

**Veterinary Medical Board**

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**DRAFT MEETING MINUTES  
VETERINARY MEDICAL BOARD  
ANIMAL REHABILITATION TASK FORCE**

**Monday, June 20, 2016**

1747 N. Market Blvd. – 1<sup>st</sup> Floor Hearing Room  
Sacramento, California

**Note:** *All motions in the minutes are italicized for reference.*

**TASK FORCE MEMBERS**

**Board and Committee Members Present**

Mark Nunez, DVM, President – *Veterinary Medical Board*

Lee Heller, PhD, J.D. – *Veterinary Medical Board*

Jon Klingborg, DVM, Chair – *Multidisciplinary Advisory Committee*

**Licensed Professional Stakeholders Present**

Karen Atlas – *California Association of Animal Physical Therapists (CAAPT)*

Sandy Gregory, RVT – *California Registered Veterinary Technician Association (CaRVTA)*

Kristen Hagler, RVT – *Academy of Physical Rehabilitation Veterinary Technicians*

Spring Halland, DVM – *Western University of Health Sciences, College of Veterinary Medicine*

Carrie Schlachter, DVM – *Northern Association of Equine Practitioners*

James M. Syms, PT, DSc – *California Physical Therapy Association (CPTA)*

Erin Troy, DVM – *Certified Animal Rehabilitation Therapist*

Janet Van Dyke, DVM – *Canine Rehabilitation Institute (CRI)*

Jessica Waldman, DVM – *Certified Veterinary Acupuncturist*

Po Yen Chou, DVM – *University of California, Davis (UCD)*

**Other Stakeholders Present**

Shelah Barr – *Consumer and Animal Masseuse*

Nicole Billington – *California Senate Fellow, Business, Professions and Economic Development  
Committee*

Carrie Ann Calay – *Consumer*

Valerie Fenstermaker – *California Veterinary Medical Association (CVMA)*

Elissa Silva, Consultant – *California Assembly Committee on Business and Professions*

**Guests Present**

Richard Sullivan, Board Member

Cindy Savely, RVT, Sacramento Valley Veterinary Technician Association

Tara Welch, Department of Consumer Affairs Legal Affairs

Jason Kaiser, Executive Officer, Physical Therapy Board of California

Tameka Island, California Physical Therapy Association

Linda Tripp, University California Davis

Cris Forsyth, California Chiropractic Association

Dr. Diane Isbell, DVM

## 1. **Call to Order**

Chair Nunez called the Task Force meeting to order at 10:10 a.m.

## 2. **Welcome and Introductions**

Those present introduced themselves.

## 3. **Opening Statement – Dr. Nunez, Chair of the Task Force**

Chair Nunez provided opening remarks regarding the composition of the taskforce; the selection process of the members, and the over-arching goal of the taskforce to develop a recommendation before the Veterinary Medical Board. Chair Nunez reminded the taskforce members that they are individually agents/or an extension of the Board and as such, their goals should not be to further their professional, financial, or other personal interests, but instead to work on a solution that will serve the consumer.

## 4. **Review of the Objective of the Board’s Task Force (Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board)**

Ms. Del Mugnaio reviewed the items in the background document related to the history of the issue before the Task Force, that being Animal Rehabilitation (AR) its inclusion in the most recent Sunset Review Report as submitted to the Legislature in 2015 and 2016, respectively. She explained the goal of the Task Force is to develop a recommendation to the Veterinary Medical Board regarding an approach to regulating individuals who provide AR. The VMB is to make a recommendation to the Legislature by January 2017.

Ms. Del Mugnaio explained that the Task Force is not: attempting to craft statutory language, change the provisions related to Chiropractic Medicine, or discuss areas that are not considered the practice of veterinary medicine.

## 5. **Review of the Mission and Vision of the Veterinary Medical Board: Consumer Protection (Executive Officer)**

Ms. Del Mugnaio read the Board’s Mission Statement, Vision Statement, and reviewed the statutory mandate, of BPC 4800.1 Priority of the Board and Protection of the Public.

## 6. **Review of Applicable Statutes and Regulations (Kurt Heppler, Supervising Counsel, Department of Consumer Affairs)** **A. Open Meeting Act**

Mr. Heppler provided an overview of the Open Meeting Act, and the general governance structure and responsibilities of the Veterinary Medical Board and the Physical Therapy Board.

Mr. Heppler reminded Task Force members that they should not exchange emails amongst one another regarding agenda items, positions, or background material. He stated that if a member has information to share with the Task Force, the information should be shared with Ms. Del Mugnaio or staff.

