



MEETING MINUTES

Veterinary Medical Board
San Diego, California

October 16, 2012

1. Call to Order – Establishment of a Quorum

Veterinary Medical Board (Board) President Dr. Tom Kendall called the meeting to order at 9:30 a.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

Tom Kendall, DVM, President
Kim Williams, RVT, Vice-President
Richard Johnson, DVM
Richard Sullivan, DVM
Cheryl Waterhouse, DVM
Patti Aguiar, Public Member
Judie Mancuso, Public Member
Linda Starr, Public Member

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
Elizabeth Parker-Smith, Administrative Assistant

Guests Present

Valerie Fenstermaker, California Veterinary Medical Association
Ron Kelpé, DVM, California Veterinary Medical Association
Kristi Pawlowski, RVT
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association
Alex Henderson, RVT, Veterinary Allied Staff Education
Julianne D'Angelo Fellmeth, Center for Public Interest Law
Amber Littlejohn, Center for Public Interest Law
Nancy Scanlon, DVM, American Holistic Veterinary Medical Association

2. Discuss Executive Officer Evaluation

Ms. Geranen explained the evaluation is a standard format used by DCA. Kim Williams, RVT, has volunteered to compile the Board member comments and would like members to send their completed evaluations to her by January 1st so that she can collate the evaluations into a single document for the Board to discuss in closed session in January.

3. Approve June 12, 2012, July 24-25, 2012, and September 5, 2012 Meeting Minutes

- **Linda Starr motioned and Patti Aguiar seconded the motion to approve the June 12, 2012 Meeting Minutes.**
- **The motion carried 8-0.**
- **Patti Aguiar motioned and Kim Williams, RVT seconded the motion to approve the July 24-25, 2012 Meeting Minutes.**
- **The motion carried 8-0.**
- **Richard Johnson, DVM motioned and Judi Mancuso seconded the motion to approve the September 5, 2012 Meeting Minutes as amended.**
- **The motion carried 8-0.**

4. Sunset Review Pursuant to Business and Professions Code Section 4800

The Board reviewed the draft Sunset Report and suggested amendments. Dr. Kendall noted that any additional corrections or amendments should be forwarded to staff for inclusion into the sunset report.

- **Kim Williams, RVT motioned and Linda Starr seconded the motion to remove language referencing mandatory reporting requirement on page 43 and move the language under new issues to consider.**
 - **The motion carried 5-3.**
- A. Administrative Procedures Manual Update**
- i. **Discuss Policy for Vice Presidency Vacancy**
 - ii. **Discuss Two-Member Committee Process**

Board continued with Sunset Review discussion to put information on the Diversion Evaluation Committee (DEC) on the website and possibly develop a brochure, include in the January agenda a discussion on Board officers term periods.

The Board discussed further that the two member Board committees do not set Board policy but act in a research and advisory role. Ms. Geranen gave the history of the purpose of the two member committees.

- **Richard Sullivan motioned and Judie Mancuso seconded the motion to adopt the language on Page 11 of the Administrative Procedures Manual as amended.**
- **The motion carried 8-0.**
- **Linda Starr motioned and Richard Sullivan seconded the motion to adopt the language on Page 13 of the Administrative Procedures Manual as amended.**
- **The motion carried 8-0.**
- **Patti Aguiar motioned and Richard Sullivan seconded the motion to adopt the language as amended and remove “*at the direction of the full Board*” and change Public to “*Open*” on Pages 14/15 of the Administrative Procedures Manual as amended.**
- **The motion carried 8-0.**

- Kim Williams amended the previous motion for page 14 and Linda Starr seconded the motion to remove duplicate language from page 14 of the Administrative Procedures Manual.
- The motion carried 8-0.
- Richard Sullivan motioned and Linda Starr seconded the motion to adopt the language on Page 20 of the Administrative Procedures Manual as amended.
- The motion carried 8-0.
- Judie Mancuso motioned and Linda Starr seconded the motion to adopt the language on Page 16 of the Administrative Procedures Manual as amended.
- The motion carried 8-0.
- Richard Sullivan motioned and Linda Starr seconded the motion to adopt the amended Sunset Review Report, attach the amended Administrative Procedures Manual to the report and authorize staff to make non-substantive changes and send the report to the Department of Consumer Affairs for publication and then submission to the Legislature by November 1, 2012.
- The motion carried 8-0.

