



MEETING MINUTES - DRAFT

Veterinary Medical Board
Monday, April 18, 2011
Riverside, California

1. Call to Order - Roll Call

Veterinary Medical Board (Board) President Dr. Stephanie Ferguson called the meeting to order at 10:00 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

Stephanie Ferguson DVM, President
Tom Kendall, DVM, Vice-President
Patti Aguiar, Public Member
Terri Becker, DVM
Richard Johnson, DVM
Judie Mancuso, Public Member
Linda Starr, Public Member
Kim Williams, RVT

Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board
Paul Sanchez, Assistant Executive Officer
Shela Barker, Legal Counsel
Diann Sokoloff, Deputy Attorney General Liaison
Ethan Mathes, Administrative Programs Coordinator
Liz Parker-Smith, Administrative Analyst

Guests Present

Cindy Collins, Canine Care
William Grant, II, DVM, Multidisciplinary Committee
Peter Mitchell, Canine Care

Ms. Geranen reported that the Department of Consumer Affairs (Department) is requesting regulatory boards to implement provisions of Senate Bill (SB) 1111. The Board will need to begin preparing for sunset review next year; sunset review last took place in 2003. There will also be a three-day retreat in July to review the Board's Strategic Plan.

2. Review Veterinary Medical Board 2011 Strategic Plan

The Board reviewed and discussed its Strategic Plan, Mission, Vision, Values and Principles and Strategic Goals. Ms. Geranen noted the Department is encouraging "continued competency" along with self-evaluations.

The Board discussed the need to address owned animal exemptions as part of the Enforcement Program's future goals. Dr. Richard Johnson presented a training program curriculum emphasizing training for enforcement issues such as record keeping and client communication. The Board agreed these training programs could be part of the Board's education and enforcement goals. Dr. Tom

Kendall wanted to look into examination costs, educational accreditation program language requirements, and mentoring programs. Kim Williams, RVT wanted to review "extended duty" for veterinary technicians. The Board discussed its policy for members who seek to represent the Board at non-Board meetings. Ms. Geranen suggested reviewing the Administrative Procedures Manual, Board Committee assignments, and Board policy regarding members speaking on behalf of the Board. Board Committee assignments will be placed on the next meeting agenda for discussion.

3. Review Disciplinary Guidelines

Ms. Geranen reported that the Disciplinary Guidelines is a document used by staff as a guide for enforcement cases involving stipulated settlements and administrative hearings. The Board discussed member participation in stipulated settlement negotiations. Diann Sokoloff stated case law dictates that Board members should not be involved in stipulated settlement discussions. The Board discussed its authority to enforce certain licensee misconduct, how to proceed when misconduct occurs on or off the job, and whether misconduct related to the licensee's job can be pursued.

Ms. Geranen noted the Dental and Physical Therapy Boards' Disciplinary Guidelines were used as models for the Board's guidelines. The Board reviewed and discussed the Standard Terms of Probation, Optional Terms of Probation, and Business and Professions Code (BPC) section Penalties.

Recess

**Tuesday, April 19, 2011
8:30 a.m. to 5:00 p.m.**

4. Call to Order - Roll Call

Board President Dr. Ferguson called the meeting to order at 8:35 a.m. Board Executive Officer Ms. Geranen called roll; all eight members of the Board were present and thus a quorum was established.

Board Members Present

Stephanie Ferguson DVM, President
Tom Kendall, DVM, Vice-President
Patti Aguiar, Public Member
Terri Becker, DVM
Richard Johnson, DVM
Judie Mancuso, Public Member
Linda Starr, Public Member
Kim Williams, RVT

Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board
Paul Sanchez, Assistant Executive Officer
Shela Barker, Legal Counsel
Diann Sokoloff, Deputy Attorney General Liaison
Ethan Mathes, Administrative Programs Coordinator
Liz Parker-Smith, Administrative Analyst

Guests Present

James Ahler, Administrative Law Judge
Nicole Cook, Deputy Attorney General
Peter Mitchell, Canine Care
Amy Williams

5. Review Disciplinary Guidelines

The Board discussed the definition of “incompetence” and “negligence” as they pertain to enforcement action. Shela Barker noted there is a fine line between the two and that negligence is more common in enforcement actions taken by the Board.

Staff will make the requested amendments to the Disciplinary Guidelines, as discussed by the Board, and bring back at its strategic planning meeting.

6. 10:30 a.m. - Oral Argument on Non-Adopted Proposed Decision In re IV 2010 30

Amy Williams testified in her defense and clarified the facts as stated in Case Number IV 2010 30. Nicole Cook testified on behalf of the District Attorney’s office and stated that they are asking for additional terms as provided in the Written Argument.