## **7. Discussion of the Scopes of Practice of Veterinarians, Registered Veterinary Technicians, Unlicensed Assistants and Physical Therapists**

Vice Chairman Dr. Klingborg addressed the scope of practice of veterinary medicine and the issue of animal medicine. He stated that every practitioner has the responsibility to only practice such aspects of veterinary medicine that the individual is competent to provide. Training in specific practice areas often occurs through professional growth opportunities including partnering with specialists in human medicine for clinical training as well as continuing education opportunities. He stated that unlike the human medicine model, veterinary medicine includes every aspect of animal medicine.

Mr. Heppler provided an overview of scope of practice of veterinary medicine in terms of how the scope of practice is formulated. The Legislature is the chief policy maker in the state and sets the boundaries of practice. Mr. Heppler cited the practice definition as provided for in Business and Professions Code (BPC) Section 4826. He also stated that the practice of veterinary medicine includes holding oneself out as a veterinarian.

Dr. Sims provided a statement regarding the extensive training of physical therapists. He commented on the mission statement of the Veterinary Medical Board to protect the consumer and the overly broad nature of the veterinary medicine practice definition that he hopes to help clarify.

Dr. Sims commented that physical therapists undergo three years of professional training on rehabilitative therapies and that physicians recognize physical therapists as the expert on rehabilitation therapies.

Mr. Heppler explained how the Practice Act may be amended to address others that may provide some aspects of veterinary practice, or the Practice Act may exclude some aspects of veterinary medicine from licensure.

Dr. Sims addressed the use of the term “Physical Therapy” or “Physiotherapy” as a protected term in California.

The Task Force discussed changing the term from “Animal Rehabilitation” to “Animal Physical Rehabilitation.”

Mr. Kaiser provided a statement regarding title protection of the term “Physical Therapy” and indicated that the term is actually in the Chiropractic Practice Act. Mr. Kaiser recommended that Mr. Heppler address the issue of title protection in terms of consumer awareness.

Mr. Heppler suggested that the Task Force move forward with a recommendation regarding the most appropriate title for the purpose of transparency and clarity for the consumer and not limit itself due to title protection.

*M/S/C - Vice Chairman Klingborg moved and Dr. Troy seconded the motion to change the term to Animal Physical Rehabilitation. The motion was subsequently deferred temporarily for further discussion regarding the definition of AR.*

Vice Chairman Klingborg referenced the Multidisciplinary Advisory Committee’s (MDC’s) recommended language regarding the definition of AR and provided background as to the evolution of the language, that being in response to hundreds of comments and letters of concern regarding the Board’s initial proposal which included direct supervision requirements as well as wellness modalities.

Dr. Van Dyke provided definitions of AR from both the American College of Veterinary Sports Medicine and Rehabilitation, and the American Association of Rehabilitation Veterinarians.

Dr. Van Dyke paraphrased that The American College of Veterinary Sports Medicine and Rehabilitation references the restoration of normal form and function after injury or illness. She stated that the American Association of Rehabilitation Veterinarians definition focuses on restoration of function.

Ms. Atlas offered an expanded definition of AR, that it remediates impairments and promotes mobility improves function and quality of life through examination Pathofunctional diagnosis, Pathofunctional prognosis, establishing goals, treatment plan development, education, prevention, and physical intervention.

Vice Chairman Klingborg read information from an Animal Physiotherapy book which states: “the therapeutic use of physical agents or means to treat disease or injury.” He also referenced a statement from the 1996 American Veterinary Medical Association House of Delegates which determined that, “veterinary physical therapy is the corrective use of non-invasive techniques excluding veterinary chiropractic for the rehabilitation of injuries for non-human animals.”

Ms. Heller suggested creating a section separate from the definition of AR to exclude specific modalities

Ms. Fenstermaker suggested that the definition include, “illness or a surgical procedure,” after the word “injury.”

Dr. Waldman made suggestions regarding adding “ailment” to the definition and include decrease pain and return to function.

Ms. Calay made suggestions based on the Utah model where the provisions regarding animal physical therapy refers back to the Physical Therapy Practice Act.

The Task Force discussed a viable definition of AR.

Mr. Heppler reminded the group that the definition is not proposed as statute or regulation but rather a definition or nomenclature for the purposes of framing the practice.

*M/S/C: Dr. Klingborg moved and Dr. Troy seconded the motion to define Animal Physical Rehabilitation as the treatment of injury or illness to address pain and improve function by means of physical corrective treatment. Roll Call: The members voted in support of the language. Ms. Silva abstained.*

The Task Force discussed the proposed language from the MDC regarding defining AR as the practice of veterinary medicine as provided for in BPC Section 4826. A lengthy discussion ensued regarding who may be authorized to practice AR aside from licensed veterinarians.

