

Executive Officer's Report

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The mission of the Veterinary Medical Board is to protect consumers and animals through development and maintenance of professional standards, licensing of veterinarians, registered veterinary technicians, and registered veterinary premises and diligent enforcement of the California Veterinary Medicine Practice Act.

The Legislative year has begun and we are experiencing a flurry of bills accompanied by requests for bill analyses and fiscal impact all of which equates to workload and time. Having three vacancies in the office makes it difficult to process regular workload on a timely basis and so we are struggling a bit with the additional requests.

Senate Bill 697 - Unlicensed Activity. The issue of unlicensed activity is a major topic of discussion these days because of the impact on consumers and their animals. Over the last two years, the Department of Consumer Affairs (DCA) has actively supported increased enforcement for both licensees and illegal unlicensed activity. DCA has focused on trying to streamline the time involved in the enforcement process, on creating more general enforcement authority for the licensing boards, and on dedicating more energy to investigations on illegal, unlicensed activity. The DCA is even auditing licensing board enforcement programs to ensure maximum consumer protection. The efforts on the part of the DCA are important because traditionally, licensing boards were created to regulate activity in licensed professionals; therefore, have more legal authority over licensees rather than those who are not licensed. The Veterinary Medical Board (Board) has seen an increase in unlicensed activity in veterinary medicine involving treatment of animals in areas of dentistry, chiropractic, physical therapy, etc. The reality is that it is difficult for the Board to prosecute such cases because of the low legal priority assigned to unlicensed activity involving animals. One of the things that the Board is doing this year is supporting legislation that will increase its authority over persons working on animals illegally so it can more effectively protect consumers against unlicensed persons who may harm their animals.

SB 697 (Negrete-McLeod) includes language that strengthens the Board's authority over illegal unlicensed activity in general and it includes provisions from SB 1111, a bill that was in last year's legislative session that was sponsored by the DCA. SB 1111 was designed to strengthen the enforcement authority for all healing arts boards for both licensed and unlicensed activity.

Apparently there is some misinformation being distributed regarding SB 697 and the Board has been receiving a large number of emails and letters from people who are under the misconception that the use of a dental scaler is currently legal and that SB 697 is an attempt to make it illegal. That is not true. We have prepared an information sheet that is included with this report and will be posted on the Internet. We are also sending the information out directly to the people in response to letters and emails received by the Board.

Anesthesia Free Dentistry. The use of a dental scaler by an unlicensed or unregistered person not under supervision of a California licensed veterinarian has been illegal since May 1990 when California Code of Regulations, Section 2037 became effective in law. In 2004, that law was tested in a court of law in a citation appeal case that went to an administrative hearing before an Administrative Law Judge (ALJ). Although the citation was ultimately dismissed, within the decision, the ALJ affirmed in detail that use of a dental scaler was clearly the practice of veterinary medicine and that decision was later designated by the Office of the Attorney General to be a precedent case.

As a part of the discussion at the Multidisciplinary Committee's (MDC) meeting on March 16, 2011, and based on the Judge's ruling in the precedent decision citation case, the MDC is recommending that a specific reference to the use of the scaler be included in Section 2037 as a part of the overall update to the minimum standards of practice.

License plate bill – Assembly Bill 610 (Solario). AB 610 decreases the number of license plate applications that is required before the Department of Motor Vehicles (DMV) will initiate a specialty license plate. Currently the number is 7,500 applications. The bill decreases that number to 2,500 and allows private donations to achieve the

total start up costs, currently at \$400,000. The bill was heard in the Assembly Transportation Committee on Monday, April 4, 2011, and passed out of that committee with a unanimous vote of 14/0.

Registered Veterinary Technician Committee (RVTC). The RVTC met on March 15, 2011, and spent most of their time working on draft regulations for the RVT student exemption and title protection language. There is one more meeting of the RVTC on June 14, 2011, prior to the sunset date for the RVTC. The RVTC will be wrapping up pending issues and identifying issues that need to be referred to the MDC for further action.

Multidisciplinary Committee. The MDC has finalized the draft hospital inspection checklist and the recommended amendments to the minimum standards of practice. The documents are in the Board's binder for review and comment. The next project for the MDC will be to update the Board's citation and fine language and guidelines.

Department of Consumer Affairs. The DCA reconvened the Substance Abuse Coordination Committee (SACC) for a meeting on the provisions in SB 1441 for Monday, April 11, 2011. Proposed changes to the previously adopted standards will be discussed. I will provide an oral update on the SACC meeting at the Board meeting.

American Association of Veterinary State Boards (AAVSB). Dr. Tom Kendall has been nominated for appointment to the Board of Directors of the AAVSB. Dr. Richard Johnson and Kim Williams, RVT, were nominated for the Registry for Approved Continuing Education (RACE) Committee and the Veterinary Technician National Examination Committee respectively. The nominations go to the AAVSB Nominating Committee and the outcome of the Committee recommendations will be voted on at the Delegate Assembly during annual Conference in September in New Orleans.

The Board's request for a change in the bylaws to have designated public and RVT board members on the AAVSB Board of Governors was initially not supported by the Bylaws Committee, but the request has been revised and resubmitted. A copy of the letter is included in the Board binders for discussion.

The Board is also reviewing the standards for provider and course approval through the AAVSB's RACE. RACE is the Board's designated approval body for continuing education required for license renewal and the Board must conduct audits occasionally to insure that the RACE standards are consistent with the Board's regulations.

California Veterinary Medical Association (CVMA) Meeting. Linda Starr and I are attending the meeting of the CVMA Board of Governors on Saturday, April 9, 2011, in Sacramento. There will be discussion on SB 697 and on unlicensed, illegal veterinary practice activity in California along with other agenda items.

Another item that will be discussed at the CVMA meeting is the approval of the veterinary school in Mexico City by the American Veterinary Medical Association (AVMA). There are several issues about the approval including the fact that the curriculum is not taught in English at this school and accreditation by the AVMA eliminates the requirement that persons not graduating from an English speaking high school complete an equivalency program, which includes English requirements, for international students.