SUNSET REVIEW REPORT
California State Veterinary Medical Board
August 25, 2003

PART I

Executive Summary 4

Background and Description 6

History of the Board 6

Function of the Board 7

Board Composition 8

Committees 8

Who Board Licenses, Titles & Regulates 11

Major Changes Since Last Review 11

Major Studies 13

Licensing Data 13

Budget and Staff 14

Current Fee Schedule and Range 14

Revenue and Expenditure History 15

Expenditures by Program Component 16

Fund Condition 17

Licensure Requirements 18

Education, Experience and Examination Requirements 18

Continuing Education/Competency Requirements 21

Comity/Reciprocity with Other States 22

Licensure of Internationally Trained Veterinary Graduates 22

Enforcement Activities 24

Data (table) 24

Enforcement Program Overview 25

Case Aging Data 26

Citation and Fine Program/Unlicensed Activity 29

Diversion Program 30

Results of Complainant Satisfaction Survey 31

Enforcement Expenditures and Cost Recovery 32

Average Cost for Disciplinary Cases 32

Cost Recovery Efforts 33

Restitution Provided to Consumers 33

Complaint Disclosure Policy 33

Consumer Outreach, Education and Use of Internet 35

Consumer Outreach Efforts 35

PART II

Board's Response to Issues Identified and Former Recommendations Made by the Joint Legislative Sunset Review Committee 36

Veterinary Medical Board 36

Registered Veterinary Technician Committee 39

Acronyms 41

VETERINARY MEDICAL BOARD

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

PREFACE

The Veterinary Medical Board (Board), as part of the Department of Consumer Affairs (DCA), is required by SB 2036 (Chapter 908, Statutes of 1994) to submit a report to the Joint Legislative Sunset Review Committee at specific intervals. The report outlines the need for continued regulation of the veterinary profession, including registered veterinary technicians (RVTs), provides an overview of the effectiveness and efficiency of the Board's regulatory programs and offers recommendations for improvements.

EXECUTIVE SUMMARY

Each day Californians are protected by the veterinary profession that is responsible for food safety of animal origin and control of zoonotic diseases (diseases spread from animals to people). Early recognition of symptoms, aggressive vaccination campaigns, and accompanying education by veterinarians have significantly reduced the public health threat of rabies, the most well-known disease that is transmitted between animals and people. The low incidence of other diseases such as tuberculosis, brucellosis, eastern and western encephaloymelitis, and West Nile virus is due to the competency of veterinarians who diagnose and supervise preventive medicine programs. In addition, veterinary medicine is on the front line of defense against such bio-terrorism threats as anthrax, foot and mouth disease, and food and water resource contamination.

The profession provides health care to the state's population of livestock, poultry, and pets from birds, fish, rabbits, hamsters, and snakes to dogs, cats, goats, pigs, horses, and llamas. The quality of health care provided is on a par with that of human medicine, including 20 recognized specialties such as surgery, internal medicine, pathology, and ophthalmology. Drugs and procedures are shared between human and animal medicine. Frequently techniques, such as the much discussed genetic cloning procedures are developed in veterinary medical research prior to their use in human medicine.

The services veterinarians and RVTs provide to the food, agriculture, insurance, pharmaceutical, research, horse racing, and pet care industries have a major impact on the state's economy. According to the American Veterinary Medical Association (AVMA), veterinary services constitute in excess of a $1.2 billion industry in the state. Based on statistics from the California Department of Food and Agriculture from 2002, livestock and poultry products alone generate over $6.3 billion in sales. The California Horse Racing Board estimates that the horse racing industry generates in excess of $458 million per year. All of these services are dependent on veterinary services and the figures do not include the revenues generated by support industries such as feeds, equipment, construction, advertising, financial services, real estate, transportation, etc.

A recent survey by the AVMA shows that at least 60% of all American households own at least one pet. Ninety percent of dog owners use veterinary services at least once per year and make 2.2 repeat visits while 75% of cat cat owners use veterinary services with 1.2 repeat visits per year. On the average pet owners spend approximately $150 million annually for veterinary health care maintenance. The pet-owning public expects that the providers of their pet's health care are well trained and are competent to provide those services. The Board assures the public that veterinarians and RVTs posses the level of competence required to perform those services by developing and enforcing standards for examinations, licensing, and hospital and school inspections.

Companion animal veterinarians see an average of 5,000 clients per year and pay a biennial licensing fee of only $225. Therefore, the estimated cost passed on to the consumer for the benefits and protections provided by the Board amounts to four cents per companion animal veterinary examination.

Created in 1893, the Board licenses and regulates veterinarians, certifies RVTs, approves RVTs' schools and registers veterinary premises. The Board is comprised of seven members, four veterinarians and three public members. Standing committees include Administration and Budget, Examination and Licensure, Legislative, Consumer Education, Continuing Education, Enforcement and RVT.

The Board balances revenues, expenditures, and its contingency fund with maintaining vital services to the public. Revenues are from licensing, examinations, collected fines and penalties and cost recovery. Expenditures are for enforcement, examination, licensing, administration and the diversion program. The Board's annual budget is approximately $1.8 million and its mandated contingency fund is maintained at a level between three and ten months.

The Board requires adherence to strict licensure requirements for California veterinarians and RVTs. In line with these strict requirements, additional eligibility pathways have been approved for licensure of internationally trained veterinary graduates and certification of RVTs. Continuing education regulations for veterinarians were implemented requiring 36 hours in the two years preceding license renewal.

Enforcement continues to be the Board priority for consumer protection. Enforcement activities comprise over 60% of the annual expenditure budget. Complaints have increased 84% since 1996, going from 440 to 811 annually. Competence and/or negligence issues comprise approximately 52% of the complaints. Between 1996 and 2002, the Board successfully obtained authority to increase the enforcement staff through budget change proposals. Staff increased from 7.0 to 11.9 employees. This resulted in a dramatic decrease in the complaint processing time. In 2003, due to the State budget crisis, the Board's staff was reduced by two full positions to 9.9 resulting in increased complaint processing timeframes.

The Board recently approached the Department of Consumer Affairs (DCA) with a proposal to utilize outside private investigators in order to save costs and reduce processing times. Also due to current budget crisis, the DCA's Division of Investigation (DoI) lost positions and has been forced to prioritize its investigation workload and decrease the number of overall investigations it performs. This reduced or eliminated investigations on cases involving animals.

Costs associated with enforcement continue to rise especially the costs associated with services provided by the Office of the Attorney General (AG). Other factors contributing to increased enforcement costs include the number of citation appeals and the number and complexity of cases. The

Board is developing a budget change proposal in FY 2003/2004 to address these increasing costs. The Board continues to review the enforcement procedures and is scheduled to evaluate its cite and fine program to look for ways to improve and enhance this successful program. The Board continues seeking cost recovery to assist with these enforcement expenditures as well as restitution to the consumers where applicable.

Consumer outreach and education are vital components of the Board's function. The Board is improving its outreach efforts via Internet access for forms and information and through the ongoing development of educational and informative brochures.

In summary, the Board continues improving its consumer outreach programs and enforcement guidelines to protect the public. The following recommendations will assist in this progress:

- Provide the Board flexibility in setting fees within legislated caps
- Allow the Board to contract with outside private investigators

BACKGROUND AND DESCRIPTION

History of the Board

California leads the country in quality animal health care. Created in 1893, the Board licenses and regulates veterinarians, certifies RVTs, approves RVT schools, and registers veterinary premises. Most veterinary services are provided at privately owned veterinary premises, mobile clinics, or by house-call practitioners. There are approximately 8,600 licensed veterinarians, 3,700 registered veterinary technicians, and 2,700 veterinary premises. According to the AVMA, California's professional community represents approximately 13% of the national total.

Over the years the Board's statutes and regulations have changed to keep pace with advances in medicine, changes in the methods of delivery of veterinary services and consumer demands.

- In 1974, the Board established the nation's first premises inspection program to assure sanitary conditions and implemented a registration fee to fund it.

- In 1975, the Legislature passed a law creating a new profession – Animal Health Technicians. The designation changed from Animal Health Technicians to Registered Veterinary Technicians in 1994.

- Minimum standards of veterinary practice were adopted in 1979 in conjunction with establishing the inspection program. The minimum standards include premise requirements, practice management requirements, provision of emergency service, mobile clinic standards, record keeping requirements and anesthetic guidelines.

- As a part of the minimum standards, in 1996, the Board adopted a rule requiring a veterinarian-client-patient relationship (as defined by the Federal Drug Administration) prior to prescribing, dispensing or furnishing a dangerous drug and outlined the information that must be included on the written prescription.

- Since 1996, the Board has worked with the public and the professional associations to develop core standards for all practices and specific standards for small animal fixed and mobile practices. The updated standards were adopted into regulations in August 2000.

- In 1997, RVTs were given regulatory authority to obtain a license from the Drug Enforcement Agency (DEA) so they could purchase a controlled substance, sodium pentobarbital, to use for purposes of humane euthanasia in animal shelters.

- In 1999, the legislature mandated a continuing education program for veterinarians which became effective in 2000.

- In 2001, the Board implemented the Program for Assessment of Veterinary Education Equivalence (PAVE) as an alternative evaluation of international trained veterinary graduates.

- In 2001, the Board updated the disciplinary guidelines and incorporated them into the Veterinary Medicine Practice Act.

- In 2001, the Board updated the RVT alternative route eligibility criteria and clarified the educational requirements.

- In 2002, the Board adopted regulations to allow veterinarians to utilize RVTs in off premise settings.

- In 2003, the Board approved computerization of the RVT examination to improve the efficiency of administering the examination and reduce costs associated with managing the examination process.

Function of the Board

The Board licenses and regulates veterinarians, certifies RVTs, approves RVT schools and registers veterinary premises. The Board meets at least four times annually to make policy decisions and review committee recommendations. Under B&P Code section 108, the Board is mandated to regulate the veterinary medical profession to the level necessary to protect public health and welfare. The Board sets standards, prepares and conducts examinations, conducts investigations of violations of laws under its jurisdiction, issues citations and holds administrative disciplinary hearings. In addition, it provides information as requested by the Governor, legislature, other governmental agencies, and the DCA.

The Board's functions include enforcement, examinations and licensing activities. Licensees receive information about regulations through seminars, an internet quarterly newsletter, and by publication of the *California Veterinary Medicine Practice Act: A compilation of laws relating to the practice of veterinary medicine, surgery and animal health technology,* updated in 2003. The Board accomplishes enforcement through premise inspections both complaint-generated and at-random, through investigation of consumer complaints which may result in citation and fine or the filing of accusations that may result in discipline.

