



**MEETING MINUTES**  
Veterinary Medical Board  
Sacramento and Paso Robles, California

**July 24, 2012**

**1. Call to Order – Roll Call**

Veterinary Medical Board (Board) Interim President Dr. Tom Kendall called the meeting to order at 10:00 a.m. Board Executive Officer Susan Geranen called roll; seven members of the Board were present and thus a quorum was established.

Board Members Present

Tom Kendall, DVM, Interim President  
Patti Aguiar, Public Member (at 12:45 p.m.)  
Richard Johnson, DVM  
Judie Mancuso, Public Member  
Linda Starr, Public Member  
Richard Sullivan, DVM  
Kim Williams, RVT

Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board  
Paul Sanchez, Assistant Executive Officer  
Rebecca Bon, Legal Counsel  
Don Chang, Legal Counsel  
Ethan Mathes, Administrative Program Coordinator  
Sandra Monterrubio, Enforcement Program Coordinator

Guests Present

Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association  
Bill Grant, DVM, Multidisciplinary Advisory Committee  
Valerie Fenstermaker, California Veterinary Medical Association  
Kristi Pawlowski, RVT  
Greg Pruden, Department of Consumer Affairs  
Ron Kelpé, DVM, California Veterinary Medical Association

**2. Closed Session – 10:00 a.m. to Noon**

**A. Deliberations on Disciplinary Cases (Government Code section 11126(c)(3))**

AV 2011 49

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

AV 2010 18

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

AV 2011 35

Proposed Decision  
The Board adopted the proposed decision.

AA 2011 16  
Proposed Decision  
The Board adopted the proposed decision.

AV 2012 20  
Default Decision  
The Board adopted the default decision.

### **3. Ceremonial Swearing In of New Veterinary Medical Board Members**

Susan Geranen swore in new Board member Dr. Richard Sullivan.

### **4. Election of Officers**

Dr. Tom Kendall outlined the Board options for electing officers.

- **Linda Starr motioned and Dr. Richard Johnson seconded the motion to accept Option 3 to elect officers.**
- **The motion carried 7-0.**

Dr. Kendall deferred to Ms. Starr to chair the election.

- **Dr. Richard Sullivan motioned to nominate Dr. Tom Kendall as Veterinary Medical Board President through October 2013.**
- **The motion carried 7-0.**
- **Dr. Tom Kendall motioned to nominate Kim Williams, RVT as Veterinary Medical Board Vice-President through October 2013.**
- **Patti Aguiar motioned to nominate Dr. Richard Johnson to Veterinary Medical Board Vice-President through October 2013.**

Dr. Richard Johnson and Kim Williams, RVT spoke about their qualifications for vice-president.

- **The motion to nominate Dr. Richard Johnson to Veterinary Medical Board Vice-President through October 2013 failed 2-4-1.**
- **The motion to nominate Kim Williams, RVT as Veterinary Medical Board Vice-President through October 2013 carried 4-2-1.**
- **Dr. Tom Kendall motioned and Dr. Richard Sullivan seconded the motion to close the nominations.**
- **The motion carried 7-0.**

**5. Approve April 24-25, 2012 Meeting Minutes**

- **Dr. Richard Sullivan motioned and Kim Williams, RVT seconded the motion to approve the April 24-25, 2012 Meeting Minutes.**
- **The motion carried 7-0.**

**6. Sunset Review Pursuant to Business and Professions Code Section 4800**

**A. Discuss Narrative, Statistics and Input from Board Members**

**B. Develop Recommendations for Legislative Change**

**i. Admin Committee**

**ii. Enforcement Committee**

**1. Consumer Notification of Licensing Board Information/Premise Registration and Licensing Exemptions**

**iii. General Discussion of Recommendations for Legislative Change**

Ms. Geranen reported staff has compiled most of the statistics and is working on finishing the remaining statistics and narrative. Staff will have the final Sunset Report statistics finished in August and then submit to the Administration and Enforcement committees for review and then bring the Report back to the Board for its review at its September meeting. Dr. Sullivan recommended the Board review the Sunset Report page-by-page at that meeting. The Board agreed.

The Board reviewed the draft Sunset Report and suggested amendments. Patti Aguiar and the Board reviewed the Executive Summary. The Board agreed to focus on the importance of the Board and why the Board is important to the protection of California consumers. Dr. Sullivan agreed to research the American Veterinary Medical Association (AVMA) statistics for the Report and Dr. Kendall would research continuing education program numbers. The Board discussed Board goals to include in the Sunset Report, including requiring proper Board information at veterinary hospitals and the statutory exemption for the University of California Davis.

