



MEETING MINUTES

Veterinary Medical Board
Tuesday, January 25, 2011
Sacramento, California

1. Call to Order - Roll Call

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

Board Members Present

Terri Becker, DVM, President
Stephanie Ferguson, DVM, Vice-President
Patti Aguiar, Public Member
Richard Johnson, DVM
Tom Kendall, DVM
Judie Mancuso, Public Member
Linda Starr, Public Member
Kim Williams, RVT

Staff Present

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

2. Nomination and Election of New Officers

- **Dr. Terri Becker motioned and Judie Mancuso seconded the motion to nominate Dr. Stephanie Ferguson to President of the Veterinary Medical Board.**
- **The motion carried 8-0.**
- **Linda Starr motioned and Dr. Richard Johnson seconded the motion to nominate Dr. Tom Kendall to Vice President of the Veterinary Medical Board.**
- **The motion carried 8-0.**

3. Closed Session

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

AV 2009 22

Proposed Decision

The Board adopted the proposed decision

IV 2010 30

Proposed Decision

The Board non-adopted the proposed decision and called for an oral argument from the respondent and complainant

AV 2010 31

Proposed Decision

The Board adopted the proposed decision

AV 2008 23

Proposed Decision

The Board lifted the stay order, reimposed the original proposed decision and reduced costs

B. Executive Officer's Evaluation Pursuant to Government Code section 11126(a)

The Board discussed the Executive Officer performance report.

The Board adjourned at 5:15.

**Wednesday, January 26, 2011
Sacramento, California**

4. Call to Order - Roll Call

Board President Dr. Stephanie Ferguson called the meeting to order at 9:10 a.m. Board Executive Officer Ms. Geranen called roll; all eight members of the Board were present and thus a quorum was established.

Board Members Present

Stephanie Ferguson DVM, President
Tom Kendall, DVM, Vice-President
Patti Aguiar, Public Member
Terri Becker, DVM
Richard Johnson, DVM
Judie Mancuso, Public Member
Linda Starr, Public Member
Kim Williams, RVT

Staff Present

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

Guests Present

Virginia Curtis, Registered Veterinary Technician Committee
Oscar Chavez, DVM, Registered Veterinary Technician Committee
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association
Valerie Fenstermaker, California Veterinary Medical Association
William Grant, II, DVM, Multidisciplinary Committee
Tameka Island, California Physical Therapy Association
Cindy Kanemoto, Department of Consumer Affairs
Ron Kelp, DVM, California Veterinary Medical Association
Kimberly Kirchmeyer, Department of Consumer Affairs
Bonnie Loghry, RVT
John Madigan, DVM
Peter Mitchell
Kristi M. Pawlowski, RVT
Carol Schumacher, RVT, Registered Veterinary Technician Committee
Angela Straley, Center for Public Interest Law
Richard Sullivan, DVM

5. Ceremonial Swearing In New Board Members

Ms. Geranen swore in new Board members Patti Aguiar, Dr. Richard Johnson, and Kim Williams, RVT. She also presented plaques of appreciation to Dr. Terri Becker for her service to the Board, Dr. Johnson for his service to the Multidisciplinary Committee (MDC), and Ms. Williams for her service to the Registered Veterinary Technician Committee (RVTC).

6. Review and Consider Appointments to the Multidisciplinary Committee

- **Linda Starr motioned and Dr. Richard Johnson seconded the motion to nominate Dr. William Grant to the Multidisciplinary Committee with a term end date of June 2012.**
- **The motion carried 8-0.**
- **Dr Tom Kendall motioned and Dr. Richard Johnson seconded the motion to nominate Dr. Jon Klingborg to the Multidisciplinary Committee with a term end date of June 2012.**
- **The motion carried 8-0.**
- **Dr. Richard Johnson motioned and Kim Williams, RVT seconded the motion to nominate Jennifer Boyle, RVT to the Multidisciplinary Committee with a term end date of June 2012.**
- **The motion carried 8-0.**
- **Linda Starr motioned and Dr. Tom Kendall seconded the motion to nominate Diana Woodward Hagle to the Multidisciplinary Committee with a term end date of June 2012.**
- **The motion carried 8-0.**

Ms. Geranen noted that all applicants for the MDC openings were notified by mail and invited to attend the meeting. The Board interviewed Dr. Oscar Chavez for the veterinarian opening on the MDC. Dr. Chavez reviewed his professional background, qualifications and why he wants to serve on the MDC. The Board interviewed Dr. Richard Sullivan for the veterinarian opening on the MDC. Dr. Sullivan reviewed his professional background, qualifications and why he wants to serve on the MDC. The Board reviewed information submitted by Dr. Barry Baum, Dr. Allan Drusys and Dr. Monica Revel for the veterinarian openings on the MDC. The Board discussed the veterinarian applicants and their qualifications serve on the MDC.

