



MEETING MINUTES
Veterinary Medical Board
Riverside, California

Tuesday, October 22, 2013

Roll Call and Establishment of a Quorum

Board Members Present

Tom Kendall, DVM, President
Kim Williams, RVT, Vice-President
Mark Nunez, DVM
Richard Sullivan, DVM
Cheryl Waterhouse, DVM
Patti Aguiar, Public Member
Elsa Florez, Public Member
Judie Mancuso, 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
Liz Parker-Smith, Administrative Analyst
Karen Robison, Administrative Analyst

Guests Present

James, Ahler, Administrative Law Judge
Desiree Tulleners, Deputy Attorney General
Erin Sunseri, Deputy Attorney General
Bonnie Lutz, Attorney
Kimberly Kadolph, Court Reporter
Byoung Hah, DVM
Sunny Hah
George Grant, DVM
Bonnie Grant
Dr. Robert Olds
Gene Cully
Kristen Williams

Tom Kendall, DVM called the meeting to order at 8:40 a.m. Sue Geranen, Executive Officer (EO) called roll; eight members of the Board were present and thus a quorum was established. Dr. Kendall read the Department of Consumer Affairs (DCA) meeting rules, Roberts Rules of Order.

1. Approve July 23-24, 2013 and September 11, 2013 Meeting Minutes

- **Dr. Richard Sullivan motioned and Kim Williams, RVT seconded the motion to approve the July 23-24, 2013 Meeting Minutes as amended. The motion carried 8-0**

- **Patti Aguiar motioned and Kim Williams, RVT seconded the motion to approve the September 11, 2013 Meeting Minutes. The motion carried 8-0**

2. Reinstatement Hearing – Byoung Hah

Deputy Attorney General (DAG) Desiree Tulleners opened the reinstatement hearing presenting the case against Dr. Grant. Bonnie Lutz presented the case to reinstate the license of Dr. Hah. Dr. Hah answered questions from DAG Tulleners and members of the Board. DAG Tulleners summarized the Board's case and Ms. Lutz presented the final summary. Administrative Law Judge (ALJ) Ahler closed the hearing and the Board went into closed session with the Judge to discuss the case.

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

4. Reinstatement Hearing – George Grant

DAG Erin Sunseri opened the reinstatement hearing presenting the case against Dr. Grant. George Grant presented his case to reinstate his license. Dr. Grant answered questions from DAG Sunseri and members of the Board. Bonnie Grant, Kristen Williams, Dr Robert Olds, and Gene Cully spoke on behalf of Dr. Grant. DAG Sunseri summarized the Board's case and Dr. Grant presented his final summary. ALJ Ahler closed the hearing and the Board went into closed session with the Judge to discuss the case.

5. Closed Session - Deliberate and Take Action on Disciplinary Matters (Government Code section 11126(c)(3))

Wednesday, October 23, 2013

Roll Call and Establishment of a Quorum

Board Members Present

Tom Kendall, DVM, President
 Kim Williams, RVT, Vice-President
 Mark Nunez, DVM
 Richard Sullivan, DVM
 Cheryl Waterhouse, DVM
 Patti Aguiar, Public Member
 Elsa Florez, Public Member
 Judie Mancuso, Public Member

Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board
 Paul Sanchez, Assistant Executive Officer
 Rebecca Bon, Legal Counsel
 Diann Sokoloff, SDAG, Board Liaison
 Ethan Mathes, Administrative Program Coordinator
 Sandra Monterrubio, Enforcement Program Coordinator
 Liz Parker-Smith, Administrative Analyst
 Karen Robison, Administrative Analyst

Guests Present

Jeff Backus, California Registered Veterinary Technician Association
 Kellie Boiston, CPTA, CAAPT
 Dr. Tanya Doman, PT, APTA
 Allan Drusys, Multidisciplinary Advisory Committee

Nancy Ehrlich, California Registered Veterinary Technician Association
Dr. Tanya Doman, PT, APTA
Val Fenstermaker, California Veterinary Medical Association
William Grant II, DVM, Multidisciplinary Advisory Committee
Liz Hughson, RVT, VTS, California Registered Veterinary Technician Association
Ron Kelpel, DVM, California Veterinary Medical Association
Christine Lowlie, DCA
Allyne Moon, California Registered Veterinary Medical Association
Kristi Pawlowski, California Veterinary Medical Association
Trish Penick, CPTA, CAAPT
Dan Segna, DVM, California Veterinary Medical Association
Dr. James Syms, California Physical Therapy Association
Jessica Underwood
Dayna Weidenkeller, California Veterinary Medical Association

Tom Kendall, DVM called the meeting to order at 9:40 a.m. Sue Geranen called roll; eight members of the Board were present and thus a quorum was established. Dr. Kendall read the Department of Consumer Affairs (DCA) meeting rules, Roberts Rules of Order.

