

Veterinary Medical Board

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MEETING MINUTES

Veterinary Medical Board
Tuesday, October 19, 2010
San Diego, California

1. Call to Order - Roll Call

Veterinary Medical Board (Board) President Dr. Terri Becker called the meeting to order at 10:35 a.m. Board Executive Officer Susan Geranen called roll; all five 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
Judie Mancuso, Public Member
Linda Starr, Public Member

Staff Present

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

Guests Present

Virginia Curtis, Chair, Registered Veterinary Technician Committee
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association
Kim Williams, RVT, Registered Veterinary Technician Committee
Angela Straley, Center for Public Interest Law

2. Discuss Executive Officer Evaluation Format

Ms. Geranen explained the evaluation format is a standard format and that Dr. Tom Kendall will collate the evaluations for the Board to discuss.

3. Strategic Planning - Review Current Plan and Discuss Need for Retreat in April 2011

Ms. Geranen reported the Strategic Plan has been updated since the March 2009 Retreat. Linda Starr asked about Strategic Item 1.1 concerning wearing of identification by licensed professionals. The Board agreed to forward this item to the Multidisciplinary Advisory Committee. The Board proposed changes to the Strategic Plan – Values and Guiding Principles – Quality Service and discussed Strategic goals in Enforcement, Customer Service and Administration, Education, Examinations, and Licensing.

4. Discuss Amendments to Disciplinary Guidelines

Ms. Geranen reviewed the Disciplinary Guidelines; they were updated and modified using California Architects Board Guidelines as a model. The Board discussed parameters for determining maximum

and minimum penalties using the guidelines, the review of petitions for reconsideration, and Board responsibility in deciding a petition for reconsideration. The Board will propose additional edits before presenting the Disciplinary Guidelines at the January 2011 meeting. Staff will then submit the Disciplinary Guidelines to the Office of Administrative Law for review and approval. Shela Barker recommended changing “staff recommendation” to “expectation of the Veterinary Medical Board” and to notate in recommended penalties the harm to the public and not just harm to animals.

Lunch Recess

The Board recessed at 2:38 p.m.

5. Closed Session - 3:00 – 5:00 p.m.

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

B. Pursuant to Government Code section 11126(e)

i. *Van Pope Steed v. Veterinary Medical Board of California*

Superior Court of the State of California, County of Los Angeles Case No.: NC043599

AV 2008 27

Proposed Decision

The Board adopted the proposed decision.

AV 2006 1

Petition for Reconsideration

The Board denied the petition for reconsideration.

- **Dr. Stephanie Ferguson motioned and Linda Starr seconded the motion to adjourn.**
- **The motion carried 5-0.**

The Board adjourned at 3:48.

**Wednesday, October 20, 2010
San Diego, California**

6. Call to Order - Roll Call

Board President Dr. Becker called the meeting to order at 9:15 a.m. Board Executive Officer Ms. Geranen called roll; all five 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
Judie Mancuso, Public Member
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

Kelly Boysten
Oscar Chavez, DVM, Registered Veterinary Technician Committee
Virginia Curtis, Chair, Registered Veterinary Technician Committee
Valerie Fenstermaker, California Veterinary Medical Association
William A. Grant, DVM, Multidisciplinary Advisory Committee
Fredde Hamilton
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association
Steve Hartzell, Executive Officer, Physical Therapy Board of California
Ron Kelpé, DVM, California Veterinary Medical Association
Nancy Krueger, California Physical Therapy Association
Trish Penick
Lillian Perry
Dan Segna, DVM, California Veterinary Medical Association
Brian Stiger, Director, Department of Consumer Affairs
Angela Straley, Center for Public Interest Law
Pauline White, San Diego County Veterinary Medical Association
Kim Williams, RVT, Registered Veterinary Technician Committee

7. Swear-in New Board Member

Brian Stiger, Director of the Department of Consumer Affairs (DCA), swore in new member Judie Mancuso.