- **Dr. Richard Johnson motioned and Patti Aguiar seconded the motion to nominate Dr. Oscar Chavez to the Multidisciplinary Committee with a term end date of June 2014.**
- **The motion carried 8-0.**
- **Judie Mancuso motioned and Patti Aguiar seconded the motion to nominate Dr. Allan Drusys to the Multidisciplinary Committee with a term end date of June 2013.**
- **The motion failed 2-6.**
- **Linda Starr motioned and Dr. Richard Johnson seconded the motion to nominate Dr. Richard Sullivan to the Multidisciplinary Committee with a term end date of June 2013.**
- **The motion carried 7-1.**

The Board interviewed Bonnie Loghry, RVT for the registered veterinary technician opening on the MDC. Ms. Loghry reviewed her professional background, qualifications and why she wants to serve on the MDC. The Board interviewed Kristi Pawlowski, RVT for the registered veterinary technician opening on the MDC. Ms. Pawlowski reviewed her professional background, qualifications and why she wants to serve on the MDC. The Board interviewed Carol Schumacher, RVT for the registered veterinary technician opening on the MDC. Ms. Schumacher reviewed her professional background, qualifications and why she wants to serve on the MDC. The Board reviewed information submitted by David Johnson,

RVT for the registered veterinary technician opening on the MDC. The Board discussed the registered veterinary technician applicants and their qualifications serve on the MDC.

- **Kim Williams, RVT motioned and Dr. Richard Johnson seconded the motion to nominate David Johnson, RVT to the Multidisciplinary Committee with a term end date of June 2014.**
- **The motion carried 6-2.**

7. Approve October 19-20, 2010 Meeting Minutes

Dr. Stephanie Ferguson requested minor changes to the Meeting Minutes on pages one, three, and eight.

- **Dr. Tom Kendall motioned and Patti Aguiar seconded the motion to approve the October 19-20, 2010 Meeting Minutes as amended.**
- **The motion carried 8-0.**

8. Executive Officer Report

A. Board Program Reports

Ms. Geranen reflected on the RVTC's creation in 1976 and that it has served consumers and the profession well. She thanked the RVTC members for their service and dedication; the RVTC will be sunset in June 2011.

Ms. Geranen reported she and Dr. Tom Kendall attended the annual American Association of Veterinary State Boards (AAVSB) conference on September 15-19, 2010. Dr. Kendall is now serving on the Registry of Approved Continuing Education (RACE) and Finance committees. Ms. Geranen and Linda Starr attended the California Veterinary Medical Association (CVMA) meeting in January. Discussion included minimum standards regulations and the hospital inspection checklist. The CVMA is also working on a task force to discuss issues related to physical therapy in animals. The Limited Term Eligibility Window (LTEW) has so far successfully licensed 442 registered veterinary technicians. Paul Sanchez reported staff furloughs have ended and the State is looking at other ways to streamline operations such as the recent Governor's mandate to reduce cellular phone usage.

9. Registered Veterinary Technician Committee Report

A. Report on November 16, 2010 and January 25, 2011 Meetings

Ms. Schumacher updated on the status of LTEW candidates to date and that staff will send reminder letters out to the remaining candidates who haven't applied for licensure. The RVTC supported transitioning to the Veterinary Technician National Examination (VTNE) provided the Board maintains authority, due to the variety of qualifying routes in California, for reviewing and approving candidate eligibility. The RVTC requested staff to draft a letter to AAVSB to clarify California's alternate route qualification method, provide AAVSB candidate performance statistics, address the June application deadline conflict with veterinary technician graduation dates, and determine AAVSB's ability to handle the influx of California VTNE applicants. The RVTC discussed the development of a California specific jurisprudence examination, the potential increase in cost to applicants, and whether the examination could be take home.

