

Assistant Executive Officer's Report

Budgets

Included in the Board meeting binders are the most recent expenditure and revenue projections and the Board's budget summary. Based on the expenditure projections for this fiscal year, there is a surplus of 10 percent. Most of the surplus is because of position vacancies that have gone unfilled due to the Governors hiring freeze. In addition, the revenue report shows that we project a slight decrease in total revenue of about 2 percent.

Personnel

The Board office currently has 5.5 vacancies and one staff member on leave. These vacancies include the enforcement program manager, two enforcement analysts, our receptionist, and our cashier. Back in March 2011, the Board submitted an exemption requests to DCA for 1.5 positions. The exemption was approved by the Agency Secretary and is awaiting approval from the Department of Finance. In April 2011, the Board submitted an amended exemption request for an additional 2.0 positions. This request is still under review by DCA management.

We are still limited in filling our vacant positions due to the State hiring freeze. Currently, we are only able to hire from within the Department and will continue our recruitment efforts.

Contracts

The contract with NBVME to administer the NAVLE exam was successfully executed in time for the 2011-12 fiscal year.

The Board has not been able to implement the new contract requirements that require a change in how the Board obtains services of subject matter experts, inspectors, consultants, and expert witnesses. The process would require Board staff to process and maintain over 70 new contracts for services that are currently procured through invoices. This is a major workload that requires additional staff. Unfortunately, the Board has been understaffed by almost 50% and currently lacks resources to implement new process. In addition, Senate Bill 541, a bill going through the legislature, may change what is required. We will wait and see what happens on that front.

Future Office Move

The future office move has been put on hold due to the current staffing conditions.

Regulations Update

Fees

Proposed language increases fees in varying degrees to application and license fees, California State Board and law examination fees, hospital premise fee, and establishes the fee for the Board's diversion program. Although the language regarding the fee increases is effective July 31, 2011, the actual implementation date is delayed until March 2012; no fees will increase until March 2012.

The initial 45-day Notice was published on September 4, 2009. Subsequent 15-day Notices were published on November 10, 2009, November 25, 2009, July 22, 2010, and October 21, 2010. The July 2010 and October 2010 15-day Notices decreased the initial and renewal license fees and proposed to make all fee increases effective March 2012. The modified proposed regulations were submitted for review to DCA on November 8, 2010 and sent to Agency on November 15, 2010. Agency did not approve the proposed regulations, but

they were submitted to the Office of Administrative Law (OAL) on December 2, 2010 to meet the one-year deadline for submittal.

OAL disapproved the proposed regulations on January 20, 2011 and the Board was given 120 days to resubmit the rulemaking file. The proposed regulations were resubmitted for review and approved by DCA, Agency, and the Department of Finance and then submitted to OAL on May 19, 2011. OAL approved the proposed regulations on July 1, 2011 and the language will become effective on July 31, 2011. There is a delayed implementation date in the language of March 2012; no fees will increase until March 2012.

Continuing Education - Veterinary Technicians

Proposed language would establish requirements for registered veterinary technicians to continue their education beyond those required for initial registration. It would also require registered veterinary technicians to submit, as a condition of renewal, assurance to the Board they have completed their required continuing education of 20 hours every 2 years.

The initial 45-day Notice was published on March 4, 2010. The proposed regulations were resubmitted for review and approved by DCA, Agency, and the Department of Finance and then submitted to OAL on March 3, 2011. The proposed regulations were approved by OAL on April 14, 2011 and became effective on May 15, 2011.

Retroactive Fingerprinting

Proposed language would require that veterinarian and veterinary technician licensees to respond to all Board requests for information within 30 days, that they are required to provide the Board with all records requested related to criminal history information, provide accurate responses and make available documents and other records requested. There is a delayed implementation date in the language of April 2012.

The initial 45-day Notice was published on March 4, 2010. The proposed regulations were resubmitted for review and approved by DCA, Agency, and the Department of Finance and then submitted to OAL on March 3, 2011. The proposed regulations were approved by OAL on April 14, 2011 and became effective on May 15, 2011.

Enforcement Report

Statistical Data

| | |
|---|--------|
| New complaints since 7/1/10: | 686 |
| Total hospital inspections assigned: | 274 |
| Total hospital inspections completed: | 228 |
| *Total Veterinary licensees: | 15,326 |
| Total Veterinary licensees (current) in CA: | 10,774 |
| *Total Registered Veterinary Technicians: | 8,223 |
| Total Registered Veterinary Technicians (current) in CA: | 5,625 |
| Total premise permits: | 3,311 |
| <i>*Total includes delinquent, suspended, and CE license holds.</i> | |

Complaint Program

The total number of complaints received from July 1, 2010 to date is 686.

