

VETERINARY MEDICAL BOARD

# Sunset Review Report 2012

Presented to the Senate Committee on Business, Professions and Economic Development



SEPTEMBER 2012



# Sunset Review Report 2012

## TABLE OF CONTENTS

**SECTION 1**  
Background and Description of the Board and Regulated Profession. . . . . 5

**SECTION 2**  
Performance Measures and Customer Satisfaction Surveys. . . . . 17

**SECTION 3**  
Fiscal and Staff . . . . . 17

**SECTION 4**  
Licensing Program . . . . . 21

**SECTION 5**  
Enforcement Program . . . . . 28

**SECTION 6**  
Public Information Policies . . . . . 38

**SECTION 7**  
Online Practice Issues . . . . . 39

**SECTION 8**  
Workforce Development and Job Creation . . . . . 39

**SECTION 9**  
Current Issues . . . . . 39

**SECTION 10**  
Board Action and Responses to Prior Issues . . . . . 40

**SECTION 11**  
New Issues . . . . . 48

**SECTION 12**  
Attachments . . . . . 49

**SECTION 13**  
Board Specific Issues . . . . . 49

**Attachments** . . . . . 50



# VETERINARY MEDICAL BOARD

## Background Information and Overview of the Current Regulatory Program

### ROUGH DRAFT

As of September 20, 2012

#### SECTION 1

#### Background and Description of the Board and Regulated Profession

##### EXECUTIVE SUMMARY

The world of veterinary medicine is constantly advancing. The Veterinary Medical Board (Board) strives to stay in the forefront of these many changes, while protecting consumers and animals through the development and maintenance of professional standards along with the licensing of Veterinarians, Registered Veterinary Technicians and veterinary premises. All of this is affirmed through the diligent enforcement of the California Veterinary Medicine Practice Act.

Created in 1893, the Board licenses and regulates veterinarians registered veterinary technicians (RVT's), RVT schools/programs and veterinary premises/hospitals. The Board is comprised of eight members: four veterinarians, one RVT, and three public members. An RVT was added as a full member of the Board in 2010 and the RVT Committee consisting of 5 members was sunsetted as of June 30, 2011. Having an RVT member on the Board provides the board with a broader knowledge of issues relating to the RVT profession. The Board has one statutorily mandated advisory committee, the Multidisciplinary Advisory Committee (MDC) and several working committees that consist of two board members each. The Board's working committees include Administration/Budget, Enforcement, Examination and Licensure, Legislative/Regulatory, RVT Consumer Education/Newsletter, Continuing Education, Strategic Planning and a designated liaison Board member to the MDC.

The Board's Multidisciplinary Advisory Committee (MDC) was created in 2009 by the Legislature to assist, advise and make recommendations for the implementation of rules and regulations necessary to ensure proper administration and enforcement of the Board's laws and regulations and to assist the Board in its examination, licensure and registration programs. The MDC is a seven-member committee comprised of four veterinarians, two registered veterinary technicians and one public member.

The Board's annual budget is approximately \$2.7 million and its mandated contingency fund is maintained at a level of no more than ten months. The Board balances revenues, expenditures, and its contingency fund while maintaining vital consumer protection services, such as complaint review, case investigation, application evaluation, licensing, hospital inspections, and consumer outreach. Revenues are from licensing, examinations, collected fines and penalties and cost recovery. Expenditures are for enforcement, examination, licensing, administration and the diversion program. In its enforcement cases, the Board orders cost recovery to offset enforcement expenditures as well as seeking restitution for consumers where applicable.

Working with the Department of Consumer Affairs (DCA), various committees, our State Legislature and the many professional organizations, there have been many accomplishments since 2003. Recent accomplishments include a Hospital Inspection Checklist, updated Disciplinary Guidelines, a Board newsletter, implementation of a one-year Limited Term Eligibility Window for RVTs, an updated Radiation Safety Manual, Customer Satisfaction Surveys of Hospital Inspection, and an Enforcement Training Program.

The Multidisciplinary Advisory Committee (MDC), as its first priority, worked for over a year and a half to update the minimum standards of practice and the hospital inspection program. The MDC worked diligently on the standards and the inspection program and these critical projects have been completed and adopted by the Board — a major accomplishment.

Every day Californians are protected by the veterinary profession through its responsibilities for food safety 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 encephalomyelitis, 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 bio-terrorism threats such as anthrax, foot and mouth disease, and food and water resource contamination.

The veterinary medical profession provides health care to livestock, poultry, and pets from birds, fish, rabbits, hamsters, and snakes to dogs, cats, goats, pigs, horses, and llamas. The quality of health care is on a par with that of human medicine. Currently there are 36 recognized specialties in veterinary medicine such as surgery, internal medicine, pathology, and ophthalmology. In some cases drugs and procedures are identical in both human and animal medicine. Frequently, techniques and procedures are developed in veterinary medical research prior to their use in human medicine.

The services veterinarians and registered veterinary technicians provide to the food, agricultural, 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 2010, livestock and poultry products alone generate over \$9.8 billion in sales with dairy being the leading commodity.

In its 41st Annual Report for FY 2010-2011, page 41, the California Horse Racing Board estimates that the horse racing industry generates revenue in California in excess of \$2.9 billion 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.

In a recently released pet ownership survey based on data from 2011, the American Veterinary Medical Association shows that 56% of all American households own at least one pet. A national average shows that dog owners spend approximately \$19.1 billion and cat owners spend approximately \$7.4 billion for veterinary health care maintenance. Ninety percent of dog owners use veterinary services at least once per year and make 2.2 repeat visits, while 75% of cat owners use veterinary services with 1.2 repeat visits per year.

