

Tom Kendall, DVM from VMB

Kim Williams, RVT from VMB

Participants:

Pam Maurer, RVT, CARVTA President

Nancy Ehrlich, RVT, CARVTA Legislative Chair

Kristi Pawlowski-ED Sacramento VMA and CVMA RVT Committee

Valerie Fenstermaker- ED CVMA

Dan Segna-Assistant ED CVMA

VMB Staff:

Shela Barker, VMB Legal Counsel

Paul Sanchez, Assistant EO VMB

Ethan Mathes, VMB Adm. Assistant

Senate B&P Committee:

Bill Gage, Senior Staff Consultant to CA Senate B&P Committee

The Sub Committee met Wednesday, August 17, 2011 at the VMB office in the Donner Room with all above participants present for the morning meeting from 9am-11:30am except Bill Gage. Kim Williams was present on a speaker phone. Shela Barker was absent from some parts of the meeting.

Dr. Kendall outlined the goal of the day's meeting was to make a "Final" recommendation to the VMB on how to handle the new statutory RVT Title Protection legislation:

**BUSINESS AND PROFESSIONS CODE
DIVISION 2. HEALING ARTS
CHAPTER 11. VETERINARY MEDICINE
4839. Persons deemed technicians**

(a) For purposes of this article, a registered veterinary technician means a person who has met the requirements set forth in Sections 4841.4 and 4841.5, has passed the examination described in Section 4841.4, and is registered by the board.

(b) This section shall become operative on January 1, 2011.

4839.5.

No person shall use the title "registered veterinary technician" or "veterinary technician," or any other words, letters, or symbols, including, but not limited to, the abbreviation "R.V.T.," with the intent to represent that the person is authorized to act as a registered veterinary technician, unless that person meets the requirements of Section 4839.

After over 2 hours discussion on all the issues involved it was decided that the statutory language itself was clear enough that no additional regulatory language was needed to clarify the statute as it was written. CARTA and CVMA, as stakeholders, agreed that there is an underlying problem with the statutory term of “unregistered assistants”. It is a rarely used term by veterinarians when referring to employees that aren’t RVT’s. It was agreed that the term should be changed to “veterinary assistants” which was viewed as an accurate description of individuals performing the duties without the negative attributes associated with the term “unregistered”. It was agreed to proceed with getting further statutory changes inserting “veterinary assistant” in place of “unregistered assistant”.

Tom Kendall moved and Kim Williams seconded the motion to recommend to the VMB that no additional regulations are needed for Section 4839 and that it is clear in its intent. The motion was unanimously approved. The meeting adjourned at 11:30am with Kim Williams going off the call.

A second informal meeting took place after lunch with all of the participants except Kim Williams and Shela Barker to discuss the Business and Professions Code Section 4836.1 - Administration of Drugs “Controlled Substances Language” legislation:

4836.1. (a) Notwithstanding any other provision of law, a **registered veterinary technician or an unregistered assistant may** administer a drug, including, but not limited to, a drug that is a controlled substance, under the direct or indirect supervision of a licensed veterinarian when done pursuant to the order, control, and full professional responsibility of a licensed **veterinarian. However/no person, other than a licensed veterinarian, may induce anesthesia unless authorized by regulation of the board.**

(b) For purposes of this section, the following definitions apply:

(1) "Controlled substance" has the same meaning as that term is defined in Section 11007 of the Health and Safety Code.

(2) "Direct supervision" has the same meaning as that term is defined in subdivision (e) of Section 2034 of Title 16 of the California Code of Regulations.

(3) "Drug" has the same meaning as that term is defined in Section 11014 of the Health and Safety Code.

(4) "Indirect supervision" has the same meaning as that term is defined in subdivision (f) of Section 2034 of Title 16 of the California Code of Regulations.

(c) This section shall remain in effect until January 1, 2012, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2012, deletes or extends that date.

Also in attendance were Senate B&P Staff Consultant Bill Gage and CVMA lobbyists, Michael Dillon and Christina DiCaro. After hearing a summary of the mornings discussion on RVT Title Protection, Mr. Gage said it would be a fairly simple process to change the term in the VMB Practice Act “Unregistered Assistant” to “Veterinary Assistant”.

The group then discussed the issues around Veterinary Assistant's (new term) ability to administer controlled substances. VMB Legal Counsel Shela Barker had previously advised the VMB that language could be drafted to identify certain specific amounts of prescriptions could be given by Veterinary Assistants under Indirect Supervision, but also under the written order of a licensed veterinarian. It was discussed that there should be some control over the veterinary assistant and so language to make sure that only veterinary assistants that have had a background check and possibly be drug tested would be a part of the language.

One area that was discussed was the possibility of requiring a second locked cabinet so that the controlled substances that were dispensed by the licensee to be administered in his or her absence could counted out ahead of time and then put in a locked area that the assistant could access for purposes of administering the pre determined amounts to the animals that are being kept in the veterinary hospital overnight or over the weekend. The consensus was that this might be overly burdensome and unnecessary.

In addition to the suggestion to do the global change of terminology from unregistered assistant to veterinary assistant throughout the Practice Act, the group identified three (3) other concerns that needed to be included in the bill language:

1. Mandatory fingerprinting of all unlicensed or unregistered staff that has any access to controlled substances;
2. Authority for the Board to do regulations in the future when or if a particular drug is determined to be too dangerous for a non-licensee to handle; and
3. Take out the sunset date.

Mr. Gage said he would put together language and get back to the VMB. The meeting adjourned at 3:30pm.