Employee duty statements and Board committee assignments delineate the Board and staff functions. The Board uses committees typically made up of two or three Board members that meet in conjunction with the Board meetings to minimize travel expenses. Persons who might be affected by the issues under discussion or who have expertise in particular areas are invited to participate in committee discussions. Board committees develop advisory recommendations to the full Board which makes final

decisions on each recommendation. . Standing committees include Examination and Licensure, Administrative and Budget, Consumer Education, Continuing Education, Enforcement, Legislative and RVT. Other committees may be created for specific issues including Sunset Review, alternative therapies and minimum standards revision.

Board Composition

The Board consists of seven members, four veterinarians and three public members. A list of Board members, appointment authorities, and term expiration dates follows. Currently, one vacancy exists on the Board.

MEMBER NAME	TERM EXPIRATION DATE	POSITION	APPOINTING AUTHORITY
Ronald Biron, President	6-1-2004	Public	Senate
Michael Kerfoot, DVM, Vice President	6-1-2004	Licensee	Governor
Dawn Arnall, Public Member	6-1-2006	Public	Governor
Sondra Browning, Public Member	6-1-2007	Public	Assembly
Gregory Ferraro, DVM	6-1-2005	Licensee	Governor
Troy Roach, DVM	6-1-2003	Licensee	Governor
Vacant		Licensee	Governor

The Board and Committees abide by the Political Reform Act of 1974 and follow the DCA's Conflict of Interest Code as presented in their board member manual. Each Board member files a statement of economic interest and is made aware of conditions that would necessitate disqualification.

Committees

Administrative and Budget Committee
Chair: Biron
Mbrs: Ferraro, Arnall
Staff: Thornburg

This committee meets as necessary to review budget issues and to evaluate administrative policies involving physical and personnel resources, prepare the annual Executive Officer evaluation.

Examination and Licensure Committee
Chair: Kerfoot
Mbrs: TBD
Staff: Novak

This committee meets in conjunction with the Angoff pass point rating workshop to write and review examination questions. At least one committee member attends these workshops. This committee also meets for bank review, test document preparation and review, and after each examination for a final review of exam statistics prior to sending out scores.

Legislative Committee
Chair: Ferraro

Mbrs: Biron
Staff: Geranen

This committee reviews current statutes and rules and proposed statutory and regulatory changes.

Ad Hoc Committees:

Consumer Education Committee
Chair: Ferraro
Mbrs: TBD
Staff: Thornburg

This committee assists staff in editing, writing, developing, and reviewing the Board newsletter and evaluates the Board's consumer outreach procedures.

Continuing Education Committee
Chair: Roach
Mbrs: Biron
Staff: Pearce

This committee assists staff in drafting regulations and policies for mandatory continuing education and administering the program.

Enforcement Committee
Chair: Kerfoot
Mbrs: Biron
Staff: Bayless

This committee discusses enforcement issues and assists staff in developing enforcement procedures. It also plans inspector-training workshops, reviews inspection contract bids and evaluates the premises inspection and enforcement program.

Strategic Planning/Sunset Review Committee
Chair: Arnall
Mbrs: Ferraro, Browning
Staff: Thornburg

This committee meets to evaluate and update the Board's Strategic Plan. It also assists staff in preparing the Sunset Review Report.

Registered Veterinary Technician Committee (RVTC):
Chair: Ehrlich
Vice Chair: Henderson
Mbrs: Johnson, Cicotte, Zachritz
Liaison: Roach
Staff: Licon

The Registered Veterinary Technician Committee (Committee) is an advisory committee with its members appointed by the Board. The Committee consists of five members, one veterinarian, three RVTs, and one public member. A list of Committee members and term expiration dates follows.

MEMBER	TERM EXPIRATION	POSITION	APPOINTING AUTHORITY
Kathleen Cicotte, RVT	6-30-2005	Licensee R.V.T.	Board
Nancy Ehrlich, RVT, Chair	6-30-2006	Licensee R.V.T.	Board
Alex Henderson, RVT, Vice Chair	6-30-2006	Licensee R.V.T.	Board
Richard G. Johnson, DVM	6-30-2004	Licensee DVM	Board
Linda Zachritz, JD, Public Member	6-30-2005	Public	Board

The RVTC advises the Board on issues pertaining to the practice of veterinary technicians and assists the Board in the examination of applicants for veterinary technician registration. As directed by the Board, the Committee may investigate and evaluate each applicant applying for registration and may recommend to the Board for final determination the admission of the applicant to the examination and eligibility for registration. The Committee may make recommendations to the Board regarding the establishment and operation of the continuing education requirements authorized by section 4838 of this article and may assist the Board in the inspection and approval of all schools or institutions offering a curriculum for training RVTs.

Summary of Committee Assignments by Member

Arnall	Administrative and Budget, Strategic Planning/Sunset Review Committee
Biron	Administrative and Budget, Continuing Education, Enforcement, Legislative, Registered Veterinary Technician
Browning	Strategic Planning/Sunset Review Committee
Ferraro	Consumer Education, Legislative, Strategic Planning/Sunset Review
Kerfoot	Examination & Licensure, Enforcement
Roach	Continuing Education, Board liason to RVT committee, Board liason to CVMA

Chairperson Committee Assignment Summary

Arnall	Strategic Planning/Sunset Review Committee
Biron	Administrative and Budget
Ferraro	Legislative
Kerfoot	Enforcement, Examination & Licensure
Roach	Continuing Education
Ehrlich:	Registered Veterinary Technician

Who Board Licenses, Titles and Regulates

The Board licenses veterinarians, certifies RVTs, approves RVT schools, and registers veterinary premises as authorized by the California Business and Professions Code Division 2 Healing Arts Chapter 11 Veterinary Medicine Articles 1-6 Sections 4800-4917.

Major Changes Since Last Review

The Board continually looks for ways to improve its programs. Since the 1996 Sunset Review Report, the Board implemented the following enhancements:

Consumer Outreach Efforts

- Improved delivery of veterinary services to consumers by adopting regulations to allow veterinarians to utilize RVTs in off premise settings for wellness vaccinations, on-going hospice care, daily injections for diseases such as diabetes, etc.
- Increased consumer awareness by enhancing access to the web site and by implementing a toll free number
- Created two new consumer brochures for a total of four consumer information brochures
- Created on-line access to the consumer complaint form in two new formats. One form can be downloaded and one can be filed via the Internet resulting in a 84% increase in consumer complaints from 440 to 811
- Initiated "License Lookup" so that consumers have access to licensing and enforcement information via the Internet (refer to Licensing Data for detail)
- Participated in consumer events such as the Pet Expos
- Updated all complaint-related letters to better explain the process
- Monitored consumer satisfaction surveys sent to complainants and respondents to continually improve the process

Enforcement

- Increased enforcement staff resulted in a decrease in complaint resolution times and improved enforcement tracking, subsequently the staff was reduced and processing times rose
- Updated Minimum Standards of Practice
- Updated Disciplinary Guidelines
- Implemented a mandatory continuing education audit program
- Increased the annual premise inspection program from 250 to 450. All new veterinary premises are now inspected within the first 6 to 12 months of operation
- Increased enforcement authority over California approved RVT schools
- Increased Board Review of closed cases for uniformity, completeness and fairness

Examinations/Licensing

- Computerized national board examination, the North American Veterinary Licensing Examination (NAVLE)
- Adopted regulations to recognize the Program for Assessment of Veterinary Education Equivalence (PAVE) for international veterinary graduates
- Improved access to the RVT state board examination by converting to a computerized testing format
- Conducted job analyses for both the veterinary and RVT (ongoing) state board examinations

Administration

- Initiated annual Strategic Planning sessions
- Created a policies and procedures manual
- Developed radiation safety exam for non-registered veterinary assistants

Current Projects

- Continue to work with the Board of Pharmacy to define jurisdiction over Internet pharmacies and dispensing of dangerous drugs

- Refining the minimum standards for mobile and limited service clinics
- Researching the "owned animal" exemption in the Practice Act
- Expanding web site information
- Updating RVT school approval criteria
- Expansion of presentations on the Practice Act, eligibility and licensing requirements, enforcement issues, current RVT and veterinary issues to veterinarians, RVT's, veterinary schools and consumers
- Researching the impact of budgetary constraints on State examinations and consumer protection

Internal Changes

- Expansion of the Board to seven members through the addition of a public member.
- Since 1996 the Board members are all new appointees.
- Restructuring of the RVTC from an independent statutory committee of seven members to a five member advisory committee.
- Approved budget change proposals increased staff to 11.9 positions. However, the current hiring freeze resulted in elimination of two part-time and one full-time vacant positions for a reduction in staff from 11.9 to 9.9.
- An 84% growth in consumer complaints increased the workload pressure on staff and reversed declining response times.

Strategic Planning

- Effective 2003, strategic planning meetings will be held during regularly scheduled Board meetings as a budget compromise.
- Since 1996, the Board increased its focus on consumer outreach and awareness.
- In anticipation of ongoing budget constraints the Board prioritized its enforcement, legislative, examination and licensing activities.

Regulatory/Legislative Changes

- The Board is participating in the review and clarification of pharmacy statutes involving jurisdiction over dangerous drugs used in veterinary medicine.
- In 1999 the legislature created two temporary license categories, one for reciprocity and one for internships and residencies. In 2000 the Board developed regulations to define the criteria for these temporary licenses.
- Legislation passed in 1999 created a continuing education program for licensed veterinarians. Regulations governing this program were implemented in 2000.

Major Studies

Based upon legislative direction and the recommendations of testing experts the Board completed a job analysis (available upon request) of the California veterinary tasks in 2001. The state test plan is based upon the results of this job analysis. The RVT job analysis is in progress. Due to budget cuts, the Office of Examination (OER) is experiencing difficulty completing the analysis. The Board is working with OER to help facilitate a way to complete the analysis in 2003/2004.

Licensing Data

There are approximately 11,644 licensed veterinarians and 3,766 certified RVTs for FY 2002/03. The following table provides licensing data for the past four years:

LICENSING DATA FOR VETERINARIANS	FY 1999/00	FY 2000/01	FY 2001/02	FY 2002/03
Total Licensed California Out-of-State Inactive/Delinquent	Total: 10,661 6,407 2,068 2,186	Total: 11,127 6,658 2,091 2,378	Total: 11,645 6,679 2,089 2,877	Total: 11,644 6,581 2,082 2,981
Applications Received	Total: 702	Total: 642	Total: 759	Total: 754
Applications Denied	Total: 0	Total: 2	Total: 4	Total: 2
Licenses Issued	Total: 426	Total: 515	Total: 446	Total: 462
Renewals Issued	Total: 4,059	Total: 4,174	Total: 4,235	Total: 4,156
Statement of Issues Filed	Total: 6	Total: 2	Total: 5	Total: 1
Statement of Issues Withdrawn	Total: 0	Total: 0	Total: 0	Total: 0
Licenses Denied	Total: 3	Total: 5	Total: 6	Total: 2

LICENSING DATA FOR REGISTERED VETERINARY TECHNICIANS AND PREMISES	FY 1999/00	FY 2000/01	FY 2001/02	FY 2002/03
Total Licensees (By Type) Registered Veterinary Technicians Inactive/Delinquent Registered Veterinary Premises Inactive/Delinquent	Total: 3,378 1,257 2,700 212	Total: 3,544 1,350 2,708 255	Total: 3,648 1,449 2,769 237	Total: 3,766 1,533 2,791 218
Licenses Issued (By Type) Registered Veterinary Technicians Registered Veterinary Premises	Total: 198 123	Total: 242 91	Total: 210 107	Total: 217 107
Renewals Issued (By Type) Registered Veterinary Technicians Registered Veterinary Premises	Total: 1,616 2,405	Total: 1,645 2,493	Total: 1,768 2,603	Total: 1,676 2,565

The following information on a licensee is available to the public by contacting either the Veterinary Medical Board or the Department of Consumer Affairs (DCA) Information Systems Division:

- Name of licensee
- Licensee number
- Address of record
- College attended and date of graduation
- Original licensure date
- Expiration or termination date and, if applicable, the basis for termination

- Information regarding citation and fine actions (during previous five years) and formal disciplinary actions.

