



MEETING MINUTES

Veterinary Medical Board
Tuesday, January 26, 2010
Sacramento, California

1. Call to Order

Veterinary Medical Board (Board) President Linda Starr called the meeting to order at 2:05 p.m. Board Executive Officer Susan Geranen called roll; all four members of the Board were present and thus a quorum was established.

Board Members Present

Linda Starr, President
Stephanie Ferguson, DVM, Vice-President
Terri Becker, DVM
Tom Kendall, DVM

RVTC Members Present (arrived at 3.30 p.m.)

Virginia Curtis, Chair
Carol Schumacher, RVT, Vice Chair
Craig Cornell, RVT
Richard Johnson, DVM
Kim Williams, RVT

Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board
Paul Sanchez, Assistant Executive Officer
Shela Barker, Legal Counsel
Ethan Mathes, Administrative Programs Coordinator (arrived at 3.30 p.m.)
Sandra Monterrubio, Enforcement Lead
Liz Parker-Smith, Administrative Analyst (arrived at 3.30 p.m.)

Guests Present (arrived at 3.30 p.m.)

J. Edward Branam, DVM
Kerry Buitrago, RVT, California Veterinary Medical Association
Oscar Chavez, DVM
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association
Kristi Pawlowski, RVT, DVM
Dan Segna, DVM, California Veterinary Medical Association
David Trask, DVM

2. Closed Session

A. Review and Deliberate on Disciplinary Cases Pursuant to Government Code Section 11126(c)(3)

AV 2008 9

Stipulated Settlement and Disciplinary Order

The Board adopted the stipulated settlement and disciplinary order.

AV 2009 18
Default Decision and Order
The Board adopted the default decision and order.

AV 2008 26
Proposed Decision
The Board adopted the proposed decision.

3. Open Session - Joint meeting with Board and RVTC
A. Consider Applications for Appointments to DVM Vacancy on RVT Committee

Board and Registered Veterinary Technician Committee (RVTC) members interviewed J. Edward Branam, DVM, Oscar Chavez, DVM, David Trask, DVM, and Kristi Pawlowski, DVM for the veterinarian opening on the RVTC. The Board and RVTC discussed the merits of the applicants and chose one applicant for the veterinarian opening.

- **Stephanie Ferguson, DVM motioned and Tom Kendall, DVM seconded the motion to appoint Oscar Chavez, DVM to the Registered Veterinary Technician Committee.**
- **The motion carried 4-0.**

Adjourn

- **Dr. Ferguson motioned and Terri Becker, DVM seconded the motion to adjourn**
- **The motion carried 4-0.**

The meeting adjourned at 5:00 p.m.

Wednesday, January 27, 2010
Sacramento, California

4. Call to Order

Board President Ms. Starr called the meeting to order at 9:05 a.m. Board Executive Officer Ms. Geranen called roll; all four members of the Board were present and thus a quorum was established.

Board Members Present

Linda Starr, President
Stephanie Ferguson, DVM, Vice-President
Terri Becker, DVM
Tom Kendall, DVM

Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board
Paul Sanchez, Assistant Executive Officer
Shela Barker, Legal Counsel
Ethan Mathes, Administrative Programs Coordinator
Sandra Monterrubio, Enforcement Lead
Liz Parker-Smith, Administrative Analyst

Guests Present

Jennifer Boyle, RVT, Multidisciplinary Committee
Kerry Buitrago, RVT, San Joaquin Valley College
Craig Cornell, RVT, RVTC
Virginia Curtis, Chair RVTC
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association
Erica Eisenlauer, DCA
Valerie Fenstermaker, California Veterinary Medical Association
Richard Johnson, DVM, RVTC
Kim Kirchmeyer, DCA
Diann Sokoloff, Deputy Attorney General, Office of the Attorney General
Carol Schumacher, RVT, RVTC
Dan Segna, DVM, California Veterinary Medical Association
Rebecca Weinrib, Public Interest Law Project
Kim Williams, RVT, RVTC

The complete list of Guests Present is located at the end of the Meeting Minutes

5. Additional Closed Session was not necessary

6. Approval of Minutes

A. July 21/22, 2009, October 20/21, 2009 and December 21, 2009 (teleconference)

The Board reviewed and suggested amendments to the July 21-22, 2009 Board Minutes.

