



## MEETING MINUTES

Veterinary Medical Board  
Laguna Beach, California

**April 24, 2012**

### 1. Call to Order - Roll Call

Veterinary Medical Board (Board) President Dr. Stephanie Ferguson called the meeting to order at 10:05 a.m. Board Executive Officer Susan Geranen called roll; all seven members of the Board were present and thus a quorum was established.

#### Board Members Present

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

#### Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board  
Paul Sanchez, Assistant Executive Officer  
Shela Barker, Legal Counsel  
Ethan Mathes, Administrative Programs Coordinator  
Sandra Monterrubio, Enforcement Lead  
Elizabeth Parker-Smith, Administrative Analyst

#### Guests Present

Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association  
Valerie Fenstermaker, California Veterinary Medical Association  
Dan Segna, California Veterinary Medical Association

### 2. Closed Session

#### **A. Deliberations on Disciplinary Cases (Government Code section 11126(c)(3))**

##### AV 2009 10

Stipulated Settlement

The Board adopted the stipulated settlement.

##### AV 2011 8

Proposed Decision

The Board non-adopted the proposed decision.

### **3. Approve January 25-26, 2012 Meeting Minutes**

- **Patti Aguiar motioned and Kim Williams, RVT seconded the motion to approve the January 25-26, 2012 Meeting Minutes.**
- **The motion carried 7-0.**

### **4. AAVSB Presentation – Dr. Tom Kendall**

Dr. Tom Kendall presented an overview of the role and duties of the American Association of Veterinary State Boards (AAVSB) and the Registry of Approved Continuing Education (RACE). The Board discussed the RACE approval process and types of RACE approved courses. Ms. Geranen noted the Admin Committee has a standing agenda item to discuss RACE approval questions. The Board requested staff to publish information in the Board's newsletter on the requirements of continuing education courses.

### **5. Sunset Review Pursuant to Business and Professions Code Section 2602**

- A. Review 2012 Sunset Review Questionnaire and Recommendations**
- B. Review Board's 2003 Sunset Review Report**

Ms. Geranen reported staff will begin inputting statistics into the Sunset Review Questionnaire in anticipation of discussion at the Board's June meeting. The Sunset Review Report will cover the Board's accomplishments since its last sunset review and that statistics prepared by staff will help the Board focus on writing the narrative portion of the Report. The Board may make their own recommendations for the future direction of the Board.

Nancy Ehrlich asked when the Board would like comments from the professional associations. Ms. Geranen indicated professional associations may submit their comments to the Board at any time.

The Board discussed strategy for writing the report. Dr. Ferguson disbanded the Sunset Review Committee and directed the Admin and Enforcement Committees to work on their portions of the Report. Ms. Geranen stated that the final Sunset Review Report is due November 1.

### **Recess**

**April 25, 2012**

### **6. Call to Order - Roll Call**

Board President Dr. Stephanie Ferguson called the meeting to order at 9:05 a.m. Board Executive Officer Ms. Geranen called roll; all seven members of the Board were present and thus a quorum was established.

#### Board Members Present

Stephanie Ferguson DVM, President

Tom Kendall, DVM, Vice-President

Patti Aguiar, Public Member

Richard Johnson, DVM

Judie Mancuso, Public Member

Linda Starr, Public Member

Kim Williams, RVT

### Staff Present

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

### Guests Present

Alberto Aldrete, DVM, VASE  
Oscar Chavez, DVM, Multidisciplinary Advisory Committee  
Tanya Doman, California Physical Therapy Association  
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association  
Valerie Fenstermaker, California Veterinary Medical Association  
Bill Grant, DVM, Multidisciplinary Committee  
Alex Henderson, RVT, VASE  
Ron Kelp, DVM, California Veterinary Medical Association  
Michelle Rash, Cal Poly Pomona  
Danielle Robbins, California Physical Therapy Association  
Sherri Reichhardt, Cal Poly Pomona  
Dan Segna, California Veterinary Medical Association  
Richard Sullivan, DVM, Multidisciplinary Advisory Committee

## **7. Executive Officer Report**

### **A. Board Program Reports**

Ms. Geranen reported that three new staff members were recently hired, Board member enforcement training will take place in July, and the office is still looking into moving to the new Department of Consumer Affairs (DCA) headquarters in Natomas. Dr. Ferguson requested staff to break out unlicensed complaints on the enforcement statistics report. Linda Starr requested the Admin Committee look into updating the Radiation Safety Guide at its next meeting.

## **8. Multidisciplinary Advisory Committee Report – Dr. Bill Grant**

### **A. Report on March 14, 2012 Meeting**

### **B. Report on Status of Citation and Fine Guidelines and Regulations**

Dr. Bill Grant reported the Multidisciplinary Advisory Committee (MDC) discussed its future priorities including the citation and fine guidelines, telemedicine, and animal rehabilitation. He requested the MDC go through similar enforcement training as the Board. Ms. Geranen remarked the MDC would have training in November.

