



MEETING MINUTES

Veterinary Medical Board
Tuesday, April 20, 2010
Riverside, California

1. Call to Order - Roll Call

Veterinary Medical Board (Board) President Terri Becker called the meeting to order at 3:00 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

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

Staff Present

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

2. Closed Session - 3:00 – 5:00 p.m.

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

AV 2009 26

Stipulated Settlement and Disciplinary Order
The Board adopted the stipulated settlement and disciplinary order.

AV 2009 27

Stipulated Settlement and Disciplinary Order
The Board adopted the stipulated settlement and disciplinary order.

AV 2006 13

Stipulated Settlement and Disciplinary Order
The Board rejected the stipulated settlement and disciplinary order and recommended sending conditions precedent for the case to the Deputy Attorney General.

Recess

- **Stephanie Ferguson, DVM motioned and Tom Kendall, DVM seconded the motion to recess.**
- **The motion carried 4-0.**

The meeting recessed at 4:45 p.m.

Wednesday, April 21, 2010
Riverside, California

3. Call to Order - Roll Call

Board President Ms. Becker called the meeting to order at 9:00 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

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

Staff Present

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

Guests Present

Lisa Avery, Social Compassion in Legislation
Ed Buck, Social Compassion in Legislation
Virginia Curtis, Chair, RVTC
Gil DeLuna, Department of Consumer Affairs
Allan Drusys, Chief Veterinarian, Riverside County
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association
Valerie Fenstermaker, California Veterinary Medical Association
Bill Grant II, DVM, Chair, Multidisciplinary Advisory Committee
David Johnson, RVT
Richard Johnson, DVM, RVTC
Ron Kelp, DVM, California Veterinary Medical Association
Judie Mancuso, Social Compassion in Legislation
Dan Segna, DVM, California Veterinary Medical Association

4. Approve January 26-27, 2010 Meeting Minutes

- **Linda Starr motioned and Dr. Stephanie Ferguson seconded the motion to approve the January 26-27, 2010 Meeting Minutes.**
- **The motion carried 4-0.**

5. Executive Officer Report

A. Board Program Reports

Ms. Geranen briefed on the change to the Committee meeting dates due to budgetary and logistical concerns. Linda Starr inquired about the status for a newsletter. Ethan Mathes responded that a newsletter could be published as early as this June. Paul Sanchez noted staff has recently submitted budget drills, Budget Change Proposals and the North American Veterinary Licensing Examination contract to the Department of Consumer Affairs (DCA).

6. Registered Veterinary Technician Committee (RVTC) Report
A. Report on January 26, 2010 and March 16, 2010 Meetings

Virginia Curtis reported the Registered Veterinary Technician Committee (RVTC) recently filled its veterinarian vacancy with Oscar Chavez, DVM. The Office of Professional Exam Services presented at the March RVTC Meeting and reviewed examination development processes, the national examination audit and selection criteria for subject matter experts. The RVTC also reviewed proposed legislation regarding registered veterinary technician representation on the Board.

B. RVTC Appointments – Curtis and Williams

- **Dr. Tom Kendall motioned and Dr. Stephanie Ferguson seconded the motion to reappoint Virginia Curtis and Kim Williams, RVT to an additional three year term on the Registered Veterinary Technician Committee.**
- **The motion carried 4-0.**

7. Multidisciplinary Advisory Committee Report
A. Report on March 17, 2010 Meeting

Bill Grant II, DVM reported that at its March meeting the Multidisciplinary Advisory Committee (MDC) reviewed minimum standards of practice. They plan to complete the minimum standards at their June meeting and subsequently send them to the Board for final approval. There were 113 hospital inspections in the previous year with many positive reviews of the hospital inspection process. The MDC will continue work reviewing language for Veterinarian/Client/Patient Relationships as well as cite and fine guidelines. Shela Barker remarked that the MDC is able to hold workshops to discuss any potential proposed regulatory language issues. Tom Kendall, DVM suggested adding a supporting document corroborating the MDC report to the Board agenda. Ms. Geranen suggested adding the MDC Meeting Minutes to the Board agenda in the future.