Ceremonial Swearing In of New Veterinary Medical Board Member

Ms. Geranen swore in Mark Nunez, DVM as the newest member of the Veterinary Medical Board.

6. Strategic Plan Update **A. Review Action Items**

The Board Strategic Planning Committee met in October and updated the current Strategic Plan which runs through 2014. The Strategic Planning Committee will meet in April 2014 to update the strategic plan.

7. Election of Officers

- **Richard Sullivan, DVM nominated Dr. Kendall for the office of President. Kim Williams, RVT seconded the nomination.**

Dr. Kendall ran for the office of President uncontested. The nomination carried 8-0

- **Patti Aguiar nominated Judy Mancuso for the office of Vice President. Elsa Florez seconded the nomination.**
- **Dr. Sullivan nominated Ms. Williams, RVT for the office of Vice President.**

Ms. Mancuso gave a statement as to her reasons for wanting to serve as the Board Vice President.

Ms. Williams, RVT gave a statement as to her reasons for wanting to continue to serve as the Board Vice President.

Ms. Williams, RVT was elected to the office of Vice President by a vote of 4-3.

8. Executive Officer Report

Ms. Geranen reported the Sunset Review was signed and extended the Board for two years. The Board will receive questions in the spring of 2014 and will need to respond to them by November 14, 2014. Sunset Review bill will be introduced to extend the Board in 2015.

Ms. Geranen thanked Ethan Mathes for his hard work on the Minimum Standard regulations which will become effective January 1, 2014.

9. Administrative/Budget Committee Report

The Board has extended offers for the cashier and enforcement intake positions with tentative starting dates in November 2013. Allison Nagao-Dutra was promoted to the Inspection/Probation Monitor position. The Board has been given approval to fill the Special Investigator position and we are recruiting for the position.

The tentative move in date for the Board's new office is mid-December. The Board meetings will be televised at the new location. Information about the office relocating including the new address and phone number will be posted on the website and announced in the newsletter.

A. Assistant Executive Officer's Program Report

The Continuing Education (CE) audits were successful however; there were a few provider issues. CE can be a newsletter article that addresses acceptable CE.

i. Diversion Evaluation Committee Update

The Diversion Evaluation Committee (DEC) is recruiting to fill a vacant position on the committee. Three additional DEC positions are coming up for reappointment in June 2014. The Board will advertise open positions on the website and in the newsletter.

B. Review Budget, Revenue, Expenditure Projections for 2013/14 and Budget Fund Condition

Paul Sanchez stated the budget is fine at this time however; we will most likely spend all our money this year. There is room for the Board to grow with the move to the new office. The cost of the move will be paid out of the Architectural Revolving Fund (ARF) which was set up in 2012.

The Board currently has ten months of expenses in reserve. The reserve funds will gradually be reduced to seven months with the hiring of additional staff and will level off with five months in the reserve fund. Dr. Kendall expressed frustration at being prohibited from hiring staff when we clearly have the funds available for salaries.

Judie Mancuso questioned the vacation payout in the budget. It was explained when staff retires from the Board vacation/annual leave is paid out at that time. Ms. Mancuso asked if the leave was monitored. Mr. Sanchez noted Human Resources (HR) is the policy maker and Ms. Geranen commented that management watches to keep staff under the maximum leave cap.

There are plans to update the hospital inspection checklist in January 2014. The goal for hospital inspections is 20% per year and to include new hospitals in the inspection process once they have been in business for at least three years because they are usually in compliance the first few years the business is open.

Mark Nunez, DVM asked if there was an average cost for cases that go to the Attorney General (AG). Diann Sokoloff, SDAG stated the cost of prosecuting a case cannot be anticipated. Mr. Sanchez said cases can be put on hold and Ms. Geranen noted the EO could postpone hearings to fund critical cases. Ms. Mancuso asked if anything can be stopped and Mr. Sanchez noted hospital inspections were staying in the budget however, Sandra Monterrubio stated there will be a significant decrease in inspections this year. Dr. Nunez wanted to clarify that hospital inspections would be stopped if the board became short on funds. Mr. Sanchez stated high priority inspections would continue and Ms. Geranen noted the Board would work with DCA if the Board became low on funds.

