



MEETING MINUTES - FINAL

Veterinary Medical Board Meeting

July 21 & 22, 2009

Sacramento, CA

The Veterinary Medical Board (VMB) held a meeting on July 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**

Board President Linda Starr called the meeting to order on Tuesday, July 21, 2009 at 10:05 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; Sandra Monterrubio, Enforcement Program Manager; Amy Edelen, Administrative Program Manager

Legal Counsel: Shela Barker

Members of the Audience: Richard Johnson, DVM, MDC; Carol Schumacher, RVT, CRVTA; Virginia Curtis, RVTC; Nancy Ehrlich, RVT, CaRVTA; Dan Segna, DVM, CVMA; Valerie Fenstermaker, CVMA; Jennifer Boyle, RVT, VCA Animal Hospitals; Kim Williams, RVTC

2. **Review Strategic Plan**

The Board discussed and reviewed its Strategic Plan.

Motion, Seconded, Passed (MSP)

A motion was made by Dr. Kendall and seconded by Dr. Becker to keep strategic objective 1.4. The motion passed.

Dan Segna, CVMA, requested that the board add strategic objective 1.9 stating a commitment to pursue unlicensed activity. The Board expressed willingness to participate in the Department of Consumer Affairs' Take Charge California Campaign.

CVMA informed the Board that it is taking a long time for people to obtain internship/residency program license and suggested that the board make issuance of those licenses a priority.

MSP

A motion was made by Dr. Newell and seconded by Dr. Becker to remove strategic objective 5.3. The motion passed.

3. **Open Session – Probationary Follow-Up – Pattio**

This agenda item was discussed on July 22, 2009. Dr. Pattio appeared before the board on July 22, 2009 and informed the board of his progress toward meeting the terms of his probation. Dr. Pattio requested reconsideration and reduction of the terms of his probation. The board

deliberated in closed session and voted to adopt specific changes to Dr. Pattio's probation that will be drafted by Legal Counsel.

4. Closed Session

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

AV 2007 20

Stipulated Surrender of License

The Board voted to adopt the stipulation.

AV 2007 35

Stipulated Settlement and Disciplinary Order

The Board voted to adopt the stipulation.

AV 2007 28

Default Decision and Order

The Board voted to adopt the default decision and order.

IV 2009 7

Proposed Decision

The Board voted to adopt the proposed decision.

AV 2002 3

Decision After Remand

The board voted to revoke the license.

Recess

5. Call to Order

Ms. Starr called the meeting to order on Wednesday, July 22, 2009 at 9:00 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; Sandra Monterrubio, Enforcement Program Manager; Amy Edelen, Administrative Programs Manager

Legal Counsel: Shela Barker

Members of the Audience: Richard Johnson, DVM, RVTC; Virginia Curtis, RVTC; Kim Williams, RVT, RVTC; Pamela Maurer, RVT CaRVTA; Nancy Ehrlich, RVT, CaRVTA; Kerri Marshall, DVM, Banfield; Erica Eisenlauer, DCA Legislative and Policy Review; Dan Segna, DVM, CVMA; Valerie Fenstermaker, CVMA; Ron Kelpel, DVM, CVMA; Jennifer Boyle, RVT, VCA Animal Hospitals; Paul Pion, DVM, VIN; Carol Schumacher, RVT, RVTC

Dr. Kendall will serve as the Board's liaison to the Registered Veterinary Technician Committee (RVTC).

6. Approval of Minutes

MSP

A motion was made by Dr. Kendall and seconded by Dr. Ferguson to approve the minutes of the April 21 & 22, 2009 Board meeting as corrected. The motion passed.

7. **Executive Officer Report**

Executive Officer Susan Geranen reported that the Board's budget is impacted by the Governor's Executive Order to cut OE& E by 15%. Budget projections indicate that a fee increase will be necessary to ensure sufficient reserve funds. The Multidisciplinary Committee met with lots of energy. There was discussion at the CVMA Conference that Hartnell College may close. Schools have commitment to complete education programs started by students. The UC Davis Pet Loss Hotline has closed due to budget cuts.

Administration

Assistant Executive Officer Paul Sanchez provided additional information on the budget situation, furloughs and staffing. Mr. Sanchez also reported that the National Board of Veterinary Medical Examiners (NBVME) contract was approved on time.

Enforcement

Sandra Monterrubio provided statistics relevant to enforcement and an update on the hospital inspection training program.

Examinations/Licensing

Amy Edelen provided statistics related to examinations and licensing, including that passing rates improved for the California State Board (CSB) and RVT examination. The Office of Professional Examination Services successfully completed the CSB item selection and passing score workshops. The RVT Examination Application is being updated to reflect changes in eligibility requirements effective July 12, 2009.

8. **Administrative Committee**

Budget and Fund Condition Projections for Possible Fee Increase

There was discussion about the need for possible fee increase. Michael Wells, Budget Manager, and Roseanne Helms Budget Analyst, from the Department of Consumer Affairs, offered to revise budget projections to assist the Board in making a decision on possible fee increase for presentation later in the afternoon.

Strategic Plan Update

Changes made to the Strategic Plan on July 21, 2009 were reviewed. There was discussion regarding changing the make-up of the Board, RVTC and Multidisciplinary Committee.

MSP

It was moved by Dr. Becker and seconded by Dr. Ferguson that the Board adopt the revised Strategic Plan and refer issues related to changing the make-up of the Board, RVTC and Multidisciplinary Committee to the Multidisciplinary Committee for input.