The pet-owning public expects that the providers of their pet's health care are well-trained and are competent to provide these services. The Board assures the public that veterinarians and RVTs possess the level of competence required to perform these services by developing and enforcing the standards for examinations, licensing, and hospital and school inspection. The Board also conducts regular practice analyses to validate the licensing examinations for both veterinarians and RVTs.

Companion animal veterinarians see an average of 3,150 clients per year and pay a biennial licensing fee of only \$290. Therefore, the estimated cost passed on to the consumer for the benefits and protections provided by the Board amount to approximately four cents per companion animal veterinary examination.

The Board requires adherence to strict licensure requirements for California veterinarians and RVTs. Additional eligibility pathways have been approved for licensure of internationally trained veterinary graduates and certification of RVTs to allow qualified applicants from other states in the U.S. and around the world to come to California and to improve the provision of veterinary health care for consumers and their animals.

Licensees must complete a certain number of approved continuing education hours in each renewal period in order to renew the license. Continuing education regulations for veterinarians require 36 hours of approved continuing education in the two years preceding license renewal. Mandatory continuing education for RVTs became effective on July 1, 2011; therefore, effective July 1, 2013, RVTs are required to have 20 hours of approved continuing education hours completed in order to renew.

Enforcement continues to be the Board's priority for consumer protection. Enforcement activities comprise over 60% of the annual expenditure budget. Complaints have increased approximately 32% since 2003, going from 586 to 774 annually. Between 2003 and 2009, the Board successfully obtained authority to increase the enforcement staff through Budget Change Proposals (BCPs). Overall staff increased from 9.9 to 13.4 employees. This initially resulted in a decrease in the complaint processing time; unfortunately in 2009, due to furloughs and budget cuts and the State budget crisis, the Board's staff was reduced resulting in increased complaint processing timeframes and backlogs.

The Board's advisory committee, the MDC, is in the process of updating the guidelines for the Board's citation and fine program as well as other up and coming issues, including animal rehabilitation, telemedicine, RVT issues and complementary and alternative medicine. Both the MDC and the Board are scheduled to participate in training workshops on the enforcement process in November 2012 and January 2013 respectively, in conjunction with the Department of the Attorney General, as one way to be well informed on consumer issues in California.

The Board is also pursuing a spay/neuter license plate program in California that would provide funding for low and no cost spay/neuter procedures for the pet owning public. The Board is partnering with a non-profit group on this program to create a funding source that can be used to alleviate pet over population, reduce euthanasia numbers in government shelters, reduce disease in communities where there are feral animal colonies and provide consumers with no cost or low cost spay/neuter services for their animals.

The Board's goals as stated in the Board's newly completed Strategic Plan include decreased enforcement cycle times, enhanced quality and training of hospital inspectors, inspecting existing hospitals every five years and inspecting new hospitals within one year of licensure and working with DCA to reduce the amount of unlicensed activity occurring in the marketplace.

The Board and its staff are looking forward to new and revised ways to oversee the protection of consumers and animals in areas that include, but are not limited to:

- Telemedicine/telehealth
- Unlicensed activity
- Faculty licensure for the two veterinary colleges in California
- Animal rehabilitation
- Updated citation and fine regulations
- A spay/neuter license plate
- Consumer notification in veterinary hospitals that provides Board contact information
- Approval of RVT schools and programs
- Certification of lay persons working in veterinary hospitals who have access to controlled substances

Despite backlog issues resulting from staff vacancies, furloughs and staff turnaround, the Board and its staff are resilient and are always exploring new ways to improve and maintain services to the public, to provide protection for consumers and their animals and to keep up with the on-going advancement of science in veterinary medicine.

## BACKGROUND AND DESCRIPTION

---

### History of the Board

California is a leader in quality animal health care. Most veterinary services are provided at privately owned veterinary premises, mobile clinics, or by house-call practitioners. Overall there are approximately 11,000 California licensed veterinarians (8,500 in California); 5,800 (5,300 in California) registered veterinary technicians and 3,100 registered veterinary practices. According to the American Association of Veterinary State Boards (AAVSB), California's professional community represents approximately 11.3% of the national total.

Over the years the Board has updated its statutes and regulations to keep pace with advances in veterinary medicine, changes in the methods of delivery of veterinary services and changes in 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 title designation changed from Animal Health Technicians to Registered Veterinary Technicians in 1994.
- In 1979, the Board:
  - » Adopted minimum standards of veterinary practice in conjunction with establishing the inspection program. The minimum standards include premise requirements, practice management requirements, provision of emergency services, mobile clinic standards, record keeping requirements and anesthetic guidelines.
- In 1984, the Board:
  - » Implemented a state-wide Diversion Program for impaired professionals.
- In 1990, the Board:
  - » Adopted regulations to create a citation and fine program.
  - » Adopted regulations defining "Dental Operation".
- In 1996/7, 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.
  - » Completed its first sunset review report for the Legislature.