- **Judie Mancuso motioned and Dr. Richard Johnson seconded the motion to recommend the Board include, as a goal in the Sunset Report, the Board require posting of Board contact information in hospital premises.**
- **The motion carried 6-1.**
- **Dr. Richard Sullivan motioned and Linda Starr seconded the motion to recommend the Board discuss provisions of the statutory exemption with the University of California Davis.**
- **The motion carried 7-0.**

**Recess**

Sacramento, California

**July 25, 2012**

**7. Call to Order - Roll Call**

Board President Dr. Kendall called the meeting to order at 9:00 a.m. Board Executive Officer Ms. Geranen called roll; six members of the Board were present and thus a quorum was established.

Board Members Present

Tom Kendall, DVM, President  
Richard Johnson, DVM  
Judie Mancuso, Public Member  
Linda Starr, Public Member  
Richard Sullivan, DVM  
Kim Williams, RVT

#### Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board  
Paul Sanchez, Assistant Executive Officer  
Rebecca Bon, Legal Counsel  
Shela Barker, Legal Counsel  
Diann Sokoloff, Deputy Attorney General Liaison  
Ethan Mathes, Administrative Program Coordinator

#### Guests Present

Alberto Aldrete, DVM, VASE  
Bernice Creager, Department of Consumer Affairs  
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association  
Valerie Fenstermaker, California Veterinary Medical Association  
Alex Henderson, RVT, VASE  
Bill Grant, DVM, Multidisciplinary Advisory Committee  
Josie Juarez, Veterinary Medical Board  
Ron Kelppe, California Veterinary Medical Association  
Tameka Island, California Physical Therapy Association  
Kristi Pawlowski, RVT  
Greg Pruden, Department of Consumer Affairs  
Michele Rash, Cal Poly Pomona  
Sherri Reichhardt

### **8. Executive Officer Report**

#### **A. DCA Travel Memo/Restrictions**

Ms. Geranen reported staff continues to work on the Sunset Report with the final report due to the Legislature on November 1, 2012. Legislative hearings will be held in March or April 2013. The minimum standards regulations are currently at the DCA for review and they may need a 90-day extension to the one-year timeline, the license plate regulations will be discussed at the October meeting, and other proposed regulations are on hold due to staff work on the Sunset Report.

Board member enforcement training will take place in January 2013, Board members need to submit comments for the Executive Officer evaluation by January 2013 for review by the Board at that time, and staff is working with Cooperative Personnel Services (CPS) to review and evaluate succession planning and workflow issues.

Travel restrictions are still in effect, but the Board may travel to Sunset Review and Committee meetings.

### **9. Multidisciplinary Advisory Committee Report – Dr. Bill Grant**

#### **A. Report on June 13, 2012 Meeting**

#### **B. Report on Status of Citation and Fine Guidelines and Regulations**

#### **C. Animal Rehabilitation**

#### **D. MDC Vacancy**

Dr. Bill Grant reported that at their June Meeting the Multidisciplinary Advisory Committee (MDC) reviewed the Citation and Fine Guidelines and regulations. The MDC will take a final review of the

Guidelines at their November meeting and then forward the language to the Board for its review and approval.

The MDC is also working on animal rehabilitation issues and continues to gather input from the physical therapy association and other interested parties. The MDC will continue to gather and review information related the animal rehabilitation for discussion at its next meeting.

There is currently a vacancy on the MDC and they feel that it is important to nominate the right person for the vacancy instead of rushing the appointment. Dr. Kendall requested staff notice the MDC vacancy on the Board's website; potential appointees may be reviewed at the October Board meeting.

The Board discussed how to direct the MDC on their next priority items after the Citation and Fine Guidelines are complete. The Board agreed the Strategic Plan, as well their current issues, will dictate MDC priorities.

## **10. Administrative/Legislative Committee Report**

### **A. Admin/Exams/Licensing Program Report – Staff**

#### **i. Update on CPS Contract Proposal for Workforce Planning**

### **B. Review Budget, Revenue and Expenditure Projections for 2011/2012**

### **C. Newsletter/Website**

Paul Sanchez reported benefits to the CPS contract include benchmarking the Board to similar sized boards in order to help the Board in their submittal of Budget Change Proposals (BCP). There is currently a vacancy in enforcement, the office move to DCA headquarters is ongoing, and more funds are being devoted to enforcement efforts due to an increase in consumer complaints.

Ms. Geranen added that staff will include a detailed budget report at the October meeting when the current fiscal year numbers have been received. Mr. Sanchez reported the current year BCP's were recently denied.

### **D. AAVSB Report**

#### **i. RACE Update**

#### **ii. Announce Delegate to Annual Meeting**

#### **iii. Discuss Board's Position on AAVSB Proposed Bylaws Changes**

Dr. Kendall appointed Linda Starr as a delegate to the American Association of Veterinary State Boards (AAVSB) annual meeting. Dr. Richard Johnson and Kim Williams, RVT will also attend the AAVSB meeting as members of the Registry of Approved Continuing Education Committee and Veterinary Technician National Examination (VTNE) Committee respectively.