AAVSB Annual Conference

Out-of-State Travel was approved for one board member to attend the American Association of Veterinary State Boards' (AAVSB) annual conference.

MSP

It was moved by Dr. Kendall and seconded by Dr. Ferguson that the out-of-state trip be used to send Executive Officer Susan Geranen and that Board President Linda Starr would pay her own way but serve as delegate. The motion passed.

NBVME Contract Issues

Ms. Geranen provided an update on National Board of Veterinary Medical Examiners contract issues including the NBVME's release of scores to schools without student approval; the NBVME wanting to limit the number of times candidates take the exam; and NVBME proposal to do away with individual state eligibility review. Legal Counsel advised that the board has to

make the determination that candidates are eligible for the North American Veterinary Licensing Exam (NAVLE).

9. Legislation/Regulations Committee

2009 Legislative Proposals

An update on AB 107 and AB 583 was provided.

Regulations

Draft language for retroactive fingerprinting regulations was reviewed.

MSP

It was moved by Dr. Ferguson and seconded by Dr. Kendall to direct staff to include applicable dates and hold a public hearing. The motion passed.

Draft language for address change, examination requirements update and deadline changes was reviewed.

MSP

It was moved by Dr. Kendall and seconded by Dr. Ferguson to move forward with rulemaking and hold a public hearing. The motion passed.

Fee increase scenarios and the budget projections prepared by the Department of Consumer Affairs' Budget Office were reviewed and discussed.

MSP

It was moved by Dr. Newell and seconded by Dr. Ferguson to authorize staff to start the rulemaking process to increase fees based on scenario B but revert to scenario A if budget projections indicate sufficient reserves; file with the Office of Administrative Law and notice public hearing.

10. Examination Licensing Committee

Reciprocity – Discuss Clinical Practice Requirements

There was discussion about reciprocity and how to define clinical practice. The question of whether clinical practice includes pathology was raised. Further discussion was deferred.

11. Enforcement Committee

Mandatory Ethics Training

Mandatory Ethical Decision-Making Training was presented by Shela Barker, Legal Counsel.

Mail Ballot Policy for Enforcement Decisions

The mail ballot policy for Enforcement decisions was reviewed. It may be used for disciplinary hearings. Teleconference rules were discussed.

Hospital Inspection Training and Dates

The MDC will review the hospital inspection training on August 25, 2009 and will meet on August 26, 2009. Hospital Inspection Training is re-scheduled to September 22 & 23, 2009.

12. Registered Veterinary Technician Committee (RVTC) Report

RVTC Chair Kim Williams reported on the RVTC Committee Meeting held July 21, 2009 as follows. Examination, licensing and Limited Term Eligibility Window statistics were reviewed. Regulations changing RVT examination eligibility category requirements were effective July 12, 2009. AB 107 was amended to authorize use of the Veterinary Technician National Examination (VTNE) January 1, 2010 with an implementation date of July 2011. The RVTC will drop pursuit of using the term nurse. The RVTC is continuing work on radiation safety. The RVTC will begin advertising for RVTC vacancy as Dr. Johnson has resigned to become a member of the Multidisciplinary Committee. The RVTC is working on RVT continuing education regulations.

The California Association of Registered Veterinary Technicians (CRVTA) held a successful RVT conference. The National Association of Veterinary Technicians in America (NAVTA) approved three new categories: neurology, equine, zoo veterinary technicians.

13. Multidisciplinary Committee Report

A report on the Multidisciplinary Committee's May 13, 2009 meeting and next meeting date/interviews was given as part of the Executive Officer's report and the Enforcement Committee Report.

14. Discussion/Possible Action

Spay/Neuter License Plate

Board President Linda Starr will check on progress.

Electronic Medical Records and Client Information

Legal Counsel requested that the issue be defined before presenting for legal review. Paul Pion, DVM, informed the Board that infrastructure, database encryption and security of electronic data needs to be addressed in a manner that protects the public, protects veterinarians and does not create a burden on veterinarians and the Board. He requested that the Board specify what data can be used without preventing research/progress and clarify confidentiality. Kerri Marshall, DVM, with Banfield Hospitals, stated the issue would be addressed by regulation or litigation; the Board has an opportunity to be pro-active rather than reactive; and this is a very important issue. Dr. Kendall will look into the issue and will work with Dr. Pion.

Digital Radiography Safety

There was discussion about digital radiography safety and whether it should be mandatory to provide proof of training. The Multidisciplinary Committee is addressing this issue.

15. Review Upcoming Board Meeting Dates and Locations

The next Board meeting will be held October 20 & 21, 2009 in San Diego. Meeting dates for 2010 were reviewed and set.

16. Comments from Public/Outside Agencies/Associations

AAVSB-RACE Approval – Complementary and Alternative Veterinary Medicine

Nancy Scanlan, DVM, informed the Board that the RACE Committee of the AAVSB is disapproving complementary and alternative veterinary medicine courses that were previously approved. Dr. Scanlan requested that California recognize courses provided by the Veterinary Botanical Medical Association and the California Holistic Veterinary Medical Association. Ms. Geranen stated that there is an obligation to find out if there is approval of courses. A letter will be sent to AAVSB asking what has happened, what has changed and why complementary and alternative veterinary medicine courses are not being approved.

17. Agenda Items for October 2009

- Reinstatement Hearing – Closed Session
- Regulation Hearing

A plaque was presented to Dr. Newell thanking her for her service as a Board member.

18. Adjourn 4:39 p.m.

It was moved by Dr. Kendall and seconded by Ms. Starr to adjourn. The motion passed.