- From 1996 to 2000, the Board:
  - » 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 1997/8, the Board:
  - » Supported legislation to give RVTs 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 2003/4, 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.
  - » Worked on legislation to clarify the authority of the Pharmacy Board over Internet pharmacies and veterinary drugs
  - » Updated its Strategic Plan.
  - » Held its annual Inspection Training Workshop – a three day event that includes shadowing the New inspectors on actual inspections, and held a Board member enforcement training session on April 20, 2004.
  - » Adopted regulations to clarify and update the examination requirements and to establish criteria for small animal mobile clinics.
  - » Proposed regulations to increase the fine amounts for citations, but had to postpone action due to the state economy and a state-wide directive to not increase any fees.
- In 2004/05, the Board:
  - » Adopted regulations to update the Minimum Standards of Practice.
  - » Converted the State Board Exam for veterinarians to a computerized testing format.
  - » Developed protocols for providing veterinary care in a shelter without the presence of a California licensed veterinarian.
- In 2005/06, the Board:
  - » Began the process of exploring animal rehabilitation and created a task force to investigate the issue.
  - » Adopted regulations that created a new job task for RVTs – creating a relief hole for purposes of inserting an intravascular catheter.
  - » Began a projected five year plan to increase licensing and renewal fees for veterinarians and RVTs.
- In 2006/07, the Board:
  - » Implemented the DCA Applicant Tracking System (ATS) after working with the DCA's Office of Information Technology for over a year to set up the system.
- In 2008/09, the Board:
  - » Adopted regulations to implement a Limited Term Eligibility Window (LTEW) to create a one year window of opportunity for persons who had been working in the profession for five years or more and who had at least 24 hours of education to be eligible to sit for the RVT state board exam and possibly become RVTs.
  - » Moved the office after 27 years in one location.
  - » Implemented a statutory fee ceiling increase.
  - » Implemented the statutorily mandated new Multidisciplinary Advisory Committee and appointed 7 members.
  - » Conducted a two day strategic planning session in southern California and invited members of the veterinarian and RVT professions to participate.
- In 2009/10, the Board:
  - » Proposed legislation to require continuing education (20 hours every two years) for registered veterinary technicians which became effective in 2011.
  - » Held a public hearing on a proposed fee increase.
  - » Implemented a one year Limited Term Eligibility Window (LTEW) for RVT candidates who had been working in the profession for at least five years and who had at least 24 hours of education.
- In 2011/12, the Board:
  - » Revisited the minimum standards of practice and adopted new standards consistent with changes in the profession.
  - » Published the Hospital Standards Self-Evaluation Checklist.
  - » Increased its enforcement of unlicensed activity.
  - » Initiated regulations to update the regulations governing RVT schools.
  - » Began the process for updating its citation and fine regulations and fine amounts.
  - » Updated its disciplinary guidelines and is currently completing the regulatory process to incorporate the updated standards into the Veterinary Medicine Practice Act.

## Function of the Board

Provide a short explanation of the history and function of the board.<sup>1</sup> Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

### 1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment B).

The Board has identified and established two-member committees for the purpose of working with staff to research and gather information on Board issues. When the Board requires additional information from the public it invites interested parties to either a Board or committee meeting to provide the needed input and information.

In light of the Board's limited resources, these informal meetings are a cost-efficient means of gathering information for discussion by the full Board which enhances the process of the Board's public meetings and addresses the needs of the profession and consumers in California.

#### VMB COMMITTEES

The Board has one statutorily mandated advisory committee, the Multidisciplinary Advisory Committee, and a variety of two-member ad hoc committees whose members are selected from the Board members by the Board President. The mission of the various ad hoc committees is to support the Board as a whole and to work with staff to implement issues and projects identified by the Board consistent with its Strategic Plan. The committees meet as necessary and report back to the Board on the work of the committee with decisions made at the direction of the full Board. As a rule, the Chairperson gives the committee report to the Board at its regularly scheduled meetings.

##### ► Multidisciplinary Advisory Committee (MDC)

The Board's Multidisciplinary Advisory Committee (MDC) was created in statute in 2009 by the Legislature to assist, advise and make recommendations to the Board for the implementation of rules and regulations necessary to ensure proper administration and enforcement of the Board's laws and regulations and to assist the Board in its examination, licensure and registration programs. The MDC is a seven-member committee comprised of four veterinarians, two registered veterinary technicians and one public member and it meets three times per year in March, June and November. Members of the MDC are appointed by a majority of the Veterinary Medical Board.

#### VARIOUS BOARD APPOINTED COMMITTEES

##### ► Administrative/Budget Committee

This Committee meets to evaluate administrative policies involving physical and personnel resources for the VMB and the MDC, budget issues and to review EO issues. The committee consists of the Board President and another member who work closely with the Executive Officer on issues related to office operations, board issues, sunset review, strategic planning and budget. The Committee Chairperson gives the report to the Board, including any recommendations from the Committee and takes the lead role in special reports for the Board such as Sunset Review.

##### ► Enforcement Committee

This committee meets as needed to discuss enforcement issues and assist staff in developing enforcement procedures. This committee also participates in inspector-training workshops, and evaluates the hospital inspection and enforcement programs. The members review closed complaints and cases for purposes of evaluating the complaint review process. The Chairperson gives the report to the Board, including any recommendations from the Committee and takes the lead role in special reports such as Sunset Review.

##### ► Examination and Licensure Committee

This Committee oversees examination workshops as contracted with the Office of Professional Examination Services. The Committee Chairperson works closely with Board staff to identify and recruit subject matter experts and gives the Committee Report at Board meetings.

##### ► Legislative/Regulatory Committee

This Committee participates in the Board's legislative/regulatory projects and meets as necessary to review current statutes, rules, and proposed statutory/regulatory changes. The Committee Chairperson works closely with staff on legislative and regulatory issues and may testify at legislative hearings. The Chairperson usually gives the legislative report at Board meetings.

---

<sup>1</sup> The term "board" in this document refers to a board, bureau, commission, committee, department, division, program or agency, as applicable. Please change the term "board" throughout this document to appropriately refer to the entity being reviewed.