Several formats make this information available publicly. The DCA Public Information Office provides, for a fee, hard-copy or electronic lists, labels and disks. Additionally, consumers can access the information from the internet via links from the DCA or Board web sites.

BUDGET AND STAFF

Current Fee Schedule and Range

The Board continually monitors its fee schedules, fund condition projections, expenditures and revenue levels to assess the need for either decreasing or increasing fees. In fiscal year 2000/2001, the Board proposed a fee increase to certification fees for RVTs, veterinary premises and veterinary licensing fees. During the public comment portion of the regulatory process, three prominent professional associations in the State raised objections to the increase. In response to these objections and based on the fact that the Board's updated fund condition supported the change, the Board amended its original fee increase proposal request down by 50% for registration of RVTs and for licensing of veterinarians. The proposed fee for veterinary premises remained the same. In addition to decreasing the original fee proposal, the Board delayed implementation for one year. The regulations were approved and became effective July 1, 2003.

Due to the costs of the job analyses required every five to seven years to maintain the state examinations, the Board may require and additional fee increase to meet costs. The first job analysis completed in 1993/94 was included in the OER prorate charges. As of 2001/02 the OER charged the Board for the three committees required to complete the job analysis. The committees include item writing, item review and pass point setting. The cost was $180,000 for both the CSB and RVT exams. The next job analysis is scheduled for 2007/08. In anticipation of these additional charges and the rising costs of enforcement, the Board requests the ability to set fees within statutory limitations subject to normal review process of public hearings.

Fee Schedule – Veterinarians	1995 Fee	Current Fee (July 1, 2003)	Statutory Limit
Application Fee [1]	0	$65	$100
Exam Fee – California State Board[2]	$210	$140	$325
Exam Fee – Veterinary Law Exam[3]	0	$35	$50
Continuing Education Provider Fee	0	$200	$200
Original License Fee	$200	$225	$250
Renewal Fee	$200	$225	$250

[1] Nonrefundable
[2] In 1996 the Exam fee was split into a nonrefundable application fee and the exam fee.
[3] Implementation in 1997/98.

Fee Schedule - Registered Veterinary Technicians	1992 Fee	Current Fee (July 1, 2003)	Statutory Limit
Application Fee	N/A	N/A	N/A
Exam Fee	$50	$75	$100
Original License Fee	$50	$75	$100
Renewal Fee	$50	$75	$100

Fee Schedule - Registered Veterinary Premises	1992 Fee	Current Fee (July 1, 2003)	Statutory Limit
Original License Fee	$50	$100	$100
Renewal Fee	$50	$100	$100

Revenue and Expenditure History

The Board is funded completely through licensing and other fees. It does not require any support from the General Fund. Approximately 82% of revenue comes from license renewals. Other revenue sources include first-time licenses, application fees, delinquent fees, penalties, fines, cost recovery and interest. Veterinarians and RVTs renew licenses every two years by the last day of their birth month in either an odd or even year depending on their birth year. Veterinary premises permits are renewed annually by May 15. The projected increase in revenues is due to licensing fee adjustments effective July 1, 2003.

REVENUES	ACTUAL				PROJECTED	
	FY 99-00	FY 00-01	FY 01-02	FY 02-03	FY 03-04	FY 04-05
Licensing Fees	$1,117,785	$1,105,987	$1,145,883	$1,174,525	$1,436,900[1]	$1,436,900
Examination Fees	$219,308	$136,807	$162,162	$157,587	$131,250	$131,250
Fines & Penalties	$51,911	$58,052	$88,545	$93,801	$50,000	$50,000
Other	$34,516	$267,136[2]	$34,743	$40,368	$66,000	$66,000
Interest	$95,391	$122,462	$51,400	$26,609	$38,638	$37,891
Reimbursements	($39,657)	($45,312)	($66,337)	($66,687)	0	0
TOTALS	**$1,479,254**	**$1,645,132**	**$1,416,396**	**$1,426,203**	**$1,722,788**	**$1,722,041**

[1] License fee increase effective July 1, 2003.
[2] Includes a General Fund transfer of $231,133.

	ACTUAL				PROJECTED	
EXPENDITURES	FY 99-00	FY 00-01	FY 01-02	FY 02-03	FY 03-04	FY 04-05
Personnel Services	$524,976	$544,531	$569,750	$534,926	$596,399	$607,808
Operating Expenses	$1,095,667	$1,228,658	$1,301,421	$1,224,222	$1,255,601	$1,280,712
(-) Reimbursements	$-39,522	$-45,442	$-66,337	$-66,687	$-26,000	$-26,000
(-) Distributed Costs	0	0	0	0	0	0
TOTALS	**$1,581,121**	**$1,727,747**	**$1,804,834**	**$1,692,461**	**$1,826,000**	**$1,862,520**

Expenditures by Program Component

The Veterinary Medical Board operates on an annual budget of $1.8 million, with about 62% of its budget devoted to enforcement activities, 28% to examination and licensing functions, and Administration and Diversion making up the remaining 10%.

The Board's enforcement budget includes significant expenditures for services from other agencies within the disciplinary structure, such as the Office of the Attorney General for attorney services, the Office of Administrative Hearings for administrative law judges, and the Department of Consumer Affairs' Division of Investigation for investigative services. In addition, the Department of Consumer Affairs is paid pro rata for such services as information technology, consumer relations and administrative services.

As with all fee-supported agencies, budgeting can be problematic and challenging. Since its last review, the Board experienced a significant rise in costs without an equal rise in revenue. An anomaly surfaces in 2002/2003 showing an overall expenditure decrease. This is not due to a decrease in costs, but rather to the current budget crisis and the salary savings that resulted from staff reductions. The Board has experienced increases in rent and personnel costs. In addition, the hourly charges for services performed by other State agencies has risen. The fees for services by the Office of the Attorney General rose from $98 to $112 per hour and to $120 per hour in the Los Angeles areas to fund a pilot project to improve client services. The per hour charge for Division of Investigation has gone from $91 to $120 an hour.

The price of technology had an impact as well. Communication costs have risen and the costs of maintenance of information technology services continues to rise with the prospect of even greater costs looming as the Board works with the Department of Consumer Affairs to identify replacements for the existing obsolete computer tracking systems.

In an effort to meet statutory mandates as well as provide better information to consumers, personnel was redirected and costs were incurred to improve and expand the Board's web site, and provide publications to the consumer and the profession. Printing costs have risen as well as postage and increased distribution costs.

EXPENDITURES BY PROGRAM COMPONENT	FY 99-00	FY 00-01	FY 01-02	FY 02-03	Average % Spent by Program
Enforcement	$986,466	$1,080,570	$1,126,532	$1,055,500	**62%**
Examination	$221,356	$241,885	$252,677	$236,945	**14%**
Licensing	$221,356	$241,885	$252,677	$236,945	**14%**
Administrative	$142,301	$155,497	$162,435	$152,321	**9%**
Diversion (if applicable)	$9,642	$7,910	$10,513	$10,750	**<1%**
TOTALS	**$1,581,121**	**$1,727,747**	**$1,804,834**	**$1,692,461**	

Fund Condition

The Board attempts to balance revenues and expenditures with the mandated contingency fund of between three and ten months. The increasing costs of enforcement, consumer outreach and general operating expenses requires the Board to request a fee increase to maintain a balanced budget and minimum reserve. In some years, managing the contingency fund resulted in expenditures exceeding revenues because the Board utilized the fund to augment expenditure increases in lieu of increasing fees to keep the fund within a ten month legislative cap.

The Board is like any other fee-supported agency in that its revenues are relatively static while costs can fluctuate over short periods of time driven by workload, legislative mandate, inflation or one-time events that require commitment of funds. The Board seeks to moderate the potential for fiscal uncertainty and crisis that these forces cause by closely monitoring its fund condition. Years of experience with license trends allows for fairly accurate estimates of the anticipated revenue that will be available to fund program operations. Furthermore, the Board aggressively seeks opportunities to limit its expenditures by the close monitoring of each of its current cost centers. Finally, the Board consistently seeks to align responsibility for funding services with those who are responsible for the costs. This is reflected by the direct assessments found, for example, in the investigative cost recovery and probation monitoring to name a few.

The reserves are being diminished with the rising costs associated with consumer outreach and the enforcement program. Projections are that by May, 2006 the reserve fund will be below mandated levels. The Board requests the authority to set fees within the legislative cap based upon projected expenditures to maintain consumer protection.

ANALYSIS OF FUND CONDITION	FY 99-00	FY 00-01	FY 01-02	FY 02-03	FY 03-04 (Projected)	FY 04-05 Projected)
Total Reserves, July 1	$1,703,435	$1,601,666	$1,525,734	$1,127,288	$861,030	$757,818
Total Rev. & Transfers	$1,479,254	$1,645,132	$1,416,396	$1,426,203	$1,722,788	$1,722,041
Total Resources	$3,182,787	$3,253,480	$2,932,122	$2,553,491	$2,583,818	$2,479,859
Total Expenditures	$1,581,121	$1,727,747	$1,804,834	$1,692,461	$1,826,000	$1,862,520
Reserve, June 30	$1,601,666	$1,525,734	$1,127,288	$861,030	$757,818	$617,339
MONTHS IN RESERVE	**11.1**	**9.9**	**8.0**	**5.7**	**4.9**	**3.9**

LICENSURE REQUIREMENTS

Education, Experience and Examination Requirements

California requires three examinations for licensure of veterinarians: 1) the National Veterinary Licensing Examination (NAVLE); 2) the California State Board Examination (CSB); and 3) the California Veterinary Law Examination (VLE), as specified in the Veterinary Practice Act. Once a candidate passes one of the examination requirements the candidate has 60 months to complete the remaining exams. During this time he/she is not required to resubmit proof of qualifications but must file an affidavit (provided in the retake packet) verifying that he/she has not practiced veterinary

medicine in California since the date of their last application. Applicants currently practicing in other states are required to submit letters of good standing.