8. DCA Director's Report

Mr. DeLuna gave an overview of DCA's Consumer Protection Enforcement Initiative (CPEI). The CPEI would reduce enforcement case processing timeframes, create an enforcement academy, and add additional enforcement staff.

Mr. DeLuna reported that SB 1111 is scheduled for a vote on April 22, 2010 at the Business, Professions and Economic Development Committee and DCA has asked for the Board's support. The Board informed Mr. DeLuna that this would be discussed later on the agenda.

Mr. DeLuna reminded that DCA actively encourages the Board to post disciplinary accusations and actions on its website including all case documents where appropriate. The Board discussed whether to post accusations and enforcement actions on the website. Ms. Barker opined accusations and enforcement actions are public records and posting on the website is a proactive approach to full disclosure. Staff will look into the possibly providing more description to enforcement actions in the Consumer Affairs System database.

9. Regulatory Hearing - 10 a.m.

A. Retroactive Fingerprinting and Disclosure - Title 16, Division 20, California Code of Regulations (CCR) sections 2007, et. seq.

Ms. Barker read for the record the hearing notice regarding proposed language for retroactive fingerprinting and disclosure. There were no public comments.

- **Dr. Tom Kendall motioned and Linda Starr seconded the motion to adopt the proposed retroactive fingerprinting and disclosure regulations.**
- **The motion carried 4-0.**

B. Veterinary Technician Continuing Education - Title 16, Division 20, CCR sections 2086, et. seq.

Ms. Barker read for the record the hearing notice regarding veterinary technician continuing education. Nancy Ehrlich, on behalf of the California Registered Veterinary Technicians Association, expressed support for veterinary technician continuing education. Valerie Fenstermaker offered support of the proposed language on behalf of the California Veterinary Medical Association.

- **Linda Starr motioned and Dr. Tom Kendall seconded the motion to adopt the proposed veterinary technician continuing education regulations.**
- **The motion carried 4-0.**

10. Examination/Licensing Committee Report

A. North American Veterinary Medical Educational Consortium Discussion

Dr. Kendall reported on the February 2010 North American Veterinary Medical Education Consortium (NAVMEC) meeting and that he hopes the Board could be represented at future meetings. He asked that his final NAVMEC report be posted on the Board's website.

11. Administrative Committee Report

A. Review Budget and Expenditure Projections for 2009/2010

i. Realigning Board Designation from Small to Medium

Mr. Sanchez reported current and next year personnel services cuts have delayed the hiring of one new position. One Board meeting one meeting from each committee has been cut. Mr. Sanchez noted the Board is working to redefine its size from a small to medium sized board and that the change would affect the board's budget due to realignment of management staff. Staff may need the assistance and support of the Board to effect this change.

B. American Association of Veterinary State Boards

i. Update on Recommendations for Bylaws Changes

C. National Board of Veterinary Medical Examiners

Dr. Kendall expressed his interest in serving on the American Association of Veterinary State Boards (AAVSB) Board. Ms. Geranen noted the request for nominees has not been received from the AAVSB but she will confirm when the Board could make a nomination.

- **Dr. Stephanie Ferguson motioned and Linda Starr seconded the motion to support Dr. Tom Kendall to apply for nomination to the American Association of Veterinary State Boards Board.**
- **The motion carried 3-0 (Dr. Tom Kendall abstained).**

Ms. Geranen reported on the AAVSB's continued need for a public or registered veterinary technician member. The Board agreed and supported adding a public and registered veterinary technician member to the AAVSB board.