Veterinary Medical Board (VMB) Member Roster and Attendance - Fiscal Years 2004/2005 - 2012/2013

Name of Board Member (Member type / Appointed by)	FY 04/05				FY 05/06				FY 06/07				FY 07/08				FY 08/09				FY 09/10				FY 10/11				FY 11/12				FY 12/13			
	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4				
<b>Troy Roach, DVM</b> (Professional / Governor) Appointed 06/28/2001; Term Expires 06/01/2007																																				
<b>Michael Kerfoot, DVM</b> (Professional / Governor) Appointed 07/01/2001; Term Expires 06/01/2004																																				
<b>Greg Ferraro, DVM</b> (Professional / Governor) Appointed 07/01/2001; Term Expires 06/01/2005																																				
<b>Terri Becker, DVM</b> (Professional / Governor) Appointed 09/22/2003; Term Expires 06/01/2006																																				
<b>Stephanie Ferguson, DVM</b> (Professional / Governor) Appointed 03/19/2005; Term Expires 06/01/2008																																				
<b>Linda Starr</b> (Public Member / Senate) Appointed 06/02/2004; 06/10/2008; Term Expires 06/01/2008																																				
<b>Sondra Browning</b> (Public Member / Assembly) Appointed 02/01/2002; Term Expires 06/01/2006																																				
<b>Dawn Arnell</b> (Public Member / Governor) Appointed 01/07/2003; Term Expires 06/01/2006																																				
<b>Lisa Newell, DVM</b> (Professional / Governor) Appointed 09/21/2005; Term Expires 06/01/2009																																				
<b>Tom Kendall, DVM</b> (Professional / Governor) Appointed 02/01/2008; Term Expires 06/01/2011																																				
<b>Richard Johnson, DVM</b> (Professional / Governor) Appointed 12/20/2010; Term Expires 06/01/2013																																				
<b>Kim Williams, RVT</b> (Professional / Governor) Appointed 12/18/2010; Term Expires 06/01/2014																																				
<b>Judie Mancuso</b> (Public Member / Assembly) Appointed 08/02/2010; Term Expires 06/01/2014																																				
<b>Patti Aguiar</b> (Public Member / Governor) Appointed 12/23/2010; Term Expires 06/01/2014																																				
<b>Cheryl Waterhouse, DVM</b> (Professional / Governor) Appointed 06/11/2012; Term Expires 06/01/2016																																				

☎ = teleconference  
■ Attended  
■ Not in Attendance/Excused Absence  
■ Not Applicable

**Registered Veterinary Technician Committee (RVTC) Member Roster and Attendance - Fiscal Years 2004/2005 - 2010/2011**

Name of Board Member (Member type / Appointed by)	FY 04/05			FY 05/06			FY 06/07			FY 07/08			FY 08/09			FY 09/10			FY 10/11		
	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 5
<b>Nancy Ehrlich, RVT</b> (Professional / VET Med Bd) Appointed 08/05/1998; 1/2003; Term Expires 06/30/2006																					
<b>Alex Henderson, RVT</b> (Professional / VET Med Bd) Appointed 08/05/1998; 1/2003; Term Expires 06/30/2006																					
<b>Kathleen Cicotte, RVT</b> (Professional / VET Med Bd) Appointed 10/2000; 10/2001; Term Expires 06/30/2005																					
<b>Richard G Johnson, DVM</b> (Professional / VET Med Bd) Appointed 01/12/2000; 04/20/2004; Term Expires 06/30/2008																					
<b>Linda Zachritz</b> (Public / VET Med Bd) Appointed 01/1999; 10/2001; Term Expires 06/30/2005																					
<b>Kim E Williams, RVT</b> (Professional / VET Med Bd) Appointed 06/14/2005; Term Expires 06/30/2009																					
<b>Virginia Curtis</b> (Public / VET Med Bd) Appointed 07/19/2005; 10/20/2010; Term Expires 06/30/2013																					
<b>Carol Schumacher, RVT</b> (Professional / VET Med Bd) Appointed 07/10/2007; Term Expires 06/30/2010																					
<b>Craig C Cornell, RVT</b> (Professional / VET Med Bd) Appointed 10/16/2007; Term Expires 06/30/2010																					
<b>Oscar E Chavez, DVM</b> (Professional / VET Med Bd) Appointed 3/11/2010; Term Expires 06/30/2012																					

☎ = teleconference    ■ Attended    ■ Not in Attendance/Excused Absence    ■ Not Applicable

