

Veterinary Medical Board

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MEETING MINUTES

Veterinary Medical Board
Wednesday, July 21, 2010
Sacramento, California

1. Call to Order - Roll Call

Veterinary Medical Board (Board) President Dr. 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
Sandra Monterrubio, Enforcement Lead
Liz Parker-Smith, Administrative Analyst

Guests Present

Alberto Aldrete, DVM, VASE
Ryan Arnold, Department of Consumer Affairs
Virginia Curtis, Chair, RVTC
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association
Valerie Fenstermaker, California Veterinary Medical Association
Alex Henderson, DVM, VASE
Ron Kelp, DVM, California Veterinary Medical Association
Kimberly Kirchmeyer, Department of Consumer Affairs
Nancy Linn, Office of Professional Examination Services
Diann Sokoloff, Deputy Attorney General Liaison
Amy Welch Gandy, Office of Professional Examination Services

2. Approve April 20-21, 2010 Meeting Minutes

Shela Barker and Linda Starr requested minor changes to the Meeting Minutes on pages one and two respectively.

- **Linda Starr motioned and Dr. Stephanie Ferguson seconded the motion to approve the April 20-21, 2010 Meeting Minutes as amended.**
- **The motion carried 4-0.**

3. Executive Officer Report
A. Board Program Reports

Susan Geranen reported staffing issues continue to be a challenge to workload. Paul Sanchez noted the hospital inspection program workload has increased and that three budget change proposals (BCP) for the hospital inspection program, continuing education audits and occupational analysis are being developed. Ms. Geranen added the fee increases were proposed to address the budget change proposals. Valerie Fenstermaker asked whether the hospital inspection program will be changed to ensure inspectors are not inspecting competing practices. Sandra Monterrubio responded that the enforcement program was recently made aware of this issue and will be looking into it further.

4. Registered Veterinary Technician Committee (RVTC) Report
A. Report on July 20, 2010 Meeting

Virginia Curtis reported that the Office of Professional Examination Services (OPES) presented at the July 20, 2010 Registered Veterinary Technician Committee (RVTC) Meeting to discuss examination plan development. Questions came up regarding the efficacy of the American Association of Veterinary State Boards (AAVSB) national examination. The RVTC would look in to the AAVSB's examination and report back to the Board at a later meeting. Reminder letters will be sent to approved registered veterinary technician (RVT) schools that they are subject to review pending their school RVT examination passage rates.

5. Multidisciplinary Advisory Committee Report

There was no report from the Multidisciplinary Advisory Committee.

6. DCA Director's Report
A. Board Member and Advisory Committee Member Training Day

Kimberly Kirchmeyer reported the Department of Consumer Affairs (DCA) is working on appointments to the various Boards. Out-of-state travel has been severely limited to mission critical trips. The Consumer Protection Enforcement Initiative BCP was approved for 140 new positions and that performance measures are being developed to supplement this effort.

DCA's enterprise licensing and enforcement system was approved and will streamline all internal database systems. Senate Bill 1111 was not approved to move forward although some of the enforcement provisions within the bill may be able to be implemented through regulatory action; the Board is encouraged to work with legal counsel to identify the applicable enforcement actions. Beginning in September 2010 DCA will begin to generate reports on licensing backlog and work on establishing performance measures.

7. Examination/Licensing Committee Report
A. North American Veterinary Medical Educational Consortium Report

Dr. Tom Kendall reported that at the July 2010 North American Veterinary Medical Educational Consortium (NAVMEC) meeting there was extensive discussion on ensuring graduation veterinary medicine students are ready to practice. Ms. Geranen added there was discussion about a disconnect between the educational system and the actual practice of veterinary medicine but that the NAVMEC meeting provided the forum to discuss this issue and also creating uniform standards. Dr. Kendall noted that in Oregon new veterinary graduate licensees work under a supervising veterinarian for one year prior to being fully licensed. The Board agreed this could be a future discussion item and requested staff to provide additional information at a future meeting.

- **Dr. Tom Kendall motioned and Dr. Stephanie Ferguson seconded the motion to discuss internship in California at a future meeting.**
- **The motion carried 4-0.**

8. Administrative Committee Report

A. Review Budget and Expenditure Projections for 2009/2010

Mr. Sanchez reviewed the budget report and noted that due to a minimal surplus at fiscal year end some cutbacks were necessary. The Board inquired about the DCA pro rata expenditures in the budget summary. Mr. Sanchez pointed out the pro rata expenditures cover all DCA shared expenses such as legal, public affairs, and cashiering. Ms. Kirchmeyer offered that DCA has made additional funds available for attorney general expenditures beyond budgeted amounts, but Boards must have adequate contingent funds to take advantage of this authority.

B. American Association of Veterinary State Boards

i. Update on Recommendations for Bylaws Changes

Ms. Geranen reported the AAVSB Bylaws Committee does not agree with the Board's recommendation for a designated public member on the board of directors. The issue will be discussed by the AAVSB Board in September at the annual conference.