- **Dr. Kendall motioned and Dr. Ferguson seconded the motion to approve the July 21-22, 2009 Veterinary Medical Board Minutes as amended.**
- **The motion carried 4-0.**
- **Dr. Ferguson motioned and Dr. Kendall seconded the motion to approve the October 20-21, 2009 Veterinary Medical Board Minutes as amended.**
- **The motion carried 4-0.**

The RVTC reviewed and suggested amendments to the December 21, 2009 Board Minutes.

- **Dr. Ferguson motioned and Dr. Kendall seconded the motion to approve the December 21, 2009 Veterinary Medical Board Minutes as amended.**
- **The motion carried 4-0.**

7. DCA Director's Report

A. Uniform Standards Regarding Substance-Abusing Healing Arts Licensees

Kim Kirchmeyer reported that Senate Bill 1441 (2007-2008) created a Substance Abuse Coordination Committee made up of all healing arts boards executive officers, which developed 16 Uniform Standards for substance-abusing healing arts licensees. Department of Consumer Affairs' (DCA) legal staff is drafting regulatory language and DCA has requested the healing arts boards to implement new regulatory language and place updates of any future regulatory action to this effect in their meeting agendas.

B. Consumer Protection Enforcement Initiative (CPEI)

Ms. Kirchmeyer reported that DCA has created an initiative to decrease enforcement action timelines from three years to between 12 and 18 months. Three areas addressed in the initiative will be administration, staffing and legislation. Best practices employed by boards will be identified and used to develop an Enforcement Academy. Additionally, DCA is seeking to create performance agreements with other State agencies such as the Office of the Attorney General and Office of Administrative Hearings as well as updating its information technology systems. The DCA's Budget Change Proposal that would increase enforcement personnel has been approved and is part of the Governor's Budget. Ms. Geranen noted staff has been working on streamlining enforcement since last May.

8. Executive Officer Report

A. Board Program Reports

Ms. Geranen reported the Board's outstanding legislative language would be included in DCA's omnibus bill. The Limited Term Eligibility Window (LTEW) statistics were updated in the Examination/Licensing Report and the review of the remaining LTEW applications will be complete within a week. Future staff projects include updating the Web site and creating a newsletter.

9. Multidisciplinary Advisory Committee Report – November 19, 2009

Jennifer Boyle, RVT updated on the Multidisciplinary Advisory Committee (MDC) Meeting; they reviewed and discussed the revised inspection manual, the inspector training schedule, separate surgery requirement Frequently Asked Questions, and premise application. The MDC also reviewed the Minimum Standards of Practice regulations and agreed to form a subcommittee to review the standards and an additional subcommittee was formed to update the Veterinarian-Client-Patient Relationship regulations.

10. Administrative Committee

A. Review Budget and Expenditure Projections for 2009/2010

Paul Sanchez reported that the Board has been approved for one new enforcement position as part of the Consumer Protection Enforcement Initiative. The Governor has requested an additional 5% reduction in the Board budget which will delay the hiring of the new position and filling open positions and may also affect future Board, RVTC and MDC meetings.

B. American Association of Veterinary State Boards

i. Discuss recommendations for bylaws changes

C. National Board of Veterinary Medical Examiners

Ms. Geranen noted the American Association of Veterinary State Boards (AAVSB) no longer has a public member on its board. The Board felt the AAVSB should have a public member to mirror the composition of other state licensing boards and that this may require a change to the bylaws. Ms. Geranen commented the AAVSB Nomination Committee process is not clear and it may need to be eliminated and possibly letting member states vote on nominated members.

The National Board of Veterinary Medical Examiners (NBVME) contract is currently under review; the contract will specify not releasing candidate performance to colleges. Ms. Barker stated the NBVME Web site and paper application will include a disclosure for applicants to choose whether they would like their score released.

D. Update on Spay/Neuter License Plate

Ms. Starr noted February 23, 2010 will launch the new spay/neuter license plate campaign with artwork for the plates due in March. Some revenue from the new plates would come back to the Board for administrative costs.

11. Legislation/Regulations Committee

A. Discuss proposal for 2009/2010 Legislation

i. Change Board Composition to Include RVTs; Create a Single Multidisciplinary Advisory Committee; Create Title Protection for Veterinary Technician; and Require Training Prior to Operating Radiographic Equipment

Ms. Geranen reported on the proposed legislative changes. Tom Kendall, DVM inquired about extending the RVTC after the sunset date. Ms. Barker opined the sunset date may be extended. Ms. Barker also stated that because the Board was adding members to its composition it would need to amend its quorum requirements.