Ms. Williams, RVT reported that the AAVSB is going through a job analysis and will research the expansion of testing windows for the VTNE.

The Board discussed the proposed amendments to the AAVSB bylaws. Ms. Geranen recommended any Board recommendations to bylaws changes come from the Board's delegate.

- **Dr. Richard Sullivan motioned and Linda Starr seconded the motion to oppose proposed Amendment #1 to the American Association of Veterinary State Boards bylaws.**
- **The motion carried 6-0.**
- **Dr. Richard Sullivan motioned and Judie Mancuso seconded the motion to support proposed Amendment #2 to the American Association of Veterinary State Boards bylaws.**
- **The motion carried 6-0.**

- **Dr. Richard Sullivan motioned and Kim Williams, RVT seconded the motion to support proposed Amendment #3 to the American Association of Veterinary State Boards bylaws.**
- **The motion carried 6-0.**

## **11. Exam Vet/RVT Committee Report – Kim Williams, RVT**

### **A. Review RVT Committee Meeting – May 9, 2012**

Ms. Williams, RVT reported the Registered Veterinary Technician (RVT) Committee discussed ongoing issues with processing RVT alternate route applications, the increase in RVT alternate route applications, and a proposal for the Board to approve RVT alternate route programs. Ms. Williams, RVT requested the alternate route program handbooks from the California Veterinary Medical Association (CVMA) and California Registered Veterinary Technicians Association.

Alex Henderson explained that RVT alternate route programs were designed for working students and the need for a single point of access for their education. The Board discussed the authority for and efficacy of approving RVT alternate route programs, how program approval may make it easier for RVT candidates to gain approval for examination, and the establishment of criteria for RVT alternate route programs.

Dr. Richard Sullivan motioned and Dr. Richard Johnson seconded the motion to approve proposed amendments to California Code of Regulations section 2065.6.

The motion carried 6-0.

Ms. Williams, RVT reported the RVT Committee also reviewed RVT veterinary technology program examination pass rates and that a letter has been drafted for the program not currently meeting the requirements in regulation for pass rates. The Radiation Safety Guide will be posted on the Board's website by August 17, 2012.

### **B. Discuss Proposed Language for Alternate Route Program Approval**

#### **i. AB 2296 (Block) – California Private Postsecondary Education Act of 2009**

The Board discussed Assembly Bill (AB) 2296 and the impact to RVT veterinary technology programs.

- **Linda Starr motioned and Judie Mancuso seconded the motion for the Board to take a “watch” position on Assembly Bill 2296.**
- **The motion carried 6-0.**

### **C. Discuss Regulation Cleanup - “Unregistered Assistant” to “Veterinary Assistant”**

Ms. Geranen reported that if AB 1839 is approved Board staff would need to amend regulation to change to the term “veterinary assistant”.

### **D. Discuss Status of RVT Exam Transition to National Vet Tech Exam**

#### **i. Update on Development of Law Exam**

### **E. Discuss Title Protection and Veterinary Technologist**

Ms. Williams, RVT reported the Committee discussed the title “veterinary technologist” and whether it should be a protected term for certain qualified registrants. Michelle Rash and Sherri Reichardt spoke on the need for protection of the term and that their position is supported by the AVMA. The Board recommended Ms. Rash and Ms. Reichardt contact their legislator in order to get a legislative bill drafted.

### **F. Military Experience as a Qualification for Licensure**

Ms. Geranen offered that staff could research requirement for military experience as a qualification for licensure, how they fit into existing requirements, and add to the RVT Committee agenda.

## **12. Legislation/Regulations Committee Report**

### **A. Discuss 2012 Legislation**

#### **i. SB 969 (Vargas) – Pet Groomers**

Greg Pruden reported the DCA has concerns with the title protection of pet groomers and that Senate Bill (SB) 969 may not solve ongoing issues with potential harm to animals by pet groomers.

#### **ii. AB 1839 (Ma) – Administration of Drugs**

Mr. Pruden reported the DCA convened a stakeholders meeting to discuss the legality of fingerprinting for a background check, what a background check encompasses, and that only government entities can require fingerprinting.

The Board discussed the requirements in the proposed AB 1839 to provide background checks by 2015 and whether the Board could define a background check. The Board agreed to research for the creation of a registration program for veterinary assistants.

#### **iii. SB 1162 (Runner) – Animal Control Officers/Controlled Substances**

Shela Barker reported the Attorney General has opined that animal control officers cannot administer controlled substances without veterinary supervision. SB 1162 would allow animal control officers to administer controlled substances with and background check and Board approved training. The Board has the authority to draft regulations to address the authority of veterinarians to distribute controlled substances to animal control officers.

- **Judie Mancuso motioned for the Board to support Senate Bill 1162.**

#### **iv. SB 850 (Leno) – Medical Records**

Ms. Barker reported SB 850 is conceptual in reference to the Board drafting similar language for electronic medical record keeping.