C. Discuss Spay/Neuter License Plate Project

Ms. Starr updated that the spay/neuter license plate project has received 1,500 applicants so far but total of 7,500 applicants are needed to move forward with the license plate. The project was mentioned in the American Veterinary Medical Association newsletter and brochures were sent out to veterinary offices and some pet stores. Ms. Barker noted regulatory language will have to be developed to set spay/neuter grant criteria.

D. Receive Report from OPES on RVT Exam Transition to VTNE (National RVT Exam)

E. Discuss and Possible Action on the Report from OPES on RVT Exam Transition to VTNE

Ms. Geranen reported the OPES audit determined that the AAVSB national RVT examination is valid and comparable to the California RVT examination. The Board could feasibly transition to the national RVT examination but OPES recommends the Board adopt a California law supplemental examination. The Board expressed concern whether the national RVT examination would test on specific practice issues prevalent in California and that due to limited out-of-state travel opportunities Board participation in the national RVT examination development would be limited. The Board also wanted to consider any added costs to examination candidates relating to adopting the national RVT examination and costs to develop a California law examination. Ms. Geranen assured that staff could look into these concerns and bring back the findings to the Board.

Ms. Geranen reported the Limited Term Eligibility Window has provided licensure for 310 new RVTs to date. There are approximately 160 additional candidates yet to take the licensing examination and 60 candidates awaiting licensure.

9. Legislation/Regulations Committee Report

A. Assembly Bill 1980 (Hayashi) – Adding an RVT to the Board

B. Discuss 2009/2010 Legislation

i. Assembly Bill 2411 (Jones) – Pet Insurance

Ms. Geranen reported Assembly Bill (AB) 1980 is moving forward; staff will post the reporting form if a new rodeo reporting requirement is included in the final version of the bill. AB 2411 was revised to be a consumer notification bill.

C. Discuss and Possible Action to Fee Regulation Amendments, California Code of Regulations (CCR) sections 2070 and 2071

Ms. Geranen reported that the Consumer Services Agency requested a revision to the proposed fee regulations to decrease the license fees for veterinarians and veterinary technicians and delay implementation of the language to January 1, 2011. This was a result of the requirement that the Board does not have more than four months of reserve at the end of its fiscal year. If the Board approves of the changes to the proposed language, staff would post a 15-day Notice and meet at a later date to discuss comments.

- **Linda Starr motioned and Dr. Stephanie Ferguson seconded the motion to adopt changes to the proposed fee regulations and direct staff to issue a 15-day Notice.**
- **The motion carried 4-0.**
- **Linda Starr motioned and Dr. Stephanie Ferguson seconded the motion to authorize the Board Executive Officer to move the proposed regulatory file forward if no negative public comments are received in the 15-day Notice period.**
- **The motion carried 4-0.**

The Board agreed to hold a teleconference, if necessary, on August 16, 2010 at 9:00 a.m.

D. Discuss RVT School Approval Amendments, CCR sections 2064, et. seq.

Ms. Barker gave an overview of the RVTC's recommended changes to the proposed language. The Board discussed out-of-state school requirements and Board approval of these programs. They agreed to make changes to the proposed language regarding out-of-state school approval.

- **Dr. Tom Kendall motioned and Linda Starr seconded the motion to approve amendments to CCR section 2066.**
- **The motion carried 4-0.**
- **Dr. Stephanie Ferguson motioned and Linda Starr seconded the motion approve amendments to CCR sections 2064, 2065.5, 2065.6, 2065.7, 2065.8, 2065.8.1, 2065.8.2, 2065.8.3, 2065.9, 2066 and 2066.1 and to authorize staff to begin the necessary steps to initiate the regulatory package.**
- **The motion carried 4-0.**

10. Enforcement Committee Report

Ms. Barker reported that it is a violation of the Pharmacy Act for veterinarians to donate unused drugs and that it is likely illegal for the public to do so as well. Dr. Kendall added that he will follow up with the Board of Pharmacy about a possible waiver.

11. Agenda Items and Next Meeting Dates

- A. October 19-20, 2010 – San Diego Zoo**
- B. January 25-26, 2011 – Sacramento**

Proposed agenda items for the October 19-20, 2010 Meeting:

Oregon veterinarian internship
Status of Legislative bills

AAVSB discussion
RVT examination transition discussion
Strategic Plan discussion
Hospital inspection conflict of interest
DVM foreign title protection

12. Comments from Public/Outside Agencies/Associations

Ron Kelpé asked the Board to explore any conflict of interest in the hospital inspection program. Ms. Geranen read comments from Dr. Oscar Chavez regarding title protection for foreign veterinarian designation. The Board agreed to include both concerns on a future agenda.

The open session meeting adjourned at 2:00 p.m.

13. Closed Session

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

AV 2009 4
Proposed Decision
The Board adopted the proposed decision.

AV 2008 23
Proposed Decision
The Board adopted the proposed decision.

AV 2009 3
Proposed Decision
The Board adopted the proposed decision.

Adjourn

The closed session meeting adjourned at 2:30 p.m.