## **9. Administrative/Legislative Committee Report**

### **A. Review Budget, Revenue and Expenditure Projections for 2011/2012**

Paul Sanchez reported that funds have been set aside for the potential office move to a new building near the DCA headquarters in Natomas. Staff recently prepared budget information on vacant positions that may result in the reduction of permanent positions.

### **B. Consider CPIL Documents for Inclusion in New Board Member Binders**

Ms. Geranen reported that Dr. Richard Johnson requested the Center for Public Interest Law (CPIL) report documents to be included in new Board member binders. Shela Barker agreed the documents were accurate. The Board agreed with Dr. Johnson that the CPIL documents would be helpful to new Board members and requested staff to include them in new Board member binders.

### **C. Consider Outreach Projects including Hospital Standards Self-Inspection Checklist**

Ms. Geranen reported there are funds in the current budget to mail the Hospital Standards Self-Inspection Checklist to all veterinary hospital premises in good standing. The Board agreed it was a good idea and requested staff to mail the Checklist out to hospital premises. Ms. Geranen added that staff would also like to mail a notice out to all registered veterinary technicians (RVT) reminding them of continuing education requirements.

- **Linda Starr motioned and Dr. Tom Kendall seconded the motion to expend funds and mail the Hospital Standards Self-Inspection Checklist and registered veterinary technician information notice.**
- **The motion carried 7-0.**

#### **10. Examination Committee Report**

##### **A. Discuss Status of RVT Exam Transition to National Vet Tech Exam**

Ms. Geranen reported the staff will transition to the national RVT examination on or after January 2013. Staff will discuss transition plans with the AAVSB and will have further recommendations at the Board's June meeting. The AAVSB is looking into offering the national examination on a continuous basis instead of testing windows.

#### **11. RVT Committee Report**

##### **A. Proposed Regulations for RVT Programs/Schools**

##### **B. Discuss Possibility of Developing Approval Criteria for Alternate Route Schools**

Kim Williams, RVT reported the three main issues the RVT Committee discussed were challenges with processing alternate route applications, the potential approval of alternate route programs, and ongoing approval of California RVT schools. The Board discussed enhancing the alternate route instructions and the efficacy of approving alternate route programs.

Ms. Geranen added staff will prepare the AVMA school approval regulations for holding a hearing in October and that staff will have additional information of alternate route program approval regulations at the July Board meeting. The Board discussed out-of-state schools and the Board's approval of their curriculum.

- **Kim Williams, RVT motioned and Dr. Richard Johnson seconded the motion to move AVMA approved school regulations forward for public hearing in October 2012.**
- **The motion carried 7-0.**

Ms. Geranen noted the RVT Committee can further discussion on approval of out-of-state schools and report back to the Board. Dr. Oscar Chavez requested staff look into AVMA online programs and how approval of those programs would fit into the overall approval of AVMA programs. The Board agreed.

#### **12. Legislation/Regulations Committee Report**

##### **A. Discuss 2012 Legislation**

- SB 697 – Unlicensed Veterinary Practice**
- SB 969 (Vargas) – Pet Groomers**

Dr. Kendall updated that Senate Bill (SB) 969 was passed in subcommittee but it is unknown whether the Bill will ultimately become law. The Board discussed whether regulation of pet groomers is necessary and whether to take a position on SB 969.

- **Dr. Tom Kendall motioned and Linda Starr seconded the motion to take a “watch” position on Senate Bill 969.**
- **The motion carried 7-0.**

### **iii. AB 610 (Solorio) – Pet Lover’s License Plate**

Judie Mancuso reported Assembly Bill (AB) 610 was approved on the floor of the Legislature and is at the Governor for signature. There are currently 4,500 presold license plates and brochures continue to be posted in order to promote the Pet Lover’s License Plate.

### **iv. AB 1839 (Ma) – Administration of Drugs**

Ms. Geranen reported AB 1839 will extend drug administration laws set to expire and change the term of “unregistered assistant” to “veterinary assistant” throughout statute.

### **v. AB 2304 (Garrick) – Cosmetic Teeth Cleaning**

Dr. Kendall reported that Ms. Geranen testified in committee in opposition of AB 2304. He felt Ms. Geranen’s testimony was helpful in conveying an understanding of harm that unlicensed animal teeth cleaning can impart.

- **Dr. Tom Kendall motioned and Dr. Richard Johnson seconded the motion to ratify the Board’s opposed position to Assembly Bill 2304.**
- **The motion carried 7-0.**

The Board discussed additional measures that could be brought against unlicensed activities. Sandra Monterrubio reviewed the process of notifying individuals participating in unlicensed activities; Board staff mails a cease and desist letter to the unlicensed individual and if that person is unresponsive staff will order an investigation and/or forward the complaint to the local district attorney for prosecution.