A. AB 1839 - Administration of Drugs
i. Certification of Veterinary Assistants

Staff directed to obtain more information on a law that has been in effect since 2010 as to the definitions of “background check” and “access” as used by the DEA for the January meeting.

5. Reinstatement Hearing

The Board held a public hearing for the petitioner requesting reinstatement with Deputy Attorney General, Ron Espinoza representing the state and Administrative Law Judge, Carla Nasoff presiding. The oral arguments were presented before the Board and public and the Board adjourned into closed session for deliberations with Judge Nasoff.

6. Closed Session

A. Deliberate and Take Action on Disciplinary Matters (Government Code section 11126(c)(3))

IA 2012 11

Stipulated Settlement and Disciplinary Order - Adopted

IA 2012 22

Default Decision and Order - Adopted

AV 2006 5

Stipulated Surrender of License and Order - Adopted

AV 2007 26

Stipulated Surrender of License and Order - Adopted

Recess

October 17, 2012

7. Call to Order – Establishment of a Quorum

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

Board Members Present

Tom Kendall, DVM, President
Kim Williams, RVT, Vice-President
Richard Johnson, DVM
Richard Sullivan, DVM
Cheryl Waterhouse, DVM
Patti Aguiar, Public Member
Judie Mancuso, Public Member
Linda Starr, Public Member

Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board
Paul Sanchez, Assistant Executive Officer
Rebecca Bon, Legal Counsel
Ethan Mathes, Administrative Program Coordinator
Sandra Monterrubio, Enforcement Program Coordinator
Elizabeth Parker-Smith, Administrative Assistant

Guests Present

Don Chang, Legal Counsel
Valerie Fenstermaker, California Veterinary Medical Association
Ron Kelp, DVM, California Veterinary Medical Association
William Grant, DVM, Multidisciplinary Advisory Committee
Kristi Pawlowski, RVT
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association
Leslie Boudreau
Alex Henderson, RVT, Veterinary Allied Staff Education
Julianne D'Angelo Fellmeth, Center for Public Interest Law
Amber Littlejohn, Center for Public Interest Law
Nancy Scanlon, DVM, American Holistic Veterinary Medical Association
Reichel Everhart, DCA
Laurie Joniaux, County of San Diego Dept. of Animal Services
Trish Denick, CAAPT

8. Executive Officer Report

Sue Geranen spoke about a request from legal counsel to add the cover memorandums for each line item on the agendas to provide background information and also a guideline for the action. Discussion on these memorandums indicated that the Board felt they were extremely helpful and the members asked that they be continued to be used for future agenda's.

9. Administrative/Budget Committee Report

A. Staff Program Report

B. Review Budget, Revenue, Expenditure Projections for 2011/2012, and Budget Fund Condition Status

C. Update on CPS Contract Proposal for Succession Planning and Board Staff Allocations

D. Strategic Plan Update

Paul Sanchez reported on the increases in the enforcement case load and the increases in the cases that have gone to the Attorney General's Office. Currently there is no state hiring freeze and staff is interviewing for the Enforcement/Probation Coordinator position. Mr. Sanchez provided updated the information on the request to move to the new HQ2 building located behind the current Headquarters office for the Department of Consumer Affairs (DCA) to be in line for June 2013.

Mr. Sanchez noted that staff is continuing to work on the CPS Contract Proposal for Succession Planning and Board Staff Allocations, will ask CPS representatives to come to the January meeting to give the Board a status report.

10. Legislation/Regulations Committee Report

A. 2011/12 Legislation Update

i. SB 1162 - Animal Control: Tranquilizers

B. 2012/13 Legislation

i. Sunset Bill

ii. SB 616 - Controlled Substances Reporting

iii. AB 1424 - Outstanding Tax Obligations

Ms. Geranen reported that staff will draft letters to be sent to animal control entities with concerns on use of tranquilizers and that staff is monitoring the CURES Bill.

C. 2012/13 Regulations

i. Pet Lovers License Plate Proposed Regulations

ii. Review Regulation Calendar

Judie Mancuso reported on the status of the Pet Lovers License Plate proposed regulations. The program must be up and running no later than June 2013 with the required number of plates, 7,500, sold or the project will end. The Pet Lovers License Plate non-profit is proposing to do some fund raising so that there would be scholarships for Pre-Vet, RVT students and Faculty within Western University, UC Davis and the RVT schools in the hopes that it would help us meet the threshold of 7,500 plates sold.