8. Approve July 20/21 and August 16, 2010 Meeting Minutes

- **Dr. Tom Kendall motioned and Linda Starr seconded the motion to approve the July 20-21 and August 16, 2010 Meeting Minutes.**
- **The motion carried 5-0.**

9. Discuss Open Meeting Act and Update on Mandatory Ethics and Sexual Harassment Training

Ms. Barker reminded the Board their required sexual harassment and ethics training needs to be renewed every two years and reviewed the Bagley-Keene Open Meeting Act prohibition against discussion of Board issues outside the Board meetings.

10. Executive Officer Report

Ms. Geranen reported the DCA is undergoing a study of board executive officer classifications and may do away with board-size designations. The study is due for completion in June or July 2011. Assembly Bill 1980 was signed and will become law on January 1, 2010. Mr. Stiger added that DCA is working on the transition to new governorship and securing appointments to the Board. Ms. Geranen reported the proposed fee regulations have been held up due to a recently revised fund balance but that staff is working on a modified version of the proposed regulations.

Ms. Geranen and Dr. Kendall reported they attended the American Association of Veterinary State Boards conference in September. Dr. Kendall sat in on the Veterinary Technician National Examination construction workshop and volunteered for the finance committee and Registry of Approved Continuing Education committee. Ms. Geranen attended the California Veterinary Medical Association meeting in September and reported that there were several questions about the spay/neuter license plate program.

A. Board Program Reports

Paul Sanchez reported there are 20 outstanding unlicensed activity cases due to staffing backlog. The Board discussed unlicensed activity enforcement and required staff reporting. Ms. Geranen noted unlicensed activity was not on the priority list in existing law. Mr. Stiger encouraged Board staff to set a policy for enforcement case priority and added DCA has reached out to the district attorney's office to expedite all enforcement files.

11. Registered Veterinary Technician Committee Report

A. Report on July 20, 2010 Meeting

Virginia Curtis reported the Registered Veterinary Technician Committee has not met since the last Board meeting but that the transition to the registered veterinary technician national examination continues to be discussed in their meetings.

B. Appointments to Registered Veterinary Technician Committee – Virginia Curtis, Kim Williams, RVT

- **Linda Starr motioned and Dr. Stephanie Ferguson seconded the motion to appoint Kim Williams, RVT to the Registered Veterinary Technician Committee.**
- **The motion carried 5-0.**
- **Dr. Stephanie Ferguson motioned and Dr. Tom Kendall seconded the motion to appoint Virginia Curtis to the Registered Veterinary Technician Committee.**
- **The motion carried 5-0.**

12. Multidisciplinary Advisory Committee Report

A. Report on September 1, 2010 Meeting

Dr. William Grant reported the Multidisciplinary Advisory Committee (MDC) has finalized the inspection program self-checklist; the checklist is designed to educate veterinary hospitals on requirements of an inspection. The checklist will be brought back to the MDC for a final review before being forwarded to the Board. The MDC updated changes to minimum standards and reviewed the veterinarian-client-patient relationship regulations. The MDC is also looking into the regulation of vaccine clinics and the cite and fine program. The enforcement program is now using two subject matter experts for its enforcement cases and will research whether their findings are admissible in a court of law.

13. DCA Director's Report

Mr. Stiger reported the current hiring freeze was a governor directive but positions may be filled intra-departmentally. The hiring freeze will be in effect through the end of the governor's term. The Consumer Protection Enforcement Initiative (CPEI) authorized 140 new positions in July 2010 and DCA has submitted an exemption request in order to fill the positions. The CPEI will work to reduce the length of the enforcement process with a DCA goal of 12-18 months for enforcement case turnaround.

Mr. Stiger reported that with the passage of Senate Bill 1441 Boards are encouraged to move forward with developing substance abuse standards that do not require legislative or regulatory changes. DCA is encouraging transparency in government by requesting Board agenda meeting items are added to their respective websites.