**Multidisciplinary Advisory Committee (MDC) Member Roster and Attendance - Fiscal Years 2009/2010 - 2012/2013**

	Meeting 1 05/13/2009 Sacramento	Meeting 2 08/25-26/2009 Sacramento	Meeting 3 11/19/2009 Sacramento	Meeting 4 3/17/2010 Sacramento	Meeting 1 09/01/2010 Sacramento	Meeting 2 11/17/2010 Sacramento	Meeting 3 3/16/2011 Sacramento	Meeting 4 06/15/2011 Sacramento	Meeting 1 11/16/2011 Sacramento	Meeting 2 03/14/2012 Sacramento	Meeting 3 06/13/2012 Sacramento
Name of Board Member (Member type / Appointed by)	FY 09/10				FY 10/11				FY 11/12		
<b>William A Grant II, DVM</b> (Professional / VET Med Bd) Appointed 05/13/2009; Term Expires 06/30/2011	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended
<b>Richard G Johnson, DVM</b> (Professional / VET Med Bd) Appointed 05/13/2009; Term Expires 06/30/2011	Attended	Attended	Attended	Attended	Attended	Attended	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence
<b>Jon A Klingborg, DVM</b> (Professional / VET Med Bd) Appointed 08/25/2009; Term Expires 06/30/2011	Not in Attendance/Excused Absence	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended
<b>Jennifer E Boyle, RVT</b> (Professional / VET Med Bd) Appointed 08/25/2006; Term Expires 06/30/2011	Not in Attendance/Excused Absence	Attended	Attended	Attended	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Attended	Attended	Attended
<b>Diana Woodward Hagle</b> (Public / VET Med Bd) Appointed 05/13/2009; Term Expires 06/30/2011	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended
<b>Oscar E Chavez, DVM</b> (Professional / VET Med Bd) Appointed 03/15/2011; Term Expires 06/30/2014	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Attended	Attended	Attended	Attended	Not in Attendance/Excused Absence
<b>Richard J Sullivan, DVM</b> (Professional / VET Med Bd) Appointed 03/15/2011; Term Expires 06/30/2013	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Attended	Attended	Attended	Attended	Attended
<b>David F Johnson, RVT</b> (Professional / VET Med Bd) Appointed 03/15/2011; Term Expires 06/30/2014	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Not in Attendance/Excused Absence	Attended	Attended	Attended	Attended	Attended

☎ = teleconference    ■ Attended    ■ Not in Attendance/Excused Absence    ■ Not Applicable

► **RVT Committee**

This Committee meets as needed to oversee issues pertaining to RVTs and assist staff with questions regarding examination eligibility, licensing, and enforcement issues pertinent to RVTs. The Committee also provides expertise in areas of enforcement and regulations regarding registered veterinary technicians.

► **Consumer Education/Newsletter Committee**

This Committee works with staff in editing, writing, developing, and reviewing the Board’s newsletter and meets as necessary to evaluate the Board’s consumer outreach procedures. The Chairperson generally takes the lead role in such outreach projects.

► **Continuing Education Committee**

This Committee meets as necessary to assist staff in evaluating continuing education courses and providers. The Chair provides staff with expertise in evaluating difficult audit files and CE waiver requests.

► **Strategic Planning**

This committee meets as necessary to evaluate and update the Board’s Strategic Plan and the committee Chairperson takes the lead role in reports to the Board at public meetings.

**2. In the past four years, was the board unable to hold any meetings due to lack of quorum?**

No, the Board has not had any quorum problems.

**3. Describe any major changes to the board since the last Sunset Review, including:**

► **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

The Board continually looks for ways to improve its programs and the delivery of consumer protection services. Since the 2003 Sunset Review Report, the Board implemented the following enhancements:

### **Consumer Outreach Efforts**

- Increased consumer awareness by enhancing access to the web site and information provided on the web site and created an electronic mailing list.
- Created two new consumer brochures with updated information and pictures
- Participated in consumer events such as the Pet Expos, state and county fairs and other consumer oriented events
- Updated the complaint form, information and all complaint-related letters to better explain the process
- Monitored consumer satisfaction surveys sent to complainants and respondents to continually improve the process

### **Enforcement**

- Updated Minimum Standards of Practice
- Updated Disciplinary Guidelines
- Published the Hospital Standards Self-Evaluation Checklist
- Reinstated the Board's mandatory continuing education audit program in 9/2012
- Increased the annual premise inspection program from 250 to 350
- Increased enforcement authority over California approved RVT schools
- Began posting the Accusation and Decision in Disciplinary Action cases on the web

### **Examinations/Licensing**

- Conducted job analyses for the veterinary state board examination
- In the process of transitioning to the National Veterinary Technician Examination and developing a California Law Exam for RVTs.

### **Administration**

- Updated the Board's Administrative Procedures Manual and Strategic Plan
- Updated the radiation safety booklet and exam for non-registered veterinary assistants and made it available on the web site

### **Current Projects**

- Continue to work with the Board of Pharmacy to define jurisdiction over Internet pharmacies and dispensing of dangerous drugs
- Updated the minimum standards of practice
- Developed minimum standards for Licensee Managers of veterinary hospitals and for vaccination clinics
- Developed a hospital inspection self checklist for licensees to use to insure that their premise meets the minimum standards of practice and made the checklist available to licensees and the public on the Board's web site
- Expanded web site information and updated all available forms
- Updated RVT school approval criteria

### **Internal Changes**

- All Board appointees are new members since 2003.
- 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 position for a reduction in staff from 11.9 to 9.9.
- Adjusted to a 33% growth in consumer complaints that increased the workload pressure on staff and negatively impacted investigative and response times.
- Created a new Assistant Executive Officer position
- Moved the Board office
- Updated the Board's Strategic Plan in 2007 and 2011

### **Strategic Planning**

- Effective 2011, held strategic planning meetings in conjunction with regularly scheduled Board meetings as a cost savings measure
- In anticipation of ongoing budget constraints the Board prioritized its enforcement, legislative, examination and licensing activities.

### **► All legislation sponsored by the board and affecting the board since the last sunset review.**

Since 2003, the Board sponsored and/or been affected by the following legislation:

#### **2004/05**

- SB 1548, Chapter 467 - Extended the Board's sunset date to July 1, 2009/January 1, 2010; increased the trigger amount for licensees and insurance companies to report liability settlements from \$3,000 to \$10,000; created a mandatory reporting requirement for licensees to report suspected animal cruelty; clarified the authority of the RVT Committee in assisting the Board; created a provision whereby the Board could extend a temporary reciprocity license for one year for reasons of health, military or undue hardship.