Candidates applying for licensure must have a diploma from a graduate degree program at a school accredited by the American Veterinary Medical Association (AVMA). All of the veterinary schools in the US (28 total) plus the four in Canada, one in Utrecht, The Netherlands, one in England, two in Scotland and one in New Zealand are accredited by the AVMA. Many of these schools require some form of experience within the profession or with animals as a requirement for admission. The AVMA's accreditation process sets and monitors standards for veterinary colleges.

Although there are different information requirements for graduates of the AVMA accredited schools, graduates of non-AVMA accredited school and reciprocity candidates, all candidates must provide the following information:

- An application form that provides relevant personal data, veterinary education background, veterinary licensure history in other states, disciplinary activity against his/her license, history of conviction of a felony or misdemeanor, licensing examination history and length of time in practice
- Three current photographs signed on the back
- Required fees
- Certificate of good standing from all states in which the candidate is licensed
- Completed fingerprint card and fee or verification of live scan processing

In addition to the above, candidates from AVMA accredited must provide a copy of their diploma or a letter from the Dean attesting to senior status (a copy of the diploma must be submitted before licensure).

Candidates from non-AVMA accredited schools must complete an additional program to measure education equivalence. The additional requirements include English proficiency, clinical experience, and evaluation of basic science knowledge. The Board does not believe that there are any alternatives to formal education as a means for licensure.

Candidates from non-AVMA accredited schools must submit the following additional information:
- A copy of their original diploma and transcripts and a certified translation, if not issued in English
- A copy of their completed education equivalence program certificate
- A report of their national board scores

Reciprocity candidates for temporary licenses must include all of the above plus the following:
- Verification of having taken and passed the NAVLE at the time of original licensure in another state
- Letter(s) from two fellow practitioners verifying that the candidate has been continuously engaged in the practice of veterinary medicine for at least four of the five years immediately preceding application
- Letters of good standing from all applicable state boards
- All reciprocity candidates must complete a three day course, California Regional Education Symposium (CARES), on regionally specific diseases and conditions within twelve months of the date of issue of their temporary license in order to receive an unrestricted license

All candidates applying for examination for licensure receive as part of their packet the following:

- A detailed outline of the examination requirements for California. A name and phone number to call at the Board office for additional help or information. Information is included for internationally trained veterinary graduates on how to contact the administrator for the education equivalence programs
- A schedule of fees and filing deadlines
- Guidelines for submission of candidate photographs
- A list of the content domains and approximate number of test items for the California State Board Examination
- An explanation of the scoring system used for the national and state examinations
- Information regarding the California rules for graduates of non-AVMA accredited schools
- Sample questions for the national licensing examination
- Notices of policy changes affecting the examination and licensure process.

Candidates needing special accommodations for the examination must also complete a "Request for Accommodation of Disabilities" form and provide supporting documentation.

The OER conducts the pass point setting workshops and grades the state examinations. The Board notifies candidates of the results. Once a candidate passes one part of the three part examination process, the other two parts must be passed within 60 months or the scores are invalidated and the application process starts again. The cut-off score range for passing the CSB examination is determined by the Angoff criterion referenced method supported by a panel of subject matter experts. The most legally defensible score is in the middle of this range. The Examination and Licensure Committee in 2001/2002 moved the cut-off score from the lower end of the range to the mid-point resulting in a drop in the passing rates.

Exam candidate information and documents are verified through Veterinary Information Verifying Agency (VIVA), which is administered by the American Association of Veterinary State Boards (AAVSB). Information provided on examination applications and supporting documentation is confidential and is not available to the general public.

The Board ensures examination security through fingerprinting, photo identification, examination site selection and physical layout and a ratio of approximately one examination proctor to 28-35 candidates. Since 1996, the Board expanded its fingerprint background checks to include FBI as well as state identification. A follow-up review also identifies statistically suspicious scores.

The Board examination committee, like the NBEC/NBVME, is reviewing a conversion to a computer-generated examination to provide more flexibility for the candidates and improve access to its services.

The CSB occupational analysis was performed in 2001/2002 and validated in July 2002. The RVT analysis is substantially completed but awaiting validation. These two analyses cost $180,000. The next scheduled analyses are in 2007/08.

The Board believes that there is justification in using all three examinations to measure minimum competencies and knowledge of state specific conditions. The current budget crisis in California has forced the Board to evaluate the cost effectiveness of an individual state board examination and to consider alternatives. However, any decision by the Board will maintain the high standards of California licensure. While other states have eliminated their state board examinations and rely on the national exam in combination with a take home exam similar to the VLE because of cost factors, the Board considers California to be a different situation. In order to maintain the state examinations a fee increase will be requested.

NORTH AMERICAN VETERINARY LICENSING EXAM				
YEARS	NATION-WIDE		CALIFORNIA ONLY	
	TOTAL CANDIDATES	PASSAGE RATE	TOTAL CANDIDATES	PASSAGE RATE
1999/00	NBE – 3,986 CCT – 3,766	NBE – 71% CCT – 79%	NBE – 286 CCT – 272	NBE – 55% CCT – 64%
2000/01*	NAVLE – 3,640	74%	279	62%
2001/02	NAVLE-4,047	74%	265	65%
2002/03	Not available until March 2004	Not available until March 2004	310	70%

NOTES

NBE **National Board Examination**

CCT **Clinical Competency Test**

NAVLE **North American Veterinary Licensing Examination**

- **With the November 2000 administration the national examination changed from a two day, two exam, paper and pencil format to a one-day, one exam, computer format.**

CALIFORNIA STATE BOARD EXAMINATION				
	1999/00	2000/01	2001/02	2002 – 2003
CANDIDATES	408	339	487	502
PASS %	77%	87%	60%	62%

NOTE: The Board utilizes the nationally accepted Angoff criterion method of setting a passing cut off score for its licensing examinations. Each examination is rated for difficulty based on the difficulty level of each examination item. A legally acceptable passing range is established based on that rating. Within that range, the Board determines the actual passing score. In 2001/02, the Board amended its pass setting policy and began using the more difficult mid range cut off pass point recommended by the DCA's Office of Examination Resources instead of using the lowest cut off pass point within the acceptable range. This policy change is reflected in the decrease in the passing scores after 2000/2001.

The average time to process applications, schedule examinations and issue license has been stable for the past four fiscal years.

AVERAGE DAYS TO RECEIVE LICENSE	FY 1999/00	FY 2000/01	FY 2001/02	FY 2002/03
Application to Examination	60	95*	95	95
Examination to Issuance	60	60	60	60
Total Average Days	**120**	**155**	**155**	**155**

***NAVLE requires a 50-day deadline in order to ensure that all candidates will have access to a seat at the computer testing site within a testing administration window.**

The Board continues to use a California state exam for RVTs rather than the Veterinary Technician National Exam (VTNE) because the VTNE does not address the California RVT job tasks**.** California is unique in that RVTs are authorized to perform job tasks that require a high level of expertise, e.g. anesthesia induction, applying casts and splints, dental extractions, and suturing existing skin incisions. The RVTC is pursuing discussions with the national vendor about the feasibility of providing a national exam that would meet California criteria.

In California, there are six pathways available for establishing eligibility to sit for the state board RVT examination. The two-year RVT curriculum at a school accredited by the AVMA is the standard by which all other alternative RVT programs are measured. The Board must determine whether other eligibility pathways are "the equivalent thereof" as per section 2065 of the California Code of Regulations.

Approved pathways for eligibility for the state examination in California include:
1. AVMA approved RVT schools
2. California approved RVT schools
3. Graduate of a Non-approved RVT, two-year community college and 18 months practical experience (under the supervision of a licensed veterinarian)
4. A four year degree in an animal science related field combined with 12 months of experience (includes graduates from a recognized international school of veterinary medicine)
5. Alternate route (includes education and experience)
6. Certification as an RVT in another state

Because of the critical nature of the tasks that RVTs have been given legal authority to perform, every precaution must be taken to ensure that the eligibility criteria and licensing examination are valid and that they measure minimum entry level competency.

RVT Exam	**1999/00**	**2000/01**	**2001/02**	**2002/03**
Candidates	430	464	461	359
Pass %	55%	53%	45%	67%

Continuing Education/Competency Requirements

In response to legislation mandating continuing education in 2000 and requirements outlined in the general Business and Professions Code, Section 166, the Board developed regulations defining provider, course, and audit requirements to create a viable program that would evaluate continued competency. Section 166 lists specific requirements for the Board's adopting mandatory CE programs after 1993: Course validity, occupational relevancy, effective presentation, actual attendance, material assimilation, potential for application with recognition of specified audience, what is to be learned, clear goals and objectives, relevant learning and evaluation. Special mention is made of the importance of holding out-of-state course providers to these standards for the protection of California practitioners.

The Board implemented controls to work towards making it a viable program. The Board conducts an at-random audit program in which licensees are required to submit documentation to prove completion of 36 hours of CE in the two years immediately preceeding renewal. A lack of documentation results in an inactive license renewal and a suspension of the licensee's ability to practice in California.

Comity/Reciprocity with Other States

There is no international reciprocity based on licensure in another country because of the wide variation in licensing requirements. Interstate reciprocity is difficult due to the same variation in licensing requirements from state to state. California developed standard reciprocity licensing criteria for all candidates.

An applicant may apply for licensure by reciprocity if he or she is: 1) licensed in another state, Canadian province, or US Territory; 2) has no disciplinary action taken against the license; 3) has been practicing full time for four out of the five years immediately preceding application; and 4) passed the

national licensing examination at the time of original licensure in another state. International veterinary graduates may apply for reciprocity if they meet all of the above requirements and if they have completed a recognized education equivalence program. All reciprocity temporary licensees must complete a three day course, California Regional Education Symposium (CARES), on regionally specific diseases and conditions within twelve months of the date of issue of their temporary license in order to receive unrestricted licensure. The Board has committed to review in 2003/2004 guidelines for the continuance of temporary licenses in order to meet CARES requirements.

Out-of-state or internationally trained RVTs are limited to working as unregistered assistants until they pass the California RVT exam. Out-of-state RVTs are eligible to sit for the California exam (Sec 2068.6) if they have 36 months of practical experience under supervision of a licensed veterinarian and have no disciplinary actions against them.

Licensure of Internationally Trained Veterinary Graduates

There is extreme variation in the length of training, curriculum content, scope of practice, and clinical training provided by international veterinary schools. For this reason, internationally trained graduates from non-AVMA accredited colleges, are required to complete an additional certification program prior to taking the licensing examinations. (All 50 states, 4 Canadian provinces, and the US Territories require veterinary graduates to complete some type of certification requirements prior to licensure.) Prior to 2001, the Educational Commission for Foreign Veterinary Graduates (ECFVG) was the only education evaluation program available to the state boards. It continues to be administered by the professional association, American Veterinary Medical Association (AVMA).