14. Examination/Licensing Committee Report

A. North American Veterinary Medical Educational Consortium Discussion

Dr. Kendall reported he attended the third North American Veterinary Medical Educational Consortium meeting and that the meeting report will be available in April 2011.

B. Discuss Status of RVT Exam Transition to Veterinary Technician National Examination

Ms. Geranen reported that she and Dr. Kendall sat in on the Veterinary Technician National Examination item writing. Dr. Kendall inquired about item writing committee appointment process; staff will research and report back to the Board.

C. Discuss Standards for the Registry of Approved Continuing Education

Ms. Geranen reported Dr. Kendall volunteered for the Registry of Approved Continuing Education (RACE) committee, with appointments in November 2010. RACE and Board standards will be compared at the January 2011 meeting.

D. Discuss Oregon Licensure Model – One Year of Supervised Practice Prior to Full Licensure

Dr. Kendall reported he met with John Best of Oregon and discussed their one-year internship model for new veterinarian licensees. Ms. Barker added that instituting something similar to Oregon in California would require a statutory change. Ms. Starr brought up the issue of liability in an internship. Ms. Barker stated that liability could be defined in regulation. The Board agreed to discuss this issue at strategic planning.

E. Discuss Foreign Degree Title Designation

Ms. Geranen noted different schools may issue different educational degree designations other than "DVM". The Board discussed title designation and its importance for consumer protection by avoiding consumer confusion. The Board requested this item is placed on the January 2011 agenda and for staff to include American Veterinary Medical Association material and draft language.

15. Administrative Committee Report

A. Review Budget and Expenditure Projections for 2009/2010 and 2010/2011

Ms. Geranen reported on the budget and that there were additional funds available due to projection and fund rollover errors.

B. Discuss Appointment to Diversion Evaluation Committee – Jody Van Tine, DVM

Ms. Geranen reported Dr. Jody Van Tine has applied for appointment to the Diversion Evaluation Committee (DEC); this appointment would fill the last professional member opening on the DEC.

- **Dr. Tom Kendall motioned and Linda Starr seconded the motion to appoint Jody Van Tine, DVM to the Diversion Evaluation Committee**
- **The motion carried 5-0.**

C. American Association of Veterinary State Boards - Update on Recommended Bylaws Changes

Ms. Geranen reported the Board's request for a bylaw change to add a public member to the American Association of Veterinary State Boards Board of Directors has been withdrawn. The request will be resubmitted recommending a public member nomination to the Board of Directors but that a professional member may be nominated if there is no public member nominee.

D. Discussion on Spay/Neuter License Plate

Ms. Starr reported there have been approximately 1,800 Spay/Neuter License Plates purchased to date. Petco will display license plate brochures, the California Veterinary Medical Association published information on the license plates in their newsletter, and weekly meetings are held to discuss issues and challenges. Ms. Mancuso reported that a task force was created to determine how other license plate projects are run in other states.

E. Report on Board Member Training – August 27, 2010

Dr. Kendall reported he attended the board member training and thought it was valuable training and a good resource to network with other regulatory boards.

16. Legislation/Regulations Committee Report

A. Discuss 2009/2010 and 2010/11 Legislation

- Assembly Bill 2411 (Jones)**
- Assembly Bill 1980 (Hayashi)**

Ms. Geranen reported Assembly Bill (AB) 1980 was passed and signed by Governor Schwarzenegger and that AB 2411 did not get signed. In accordance with new law taking effect in AB 1980, the Board will accept applicants to the MDC for discussion at the January Board meeting. The Board discussed the MDC appointment process. Ms. Barker opined that existing members of the MDC would need to be reappointed. The Board discussed and agreed that they wanted to reappoint existing MDC members at the January Board meeting. Dr. Grant suggested the appointment process discussion could be brought up at the next MDC meeting. The Board agreed and requested the discussion on the appointment process for the new MDC is added to the next MDC meeting agenda. Additionally, they requested staff to post notice on the Board's website with language indicating applications for the MDC will be taken until positions have been filled and that all applications received 15 days prior to the meeting will be considered.