C. Update on CPS Report for Succession Planning

The CPS report is available for review and will be discussed it at the next meeting. Mr. Sanchez noted the report analysis shows why the Board needs additional staff and stated that one person working each desk and the desk knowledge not being shared is not good business practice. Basic training and desk manuals would help others step in and work any desk. CPS studied Rank and File personnel and an extension of the contract would need to be entered into in order to include management in the study.

D. American Association of Veterinary State Boards (AAVSB) Update

Dr. Kendall reported the clinical skills assessment examination, for PAVE candidates, was not renewed and the National Board of Veterinary Medical Examiners (NBVME) would not sell the examination to the AAVSB. Kim Williams, RVT reported the next three Veterinary Technician National examinations are ready to go.

Dr. Kendall reported the Veterinary Information Verifying Agency (VIVA) is working on implementing a continuing education registry to assist veterinarians and veterinary technicians in tracking the continuing education they earn. Patti Aguiar asked if there could be a link for computerized submission. Ms. Geranen noted this might be possible after the Breeze system is implemented.

Jeff Backus, RVT inquired about the transition to the Veterinary Technician National Examination (VTNE) and when information on the examination would be given out. Ethan Mathes stated the VTNE information would be on the Board website within a month. The fee to take the VTNE was brought up and Dr. Kendall reported lowering the cost was requested two years ago and was not approved. Ms. Mancuso asked if a cost analysis could be performed. Ms. Geranen stated a cost analysis was being worked on and should be ready for the January or April 2014 Board meeting. Clarification of when the last day of the current RVT examination would be and when the new California RVT law examination would begin was requested and it was Ms. Geranen noted applications to apply to take the VTNE and the RVT CA law examination would be accepted beginning March 1, 2014.

10. Consumer Education/Newsletter Committee Report

Ms. Aguiar reported the next edition of News and Views, the Board newsletter, is in process. A few of the articles will be the VTNE transition and updates on SB 304, the Multidisciplinary Advisory Committee (MDC), and the Board move. Those who are contributing articles to the newsletter need to be aware the last day for article submission is October 29, 2013.

11. Legislation/Regulations Committee Report

A. 2012/13 Legislation

i. SB 304 – Sunset

SB 304, extending the Board until January 1, 2016, was signed by Governor Jerry Brown and filed with the Secretary of State on October 3, 2013. Ms. Mancuso noted this Board would be back for Sunset Review in 2015. SB 304 expands the MDC by two members. The two new members from the Board will be appointed by the board president. Richard Sullivan, DVM and Ms. Williams, RVT have been appointed by Dr. Kendall to serve on the MDC.

ii. SB 809 – CURES

SB 809, the CURES Fund, was signed by Governor Jerry Brown and filed with the Secretary of State on September 27, 2013. This bill will become effective for veterinary licensees whose renewal period begins April 1, 2014 and does not affect RVT's at this time.

B. License Plate Regulations (16 CCR 2090 et. seq.)

Pet Lovers sequential license plates are beginning to be sent out and personalized plates are expected to begin going out in November 2013. The first Pet Lovers license plate report is due in November.

i. Discuss Comments from the October 8, 2013 Public Hearing

The Pet Lover license plate public hearing was held on October 8, 2013 and the board received no comments during the 45-day comment period.

ii. Discuss Language and Consider Adoption Prior to Submission to OAL for Final Approval

- **Ms. Mancuso motioned and Ms. Williams, RVT seconded the motion to make non-substantive changes to the language and move forward with the rulemaking package. The motion carried 8-0**

C. Animal Control Officer Training Proposal

Dan Segna, DVM, of the California Veterinary Medical Association (CVMA) along with members the state humane society and animal control directors developed a proposed training program and a draft of the training guide is included for the Board to review. Dr. Segna noted drugs are not listed because they change over time and the animals involved can be wild or domestic. Dr. Sullivan stated it was a good model and to move forward to the next step. Dr. Kendall thanked everyone involved in working on the proposal for their hard work.