- **Linda Starr motioned and Dr. Stephanie Ferguson seconded the motion directing staff to prepare a letter to AAVSB recommending the inclusion of both a public and registered veterinary technician to the AAVSB board.**
- **The motion carried 4-0.**

D. Discussion on Spay/Neuter License Plate

Judy Mancuso and Lisa Avery reported on Social Compassion in Legislation's (SCIL) work and the need for a specialty spay and neuter license plate. The Department of Motor Vehicles (DMV) requires a sponsoring state agency and the program will be audited to ensure funds will be properly used. DMV will handle the distribution of funds and requires 7,500 pre-ordered plates in 12 months before any specialty plates can be printed. Ms. Mancuso requested the Board support the effort by sponsoring the specialty spay and neuter license plate.

- **Dr. Stephanie Ferguson motioned and Dr. Tom Kendall seconded the motion sponsoring Social Compassion in Legislation's spay and neuter specialty license plate.**
- **The motion carried 4-0.**

E. Reappoint Diversion Evaluation Committee Members – Dufort, Hohne, and Kimbrough

- **Linda Starr motioned and Dr. Tom Kendall seconded the motion reappointing Robert DuFort, DVM, Mark Hohne, DVM, and Carol Kimbrough, DVM to the Diversion Evaluation Committee.**
- **The motion carried 4-0.**

F. Discuss Need for Strategic Planning Retreat

The Board discussed the possibility of holding the March 2011 Strategic Planning Retreat in Riverside or alternatively have staff research other meeting location options.

12. Legislation/Regulations Committee Report

A. Discuss 2009/2010 Legislation

i. Senate Bill 1111 (Negrete-McLeod)

Gil DeLuna reviewed recent changes to the proposed language in Senate Bill (SB) 1111 and reiterated the bill is up for a vote on April 22, 2010 and that DCA is requesting the Board's support.

- **Dr. Tom Kendall motioned and Dr. Stephanie Ferguson seconded the motion to take a "watch" position on Senate Bill 1111.**
- **The motion carried 3-0 (Linda Starr abstained).**

ii. Assembly Bill 2411 (Jones)

Dr. Kendall commented he felt the language in Assembly Bill (AB) 2411 could have been damaging to the profession but has been amended and that the Board could now support AB 2411.

- **Dr. Tom Kendall motioned and Linda Starr seconded the motion to support Assembly Bill 2411.**
- **The motion carried 4-0.**

iii. Assembly Bill 1980 (Hayashi)

The Board discussed the language in AB 1980 and declined to take a position.

iv. Board Proposed Legislation **B. Review Regulation Calendar**

Ms. Geranen reported the proposed statutory language has been forwarded to the Legislature but there may be an issue with Item 9, the exemption for student externships, due to the noncontroversial nature of omnibus bills. Dr. Kendall stated that only seniors in an accredited veterinary program should be allowed in an externship program and that perhaps the Board could draft a letter to all vested interests advocating this point. Ms. Geranen pointed out that the Board needs to be cautious in prescribing minimum standards and may want to discuss this issue further before any action is taken or proposed into legislation.

13. Enforcement Committee Report **A. Update on Animal Rehabilitation Issues** **B. Shelter Medicine - Donated Drugs** **C. Hospital Inspection Program Report**

Ms. Geranen reported language has been proposed to make animal rehabilitation a practice of veterinary medicine. Legal counsel has opined that expired drugs cannot be donated to animal shelters and the regulation of this practice does not necessarily fall under the purview of the Veterinary Medicine Practice Act. The Board requested legal counsel to research the legality of public and veterinarians donating drugs notwithstanding controlled substances restrictions.

14. Agenda Items and Next Meeting Dates **A. July 20-21, 2010 – Sacramento** **B. October 19-20, 2010 – San Diego Zoo** **C. January 25-26, 2011 - Sacramento**

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

Standard Agenda Items
Externship Program

15. Comments from Public/Outside Agencies/Associations

Ms. Barker reported there has been recent emphasis to ensure that any Board who take communications during a meeting disclose the extent of such communication.

Adjourn

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

The meeting adjourned at 3:00 p.m.