In 2002, the Program for Assessment of Education Equivalence (PAVE) was implemented. The criterion for the PAVE program is based on the ECFVG program requirements with some major changes. Candidates are required to take and complete each program component in sequence. A basic science examination, the Qualifying Examination, was added as a program requirement and the national licensing examination was removed as a program requirement. Candidates are only eligible to take the national licensing examination upon completion of the PAVE program. Another major change is that the PAVE program allows for completion of the clinical experience pre-graduation. ECFVG requires a second year of clinical experience post-graduation. PAVE allows candidates completing their final clinical year at an AVMA accredited veterinary school to apply that year to the clinical experience requirements.

The Qualifying Examination was developed and validated through a cooperative effort by the NBVME and National Board of Medical Examiners (NBME). These two organizations were instrumental in developing and validating the computerized national licensing examination. The Qualifying Examination tests candidates on their knowledge of the basic sciences taught during the first two years in AVMA veterinary colleges. The Qualifying Examination was administered for the first time in August 2002.

Ten (10) states and one (1) US territory now have changed their laws to recognize PAVE in addition to ECFVG and other programs. California, Louisiana, New York, North Dakota, Massachusetts, Vermont, Utah, Virginia, Montana, Texas and the US Virgin Islands have legally changed their laws to recognize the PAVE program. Two other states, Maine and Illinois have begun the process of approving PAVE. The remaining states are waiting for the outcome of discussions between the AVMA and AAVSB to implement a single independent education evaluation program which the Board would move to adopt.

ENFORCEMENT ACTIVITIES

ENFORCEMENT DATA	FY 99/00	FY 00/01	FY 01/02	FY 02/03
Complaints Received (Source)	Total: 421	Total: 432	Total: 678	Total: 811
Public	327	331	518	586
Licensee/Professional Groups	41	30	72	75
Governmental Agencies	17	9	8	40
Other	36	62	80	110
Type of Complaints Filed	Total: 421	Total: 432	Total: 678	Total: 811
Competence/Negligence	253	263	325	380
Unprofessional Conduct	43	49	180	190
Fraud	3	0	6	4
Unlicensed Practice	67	31	74	110
Substance Abuse/Drug Related	7	3	4	10
Criminal Convictions	10	12	15	43
Health & Safety	21	36	17	24
No Jurisdiction	13	31	37	41
Other	4	7	20	9
Complaints Closed	607	492	534	702
Formal Investigations	45	37	29	19
Compliance Actions	Total: 151	Total: 167	Total: 200	Total: 218
ISOs & TROs Issued	0	0	2	0
Citation & Fines	53	53	79	87
Public Letter of Reprimand	0	0	0	0
Cease & Desist/Warning	96	110	117	128
Referred to Diversion	1	1	2	2
Compel Examination	0	2	0	1
Referred for Criminal Action	3	3	6	3
Referred to AG's Office	Total: 40	Total: 35	Total: 20	Total: 11
Accusation/Petition to Revoke	17	21	15	7
Statement of Issues	6	2	5	1
Petition for Reinstatement/Reduction of Penalty	1	1	3	1
Accusation Withdrawn/Dismissed	1	6[1]	2	0
Decisions (by Type)	Total: 16	Total:26	Total: 30	Total: 22
Stipulated Settlements	6	17	15	15
Proposed Decision	8	6	10	5
Default Decision	2	3	5	2
Discipline Actions	Total: 16	Total: 26	Total: 30	Total: 22
Revocation	4	3	5	1
Voluntary Surrender	0	1	3	3
Probation with Suspension	2	7	5	9
Probation Only	6	6	5	3
Probationary License Issued	0	4	4	1
Citation Appeal	2	2	4	2
Statement of Issues (SOI)	0	1	1	2
Petition for Reinstatement/Reduction In Penalty – Denied	0	1	2	1
Granted	2	1	1	0
Probationers [2]	Total: 20	Total: 33	Total: 35	Total: 44
Probation Violations	1	2	2	2
Suspension	0	0	0	0
Revocation or Surrender	0	1	1	0
Hospital Inspections	Total: 310	Total: 347	Total: 496	Total: 433
Routine	285	310	471	409
Complaint Related	25	37	25	24

Enforcement Program Overview

[1] This figure includes 2 citation appeals in which the respondent withdrew the appeal and paid the citation.
[2] This figure is included under "Discipline Actions."

The Board insures that consumers receive a high level of consumer protection, that the public's health and safety is protected, and that veterinarians adhere to a high ethical and professional standard of practice. The Board is very aggressive in pursuing actions against licensees who are found to have violated the law in the areas of negligence, incompetence, fraud, deception and unprofessional conduct, but is bound by the evidentiary requirements outlined in the Administrative Procedures Act.

Under its mandate to protect public health and safety, the Board pursues a comprehensive enforcement program including complaint review, citation and fine, investigations, administrative disciplinary actions, and probationary monitoring. The Board reviews all complaints received including those that are anonymous. Consumer generated complaints comprised 75% of the total complaint received during the last four fiscal years. The balance of the complaints received came from licensees and other agencies.

Regulation of the veterinary profession is accomplished through the statutory mandates that allow the Board to set standards and provide enforceable consumer protection. The Board's first priority is its enforcement program. The enforcement budget is approximately 60% of the Board's annual expenditures. The number of complaints to the Board's has increased from an average of 450 annually in 1995/96 to over 800 in 2002/03, an increase of 80%.

Consumers contact the Board about complaints both in writing and telephonically. The staff sends out a complaint form and an information packet. The Board developed a consumer-friendly complaint form that is easy to use and designed to gather maximum information to expedite the complaint review process. A separate information packet gives the consumer detailed information about the overall complaint review process, the steps involved and the usual time frames.

Currently, the Board is participating in a DCA pilot project to provide consumers with a generic interactive complaint form on the Internet. The interactive complaint form, available to consumers from the DCA's web site, can be used for consumer complaints across professions. To supplement the generic form, the Board has a PDF version of its complaint form that consumers can download, complete, and mail to the Board. This is an attempt to reach out to more consumers, to reduce processing time, and to streamline the complaint review process.

Of the types of complaints filed on average over the past four fiscal years, 52% were for competence and/or negligence issues. In the past two fiscal years the number of complaints of unprofessional conduct increased from approximately 10% to 25% of the total.

The types of cases stipulated for settlement include negligence, incompetence, fraud, deception, animal cruelty and unprofessional conduct. There have not been any significant changes in these type of cases since the last Sunset report. Each case is evaluated independently based upon the facts accumulated.

The percentage of complaints referred for investigation has gone down as the number of complaints increases. The average over the past four fiscal years is seven percent (7%). In previous years, following the informal complaint investigation, approximately nine percent (9%) of all complaints received were referred to DCA's Division of Investigation (DoI) for formal investigation. However the Board was told that due to budget and personnel cuts, all cases must be prioritized. DoI has informed the Board that cases involving animals have been assigned a much lower priority than cases involving humans. The low priority assignment has resulted in significantly fewer investigations.

The Board sets an hours-per-case limit based on the individual circumstances and historical data of similar cases. Depending on the complexity of the case, these investigations should be completed within 10-21 months. Currently DoI holds the case for a minimum of three months prior to initiating an investigation.

Some of the Board's cases have been held for over 18 months with no action. This is unacceptable to the consumer and to the Board. The Board is exploring the use of outside investigative services as a solution to this problem. Paperwork has been submitted to transfer the DoI funding authority to another budget line item so that the Board can contract with private investigators on its cases.

The Board relies on the profession, the complaint review system, and its legal counsel to establish standards of practice in California. The Board's jurisdiction covers violations involving negligence, incompetence, fraud, deception, unprofessional conduct, and animal cruelty. The majority of the formal investigations involve negligence, incompetence and unprofessional conduct. Each year there are individual cases where the complexity of the case has resulted in investigative costs from $8,000 to $12,000 and more.

Of the investigations, over 56% have an accusation filed. This demonstrates the efficiency of the preliminary work done by the Board to determine the cases that should be investigated. There has been a gradual increase in the success of this process until the recent budget cuts.

NUMBER AND PERCENTAGE OF COMPLAINTS DISMISSED, REFERRED FOR INVESTIGATION, TO ACCUSATION AND FOR DISCIPLINARY ACTION				
	FY 1999/00	**FY 2000/01**	**FY 2001/02**	**FY 2002/03**
COMPLAINTS RECEIVED	421	432	678	811
Complaints Closed	607	492	534	702
Referred for Investigation	45	37	29	19
Accusation Filed	23	23	20	7
Disciplinary Action	12	27	26	22

The Board receives an average of 3,500 inquiries per year and sends out approximately 1,500 complaint forms annually. From these the Board receives over 800 complaints per year. Consumers call the Board for information in various enforcement-related areas, including:

- Details of the complaint process
- Legal standards for veterinary medicine
- Small claims court/payment options
- Autopsy options
- Lien and abandonment laws
- Typical drug reactions
- Standards of practice, i.e., "did the veterinarian perform the correct procedure?"

Case Aging Data

Handling enforcement cases in an expedient and judicious manner is critical in the complaint review process. The Board makes concerted efforts to minimize case processing times by:

1. Providing consumers with fact-gathering forms that increase the amount of information initially submitted to the Board
2. Contracting with veterinarians for in-house consulting services
3. Developing probationary conditions that provide public protection, but allow flexibility in discipline so that licensees are willing to sign stipulated agreements and avoid full administrative hearings and potentially lengthy appeals.

The Board continually reviews ways to expedite the disciplinary process, while always considering its due process responsibilities to both the consumer and the licensee. Between 1996 and 2001 the Board

demonstrated a dramatic improvement in processing times. Since 2001, budget and personnel issues in conjunction with an increasing number of complaints contributed to a rise in the processing time.

Ninety percent of all complaints received reach resolution within four to nine months depending on their complexity. Eight percent are referred for formal investigation and are resolved within 10 to 21 months. The remaining two percent are referred for administrative disciplinary action and resolved within two to three years. In 2001/2002 and 2002/2003 the processing times for pre and post accusation were skewed by a large complicated case that was at the AG's office for approximately three years.

AVERAGE DAYS TO PROCESS COMPLAINTS, INVESTIGATE AND PROSECUTE CASES				
	FY 1999/00	**FY 2000/01**	**FY 2001/02**	**FY 2002/03**
Complaint Processing	178	139	103	133
Investigations	476	429	352	276
Pre-Accusation[1]	246	252	495	245
Post-Accusation[2]	284	234	241	417
TOTAL AVERAGE DAYS[3]	**1,184**	**1,054**	**1,191**	**1,071**

[1]From completed investigation to formal charges being filed.
[2]From formal charges filed to conclusion of disciplinary case.
[3]From date complaint received to date of final disposition of disciplinary case.