7. Closed Session

A. In re IV 2010 30

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

AV 2031 - C

Proposed Decision

The Board adopted the proposed decision

IV 2008 13

Proposed Decision

The Board adopted the proposed decision

Recess

Wednesday, April 20, 2011

9:00 a.m. to 3:00 p.m.

8. Call to Order - Roll Call

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

Board Members Present

Stephanie Ferguson DVM, President

Tom Kendall, DVM, Vice-President

Patti Aguiar, Public Member

Terri Becker, DVM

Richard Johnson, DVM

Judie Mancuso, Public Member

Linda Starr, Public Member

Kim Williams, RVT

Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board

Paul Sanchez, Assistant Executive Officer

Shela Barker, Legal Counsel

Ethan Mathes, Administrative Programs Coordinator

Liz Parker-Smith, Administrative Analyst

Guests Present

Oscar Chavez, DVM, Multidisciplinary Committee

Cindy Collins, Canine Care

Allan Drusys, Chief Veterinarian, Riverside County

Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association

Steve Hartzell, Executive Officer, Physical Therapy Board of California

William Grant, II, DVM, Multidisciplinary Committee

David Johnson, RVT, Multidisciplinary Committee

Pete Krenstrom, DVM

Ken Kurtz, Animal Dental Care

Peter Mitchell, Canine Care

Dan Segna, DVM, California Veterinary Medical Association

James Syms, California Physical Therapy Association

Ms. Geranen presented an award of recognition to Ms. Becker for her service and membership to the Board.

9. Approve January 25-26, 2011 Meeting Minutes

The Board requested minor changes to the Meeting Minutes on pages four, five, eight, and nine.

- **Linda Starr motioned and Dr. Tom Kendall seconded the motion to approve the January 25-26, 2011 Meeting Minutes as amended.**
- **The motion carried 8-0.**

10. Executive Officer Report

A. Board Program Reports

Ms. Geranen reported the Board's nominations have been submitted to American Association of Veterinary State Board's (AAVSB). Paul Sanchez reported staff is working on new requirements for contracting with subject matter experts, inspectors, consultants and expert witnesses and that the Department provided training but the new requirements is anticipated to increase staff workload. Ms. Geranen noted the Department is working on a legislative bill to provide limited exemptions to the new contracting requirements. The proposed fingerprint requirement language implementation date has been pushed to April 2012. Registered veterinary technician continuing education requirement language will become effective in March and veterinary technicians can start accruing continuing education credits in July. Ms. Williams requested the examination pass rate for limited term eligibility registered veterinary technician candidates.

11. Registered Veterinary Technician Committee Report

A. Report on RVTC Sunset Issues

Carol Schumacher, RVT reported the Registered Veterinary Technician Committee (RVTC) reviewed the updated Radiation Safety Guide at its March meeting. They updated the guide to add information and clarify radiation exposure in digital radiography. The RVTC discussed whether registered veterinary technicians are able to get credit for veterinarian continuing education courses. They were also concerned whether registered veterinary technicians would be included in the Animal Rehabilitation Task Force's proposed animal rehabilitation language.

Ms. Schumacher reported the RVTC formed a subcommittee tasked with determining acceptable title protection terms for registered veterinary technicians. The RVTC will also work on developing student exemption regulatory language as prescribed in Assembly Bill (AB) 1980. They discussed BPC section 4836.1, administration of controlled substances, and ramifications allowing the law to expire.

Due to the provisions of AB 1980, the RVTC's last meeting will be on June 14, 2011.

12. Multidisciplinary Advisory Committee Report

A. Report on March 16, 2011 Meeting

B. Review and Consider Proposed Changes to Minimum Standards Regulations and Hospital Inspection Checklist

Dr. Grant reported the MDC has been working on proposed changes to the minimum standards regulations. The MDC discussed veterinary hospital premise licensee manager responsibilities and limitations to the number of premises managed by one licensee and a task list as a requirement for management of a premise. The MDC ultimately decided to adopt one a model of one licensed veterinarian per premise and would look into exemption language for animal shelter managers.

The Board discussed the importance of veterinary hospital premise management responsibilities, required tasks to manage a premise, the appropriate number of premises for a license veterinarian, and the possibility of exempting animal shelters. Ms. Barker opined a narrow exception could be made for animal shelters and that staff could research the issue.

Ms. Williams felt there is an issue with expired medication and a question of what could be done with it once its expired. Dr. Grant stated that he would look into the options available to veterinarians. He reported the MDC also discussed the continuance of the veterinarian/client/patient relationship (VCPR) in order to maintain client communication when the original veterinarian is absent and when it would be appropriate to reestablish VCPR when a diagnosis changes.

