguson, to appoint Jennifer Boyle to the Multi-Disciplinary Committee. The motion passed.

MSP

It was moved by Dr. Newell, and seconded by Dr. Ferguson, to appoint Diana Hagle to the Multi-Disciplinary Committee. The motion passed.

There was some discussion as to when the first meeting should be scheduled and Ms. Geranen suggested the meeting be held May 13th or 14th beginning at 10:00 a.m. to be noticed 10 days prior in accordance with the Bagley-Keene Open Meetings Act. Items suggested for the meeting agenda included meeting schedule, appointment of officers, Citation and Fine Guidelines, hospital inspections, minimum standards, ethics training, sexual harassment training, and negligence. Ms. Barker will find out if the Statement 700 is applicable to Multi-Disciplinary Committee members.

12. Registered Veterinary Technician Committee (RVTC) Report**April 21, 2009 RVTC meeting**

Ms. Curtis reported that the examination bank has been turned over to the Department of Consumer Affairs, Office of Examination Services, which will help with exam development and conversion to the national examination.

Ms. Curtis reported that proposed regulations were drafted for school approval and reporting. The RVTC recommended that the board send a letter to schools informing them that board approval is needed while also pursuing regulations.

Ms. Curtis summarized other RVT Committee discussions in relation to the National Vet Tech Exam, disaster preparedness, update of the radiation safety training guide;

nametags. Dr. Johnson will ask the Executive Officer of the Board of Registered Nursing if it may be possible to use of the term “veterinary nurse.”

Ms. Curtis reported that the RVTC postponed review of the proposed language for mandatory CE for RVTs. Ms. Schumacher expressed willingness to distribute brochures at the California State Fair.

Jennifer Boyle informed the board that she was aware of two RVT applications that been rejected because the wording on their CE certificates did not include the word, “instrumentation.” Dr. Kendall, Ms. Schumaker and Mr. Cornell offered to assist with review of RVT alternate route license applications.

14. Review Upcoming Board Meeting Dates and Locations

July 21 & 22, 2009 – Sacramento

October 21 & 22, 2009 – San Diego Zoo

15. Agenda Items for July 2009 Meeting

Ms. Geranen asked if there were agenda items for the July 2009. Items that will be included are as follows:

- Ethical Decision Making Presentation - Ms. Barker reported that the Director of the Department of Consumer Affairs and the Secretary of the Consumer Services Agency has requested that an ethical decision making presentation be made to the board.
- Regulations Packages
- Fee Regulations
- Multidisciplinary Committee Report
- Mandatory CE for RVTs
- Radiation Safety
- National Vet Tech Examination
- “Veterinary Nurse” Title Protection
- License Plates
- Canine Rehabilitation

16. Comments from Public/Outside Agencies/Associations

Dr. Paul Pion, a veterinary cardiologist, informed the board that there are privacy issues related to electronic data contained in Business and Professions Code Section 4857 that pertains to veterinarians. Mr. Pion stated data companies are passing liability onto veterinarians who likely do not know. This issue will be addressed in the next newsletter.

Ms. Starr adjourned the meeting at 2:20 p.m.