- **Dr. Richard Sullivan motioned to refer electronic medical record keeping requirements to the Multidisciplinary Advisory Committee.**

Ms. Barker opined the Board may not need statutory authority to draft regulation requirements for electronic medical record keeping. Ms. Geranen added that a concern is the locking of electronic medical records against editing them at a later time.

- **Judie Mancuso motioned and Dr. Richard Sullivan seconded the motion to refer electronic medical record keeping requirements to the Multidisciplinary Advisory Committee for research.**
- **The motion carried 6-0.**

### **B. Discuss Options for Implementing SB 1441**

#### **C. Review Regulation Calendar**

Ms. Barker reported the DCA recommends the Board implement the entirety of SB 1441 but that legal counsel has drafted three options for the Board to consider. Ms. Barker and the Board reviewed and discussed the three options for implementing SB 1441, whether all boards would adopt the same option, and how to define a substance abusing licensee.

- **Dr. Richard Sullivan motioned and Kim Williams, RVT seconded the motion to adopt Option #3 for implementing Senate Bill 1441.**
- **The motion carried 6-0.**

**13. Enforcement Committee Report – Dr. Richard Johnson**  
**A. Enforcement Program Report – Staff**

Dr. Johnson recommended adding on the premise renewal permit that, as a condition of renewal, the premise permit holder has reviewed the Hospital Self-Inspection Checklist. The Board agreed to discuss the suggestion at a future meeting.

Ms. Geranen reported staff researched making cease and desist letters public and has instead recommended cease and desist information be included in the preliminary letter.

Ms. Geranen reported a case on unlicensed activity in Ventura County led to a conviction and the DCA is preparing a press release to this effect. There are 72 pending formal discipline cases, the most the Board has ever had and that this has caused a significant workload issue on staff. Staff will look into the spike in cite and fine cases in Fiscal Year 2006/2007.

**B. Board Member Enforcement Training – January 2013**

The Board agreed to hold enforcement training on January 29, 2013 and before its meeting on January 30-31, 2013.

**C. Discuss CE Programs for Probationers**

Dr. Johnson suggested the MDC research a Physician Assessment and Clinical Education program for probationers. The University of California Davis would assist in starting a program and Board staff could provide the potential number of probationers that would utilize the program. The Board discussed whether to pursue the creation of a Physician Assessment and Clinical Education Program and who would conduct research of a program.

- **Judie Mancuso motioned and Kim Williams, RVT seconded the motion to refer research on a Physician Assessment and Clinical Education program to the Multidisciplinary Advisory Committee.**
- **The motion carried 6-0.**

**14. Discuss and Consider Adopting Disciplinary Guidelines**

The Board discussed the Disciplinary Guidelines made amendments to the Guidelines.

- **Linda Starr motioned and Judie Mancuso seconded the motion to approve the Disciplinary Guidelines as amended and authorize staff to issue a 15-day Notice and if no negative comments are received in the public comment period to move forward with the rulemaking file.**
- **The motion carried 6-0.**
- **Dr. Tom Kendall motioned and Dr. Richard Johnson seconded the motion to authorize staff to make any non-substantive changes to the Disciplinary Guidelines.**
- **The motion carried 6-0.**

- **Judie Mancuso motioned and Linda Starr seconded the motion use titles for public members in the Disciplinary Guidelines.**
- **The motion carried 6-0.**
- **Dr. Richard Sullivan motioned and Linda Starr seconded the motion to update the version date to July 2012 in the Disciplinary Guidelines and in California Code of Regulations section 2006 and to remove Veterinary Medical Board officer titles.**
- **The motion carried 6-0.**

#### **15. Comments from Public/Outside Agencies/Associations**

Dr. Johnson requested the Board include a standing agenda item to review its Strategic Plan Action Plan. Dr. Kendall requested the Board discuss, at a future meeting, procedures for the Board Vice-President when the Board President position has been vacated.

#### **16. Agenda Items and Next Meeting Dates**

##### **A. Board Meetings**

- i. **September 5, 2012 – Sunset Review – Sacramento**
- ii. **October 23/24, 2012 – San Diego**
- iii. **January 21, 2013 – Board Member Enforcement Training**
- iv. **January 22/23, 2013 – Sacramento**
- v. **April 23/24, 2013 – Orange County**
- vi. **July 23/24, 2013 - Sacramento**

##### **B. Multidisciplinary Advisory Committee Meetings**

- i. **November 13/14, 2012**
- ii. **March 13, 2013**
- iii. **June 12, 2013**

#### **Adjourn**

- **Linda Starr motioned and Kim Williams, RVT seconded the motion to adjourn.**
- **The motion carried 6-0.**

The meeting adjourned at 3:40 p.m.