- **Dr. Richard Johnson motioned and Patti Aguiar seconded the motion to send the proposed changes to minimum standards regulations back to the Multidisciplinary Advisory Committee to work on discussed amendments to the language, research reverse distributorship of expired medication, and create a task list for animal hospital premise manager responsibilities that includes an animal shelter exemption.**
- **The motion carried 8-0**
- **Linda Starr motioned and Kim Williams, RVT seconded the motion to amend proposed changes to minimum standards regulation language to clarify section 2037(3).**
- **The motion carried 8-0**

Dr. Grant reported the Hospital Inspection Checklist was created to improve consumer protection and educate veterinary hospital premises. The Board reviewed and suggested edits to the checklist. Dr. Grant recommended the Hospital Inspection Checklist to be distributed as soon as possible.

- **Judie Mancuso motioned and Linda Starr seconded the motion for staff to amend the Hospital Inspection Checklist to reflect current law and forward to legal counsel for review.**
- **The motion carried 8-0**

C. Update on Physical Therapy for Animals Task Force

Dr. Grant reported the California Veterinary Medical Association's (CVMA) Physical Therapy for Animals Task Force was represented by veterinarians, registered veterinary technicians and physical therapists. The task force learned that human physical therapists have a doctoral level degree and that 80% of animal rehabilitation is performed on dogs (with the remaining rehabilitation performed on horses). Direct versus indirect supervision for animal rehabilitation is an ongoing issue in animal rehabilitation. Dr. Grant added that the practice of animal rehabilitation will require changes to the physical therapy and veterinary medicine laws.

James Syms from the California Physical Therapy Association felt it is important for physical therapists to have input on animal rehabilitation issues and offered his services to insure protection of the public and animals. Ms. Geranen noted the MDC will be working on proposed animal rehabilitation language at their future meetings and will bring their recommendation to the Board.

13. DCA Director's Report

LaVonne Powell reported there is currently a hiring freeze in place due to Governor's Executive Order and very few exemptions to the hiring freeze are being approved. The development of the Department's new database system is continuing with bids having recently been submitted. The Department is also undertaking a study of board executive officer positions.

14. Examination/Licensing Committee Report

A. North American Veterinary Medical Educational Consortium Discussion

B. Update on Transition of RVT Exam to Veterinary Technician National Exam

C. Review American Veterinary Medical Association's Disaster Implementation Memorandum of Understanding

Dr. Kendall reported the North American Veterinary Medical Educational Consortium report should be out in the summer. Ms. Geranen reported staff has been working on the transition to the registered veterinary technician national examination and is projecting a January 2013 implementation date. Nancy Ehrlich was concerned for the potentially limited amount of examination items on the California jurisprudence examination. Dr. Kendall asked that Ms. Ehrlich memorialize her concerns in a letter and send a copy of the letter to Ms. Geranen and Ms. Barker.

Ms. Geranen reported that no follow up documents have been received regarding American Veterinary Medical Association's (AVMA) Disaster Implementation Memorandum of Understanding.

D. Discuss AVMA Accreditation - New Schools

Ms. Geranen reported the AVMA has been approving veterinary schools who do not require English proficiency and that this could be a item for discussion at the AVMA meeting. The Board discussed the importance of client communication and English language proficiency as a part of consumer protection. Dr. Kendall felt the Board may want to look into this issue and requested an item on the July agenda to discuss it further. Ms. Geranen remarked that this item would stay on the agenda for future meeting discussion.

15. Administrative Committee Report

A. Review Budget and Expenditure Projections for 2010/2011

Mr. Sanchez reported the Board has been asked to further reduce salary and wages. Staff is continuing to research filling vacant positions within the limitations provided by Governor's Executive Order.

B. American Association of Veterinary State Boards

i. Bylaws Change Request

ii. RACE Continuing Education Approval

Ms. Geranen reported staff is continuing its effort to work with AAVSB to add a public member and registered veterinary technician to its board; the AAVSB bylaws committee has not supported the effort.

Ms. Geranen reported the AAVSB's Registry of Approved Continuing Education (RACE) has been California's approval entity for veterinary continuing education programs. RACE updated their continuing education program approval standards in 2009 and some previously approved programs are no longer being approved by RACE. Staff advised non-approved programs to appeal through RACE and then to the Board. Staff will then look into continuing education programs which were not approved.

Ms. Geranen reported she will attend the RACE committee meeting in September to identify whether RACE continuing education program approval standards are still equivalent to California's continuing education program approval standards.

C. Update on Animal Care Conference

Ms. Starr reported the Board will staff a table at the CVMA Animal Care Conference and be available to answer questions about the Board's license plate effort.