- **Dr. Richard Sullivan motioned and Ms. Judie Mancuso seconded the motion to approve the proposed guidelines and move forward with the regulation package. The motion carried 8-0**

D. 2013/14 Regulations

i. Review Proposed Animal Rehabilitation Language and Initial Statement of Reasons

1. Discuss and Consider Scheduling a Public Hearing

The Board discussed the proposed animal rehabilitation (AR) language and Initial Statement of Reasons (ISR). Ms. Aguiar surmised the logistics of having a veterinarian directly supervising AR at a large animal facility "was not going to happen". Dr. James Syms thanked all for their hard work on AR. Dr. Syms noted as a doctor, if I have faith in an animal physical therapist (APT), I should be able to make the decision to refer a case to them and if I do not have the discretion to refer a case it usurps my business/professional authority. Dr. Nunez asked if PT's could add certificates to their degree. Dr. Syms agreed that PT's can add certificates to their degree and that they take extra AR training to work on animals. Ms. Williams, RVT asked where the jurisdiction on an injury to an animal due to AR would lie. Ms. Geranen stated PT is unlicensed activity and the veterinarian would ultimately be responsible for an injury.

- **Dr. Richard Sullivan motioned and Dr. Mark Nunez seconded the motion to move forward with the rulemaking process and schedule a hearing in January 2014. The motion carried 8-0**

ii. Update on Minimum Standards Regulations

E. Review Regulation Calendar

12. Multidisciplinary Advisory Committee Report

- A. Report on Status of Regulatory Projects**
- B. Review November 2013 Draft Agenda**

Dr. William Grant II discussed the items the Multidisciplinary Advisory Committee (MDC) will work on at the November MDC meeting. The discussions on telehealth/telemedicine and implementing a university faculty license will be lengthy. Dr. Grant noted it took four years to complete Minimum Standards and thanked Mr. Mathes for a job well done.

13. Enforcement Committee Report

- A. Enforcement Program Manager's Report**

Sandra Monterrubio reported an offer was made for the enforcement/intake position and the tentative start date is in November. Allison Nagao-Dutra has been promoted to the Inspection Coordinator and Probation Monitor position. Division of Investigations continues to lend one staff member two days a week to assist with the backlog.

- B. CPEI Update**
- C. Review July 2012 Disciplinary Guidelines**

14. Exam Vet/RVT Committee Report

- A. Exams/Licensing Program Manager's Report**

Mr. Mathes reported the transition to the (VTNE) is ready for a March 2014 release. Board staff is working on the examination plan and reference material, getting the information up on the Board website and distributed out to the profession in November 2013.

- B. Review November 2013 Draft Agenda**

The Board discussed the Registered Veterinary Technician Task Force November 2013 agenda and Ms. Williams, RVT clarified the dates of the MDC and RVT Task Force November 2013 meeting dates.

15. Comments from Public/Outside Agencies/Associations

Ms. Ehrlich reported that National Veterinary Technician week is the third week of October and to request the Governor sign a resolution recognizing RVT week the resolution needs agency support.

Dr. Sullivan requested Ms. Bon review the hearing guidelines to correct the issues the ALJ had with some areas of the instructions.

Dr. Sullivan questioned where continuing education certificates need to be held, work versus home, when a hospital inspection occurs.

Ms. Williams, RVT noted there is a grey area between sedation and anesthesia and that the medication being used is the difference between the two.

16. Agenda Items and Next Meeting Dates

- A. Agenda Items for Next Meeting**
- B. Board Meetings**
 - i. January 21/22 or 28/29, 2014 - Sacramento**
- C. Multidisciplinary Advisory Committee Meetings - Sacramento**
 - i. November 13, 2013**
- D. RVT Task Force Meeting - Sacramento**
 - i. November 14, 2013**

**Thursday, October 24, 2013
9:00 a.m. to Completion of Board Business
Mission Inn**

Roll Call and Establishment of a Quorum

Board Members Present

Tom Kendall, DVM, President
Kim Williams, RVT, Vice-President
Mark Nunez, DVM
Richard Sullivan, DVM
Cheryl Waterhouse, DVM
Patti Aguiar, Public Member
Elsa Florez, Public Member
Judie Mancuso, Public Member

Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board
Rebecca Bon, Legal Counsel

Dr. Kendall called the meeting to order at 9:00 a.m. Ms. Geranen called roll; eight members of the Board were present and thus a quorum was established. The Board immediately went into closed session.

Closed Session

17. Interviews and/or Selection of Executive Officer (Government Code section 11126(a)(1))

The Board held interviews for the position of Executive Officer to take over for Ms. Geranen who is retiring November 30, 2013.

Open Session

Adjourn