B. Discuss and Possible Action to Exam Clean Up Regulation Amendments, California Code of Regulations sections 2000, 2010, 2010.1, 2014.5, 2015, 2015.2, 2017, 2018, 2020, 2023 and 2024

Ms. Geranen reported the exam clean up regulations were returned from the Office of Administrative Law for correction and a 15-day notice is required to move forward with the corrections.

- **Linda Starr motioned and Dr. Stephanie Ferguson seconded the motion to move to adopt changes to the exam clean up regulations and direct staff to issue a 15-day Notice and to move the proposed regulatory file forward.**
- **The motion carried 5-0.**

C. Discuss Amendments to Fee Regulations and Review Regulation Calendar

Ms. Geranen reported that amendments to the fee regulations is necessary due to the Board's year end fund condition which showed an excess reserve of funds. This will result in lowering of veterinarian and veterinary technician license fees and delay the implementation date of all fee increases to March 1, 2012. The Board discussed the importance of moving forward with the fee increase due to future negative budget conditions.

- **Dr. Tom Kendall motioned and Dr. Stephanie Ferguson seconded the motion to move to adopt changes to the proposed fee regulations and direct staff to issue a 15-day Notice and to move the proposed regulatory file forward if no negative public comments are received in the 15-day Notice period.**
- **The motion carried 5-0.**

D. Discuss Parameters for Animal Physical Therapy and Chiropractic Regulations

Ms. Geranen reported animal rehabilitation limitations were originally part of AB 1980 and had been subsequently removed but that the Board still has authority to regulate animal rehabilitation. Steve Hartzell, Executive Officer, Physical Therapy Board of California, expressed support for the Board's pursuit for regulation of animal rehabilitation and the role of therapists under the supervision of veterinarians. The Board discussed the scope of animal rehabilitation and whether it should be practiced under the direct supervision of a veterinarian. Mr. Hartzell added that human physical therapy does not need direct supervision of a doctor but that supervision is considered part of good practice.

Nancy Krueger of the California Physical Therapy Association encouraged the Board and professionals to work together on the animal rehabilitation issue. Dr. Oscar Chavez remarked animal rehabilitation is increasingly an area of expertise for registered veterinary technicians and training is becoming available as part of their education. There was broad support from the guests in the audience, representing the animal rehabilitation profession, to collaborate with veterinarians on animal rehabilitation issues. Ms. Barker noted if an individual is working on an animal in a medical capacity, and is not a veterinarian or registered veterinary technician, they are currently regulated as an unregistered assistant. The Board discussed animal rehabilitation training programs and the necessity to create a working group to research the animal rehabilitation profession and ensure protection of the public.

- **Dr. Tom Kendall motioned and Dr. Stephanie Ferguson seconded the motion to authorize the Multidisciplinary Committee to research animal rehabilitation issues and create a task force, the makeup of the task force, and a timeline for completion of its duties.**
- **The motion carried 5-0.**

17. Enforcement Committee Report

A. Shelter Medicine - Donated Drugs

Dr. Kendall reported that at the July 2010 meeting it was reported veterinarians can not donate unused drugs to animal shelters. He requested legal counsel follow up and research whether veterinarians could donate non-expired, non-dangerous, non-controlled drugs to other veterinarians.

18. Agenda Items and Next Meeting Dates

A. January 25-26, 2011 – Sacramento

B. April 18-20, 2011 – Riverside – Combination Retreat and Board Meeting

Proposed agenda items for the January 25-26, 2011 meeting:

Election of Officers

19. Comments from Public/Outside Agencies/Associations

Fredde Hamilton spoke to the Board about her experience with her deceased pet and asked the Board to issue brochures educating consumers on the warning signs of specific medical issues for certain breeds of pets and to also publish grief counseling protocols.

Adjourn

- **Dr. Tom Kendall motioned and Dr. Stephanie Ferguson seconded the motion to adjourn**
- **The motion carried 5-0.**

The meeting adjourned at 2:40 p.m.