16. Legislation/Regulations Committee Report

A. Discuss 2010/11 Legislation

i. BPC Section 4836.1 - Administration of Drugs

Ms. Geranen reported BPC section 4836.1 will sunset in 2012 and that the Board, in conjunction with CVMA, is looking to extend the sunset date while continuing to discuss the effectiveness of the law.

ii. Assembly Bill 610 - License Plate

Ms. Starr reported AB 610 is moving through the legislative approval process. The Board asked about the breakdown of the Department of Motor Vehicles' (DMV) cost to introduce the license plate. Ms. Geranen stated that she may be able to request to cost breakdown from the DMV.

iii. Senate Bill 697 - Veterinary Practice

Ms. Geranen reported the Department has asked the Board to implement provisions of SB 1111 through the regulatory process. SB 1111 was intended to address unlicensed activity enforcement priorities and other enforcement related provisions but did not pass in committee. SB 697 was authored to address unlicensed activity enforcement priorities but has met some opposition. There has been discussion to make SB 697 a two-year bill.

- **Linda Starr motioned and Dr. Richard Johnson seconded the motion to support Senate Bill 697 as amended on April 14, 2011.**
- **The motion carried 7-0-1**
- **Dr. Tom Kendall motioned and Kim Williams, RVT seconded the motion to direct the Veterinary Medical Board Executive Officer to work with Senator Emmerson to address any amendments to Senate Bill 697**
- **The motion carried 7-0-1**
- **Linda Starr motioned and Dr. Tom Kendall seconded the motion to co-sponsor Senate Bill 697 as a two-year bill with the California Veterinary Medical Association.**
- **The motion carried 7-0-1**

iv. Assembly Bill 258 - Rabies Vaccination

Ms. Geranen reported AB 258 was provided to the Board for its information. The Board discussed the lessening of protection to the public as provided in the bill language. Public comment was received in support of AB 258 because there is currently no formal exemption process for mandatory rabies vaccinations.

- **Kim Williams, RVT motioned and Dr. Richard Johnson seconded the motion to take a watch position on Assembly Bill 258.**

- **The motion carried 8-0**

v. Miscellaneous Bills to Eliminate Existing Regulations

Ms. Geranen reported that the various bills were provided to the Board for its information. The Department recently requested staff to provide their feedback on the bills.

B. Discuss Need for Regulations Relative to Senate Bill 1441 and Senate Bill 1111

Ms. Powell reviewed SB 544 and that it would institute the Department's recommended changes for enforcement in all healing arts boards.

C. Review Regulation Calendar

Ms. Geranen reported staff will bring the proposed registered veterinary technician school approval regulations back to the Board in July for its review before moving forward with a public hearing.

D. Discuss Pet Lovers License Plate

- i. Proposed Regulations**
- ii. Proposed Extension**

Ms. Barker reviewed the proposed terms for license plate eligibility, the grant evaluation process, distribution of grants, advertising, reporting and inspection requirements, fund restrictions, accounting and auditing standards, and segregation of grant funds. Ms. Geranen noted that the staff role for administering the license plate grant funds is not clear as of yet. The Board expressed its concern for the impact on staff resources to administer the license plate program.

Ms. Barker reported there are administrative hurdles such as appropriation of funds and a Board contract with the fund in order to implant the license plate program. Ms. Geranen added the Board needs to request an extension to the one-year deadline to collect license plate preorders. Additionally, under AB 610 the program could qualify under a smaller commitment of license plate preorders.

- **Kim Williams, RVT motioned and Dr. Tom Kendall seconded the motion to direct staff to draft correspondence to the Department of Motor Vehicles to request an extension of the one-year custom license plate deadline.**
- **The motion carried 8-0**
- **Judie Mancuso motioned and Dr. Tom Kendall seconded the motion to support Assembly Bill 610.**
- **The motion carried 8-0**

E. Consider Adoption of Disciplinary Guidelines as Proposed Regulations

Staff will make the requested amendments to the Disciplinary Guidelines, as discussed by the Board, and bring back at its strategic planning meeting.

17. Enforcement Committee Report

A. Shelter Medicine - Donated Drugs

Ms. Barker reported she met with the Board of Pharmacy and Medical Board of California and found that there is no mechanism for practitioner to practitioner distribution of unused drugs. Any change to existing law regarding the transfer unused drugs to animal shelters or other organizations would require a statutory amendment.

B. Discuss Need for Legal Opinion on Veterinary Corporations

Ms. Barker reported the impact of corporate ownership of veterinary hospitals is unclear. There is a legislative bill in progress that may address this concern and a report will be presented to the Board at its next meeting.

18. Agenda Items and Next Meeting Dates

- A. July 19-20, 2011 - TBD - Strategic Planning Retreat**
- B. October 18/19, 2011 - San Diego**
- C. January 24/25, 2012 - Sacramento**

Ms. Geranen noted the July strategic planning retreat is a three-day meeting and staff is looking into locations in Tiburon.

19. Comments from Public/Outside Agencies/Associations

There were no comments from public/outside agencies/associations.

Adjourn

- **Linda Starr motioned and Dr. Richard Johnson seconded the motion to adjourn**
- **The motion carried 8-0.**

The meeting adjourned at 3:30 p.m.