Ms. Heller explained that based on current statute it appears that either the Veterinary Medicine Practice Act or the Physical Therapy Practice Act must be amended to authorize personnel other than veterinarians or RVTs to provide rehabilitation services for animals.

Dr. Van Dyke referenced the Colorado model and the diagnosis and referral by a veterinarian. She also stated that in Colorado the Physical Therapy Practice Act was amended to allow for work with animals

by physical therapists. She explained that discipline is a shared responsibility between the Veterinary Medical Board and the Physical Therapy Board. Dr. Van Dyke reported that she is not aware of any complaints regarding physical therapists providing rehabilitative services to animals.

Vice Chair Klingborg stated that moving forward requires the Task Force to address diagnosis and treatment and supervisory oversight.

Ms. Heller commented that language under subsection (b) of the draft MDC document is too limiting as it does not allow individuals who are not licensed veterinarians or RVTs to practice AR outside a veterinary setting.

Ms. Fenstermaker reminded the group that the statute does allow for unlicensed personnel to provide services as unregistered assistants under the supervision of a veterinarian.

Ms. Atlas suggested that the Task Force examine the curricula of veterinarians, RVTs, and physical therapists before moving forward with voting on proposed language.

*M/S/C: Dr. Troy moved and Dr. Waldman seconded the motion to accept the language in subsection (b) of the MDC draft: Animal Physical Rehabilitation requires the diagnosis and prescriptive treatment of an animal patient, and it therefore is the practice of veterinary medicine as defined in Section 4826 of the Code. After further discussion regarding the existing scope of practice of veterinary medicine, which would encompass animal rehabilitation, Dr. Troy and Dr. Waldman withdrew the motion.*

Chairman Nunez introduced subsection (c) of the draft MDC document defining what AR does not include.

The Task Force discussed the difference between non-medical wellness modalities and other treatments used to address an injury.

*M/S/C: Chairman Klingborg moved and Dr. Van Dyke seconded the motion to approve the language regarding exclusions to the definition of Animal Physical Rehabilitation inserting the term “including but not limit to,” as follows: For the purposes of this section, Animal Physical Rehabilitation does not include relaxation, recreational or wellness modalities, including but not limited to, massage, athletic training or exercise.*

Roll Call: The members voted in support of the language. Ms. Silva abstained.

*M/S/C: Dr. Waldman moved and Vice Chairman. Klingborg seconded the motion to approve the language regarding the current provisions of Musculoskeletal Manipulation as follows: Nothing in this section restricts or amends section 2038 of the California Code of Regulations regarding the provision of Musculoskeletal Manipulation modalities.*

Roll Call: The members voted in support of the language. Ms. Silva abstained.

Chairman Nunez inquired whether the language in the MDC draft regarding the need for establishing a valid Veterinary-Client-Patient Relationship (VCPR) before providing AR services is necessary since AR is already included as the practice of veterinary medicine.

Chairperson Klingborg stated that every state requires a VCPR prior to performing AR.

Ms. Atlas agreed that the VCPR should be in place and that a diagnosis and medical clearance is important prior to referring a patient for AR.

*M/S/C: Vice Chair Klingborg moved and Ms. Heller seconded a motion to accept language regarding establishing a VCPR as follows: Prior to performing or authorizing Animal Physical Rehabilitation, a veterinarian shall establish a valid veterinary-client-patient relationship as defined in sections 2032.1 or 2032.15 of the California Code of Regulations.*

Roll Call: The members voted in support of the language. Ms. Silva abstained.

Ms. Calay inquired about whether a VCPR should be in place before a consumer seeks wellness modalities from a non-veterinarian. She inquired about Safe Harbor laws.

Dr. Sims responded that wellness should be determined by a veterinarian.

Both Vice Chairman Klingborg and Ms. Heller reiterated that the Task Force is not attempting to regulate wellness treatments.

Ms. Del Mugnaio explained there is an owner exemption that is currently in place in the Veterinary Medicine Practice Act.

Ms. Barr commented on the professional responsibility of any practitioner to refer a patient that appears to need care beyond the scope of practice of that practitioner.

The Task Force discussed the issue of necessary training of any practitioner who provides AR. Task Force member's comments included methods of both formal and informal training.

Ms. Heller circled back to the educational component and stated that it is important to understand the curricula and training of both veterinarians and RVTs.