## **2005/06**

- AB 2915, Chapter 823 - Exempted from the laws regulating the practice of veterinary medicine veterinarians employed by a city, city and county or county who meet specified criteria and who are conducting activities, under direct supervision, related to pathology and epidemiology on dead animals as part of a specified government program. The bill had a four year sunset clause to January 1, 2011.
- SB 1476, Chapter 658 - An omnibus bill that, among other items, extended the Board's sunset dates to July 1, 2011/January 1, 2012.

## **2006/07**

- SB 969, Chapter 83 - Created authority for unlicensed persons to administer any drug under either direct or indirect supervision of a licensed veterinarian and regardless of whether the licensee was present in the facility.

## **2007/08**

- AB 2423, Chapter 675 - Amended the Board's authority over RVTs to allow the Board to issue a probationary license or registration in certain cases where the application had a conviction but was able to show either rehabilitation or a dismissal of the conviction.

## **2008/09**

- AB 2427, (Eng) – this bill would have created a prohibition for local jurisdictions to segment out legally what tasks could and could not be performed by veterinarians licensed in the State of California, but the bill did not pass.
- SB 475, Chapter 51 - A fee increase bill for the Guide Dogs licensing board.
- SB 1584, Chapter 529 - Increased fees across the board; created the Multidisciplinary Advisory Committee; implemented enforcement priorities; established a practice requirement for Board consultants of no more than four years out of practice; limited the terms for members of the Registered Veterinary Technician Committee (RVTC) to three years and meetings to three times a year; added a fee for RVTs who fail to notify the Board of a change of address within 30 days; and clarified that RVTs are eligible for the Board's Diversion Program.
- AB 1760 (Galgiani) – This bill would have clarified that the state board examination for veterinarians be given at least twice a year; and clarified the Board's enforcement authority over registered veterinary technicians, but it was vetoed by the Governor – see AB 107, Chapter 80 in 2009/10.

## **2009/10**

- AB 107, Chapter 80 - Clarified the Governor's appointment authority to the Board to encompass four professional members and one public member and create authority for the Board to transition to the use of the Veterinary Technician National Exam (VTNE).
- SB 762, Chapter 16 - Made it unlawful for a city, county, or city and county to prohibit a healing arts licensee from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee.
- SB 1111 (Negrete McLeod) Although this bill ultimately did not become law, the Department of Consumer Affairs and the Legislature have required that licensing boards move forward with as many regulatory amendments related to the nine (9) provisions of this bill that are possible under each board's existing law. The Veterinary Medical Board has identified the provisions that are covered in existing law, those that would require additional legislation and those that it can move forward with in regulations and has scheduled a discussion of those provisions for meetings scheduled in September and October 2012.

## **2010/11**

- AB 1980, Chapter 538 - Extended the Board's sunset date and added a registered veterinary technician (RVT) to the Board; changed the quorum requirements from 4 members to 5 members; eliminated the sunset date for the Multidisciplinary Advisory Committee (MDC); created a term limit of two terms of three years each for the members of the MDC; created an exemption for RVT students to perform the RVT job tasks under supervision while in the final portion of educational program; created title protection for "veterinary technician;" sunsetted the Registered Veterinary Technician Committee (RVTC); required training for unregistered persons operating radiographic equipment and proof of such training must be maintained and provided to the Board upon request; added a reporting requirement for the attending veterinarians at rodeos and a requirement for the Board to post the reporting form on its web site; and created a liability exemption for veterinarians and RVTs during times of a state of war, state of emergency or local emergency.

## **2011/12**

- AB 610, Chapter 9 - Extended the deadline for obtaining commitments for 7,500 spay/neuter license plates one year.
- AB 1839 (Ma) Maintains the authority of veterinarians to delegate administration of any drug to RVTs or laypersons under direct or indirect supervision regardless of whether the licensee is on the premises; changed the terminology for laypersons working in a veterinary hospital from unregistered assistants to veterinary assistants.

- SB 697 (Emmerson) The bill would have clarified the Board's authority over unlicensed activity, but it did not pass.
- SB 969 (Vargas) This bill would have provided a state certification process for persons wishing to become pet groomers, but did not pass.

► **All regulation changes approved by the board the last sunset review. Include the status of each regulatory change approved by the board.**

**2004/05**

- Criteria for Equivalent RVT Programs (CCR section 2065, 2065.7, 2065.8, 2065.8.1, 2065.8.2, and 2065.8.3) - eff. 8/19/04  
New language specified additional requirements for Board approval of equivalent RVT programs such as program director requirements, student ratios, stipulations for RVT program probation and program approval withdrawal.

**2006/07**

- Anesthesia, RVT and Animal Health Care Tasks (CCR sections 2032.4, 2034, 2036 and 2036.5) - eff. 5/20/07  
New language clarified the administration and monitoring of anesthesia, added an additional RVT job task to create a catheter relief hole and clarified allowable job tasks for unregistered assistants.

**2007/08**

- Fee Increase (CCR sections 2070 and 2071) - eff. 7/15/07  
New language increased fees in all veterinarian and RVT categories and added an RVT examination and delinquency fee.
- RVT Animal Health Care Tasks (CCR sections 2036 and 2036.5) - eff. 9/2/07  
New language added the authorization for an RVT or unregistered assistant to administer a controlled substance under indirect or direct supervision of a veterinarian respectively.