Ms. Schumacher reported the RVTC formed subcommittees to create regulations for registered veterinary technician title protection terms and to specify the new registered veterinary technician student exemption law in order to determine whether alternate route candidates could be included in the exemption. The radiation safety subcommittee updated the Radiation Safety Guide with the assistance from experts from the Department of Health; the updated guide will be reviewed at the March RVTC meeting. Ms. Schumacher reported CVMA is offering a "California Certified Veterinarian Assistant" course. Shela Barker noted this could potentially cause consumer confusion as to whether

the course is sanctioned by the State. The Board discussed the importance of offering a training course for veterinary assistants but was concerned over the title of the training course and certificate.

10. Multidisciplinary Advisory Committee Report

A. Report on November 17, 2010 Meeting

B. Review and Consider Proposed Changes to Minimum Standards Regulations and Hospital Inspection Checklist

Dr. William Grant reported the MDC has been working on minimum standards regulations and the hospital inspection checklist. The minimum standards regulations include recommended changes to the veterinary/client/patient relationship language. The MDC will review both items at their March MDC meeting and then present their recommendation to the Board at its April meeting. Both the minimum standards regulations and hospital inspection checklist were taken to the January CVMA House of Delegates meeting for review and discussion. Discussion included managing licensee hospital limits and hospital premise owner requirements. Dr. Grant explained the hospital inspection checklist was developed to educate premise owners but that the MDC prefers to focus on moving the minimum standards regulations forward. The Board agreed to review the proposed language and forward their comments to the MDC before the March meeting.

11. DCA Director's Report

A. Discuss DCA Director and Board Committee Communication Session Agenda Items

Kimberly Kirchmeyer reported that Ms. Geranen has been working with the Department of Consumer Affairs' (DCA) human resources improvement project. DCA has taken note of the Board's rulemaking files and is aware of the upcoming deadline to send them to the Office of Administrative Law. DCA Director Brian Stiger continues to work on the Consumer Protection Enforcement Initiative (CPEI), the hiring freeze is continuing, and DCA is working on securing exemptions for crucial positions in CPEI and licensing for job creation.

Ms. Kirchmeyer reported the Governor has ordered a reduction in cellular phone usage by February. DCA has begun to publish performance measures for enforcement on its website and is continuing work on the new database project to consolidate licensing and enforcement database functions. The roll out for the consolidated database is expected to occur in phases starting in December 2012. DCA is now requiring all boards and bureaus formally contract with expert consultants and that it will take significant staff time to adopt the new procedures, but DCA is committed to expediting the contracts. Ms. Geranen noted there may be an exemption to this requirement in the future.

12. Examination/Licensing Committee Report

A. North American Veterinary Medical Educational Consortium Discussion

Dr. Kendall reported that he and Ms. Geranen attended the July 2010 North American Veterinary Medical Educational Consortium (NAVMEC) meeting and that NAVMEC will be issuing a final plan in April.

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

Ms. Geranen reminded the Board that they could vote, if they desired, to transition to the VTNE. Nancy Ehrlich asked about the value of a California specific jurisprudence examination given the amount of laws specific to veterinary technicians and whether a take home examination would be a better solution. Ms. Barker noted the Office of Professional Examination Services (OPES) recommended the Board develop a formal examination and that a take home examination would not be legally defensible. Ms. Geranen also mentioned that the OPES recommendation was to transition to the VTNE, but only if a formal and legally defensible California jurisprudence examination was developed.

- **Linda Starr motioned and Dr. Richard Johnson seconded the motion to transition to the Veterinary Technician National Exam.**
- **The motion carried 8-0.**

13. Administrative Committee Report

A. Review Budget and Expenditure Projections for 2010/2011

Dr. Kendall asked about the fluctuation in attorney general expenditures. Mr. Sanchez reported expenditures last year were higher than previous years, but that some fluctuation is normal due to accounting practices used between the attorney general and the Board.

B. American Association of Veterinary State Boards

- Update on Recommended Bylaws Changes**
- Nominations for Board of Directors**

Ms. Geranen reported the Board's recommended changes to the bylaws for public members have been submitted to AAVSB.

- **Dr. Stephanie Ferguson motioned and Dr. Terri Becker seconded the motion to nominate Dr. Tom Kendall to the American Association of Veterinary State Boards Board of Directors.**
- **The motion carried 8-0.**

Ms. Geranen reported that any Board member can attend AAVSB meetings but may not represent the Board without prior approval from the State. Dr. Kendall noted he will be attending the September AAVSB meeting as part of his participation on the RACE and Finance committees.