Following an initial investigation by either the Board enforcement team or by DoI, a determination is made as to the appropriate action required. At this point complaints can be closed, referred to citation and fine, or sent to the Office of the Attorney General for formal disciplinary action. A review by an expert witness may be requested prior to taking action depending on the individual complaint.

Once the initial investigation is complete, the Board's Executive Officer in conjunction with the enforcement team and board consultants makes the determination whether to issue a citation and fine or send the case to the Office of the Attorney General (AG). The AG either prepares a Statement of Issues to deny an initial license or prepares a charging document, called an accusation, to take disciplinary action against a licensee. In more severe cases involving an immediate threat to the public's health and safety, the Executive Officer may request that the AG issue an Interim Suspension Order (ISO).

Approximately 20-35 cases are referred to the AG annually. At the point of transfer, a determination concludes that there is cause for disciplinary action. This becomes public information that an investigation was completed and the case has been referred for administrative action. The document listing all the allegations and charges is called an "accusation." Per the Administrative Procedures Act, once the AG prepares the accusation and serves it on the responding veterinarian, the accusation becomes public information and copies are available upon request. Over the last seven years, the Board improved its processing times so that the average length of investigation time from receipt of a complaint to the date it is forwarded to the Office of the Attorney General is approximately seven months.

Due to overloaded court schedules, once an accusation is filed, delays of six months to a year may result from attempting to schedule a mutually agreeable hearing date. The Board encourages stipulated agreements providing the public interest is served. The Board's Executive Officer and its enforcement program manager work closely with the Deputy Attorney General (DAG) in all cases to negotiate stipulated settlements. Cases that can be resolved without a full hearing save time and money for the Board and for the respondent. This serves the consumer better because the resolution time is reduced and lengthy appeals avoided.

Pre-hearing conferences are another part of the disciplinary process and are used as a more formal method of developing a stipulated agreement prior to a full hearing. These hearings involve the Executive Officer (or designee), the DAG, the respondent, and an Administrative Law Judge (ALJ). Pre-conference hearings can take from one to three days depending on the case complexity.

Cases that cannot be resolved via stipulated agreements are scheduled for a full administrative hearing with an ALJ presiding. Full hearings are costly for both the Board and the respondent. Administrative hearings can take from three days to three weeks or more and cost up to $4,000 per day, depending on the case complexity, evidence required, and number of expert witnesses.

Once the hearing is finished, the ALJ has 30-60 days to prepare the proposed decision and send it to the Board. The Board then has 100 days to take action to either adopt or non-adopt. If the Board non-adopts a decision, it is required to review the transcripts, hold another hearing, and make its own determination. If the Board adopts the decision, the respondent is notified and has 30 days to accept or appeal.

Once a decision is adopted and the respondent is notified, the decision document becomes public information and is available to the general public upon request. The Board also notifies the public about the decision via its newsletter and press releases in local newspapers.

Section 4883 of the Business and Professions Code outlines the Board's authority and general grounds for suspension or revocation of a license. The Board utilizes the definitions developed by the Office of the Attorney General for negligence and incompetence. The Board receives reports from other entities that it uses as flags for potential enforcement action, including the California Horse Racing Board (CHRB), the Drug Enforcement Administration (DEA) and veterinary malpractice insurance carriers.

The Board has the authority to file for injunctive relief via temporary restraining orders, suspensions or other license restrictions in cases where there is a substantiated severe risk to public health and safety. The Board also has the authority to deny licensure via a statement of issues action and to hear petitions from probationers for reconsideration, reduction of penalty, and reinstatement.

Currently, the Board's administrative authority provides for efforts to keep the licensee from committing further violations, i.e., suspension, revocation, probation, and rehabilitation. Restitution to the consumer or public normally occurs through civil proceedings; however, the Board recently has included restitution to the complainant where appropriate in cases involving a stipulated agreement.

FORMAL INVESTIGATIONS/DoI CLOSED WITHIN:	**FY 1999/00**	**FY 2000/01**	**FY 2001/02**	**FY 2002/03**	**AVERAGE % CASES CLOSED**
90 Days	12	10	19	4	**34%**
180 Days	12	5	9	3	**22%**
1 Year	11	6	16	5	**28%**
2 Years	6	0	6	4	**12%**
3 Years	0	0	0	4	**3%**
Over 3 Years	0	0	0	2	**1%**
Total Cases Closed	**41**	**21**	**50**	**22**	

AG CASES CLOSED WITHIN:	FY 1999/00	FY 2000/01	FY 2001/02	FY 2002/03	AVERAGE % CASES CLOSED
1 Year	3	2	7	2	**22%**
2 Years	2	2	13	2	**31%**
3 Years	3	3	3	7	**26%**
4 Years	2	1	1	2	**10%**
Over 4 Years	1	3	1	2	**11%**
Total Cases Closed	**11**	**11**	**25**	**15**	
Disciplinary Cases Pending	**10**	**19**	**29**	**22**	

Citation and Fine Program/Unlicensed Activity

The citation and fine program, implemented in 1990, has been successful over the years and the number of citation and fines issued has grown from 10 in 1996/97 to 87 in 2002/03. The addition in 1997 of a dedicated staff person to cite and fine has increased the success of the program. The Board is reviewing the cite and fine program, including fine amounts and action guidelines to increase its effectiveness.

The Board developed violation guidelines to outline the criteria for issuing a citation and fine**.** The following fine guideline is divided into three categories based on degree of harm and history of previous citations.
Class "A" violations – most serious violations with fines from $1,001 to $1,500
Class "B" violations – serious violations with fines from $501 to $1,000
Class "C" violations – minor violations with fines from $50 to $500

In 2002, the Board reviewed its record of issuing citations and fines over more than ten years. Based on the very small number of disciplinary action cases involving past citations, the Board amended its record retention schedule to remove citation and fine actions from the public record after five years. This was done in the spirit of keeping this enforcement action one which provides consumers with timely action in complaints involving minor violations. It also allows licensees to pay the fine without admitting guilt and to have the record cleared after a finite amount of time.

CITATIONS AND FINES	FY 1999/00	FY 2000/01	FY 2001/02	FY 2002/03
Total Citations	**53**	**63**	**79**	**87**
Total Citations With Fines	53	63	79	87
Amount Assessed	**$27,140**	**$29,224**	**$37,323**	**$40,778**
Reduced, Withdrawn, Dismissed	0	0	0	1
Amount Collected*	**$27,536**	**$23,991**	**$30,229**	**$35,628**

* Includes carry over from prior fiscal years.

Acupuncture, physical therapy, Internet pharmacies and animal dentistry are some of the types of unlicensed practices increasingly occurring outside California's traditional "marketplaces" that fall under jurisdiction of the Board.

Complaints of unlicensed activity are reviewed in the same manner as complaints involving licensees. Cease and desist orders are sent to individuals involved in unlicensed activity in cases where there is no bodily harm to an animal or no enforcement history. The activity may stop after receipt of the order. In cases were the unlicensed activity continues, the Board has the option of issuing a citation and fine, issuing a misdemeanor civil citation through the Division of Investigation or referring the complaint to the local district attorney depending upon level of harm. In addition, if the unlicensed person is advertising in the yellow pages, the Board can activate a telephone disconnect order.

The current budget crisis in California has necessitated cutting back and prioritizing many services. The Board utilizes the Division of Investigation (DoI) for its investigative services. Last year, due to budget cuts and reduced personnel, the Chief of DoI was forced to announce cutbacks in service. One of the service items that cut for all boards was investigation of unlicensed activity cases. DoI announced that it would no longer investigate any unlicensed activity complaints. It has been difficult to appeal that directive, however, the Board has been successful in requesting investigations in cases where there has been harm to animals. The Board is researching the possibility of outsourcing investigative services.

Diversion Program

The Board implemented the mandated Drug and Alcohol Diversion Program in 1984. The program's goal is to identify and rehabilitate veterinarians and registered veterinary technicians with impairment due to drugs and alcohol so that they may return to practice in a manner that will not endanger the public's health and safety.

Currently, the Board has a new interagency agreement with Maximus to administer its diversion program. Although the Board has the authority to collect a participant fee of $1,600 for the program, it is rare that participants are able to cover the fee due to their loss of income during recovery. Since 1984, many more treatment options have become available to the general public and to professionals. Because of this availability and the low successful completion rate, the Board recommends that the legislature review the effectiveness of the diversion program as it currently exists.

Program participants may be either self or Board referred. Participants may be terminated from the program for the following reasons:
1. Formal complaints received by the Board that, after investigation, indicate a violation of the law
2. Failure to comply with the program requirements

DIVERSION PROGRAM STATISTICS*	FY 1999/00	FY 2000/01	FY 2001/02	FY 2002/03
Total Program Costs	$9,642	$7,910	$10,513	$10,750
Total Participants	4	2	6	7
Successful Completions	1	1	0	0
Unsuccessful Completions	0	2	0	0

* These statistics are based on a three year program.

Results of Complainant Satisfaction Survey

The Consumer Satisfaction Survey demonstrates that a complainants' or respondents' initial contact with the Board was a positive experience. Unfortunately the level of satisfaction diminishes due to the nature of the process, both in terms of the emotional situation and the required processing times. The most common reason for consumer dissatisfaction is the dismissal of cases due to the lack of substantiated evidence. In response to this dissatisfaction all the complaint-related letters were updated to better explain the process.

CONSUMER SATISFACTION SURVEY RESULTS[1]				
QUESTIONS	**Percent Satisfied by Calendar Year**			
	1999	**2000**	**2001**	**2002**
Total number of consumer surveys mailed out: Total number of consumer surveys returned (percentages based on number of surveys returned):	607 85	492 101	534 136	702 28
1. Were you satisfied with knowing where to file a complaint and whom to contact?[2]	N/A	N/A	N/A	75%
2. When you initially contacted the Board, were you satisfied with the way you were treated and how your complaint was handled?	82%	83%	71%	75%
3. Were you satisfied with the information and advice you received on the handling of your complaint and any further action the Board would take?	24%	40%	11%	36%
4. Were you satisfied with how the Board kept you informed about the status of your complaint?	61%	31%	31%	28%
5. Were you satisfied with the time it took to process your complaint and to investigate, settle, or prosecute your case?	27%	49%	50%	36%
6. Were you satisfied with the final outcome of your case?	16%	9%	34%	10%
7. Were you satisfied with the overall service provided by the Board?	**20%**	**23%**	**23%**	**31%**

[1]All boards and committees under review shall conduct a consumer satisfaction survey to determine the public's views on certain case handling parameters. (The Department of Consumer Affairs currently performs a similar review for all of its bureaus.)
A list of seven questions are provided. Each board took a random sampling of closed complaints and disciplinary actions for a four year period. Consumers who filed complaints were asked to review the questions and respond to a 5-point grading scale (i.e., 5, 4, 3 =satisfied to 1, 2 =dissatisfied).
[2]The Board did not track this number until FY 2001/2002

ENFORCEMENT EXPENDITURES AND COST RECOVERY

Average Costs for Disciplinary Cases

Enforcement costs are tracked by monthly case reports from the DoI and the AG. The Board uses these figures to develop average case costs for future budgets.