Ms. Geranen and the Board discussed posting cease and desist letters on the Board website or sending a combination cease and desist and preliminary letter to unlicensed individuals. Ms. Barker noted Business and Professions Code section 4875.2 guides and limits the Board’s ability to pursue unlicensed activity. The Board agreed this limitation should be brought forward in the Board’s sunset review. The Board directed staff to research posting cease and desist letters on the Board’s website and amend the complaint form to better indicate complaints that are reported regarding unlicensed activity.

- **Dr. Tom Kendall motioned and Dr. Richard Johnson seconded the motion to direct legal counsel to research and report all enforcement options for pursuing unlicensed activity.**
- **The motion carried 7-0.**

### **vi. SB 1374 (Harman) – Liability**

Ms. Barker opined SB 1374 would restrict the Board’s enforcement activities for unlawful activities that occurred in the past and would grant certain immunity from prosecution if evidence of complying with the law at that time can be proven.

- **Dr. Tom Kendall motioned and Patti Aguiar seconded the motion to oppose Senate Bill 1374.**

The Board discussed whether to oppose SB 1374 and the motion was withdrawn.

- **Dr. Tom Kendall motioned and Linda Starr seconded the motion to take a “watch” position on Senate Bill 1374.**
- **The motion carried 7-0.**

#### **B. Discuss Proposed Regulations for Pet Lover’s License Plate**

Ms. Geranen reported that regulations are required to be put in place once the license plate sales threshold has been reached.

The Board reviewed and discussed the draft Pet Lover’s License Plate regulations language. The Board requested a copy of the California Spay and Neuter License Plate Fund (Fund) bylaws. Ms. Barker opined on the need for a Memorandum of Understanding between the Board and Fund. The Board discussed how fund applications would be reviewed, the selection of the Fund’s membership, the appropriate distribution of the Fund’s grants, grounds for termination of the relationship, quarterly reporting, what the Board’s ultimate control is over the Fund, and the appropriate funds for overhead and operations. Ms. Mancuso and Ms. Aguiar offered to look into the distribution of funds for overhead and operations.

The Board requested staff develop an organizational chart detailing the relationship between the Board and the Fund. Ms. Geranen offered that the Board could send their comments on the draft language to legal counsel. Ms. Barker offered to research the relationships of other similar specialty license plate fund projects and also incorporate changes to the draft language as discussed in the meeting.

#### **C. Review Regulation Calendar**

Ms. Geranen reported the Regulation Calendar is informational and will be updated to reflect the the Board’s direction to staff regarding the AVMA approved school regulations.

### **13. Enforcement Committee Report**

#### **A. Board Member Enforcement Training – July 23, 2012**

Ms. Monterrubio reported that the training will include Deputy Attorneys General and administrative law judges.

### **14. Comments from Public/Outside Agencies/Associations**

Ms. Geranen reported that staff received a written complaint regarding the University of California – Davis (UCD) Veterinary Medical Hospital exemption against enforcement by the Board. The Board agreed to add the concern to a future agenda.

### **15. Agenda Items and Next Meeting Dates**

#### **A. Board Meetings**

- i. **July 23, 2012 – Board Member Training – Sacramento**
- ii. **July 24/25, 2012 – Sacramento**
- iii. **October 23/24, 2012 – Paso Robles or Vicinity**
- iv. **January 29/30, 2013 – Sacramento**
- v. **April 23/24, 2013 – Orange County/Riverside**
- vi. **July 23/24, 2013 - Sacramento**
- vii. **October 23/24, 2013 – San Francisco/San Diego**

#### **B. Multidisciplinary Advisory Committee Meetings**

- i. **June 13, 2012 - Sacramento**
- ii. **November 14, 2012 - Sacramento**

Dr. Kendall suggested moving the January 2013 meeting back to January 22-23, 2012. The Board agreed. Ms. Geranen suggested moving the October 2012 meeting up a week in order to meet sunset review timelines. The Board agreed.

- **Linda Starr motioned and Judie Mancuso seconded the motion move the October 2012 Board meeting to October 16-17, 2012.**
- **The motion carried 7-0.**

Ms. Geranen reminded the Board of its mandate to meet three times per year and hold one meeting in both southern and northern California. The Board discussed the location for the October 2012 meeting.

- **Linda Starr motioned and Dr. Richard Johnson seconded the motion to hold the October 2012 Board meeting in Sacramento.**
- **The motion carried 5-2.**

#### **Adjourn**

- **Dr. Tom Kendall motioned and Dr. Richard Johnson seconded the motion to adjourn.**
- **The motion carried 7-0.**

The meeting adjourned at 4:20 p.m.