**2008/09**

- Limited Term Eligibility Window (CCR section 2068.7 - eff. 2/3/09)  
New language added an additional route to qualify for eligibility for the RVT examination in lieu of a two-year curriculum in animal health technology. By regulation, the language expired on January 1, 2010.

**2009/10**

- RVT Examination Eligibility (CCR sections 2021, 2067, 2068, 2068.5 and 2068.6 - eff. 7/12/2009)  
New language updated reference to the CVMA internship approval program publication, added an additional educational requirement for RVT alternate route eligibility, and amended the required hours/months of directed clinical practice for alternate route and out of state eligibility, and added additional specific knowledge requirements in clinical practice for out of state eligibility.

**2010/11**

- Examination and Clean Up (CCR sections 2000, 2010, 2010.1, 2014.5, 2015, 2015.1 2015.2, 2017, 2018, 2023 and 2024 - eff. 3/2/11)  
New language updated the Board's address, repealed sections whose reference statutes no longer exist, updated eligibility application form numbers, and added Western University as an exempt California veterinary college.
- RVT Continuing Education (CCR sections 2086, 2086.1, 2086.2, 2086.3, 2086.4, 2086.5, 2086.6, 2086.7, 2086.8 - eff. 5/14/2011)  
New language established requirements for RVTs to continue their education beyond what is required for initial licensure and to require RVTs to submit, as a condition of their renewal, assurance that they have completed their continuing education.

**2011/12**

- Fee Increase (CCR sections 2070 and 2071) - eff. 7/31/11  
New language increased fees in all veterinarian and RVT categories, added diversion program fee, and repealed the continuing education provider fee.
- Fingerprinting (CCR sections 2007, 2010.05, and 2085.1 - eff. 4/1/2012)  
New language requires veterinarians and RVTs, as a condition of license renewal, to furnish an electronic set of fingerprints if they have not previously been in receipt by the Board, requires disclosure if the licensee has been convicted of a violation of the law in the last renewal cycle, and requires that an applicant or licensee shall furnish their criminal history within 30 days of request.
- Minimum Standards of Practice (CCR sections 2030, 2030.05, 2030.1, 2030.2, 2030.3, 2032.1, 2032.15, 2032.2, 2032.25, 2032.3, 2032.35, 2032.4, and 2037 - pending DCA approval)  
New language will update the minimum standards of practice for veterinarians to current practice standards, specify minimum standards of practice for licensee managers and small animal vaccine clinics, clarify veterinarian veterinary-client-patient relationships in person and in the absence of the originally treating veterinarian, establish standards for handling

written prescriptions in the absence of the originally prescribing veterinarian, clarify record keeping requirements, and clarify the definition of dental operation.

- Developed a hospital inspection self checklist for licensees to use to insure that their premise meets the minimum standards of practice and made the checklist available to licensees and the public on the Board's web site
- **Disciplinary Guidelines (CCR section 2006 - pending DCA approval)**  
New language will update the reference to the Disciplinary Guidelines as incorporated by reference in the regulation as well as update the incorporated document. The updated Disciplinary Guidelines document will be updated to educate the public and administrative law judge to the Board's disciplinary laws and its recommended enforcement of the laws as well as adopt specific terms and conditions for violations involving drug and alcohol abuse.
- **RVT Approved Schools (CCR sections 2064, 2065, 2065.5, 2065.6, 2065.7, 2065.8, 2065.8.1, 2065.8.2, 2065.9, 2066, 2066.1 - pending Board hearing)**  
New language will specifically add AVMA approved schools to those schools that the Board recognizes as California approved schools and add additional provisions to the curriculum requirements as part of current practice standards.

#### **4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).**

- ▶ **Succession Planning** - The Board is in the process of developing a succession planning document for the primary leadership positions in the Board office, the Executive Officer, the Assistant Executive Officer and two lead staff positions. This study is anticipated to be completed by the end of fiscal year 2012/13.
- ▶ **Transition to Veterinary Technician National Exam** - The Board worked with the DCA's Office of Professional Exam Services (OPES) beginning in 2010 to do a study on the viability of transitioning from a state to a national licensing examination for veterinary technicians. The study was completed and the transition authorized for January 2014 with the proviso that OPES develop a state law exam to be offered in addition to the Veterinary Technician National Exam (VTNE) related to the California job tasks for registered veterinary technicians.
- ▶ **Limited Term Eligibility Window** - In 2009, the Board implemented a Limited Term Eligibility Window (LTEW) for persons who had been working in the veterinary field for at least five years with some education to become eligible to take the state licensing examination for veterinary technicians. This project resulted in approximately 450 new registered veterinary technicians in California thus offsetting some of the identified shortages of RVTs.
- ▶ **Exam Practice Analysis** - The Board is currently undergoing a practice analysis for its state board licensing examination for veterinarians through OPES. The study is anticipated to be completed by the end of fiscal year 12/13.

#### **5. List the status of all national associations to which the board belongs.**

The Board is a current member of the AAVSB.