In addition to costs for investigations and the AG, the Board has additional costs associated with expert witness case review. An expert witness reviews every case prior to sending it to the AG to substantiate whether there is evidence of negligence, incompetence, fraud, deception, or unprofessional conduct.

Expert witnesses testify on behalf of the Board during full administrative hearings. The expert witnesses are chosen based on their individual areas of expertise and must have at least five years of practice experience and no previous disciplinary action.

The average costs incurred by the Board for investigation and prosecution of cases has increased substantially with the increase of DoI charges, AG fees, the number of citation appeals and the complexity and visibility of certain cases. This creates difficulty in budgeting for prosecution and hearing costs. In 2003 hearings have been delayed due to cost over runs and the inability of the Board to access contingency funds. Although the enforcement costs increase each year, the average costs in 2002/2003 were slightly skewed by a very complex enforcement case with AG fees of over $200,000.

AVERAGE COST PER CASE INVESTIGATED	**FY 1999/00**	**FY 2000/01**	**FY 2001/02**	**FY 2002/03**
Cost of Investigation & Experts	$239,678	$363,822	$339,411	$263,270
Number of Cases Referred	45	37	29	19
Average Cost Per Case	$5,326	$9,833	$11,704	$13,856
AVERAGE COST PER CASE REFERRED TO AG	**FY 1999/00**	**FY 2000/01**	**FY 2001/02**	**FY 2002/03**
Cost of Prosecution & Hearings	$268,765	$202,225	$365,922	$442,242
Number of Cases Referred	40	35	20	11
Average Cost Per Case	$6,719	$5,778	$18,296	$40,204
TOTAL COMBINED AVERAGE COST PER CASE	**$12,045**	**$15,611**	**$30,000**	**$54,060**

Cost Recovery Efforts

With adequate documentation, the Board may seek cost recovery for reasonable investigative and AG costs up until the time of the hearing. The actual hearing costs must be borne by the Board. Cost recoveries are generally collected over a five-year period for each decision rendered.

COST RECOVERY DATA	FY 1999/00	FY 2000/01	FY 2001/02	FY 2002/03
Total Enforcement Expenditures	**$986,466**	**$1,080,570**	**$1,126,532**	**$1,055,500**
# Potential Cases for Recovery[1]	12	27	28	20
# Cases Recovery Ordered	4	14	6	11
Amount of Cost Recovery Ordered[2]	$25,016	$71,625	$36,419	$104,366
Amount Collected[3]	**$13,818**	**$27,108**	**$37,510**	**$41,542**

[1]The "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on a violation, or violations, of the License Practice Act.
[2]Includes cost recovery ordered in revocation cases.
[3]The Board allows cost recovery to be paid in monthly installments during probation.

RESTITUTION PROVIDED TO CONSUMERS

The Board began ordering restitution as part of disciplinary actions under stipulated agreements in decisions in FY 2001/2002. In a stipulated discipline order, the respondent is ordered to pay restitution directly to the consumer/complainant as a condition of probation. The Board requires that the respondent provide documentary proof of compliance of the restitution.

RESTITUTION DATA	FY 1999/00	FY 2000/01	FY 2001/02	FY 2002/03
Amount Ordered	-0-	-0-	$680.00	$636.25
Amount Collected	-0-	-0-	$680.00	$636.25

COMPLAINT DISCLOSURE POLICY

Protecting people and animals through vigorous enforcement of the laws governing veterinary medicine in California is a principle function of the Board. Although the Board supports maximum public information disclosure, legal restrictions sometimes limit information availability. The Board's disclosure policy is as follows:

1. Complaint Information Disclosure. The complaint review process consists of gathering evidence from all parties. The raw evidence is unsubstantiated allegations that must be reviewed and analyzed by impartial consultants in order to make a determination. At the complaint review stage, legal restrictions and due process considerations prohibit information disclosure to the public. Disclosure at this stage is prejudicial and compromises the investigation; therefore, complaint information is exempt from the Public Information Act and not available to the general public.

2. Citations and Fines. A citation is a public record that remains in the licensing file for a period of five years. Citation information is not published and it is not entered into the national disciplinary database.

The information is made available to the public upon request. After five years, if no further action occurs , the record is cleared and the file destroyed. If formal disciplinary action occurs during the five-year period following the issuance of the citation and fine, the citation document may become a part of the permanent enforcement record.

3. Disciplinary Actions - Information Disclosure. In cases where an investigation reveals a potentially serious violation, the Board forwards the complaint information, along with the initial findings, either to the Division of Investigation (DoI) or to the Attorney General's office for action. If a DoI investigation is required, an expert witness reviews the original complaint and the investigative report and then, based on the expert review, the file is either closed, referred to citation and fine, or referred to the Office of the Attorney General for disciplinary action. Investigation files are not public information. However, once a file is transferred to the Attorney General for action, the public is given the following information even before any written documentation is available:

"An investigation has been conducted and the case has been forwarded to the Attorney General's Office for consideration of possible action. At this time, there has been no determination of wrong-doing."

An "accusation" is the first public document in any case. The accusation is prepared and filed by the Deputy Attorney General (DAG). If the accusation results in a final order/decision, the final decision is also available to the public.

4. License Status Information. The Board maintains licensing information records for all past and present license holders. The following information is available to the public upon request (a nominal preparation fee is charged for written confirmation):

(1) Name of the licensee
(2) License number
(3) Address of record
(4) Original licensure date
(5) Expiration or termination date and, if applicable, the basis for termination
(6) Information regarding disciplinary actions (copy of accusation and decision/order)

TYPE OF INFORMATION PROVIDED	YES	NO
Complaint Filed		X
Citation (5 years)	X	
Fine (5 years)	X	
Letter of Reprimand	N/A	
Pending Investigation		X
Investigation Completed		X
Arbitration Decision	N/A	
Referred to AG: Pre-Accusation	X	
Referred to AG: Post-Accusation	X	
Settlement Decision	X	
Disciplinary Action Taken	X	
Civil Judgment	X	
Malpractice Decision	N/A	
Criminal Violation: Felony Misdemeanor	X	

N/A = Not applicable

CONSUMER OUTREACH, EDUCATION AND USE OF THE INTERNET

Once the Board adopts an enforcement decision, it is made available to the public. Final decisions are published in the Board's newsletter and sent out as press releases to local newspapers in the vicinity where the licensee practices. All of the Board's meetings are held in public facilities that are easily accessible for consumers, applicants, and licensees. Meetings are held in Sacramento to minimize Board staff travel and facility rental expenses. Agendas are mailed to all interested parties including public libraries state-wide, and consumer participation is encouraged. A "public comments" section is included on every agenda and all attendees are encouraged to participate in active discussion.

Consumer Outreach Efforts

- Improved delivery of veterinary services to consumers by adopting regulations to allow veterinarians to utilize registered veterinary technicians in off premise settings for wellness vaccinations, on-going hospice care, daily injections for diseases such as diabetes, etc.
- Increased consumer awareness by enhancing access to the web site and by implementing a toll free number.
- Created two new consumer brochures for a total of four consumer information brochures: The Veterinary Healthcare Team: Sharing the Responsibility of Your Pet's Health; Veterinary Medical Board and Consumer Protection Agency. Additional brochures are in development.
- Created on-line access to the consumer complaint form in two new formats. One form can be downloaded and one can be filed via the Internet resulting in a 88% increase in consumer complaints from 432 in 2001/02 to 811 in 2002/03.
- Initiated "License Lookup" so that consumers have access to licensing and enforcement information via the Internet (as detailed under Licensing Data).

- Participated in consumer events such as the Pet Expo in Sacramento and in Pomona.
- Updated all complaint-related letters to better explain the process.
- Continue to review consumer satisfaction surveys received from complainants and respondents and make changes accordingly.

The Board is looking to improve services to consumers/licensees through interactive exam forms, online renewals and credit card payments. The RVT exam as of Summer, 2003 is computer based. The Board is also working towards expanding the links to provide additional consumer information. The administrative functions of the Board continue to be streamlined with the addition of online information access.

The challenges the Board faces with respect to online advice include:

- Identifying the location of the violation;
- Enforcing action against a non-California licensee providing services to a consumer in California;
- Coordinating enforcement action with other State Boards; and
- Consumer education on the pitfalls of unregulated products and services.

The Board continue to work in conjunction with the California Board of Pharmacy to clarify dual jurisdiction (refer to SB175) over prescription drugs used in veterinary medicine. This has become an important issue with the advent of the internet pharmacies.

PART II

BOARD'S RESPONSE TO ISSUES IDENTIFIED AND FORMER RECOMMENDATIONS MADE BY THE JOINT LEGISLATIVE SUNSET REVIEW COMMITTEE April 1997

Veterinary Medical Board

ISSUE #1. Should the licensing of veterinarians be continued?

JLSRC Recommendation: The State should continue the regulations of the practice of Veterinary Medicine.

JLSRC Comment: Veterinarians play a key role in food safety, preventing transmission of cross-species diseases, and providing health care for pets and animals. They ensure the health and safety in the production of livestock and poultry. Without the regulation the public would be at risk from contaminated food products. Services provided by veterinarians cover a broad range of situations. The degree of skill and knowledge needed is comparable to that of physicians and surgeons. The practice of veterinary medicine is regulated in all states and territories of the United States.

Board action: None required.

ISSUE #2. Should the Veterinary Medical Board be continued as an independent board, or should its operation and function be assumed by the Department of Consumer Affairs?

JLSRC Recommendation: The Veterinary Medical Board should continue as the agency responsible for the regulation of the practice of veterinary medicine. As such, legislation should be enacted to continue the Board and require a subsequent sunset review in six years.

JLSRC Comment: The Board has made several constructive and innovative changes to increase its overall effectiveness and efficiency, and provide better protection to the consumer. It has, among other things, established the nation's first facility registration program to assure sanitary conditions, proper storage and dispensing of drugs, and to prevent the spread of disease; (2) increased its use of cite and fine and other enforcement actions against those who violate the Veterinary Medical Practice Act, or its regulations; and (3) required competency examinations in certain disciplinary cases. There does not appear to be any compelling reason to sunset the Board and allow the Department to assume its operation.

Board Action: None required.

ISSUE #3. Should the composition of the board be changed?

JLSRC Recommendation: No change.