Of the 686 complaints received, 128 involve unlicensed activity. Typically the complaints are regarding unlicensed individuals performing anesthesia free dentistry, equine dentistry, unlicensed veterinary facility, veterinarians practicing without a valid license, and unlicensed

assistants performing RVT tasks. The majority of unlicensed complaints are handled with a cease and desist order. However, if formal investigation is needed the case is referred to the Division of Investigation (Dol).

In October 2010 the Board reported that five unlicensed cases had been referred to the District Attorney's Office (DA) for criminal prosecution. At that time, the DA's Office declined to prosecute two of those cases and the Board was waiting to hear whether or not the remaining three would be accepted. Since that time the Board has been informed that two of the remaining three cases have been accepted. As of today's date, both of these cases are still currently pending criminal prosecution. Prior to these cases being accepted by the DA's Office the Board directed Dol to conduct a formal investigation. Dol performed an undercover sting operation in both cases and determined both respondents were performing veterinary medicine without a license. The Board will assist the DA's Office as needed.

Citation Program

As of July 1, 2010, 34 citations have been served, four informal conferences were held and one citation was referred to the Offices of the Attorney General (AG) for an administrative hearing. Of the 34 citations served, which include some cases from fiscal year (09/10) and (10/11), seven were issued for unlicensed activity, including unlicensed equine dentistry, unlicensed vaccine administration, and practicing without a license.

Inspection Program

As of June 20, 2011, the Board assigned 241 routine inspections and 33 complaint and probation related inspections. Of the 240 routine inspections assigned, 205 have been performed. To date, 23 of the complaint and probation related inspections have been performed. The complaint and probation related inspections are required to be performed within 30 days of their assignment. Not all of the assigned inspections were completed due to limited time due to a late budget in 2010/2011. The inspections that were not completed will be assigned again in the next coming fiscal year. In the upcoming newsletter, the Board plans on recruiting for additional inspectors. Depending on when the budget is approved for the 2011-2012 fiscal year, the Board hopes to hire an additional inspector.

The Board is continuing to mail out Hospital Inspection Surveys to help determine any deficiencies or areas of ambiguity. To date, 172 inspection surveys have been mailed and 80 have been returned. The overall feedback rated the inspectors/program as excellent. The Board will continue to work with the Multidisciplinary Committee on ways to improve the program.

Discipline Program

Currently there are 46 formal disciplinary cases pending with the AG. Of the 46 pending cases, 30 have been sent to the AG since July 1, 2010.

Enforcement staff is currently monitoring 35 probationers.

Examination/Licensing Report

Examinations

| NORTH AMERICAN VETERINARY LICENSING EXAMINATION | | | |
|--|-----------|------------|-----------|
| November 2010/December 2010 | | April 2011 | |
| Candidates | Pass Pct. | Candidates | Pass Pct. |
| 320 | 89% | 58 | 74% |

| CALIFORNIA STATE BOARD EXAMINATION | | | |
|---|-----------|-------------------------|-----------|
| November 2010 – April 2011 | | May 2010 – October 2010 | |
| Candidates | Pass Pct. | Candidates | Pass Pct. |
| 225 | 83% | 187 | 71% |

| REGISTERED VETERINARY TECHNICIAN EXAMINATION | | | |
|---|-----------|---------------------------|-----------|
| January 2011 - June 2011 | | July 2010 - December 2010 | |
| Candidates | Pass Pct. | Candidates | Pass Pct. |
| 224 | 68% | 424 | 64% |
| January 1, 2009 - June 30, 2011 | | | |
| LTEW Candidates | | Pass Pct. | |
| 678 | | 68% | |

Examination Workshops

January 11-12, 2012 - Veterinary Occupational Analysis

February 8-9, 2012 - Veterinary Occupational Analysis

Licensing

| Licenses Issued | |
|----------------------------------|------------|
| January 1, 2011 - June 30, 2011 | |
| Veterinarian | 363 |
| Reciprocity | 22 |
| Intern | 2 |
| Registered Veterinary Technician | 162 |
| Premises | <u>68</u> |
| Total Licenses Issued | 617 |

| Limited Term Eligibility Window - RVT Examination | |
|--|------------|
| January 1, 2009 - June 30, 2011 | |
| Total Received Applications (incl. re-take appl.) | 816 |
| Total Re-Take Applicants | <u>86</u> |
| Total First Time Applicants | 730 |
| Applications Ineligible | <u>52</u> |
| Total Eligible First Time Applications | 678 |
| Applications Pending (addl. Info.) | 0 |
| Applicants Licensed | 455 |
| Failed Applicants not Eligible to Re-examine | <u>220</u> |
| Total Applicants Pending* | 3 |
| Pending Exam (to date) | 0 |
| Pending Licensure (to date) | 3 |
| <i>*remaining applicants have until July 2012 to license</i> | |