Erika Hughes and Laurie Joniaux spoke to the Board about the possibility of distribution of the funds to low income individuals and programs and how that would be defined. There was some discussion but no final decision.

- **Richard Sullivan motioned and Patti Aguiar seconded the motion to explore Dr. Ron Kelpé's suggestion of a voucher program to be modeled after a program already in use by the City of Santa Ana.**
- **The motion carried 8-0.**

11. Enforcement Committee Report

A. Staff Program Report

i. Hospital Inspection Program Update

ii. MDC and Board Member Enforcement Training

iii. Hospital Inspection Checklist Review Requirement for Renewal

B. Discuss CPEI Proposed Regulations

Dr. Richard Johnson reported a 15% increase in consumer complaints. He requested to make improvements to the expert reviewers and the possibility of using the witness training video currently used by the Medical Board. He proposed to add Dr. Sullivan to the Enforcement Committee to increase it to a 3 member committee to be able to address issues and notes before the Board meetings

Dr. Johnson noted that the Hospital Standards Self Evaluation Checklist's have been mailed out to all registered premises in California and staff is sending the checklist out to all new registered premises. The document is also available on the Board's web site.

Don Chang discussed the concept of the Consumer Protection Enforcement Initiative (CPEI) and indicated that the Board needs to consider the portions of the proposal that may only apply to human medicine and what is already in current law.

- **Judie Mancuso motioned and Richard Sullivan seconded the motion to refer the CPEI proposed regulations to the Enforcement Committee for review and to bring it back to the Board with more information for the January meeting.**
- **The motion carried 8-0.**

Uniform Standards are related to substance abuse by licensees and are mandated by statute – the Board does not have discretion to change the Uniform Standards themselves, it only has the discretion to determine when they may be triggered.

- **Richard Johnson motioned and Linda Starr seconded the motion to move forward with Option #3 of the Uniform Standards and to initiate a rulemaking package.**
- **The motion carried 8-0.**

12. Exam VET/RVT Committee Report

- A. Discuss Status of RVT Exam Transition to National Veterinary Tech Exam**
 - i. Proposed Regulation Changes for RVT National Exam Transition**
 - a. RVT Law Exam Plan Update**
- B. Alternate Route RVT Programs Concept Language**

Kim Williams gave report with continued concerns on the transition to the National Veterinary Tech Exam (VTNE). The next two (2) member committee meeting to be held in Sacramento on November 7, 2011

Legal Counsel Rebecca Bon stated that she will research the provisions of Business and Professions Code, Section 4841.4 related to the proposal to administer a law exam in conjunction with the VTNE and bring information back to the Board at a future meeting.

Ms. Geranen reported that staff will send out letters requesting feedback on Alternate Route Registered Veterinary Technician program proposed concept regulations.

13. Multidisciplinary Advisory Committee Report

- A. Report on Status of Regulatory Projects**
 - i. Citation and Fine Guidelines and Regulations**
 - ii. Animal Rehabilitation**
- B. Discuss MDC Vacancy**

Dr. William Grant reported that the Multidisciplinary Committee (MDC) is 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 November meeting.

The Cite and Fine guidelines and regulations will be discussed at the November MDC meeting.

Ms. Geranen reported that there is currently a vacancy on the MDC. There was some confusion about the meeting dates which resulted in one candidate being unable to attend so the interviews were moved to the January Board meeting in Sacramento. The application period will be extended to January 11, 2013.

14. Comments from Public/Outside Agencies/Associations

There were no comments from public/outside agencies/associations

15. Agenda Items and Next Meeting Dates

A. Agenda Items for Next Meeting

B. Board Meetings

- i. January 29-31, 2013 – Sacramento (1/29 - Board Member Enforcement Training)**
- ii. April 23-24, 2013 – Orange County**
- iii. July 23-24, 2013 – Sacramento**
- iv. October 22-23, 2013 – San Diego**

C. Multidisciplinary Advisory Committee Meetings - Sacramento

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

The MDC enforcement training scheduled for November was moved to March 12, 2013.

Adjourn

- Linda Starr motioned and Cheryl Waterhouse seconded the motion to adjourn.**
- The motion carried 8-0.**

The meeting adjourned at 3:20 p.m.