C. Discuss RVTC Sunset Issues

Ms. Geranen reported a subcommittee of Ms. Schumacher and Craig Cornell, RVT will work with DCA to identify any issues related to the sunset of the RVTC.

D. Update on Animal Care Conference

Linda Starr reported the Board is working with CVMA to staff a table at the February Animal Care Conference and will be passing out information on the Pet Lovers license plate.

14. Legislation/Regulations Committee Report

A. Discuss 2009/2010 and 2010/11 Legislation

- Assembly Bill 1980 (Hayashi)**
- Unlicensed Activity**
- Use of "DVM" as Designation for Licensure**

Ms. Barker reported certain titles cannot be used to imply a person is a California licensed veterinarian when they are not and that the Board has discussed specifying the term "DVM" to denote licensure in California. Current statute gives the Board authority to designate "DVM" as a title of licensure but use of the term would need to be specified in regulation.

The Board discussed the validity of having the restricted title of "DVM" for California licensed veterinarians but that it may conflict with an educational achievement designation. Ms. Barker reminded that if the Board pursues regulatory action there will be opportunity for the public to comment on proposed title designation language.

- **Judie Mancuso motioned and Linda Starr seconded the motion to direct staff to pursue regulatory language requiring California licensed veterinarians use the title “DVM” and also restrict the use of the title “DVM” to California licensed veterinarians.**
- **The motion carried 6-2.**

B. Review Regulation Calendar

Ms. Geranen noted the regulation calendar will be reviewed and prioritized at the Board's upcoming strategic planning. The proposed retroactive fingerprinting and registered veterinary technician continuing education regulations are currently under review at the State and Consumer Services Agency. The proposed deadline and examination clean up and fee regulations are currently under review at the Office of Administrative Law.

C. Discuss Expiration of BPC Section 4836.1 - Administration of Drugs

Ms. Geranen reported the Board did not originally support legislation creating Business and Professions Code section 4836.1. The Board and public discussed the impact of the law on veterinarians and consumers and whether existing law should be continued. Ms. Barker noted that language could be modified to restrict the administration to dispensed drugs. The Board agreed that restricting controlled substances in the future is a good idea. Valerie Fenstermaker offered to work with Board staff on a legislative bill addressing Board and CVMA concerns.

- **Dr. Richard Johnson motioned and Dr. Stephanie Ferguson seconded the motion to direct legal counsel and staff to work with the California Veterinary Medical Association and California Registered Veterinarian Technician Association to address legislation and specify in regulation limiting the administration of controlled substances.**
- **The motion carried 6-2.**

D. Discuss Pet Lovers License Plate and Proposed Regulations

Ms. Starr reported approximately 2,500 Pet Lovers license plates have been preordered and that by mandate they have until June to meet the goal of 7,500 license plates sold. DCA has also published an article on the license plate in its Consumer Connection magazine. Ms. Barker noted that she is working on draft regulations to define the grant process and will try to have them for the Board's review at the April meeting.

15. Enforcement Committee Report

A. Shelter Medicine - Donated Drugs

Ms. Barker reported she met with the Board of Pharmacy and will schedule a meeting with the Medical Board to discuss shelter medicine issues.

B. Review and Consider Adoption of Disciplinary Guidelines

Ms. Geranen reported the Board will have a chance to review the Disciplinary Guidelines at its April meeting. The Guidelines will then be sent to the MDC for its review, brought back to the Board for a final review, and then prepared for a regulatory hearing.

16. Agenda Items and Next Meeting Dates

- A. April 18-20, 2011 – Riverside – Combination Retreat and Board Meeting**
- B. July 19-20, 2011 – Sacramento**
- C. October 18-19, 2011 – San Diego**

17. Comments from Public/Outside Agencies/Associations

Dr. John Madigan requested the Board look into establishing a memorandum of understanding with the American Veterinary Medical Association in order to allow veterinarians licensed outside of California to be used as a resource in declared emergencies. Ms. Geranen noted that this item could be discussed at the April Board meeting. The Board agreed to put this item on the agenda at the April Board meeting and Dr. Madigan offered to provide additional information to be presented at the meeting.

Adjourn

- **Linda Starr motioned and Dr. Tom Kendall seconded the motion to adjourn**
- **The motion carried 8-0.**

The meeting adjourned at 4:10 p.m.