- **Dr. Kendall motioned and Dr. Ferguson seconded the motion to authorize legal counsel to draft language to change quorum requirements from four members to five members if the Veterinary Medical Board increases to nine members.**
- **The motion carried 4-0.**

Ms. Barker stated she would research whether language could be drafted to extend the RVTC sunset date until the veterinary technician appointments on the VMB are made.

- **Dr. Ferguson motioned and Dr. Becker seconded the motion to draft legislative language to extend the sunset date of the Registered Veterinary Technician Committee to coincide with filling the new registered veterinary technician positions on the Veterinary Medical Board.**
- **The motion carried 4-0.**
- **Dr. Becker motioned and Dr. Ferguson seconded the motion to authorize the Executive Officer to go forward with the amendment to the Registered Veterinary Technician Committee sunset legislation.**
- **The motion carried 4-0.**

The Board discussed options for changing its composition of veterinarians, veterinarian technicians and public members in order to appropriately represent all parties. Legislative language to this effect may be controversial and might require a separate bill outside of the DCA omnibus bill. The Board agreed further discussion from all constituencies is needed.

- **Dr. Ferguson motioned and Dr. Kendall seconded the motion for staff to obtain a sponsor for potential legislative language changing the membership composition of the Veterinary Medical Board.**
- **The motion carried 4-0.**

B. Regulations

- Retroactive Fingerprinting Requirements**
- RVT Mandatory Continuing Education Regulations**
- Review Updated Regulation Calendar**

Ms. Barker reported on the DCA effort to fingerprint all licensees who are subject to Board authority. The proposed regulatory language is similar to that of the Board of Registered Nursing. This fingerprinting requirement may need to be imposed legislatively if it is not adopted through regulation.

- **Dr. Kendall motioned and Dr. Becker seconded the motion to authorize staff to proceed with the regulatory process instituting fingerprint requirements for all licensees subject to Veterinary Medical Board authority.**
- **The motion carried 4-0.**

Virginia Curtis noted the dates regarding continuing education in section 2086(a)(5) were confusing and suggested clarification. Ms. Barker suggested changes to the proposed language.

- **Dr. Kendall motioned and Dr. Ferguson seconded the motion to authorize staff to amend the proposed language and proceed with the regulatory process instituting continuing education for registered veterinary technicians.**
- **The motion carried 4-0.**

12. Examination/Licensing Committee Report

A. North American Veterinary Medical Educational Consortium Discussion

Dr. Kendall reported that the North American Veterinary Medical Education Consortium (NAVME) is looking into issues such as changes taking place at veterinary medical schools due to budget reductions. He believes that the Board should be represented at the upcoming NAVME meeting. The Board agreed, however Ms. Geranen reminded that out-of-state travel has been severely restricted by the State. Mr. Kendall stated he would attend the NAVME meeting on his own and not as a Board representative.

- **Linda Starr motioned and Dr. Ferguson seconded the motion to request the Veterinary Medical Board seek out of state travel authorization to attend future North American Veterinary Medical Education Consortium meetings.**
- **The motion carried 4-0.**

13. Enforcement Committee Report

A. Update on Animal Rehabilitation Issues

Terri Becker, DVM reported on the Enforcement Committee's request for statutory authority for animal therapy as part of the practice of veterinary medicine and to also include such language in the DCA omnibus bill. Ms. Geranen noted CVMA has language that could be used as reference.

- **Dr. Becker motioned and Dr. Kendall seconded the motion to authorize staff to move forward with regulatory language allowing physical rehabilitation and musculoskeletal manipulation to be considered part of veterinary medicine practice.**
- **The motion carried 4-0.**

B. Discuss Basic Animal Rescue Training –Federal PETS Act 2006 first responder training

Stephanie Ferguson, DVM felt it was unclear whether the Board could pursue oversight of Basic Animal Rescue Training (BART) but veterinarians would be instrumental in training the techniques in BART. Ms. Barker opined that techniques such as emergency cardiopulmonary resuscitation do not fall under the purview of the Board although certain rescue techniques or equipment might. She added that Business and Professions Code section 4827 could be used as referencing statute in drafting regulatory language allowing the use of certain rescue techniques.