Comment: There are a majority of professionals on the Board with a total of 6 members: 4 licensed veterinarians, and 2 public members. The Department generally recommends a public majority and an odd number of members on regulatory boards or at least achieving greater representation of the public where current board composition is heavily weighted in favor of the profession. The Department believes that the addition of one public member would improve balance consistent with those guidelines.

Board action: None required.

ISSUE #4. Should the Veterinary Medical Board's licensing fees be used to subsidize the Board's examination program?

JLSRC Recommendation: Application and license fees should not be used to subsidize the costs of exams. The schedule of fees should be separated to represent the actual activity being funded (i.e., application process costs vs. exam costs). Given the recent increases in the costs of exams, the Board should explore any potential reduction in the size and administration cost of the California examination which would not negatively affect the relevance and quality of the exam.

JLSRC Comment: The Board requires veterinarians to pass a national and state examination. It recently increased the fee ceiling on its national examination from $250 to $325. This, however, will not fully offset the costs to the Board of administering the National examination. It is unknown whether the California examination is self-supporting. License fees must be used to subsidize these examinations, thereby limiting the amount that could be spent on enforcement.

Board action: Based on the JLSRC's recommendations, the Board explored ways to reduce the costs for the both the National and California (CSB) State Board examinations while maintaining their integrity and validity. The Board, in conjunction with the Department of Consumer Affairs' Office of Examination Resources took the following actions:

1. Conducted a cost analysis of the CSB which resulted in fees being separated into an application evaluation fee that covered costs involved in evaluating application was non-refundable and an examination fee that could be refunded if necessary;
2. Supported computerization of the national exam and transferred fee collection authority to the national vendor;

3. Evaluated the California exam item bank to remove questions that duplicated ones asked on the national examination;
4. Streamlined its testing format to focus on issues specific to the western states regions; and
5. Reduced the total number of questions from 240 to 100.

The separate application and examination fees were developed in conjunction with the transition from a two-part paper and pencil national examination to a one part, computerized national examination. The improved service resulting from the conversion is that candidates can now take the national examination at sites that are close to home resulting in a saving of travel expenses. There is also an examination "window" of time in which to schedule an appointment rather than having the examination on one day in one location. Finally, candidates are able to pay the National Board of Veterinary Medical Examiners directly for the examination and have the convenience of using a major credit card. The application fee collected by the Board covers the cost of staff time to review the applications.

The Board split the fees for both the national and states examinations in anticipation of eventually computerizing the California State Board examination.

Initially, the above mentioned actions reduced the Board's examination and administration costs. Unfortunately, with rising examination preparation and validation costs, those costs have increased dramatically since the last review. The Board is currently researching the budgetary impact of the state board examinations for both veterinarians and RVTs with consideration of the consumer protection benefits.

ISSUE #5. Should licensed veterinarians be required to undergo continuing education as a condition of license renewal, as recommended by the Board.

JLSRC Recommendation: Joint Committee believes that all proposals to implement continuing education requirements, as a prerequisite for license renewal, should demonstrate that the mandate will improve licensee competency and will have a measurable impact on consumer protection.

JLSRC Comment: There is no current statutory requirement that veterinarians participate in continuing education (CE) as a condition for license renewal. The Board is recommending that continuing education be required. While continuing education seems intuitively to be highly beneficial to licensees and the consumer public (especially for health care practitioners), there is no empirical evidence that demonstrates that a CE mandate improves practitioner competence. Other methods such as peer review, re-evaluation by boards, or competency examinations (as this Board provides) provides better assurance of continuing competency.

Board action: The Board's recommendation to the JLSRC was not to implement mandatory continuing education, but to explore ways to insure continued competency. In 1999, the Legislature implemented mandatory continuing education as a condition for license renewal for veterinarians in California effective January 2000. The Board took no further action.

ISSUE #6. Should out-of-state licensed veterinarians be required to take the California examination or should the State permit for 'licensure by endorsement" as recommended by the Board?

JLSRC Recommendation: The Joint Committee supports the concept of license by endorsement. The Joint Committee recommends that the Board continue to work with the profession, the public, the Administration, and the Legislature on identifying the most appropriate approach and specific requirements for licensure by endorsement. Suggest the Board hold a public hearing to discuss this issue with the profession and the public, and report back to the Joint Committee and Department by October 1, 1997.

Comment: Currently, veterinarians licensed in other states must pass a California examination before they can practice in this State, and meet other specified requirements. The Board is recommending "licensure by endorsement" -- veterinarians who hold a valid license in another state should be granted a

license in California, if they have been practicing for a sufficient length of time and have no history of disciplinary problems. The Joint Committee commends the Board for its progressive action to eliminate unnecessary barriers to licensure. The California Veterinary Medical Association is opposed to this concept. They argue that it has not been publicly discussed by the Board and could affect the high standards maintained by veterinarians in this State.

Board action: The Board's recommendation to the JLSRC was to permit "licensure by endorsement" for licensed veterinarians coming into California from other states. In 1999, the Legislature eliminated the structured testing methods for licensed veterinarians from out-of-state in lieu of a mail out law and jurisprudence examination. The Board deferred to the legislative action and took no further action.

ISSUE #7. Should the State provide a limited licensure for out-of-state commercial poultry veterinarians as recommended by the Board?

JLSRC Recommendation: Joint Committee believes that the concept of licensure by endorsement as previously described would resolve this issue. The Joint Committee opposes the creation of specialty [limited] licensure absent compelling evidence of consumer risk that would be addressed through such specialization. The State should not provide limited licensure for out-of-state commercial poultry veterinarians. The Board should provide a general policy for reciprocity for out-of-state licensees. This policy could include licensure by endorsement.

JLSRC Comment: The Board is proposing to exempt a very small, specialized segment of veterinary practice involving the commercial poultry industry from the current State licensure requirements. (Fewer than 5 veterinarians would be expected to obtain this limited license.) This raises the issue of further exempting other out-of-state specialty licensees, such as bovine, swine, and equine. Reciprocity should be consistent for all out-of-state licensees, it should not exempt some from licensure while mandating that others meet all of the state requirements.

Board action: In 1997, the Legislature passed a bill effective January 1998, establishing section 4848.5. Section 4848.5 required the Board to waive all examination requirements and issue a license to a veterinarian board certified in poultry medicine under specific terms and conditions. The bill was passed with a two-year sunset clause. One veterinarian was licensed under this provision and the language sunset in 2000. Again, the Board deferred to legislative action and took no further action.

ISSUE #8. Should the definition of veterinary practice be changed to clarify what constitutes unlicensed activity as recommended by the Board?

JLSRC Recommendation: No recommendation at this time.

Comment: The Board states that there is currently a loophole in the definition of the practice of veterinary medicine that allows unlicensed individuals to treat animals. This would include the use of alternative therapies such as chiropractic, acupuncture, and massage therapy on pets and animals. (May also include "teeth cleaning" by pet groomers.) The Board wants to clarify that veterinary practice also involves the treatment of a "condition." This would prevent anyone from treating a pre-existing "condition" when providing care for an animal. The use of the term "condition" could be very restrictive in its application. The Board provided only three cases in which unlicensed persons provided chiropractic care to horses and injury occurred, even though they claim to have received information from the profession on a "regular basis" concerning injuries to animals when these alternative therapies were used.

Board action: The Board's recommendation was to add the word "condition" to the definition of the practice of veterinary medicine. The recommendation was made by the Board's legal counsel in order to include treatment for wellness proposed in the definition. Strong opposition from the public, animal breeders and animal behaviorists on the inclusion of that term resulted in no action being taken.

Registered Veterinary Technician Committee

ISSUE #1. Should registration of veterinary technicians be continued?

JLSRC Recommendation: The State Veterinary Medical Board should continue to regulate veterinary technicians.

Comment: RVTs provide medical services to animals, often without the direct supervision of a licensed veterinarian. Generally, they are allowed to perform many critical tasks and procedures, which if done improperly, could pose serious risk to an animal's life, health or safety. For example, they are allowed to render emergency animal care without supervision and in accordance written instructions. These emergency procedures are usually performed by a licensed veterinarian. They also work in settings where veterinarian supervision is limited, such as in animal shelters, biomedical research firms, and commercial food production industries.

Board action: None required.

ISSUE #2. Should the Registered Veterinarian Technician Examination Committee be continued or are there alternatives to the current regulatory program?

JLSRC Recommendation: Since the Registered Veterinary Technician Examining Committee performs no regulatory functions, recommend that an advisory committee be created under the Veterinary Medical Board. Recommend that the advisory committee be comprised of a total of five-members chosen by the Board, including three veterinary technicians, one veterinarian Board member, and one public Board member. This advisory committee of the Veterinary Medical Board would not be subject to a subsequent sunset review.

Comment: The enforcement and regulatory authority for RVTs is entirely within the Veterinary Medical Board. The RVT Examining Committee, consisting of appointed members, primarily handles the administrative and examination functions for the Board. The Veterinary Medical Board, the RVT Examining Committee, the California Veterinary Medical Association, and the Legislative Analyst's Office have recommended eliminating the RVT Examining Committee and creating an advisory subcommittee under the Veterinary Medical Board.

Other boards are given statutory authority to create "advisory committees" to the governing board. An RVT subcommittee of the Board could make recommendations concerning the training, education, examination, and practice of RVTs, and perform other functions as deemed appropriate by the Board. The RVT Examining Committee is currently comprised of eight-members: three veterinarians, two public members and three RVTs. As a non-appointee advisory committee, this number should be reduced, and be comprised primarily of RVTs.

Board action: The Board worked with the existing committee members to downsize the RVTC from eight members to five and with the Department of Consumer Affairs to consolidate the budgetary authority into one fund. The RVTC is currently a standing advisory sub-committee of the Board with five members; one public, one veterinarian, and three RVTs.

ACRONYMS

	Agencies
VMB	Veterinary Medical Board
RVTC	Registered Veterinary Technician Committee
DCA	Department of Consumer Affairs
OAH	Office of Administrative Hearings
OAL	Office of Administrative Law
OER	Office of Examination Resources
	Codes
B&P	Business and Professions Code
CAC	California Administrative Code
CCR	California Code of Regulations
CGC	California Government Code
	Organizations
AAVSB	American Association of Veterinary State Boards
AVMA	American Veterinary Medical Association
CVMA	California Veterinary Medical Association
CPIL	Center for Public Interest Law
CLEAR	Council on Licensure, Enforcement and Regulation
NBVME	National Board of Veterinary Medical Examiners
RACE	Registry of Accredited Continuing Education
VIVA	Veterinary Information Verifying Agency
	Miscellaneous
CARES	California Regional Education Symposium
ECFG	Educational Commission of Foreign Veterinary Graduates
NAVLE	North American Veterinary Licensing Examination
NBE	National Board Examination
PAVE	Program for Assessment of Education Equivalence