Vice Chairman Klingborg mentioned that the Board licenses veterinarians to practice veterinary medicine based on meeting minimum qualifications, but the Board does not certify competency. He also stated that no other state requires a licensed veterinarian to obtain an additional certification to provide AR; even in state that authorize non-veterinarians to practice AR with specified training.

Ms. Barr addressed the inconsistency in the language as proposed by the MDC which does not require any training for veterinarians to provide AR, but deems non-veterinarians who have additional training in rehabilitation therapies as unqualified.

The Task Force discussed professional liability and reality that licensees have an obligation to refrain from practicing any area of medicine they are not competent or qualified to provide.

Ms. Fenstermaker stated that not all licensed veterinarians provide AR and if they did so without appropriate knowledge or skill, the practitioner risks disciplinary action by the Board.

Dr. Troy addressed many areas of veterinary medicine that are complex and do not require specialized training or certification. She suggested that treating AR as a specialty area of practice is inconsistent with the regulatory model currently in place.

Ms. Barr commented that the language as proposed does not provide protection for the consumer as it does not require additional training for veterinarians.

Ms. Billington requested Ms. Del Mugnaio speak to the Board's enforcement oversight.

Ms. Del Mugnaio provided the Task Force members information regarding the Board's authority to pursue enforcement action based on unprofessional conduct, negligence, incompetence, and fraud.

Ms. Atlas commented that AR is a specialty field that is not taught in current veterinary programs, while other specialty areas of practice are part of the formal curriculum. She also commented on whether the examinations for licensure include questions regarding AR.

Ms. Atlas mentioned that PT does have a specialty certification in Electroneuromyography.

Vice Chairman Klingborg addressed some of the CE opportunities for veterinarians at national conferences and mentioned that the profession is responding to the need for additional training both in veterinary medical school and in continuing professional development.

## **8. Discussion of Educational Requirements for Veterinarians, Registered Veterinary Technicians, and Unlicensed Assistants and Physical Therapists**

Dr. Chou, of UC Davis outlined the curriculum available to veterinary students. He reported that although it may not appear that AR is included in the curriculum by course title, it is in fact integrated in different streams of education. In the first two-years there are a number of required courses that teach physical rehabilitation. Dr. Chou informed the Task Force that he teaches the course "Vet 433," teaching the students modalities of fixing fractures. Dr. Chou stated that other courses that include animal rehabilitation are muscular skeletal disease and oncology. He commented on a number of professional clubs that students get involved in that are geared toward rehabilitative services. Dr. Chou outlined rotations such as small animal soft tissue surgery, orthopedic surgery, and oncology which all have aspects of rehabilitation. Dr. Chou emphasized that rehabilitative services must start with a student being able to diagnose the problem and determine appropriate treatment. The student must be aware of when not to do something and how to properly treat or refer an animal patient. The student learns how to diagnose and refer; not necessarily how to execute each modality.

A number of Task Force members made comments regarding agenda items that were not addressed during the meeting, including supervision, other states' models of AR oversight, and specific training for veterinarians and RVTs.

Mr. Heppler suggested Chairman Nunez defer those items to the next Task Force Meeting.

## **9. Public Comment on Items Not on the Agenda**

Mr. Kaiser thanked the work of the Task Force and offered his technical assistance as the group addresses both the practice of veterinary medicine and the practice of physical therapy.

## **10. Next Steps and Items for Discussion and Consideration at the Next Task Force Meeting**

Topics for next meeting:

- Take up the title of the practice, tabled motion to change title to Animal Physical Rehabilitation
- Defer language in MDC draft document in subsection (e)(1)(2)
- Discuss Education and Training for Veterinarians, RVTs, and Physical Therapists
- Resume meeting with the Scope of Practice of Veterinarians, RVTs, Physical Therapists, and Unlicensed Assistants

- Add Agenda Item for Final Recommendation to the Board
- Logistical/Operational Challenges to Include Information on North Carolina vs. Dental Board of Examiners
- Gather Information from the American Association of Veterinary State Boards

Ms. Hagler inquired whether new members may be added to the Task Force.

Chairman Nunez stated that it would be unfair to add Task Force members at this time.

Mr. Heppler commented that the meeting is public and that any member of the public may attend the meeting and make substantive public comment.

Ms. Del Mugnaio agreed to collect curricula information from both UC Davis and Western University to disseminate to the Task Force

Ms. Gregory offered to research training for RVTs related to AR.

## **11. Adjournment**

*M/S/C: Ms. Heller motioned and Dr. Van Dyke seconded the motion to adjourn the meeting at 4:18 p.m.*