- **Dr. Kendall motioned and Dr. Becker seconded the motion to authorize legal counsel to draft statutory language exempting the use of first aid by first level emergency responders on animals as part of the exemptions in Business and Professions Code section 4827.**
- **The motion carried 4-0.**

14. Registered Veterinary Technician Committee Report – January 26, 2010 Meeting

Ms. Curtis updated on the RVTC Meeting; they discussed the development of a registered veterinarian technician school approval process, student tasks exemption language, continuing education requirement language, out-of-state applicants, and RVTC sunset dates.

- **Dr. Kendall motioned and Dr. Ferguson seconded the motion to authorize staff and legal counsel to move forward with legislation, as amended by the Registered Veterinary Technician Committee, to create veterinary technician student exemption language.**
- **The motion carried 4-0.**

15. Review Upcoming Board Meeting Dates and Locations

- A. April 20-21 – To be determined**
- B. July 20-21 – Sacramento**
- C. October 19/20 – San Diego Zoo, Rondoval Room**

Board Meetings are scheduled:

April 20-21, 2010, Sacramento
 July 20-21, 2010, Sacramento
 October 19-20, 2010, San Diego Zoo

16. Agenda Items for April 2010 Meeting

Ms. Barker requested a standing agenda item in order for legal counsel to report updates.

Proposed agenda items for the April 20-21, 2010 Meeting:

MDC and RVTC updates
 Spay/Neuter license plate update
 Legislation/regulation update
 Public hearing for fingerprint regulations
 Closed session
 Action items

17. Comments from Public/Outside Agencies/Associations

Ms. Barker updated on the Bagley-Keene Open Meeting Act that the definition of “open meeting” has been changed.

John Bellurardo, Gail Caughie, Tatsuian Rainer, Maggie McGain, Dana Strome, Michelle Risch-Smith, and Sarah Sweet testified against the Board’s decision to revoke Doctor Charles Galvin’s veterinary license and in support of Dr. Galvin.

Adjourn

- **Dr. Ferguson motioned and Dr. Becker seconded the motion to adjourn**
- **The motion carried 4-0.**

The meeting adjourned at 2:25 p.m.

Complete list of Guests Present:

John Bellurardo	Nancy Okada	John Bennett	Pepper Karansky	Claudia Moudry
Ron Ward	Martha Hoffman	Walter Greer	Marie McSweeney	Judy Hardin
Riva Ward	Louise Matthews	LiLi Goleniewski	Gene Orloff	Rick Mozer
Jim McDermott	Kim Blanck	Rosie Silveira	Margaret Kessler	Judith Ciani
Tracy McDermott	Cynthia Dumon	Helen Fauss	Richard Roth	Sara Isbell
James Cook	Sandra Williams	Rebecca Shapley	Cindy George	Brian Davin
Peggy Frank	Lois Hillman	George Johnstone	Kathy McGinty	Mary Coulman
Sharon Walter	Shannon Burt	Margaret Atkinson	Johanna McKenna	Esther nelson
Shari Sesto	Linda Scott	A. Cooper	Carol Potter	LeeAnn White
Roberta Kemp	Jeanne Richards	Pepper Beaumaufin	Lynelle Hanson	Elina Linna
Charlie Press	Barbara Reyes	Nancy Shor	Gail Coughie	Gene Hamilton
Katherine Caldwell	Patricia Rousch	Henriette Farrell	Roxann Pezzy	Sharon Marrero
Andrea Shaw	Tom Fox	Joan Hall	Geri Wentermute	Anne Caputo
Louise Kerr	Cynthia Norman	Dana Strome	Jacquie Smith	George Creedaw
Monica Anastasakes	Judy Threadgill	Sarah Sweet	Joe Giari	Nicholas Caputo
George Creedaw	Dale Kemp	Diane Sarantschin	Jane Chimenelusly	Ruth Buckley
Michelle Risch-Smith	Debra Mendelsohn	Dianna Freeman	Jim Lock	Joanna Zweig
Patricia St. John	Lyza Chavez	Gwen Fauss	Lauren Kucher	Soo-Hi Nayer
Cheryl Furst	Lou Kessler	Emily Boyles	William Cummings	Donald Landwirth
Angela Glover	Terry Buckley	Maggie McGain	Chet Zebroski	Erica Avendano
Patty Page	Cynthia Green	Vera Macdonneil	Pamela Hockersmith	Carol Avendano
Alan Nayer	Alisa Shor	Linda Appleby	Lilli Heart	Patricia Keaton
Samuel Davis	Cindy Davis	Jessamyn Kangas		