- ▶ **Does the board's membership include voting privileges?**  
The Board's membership in the AAVSB does include voting privileges.
- ▶ **List committees, workshops, working groups, task forces, etc., on which board participates.**  
The AAVSB is a regulatory association that provides services to the California Veterinary Medical Board and 56 other licensing jurisdictions in the U.S., Canada and the U.S. territories. The Board has been an active participant in the AAVSB since 1985. Currently, the Board has four members participating on the AAVSB Board of Directors, one of its committees or as a voting delegate. The Executive Officer participated over the last two years as a member of the Conference planning committee:
  - The Board of Directors – one member
  - Registry of Approved Continuing Education (RACE) – one member
  - Veterinary Technician National Exam Committee (VTNE) – one member
  - Conference Committee - the Executive Officer
  - Voting Delegate – one member
- ▶ **How many meetings did board representative(s) attend? When and where? CK with Tom and Rich.**  
Since 2003/04

- **2003 – 2008** - one conference a year – the EO and one delegate member attended each year. From 2003 through 2007, the AAVSB annual conferences were held in Kansas City, MO.
- **2009 – 2010** - one conference a year – the EO and two members. In 2008 and 2009, the annual conference was held in South Carolina and California, respectively.
- **2010** – the EO and two board members – In 2010, the annual conference was held in Baltimore.
- **2011** – the EO and three board members – In 2011, the annual conference was held in New Orleans.
- **2012** – the EO and four board members – in 2012, the annual conference was held in Seattle, WA

► **If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?**

The Board participates in this process by establishing criteria for such activities in its annual contract with the National Board of Veterinary Medical Examiners (NBVME) which is reviewed by the Board’s legal counsel through the Department of Consumer Affairs on an annual basis. Also, the AAVSB, which represents 57 licensing jurisdictions in the U.S., Canada and U.S. territories, has four members on the NBVME and the NBVME annual report is provided to the Boards and licensing jurisdictions at the annual conference.

## SECTION 2 Performance Measures and Customer Satisfaction Surveys

**6. Provide each quarterly and annual performance measure report as published on the DCA website**

Please see addendum (page #)

**7. Provide results for each question in the customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.**

The Board utilized its own customer satisfaction paper and pencil survey tool up until 2010 when it was discontinued due to staffing and workload issues. The Board does not use the DCA customer satisfaction surveys per se; however, it is developing an electronic survey tool based on the questions in the DCA survey and plans to implement its own survey following the Board’s conversion to BreEZe, the DCA’s new database system.

## SECTION 3 Fiscal and Staff

### FISCAL ISSUES

**8. Describe the board’s current reserve level, spending, and if a statutory reserve level exists.**

Business and Professions Code, Section 4905(l) sets the Board’s reserve level to a minimum of three months and a maximum of 10 months of annual Board expenditures. The current reserve level for the Board is approximately nine months of expenditures and is higher than average. The higher reserve level is due to budget reversion resulting from mandated staffing and spending restrictions during the past four years. The impact of the higher reversions amounted to an additional five months of reserve during the past four years totaling approximately \$1.1 million.

**9. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.**

There are no projected deficits or fee increases for the Board at this time. Based on projections the Board may reach a reserve level of 10 months at the end of fiscal year 2012/13. If the reserve level reaches 10 months of annual expenditures, then the Board could consider fee decrease adjustments.

**Table 2. Fund Condition (in thousands)**

	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Beginning Balance	1,248	1,411	1,651	1,938	2,320	2,392
Prior Year Adjustments	52	63	31	26	-	-
Revenues and Transfers	2,298	2,519	2,416	2,955	2,920	3,013
<b>Total Revenue</b>	<b>3,598</b>	<b>3,993</b>	<b>4,098</b>	<b>4,919</b>	<b>5,240</b>	<b>5,405</b>
Budget Authority	2,444	2,672	2,619	2,721	2,848	2,905
Expenditures	2,187	2,342	2,160	2,599	2,848	2,878
Loans to General Fund	-	-	-	-	-	-
Accrued Interest, Loans to General Fund	-	-	-	-	-	-
Loans Repaid From General Fund	-	-	-	-	-	-
<b>Fund Balance</b>	<b>\$ 1,411</b>	<b>\$ 1,651</b>	<b>\$ 1,938</b>	<b>\$ 2,320</b>	<b>\$ 2,392</b>	<b>\$ 2,527</b>
<b>Months in Reserve</b>	<b>7.2</b>	<b>9.2</b>	<b>8.9</b>	<b>9.8</b>	<b>10.0</b>	<b>9.3*</b>

\*Reflects BCPs that will be submitted for FY 14-15.

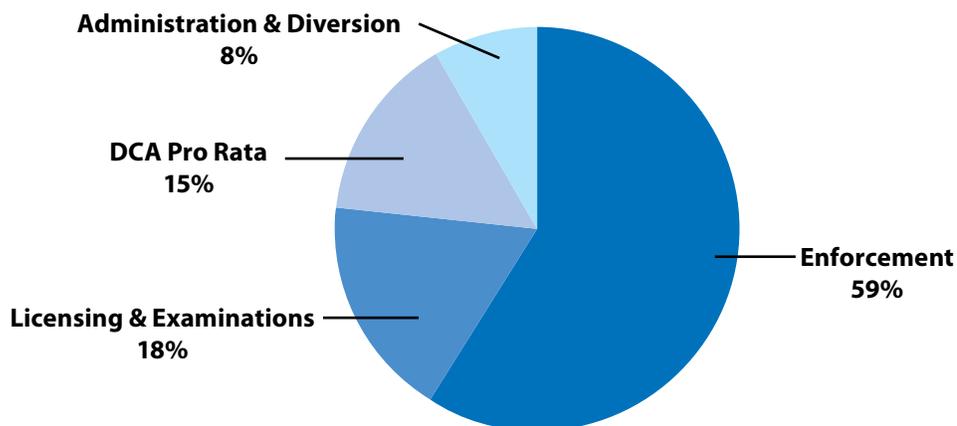
**10. Describe history of general fund loans. When were the loans made? When were payments made? What is the remaining balance?**

Since 1992, there have been no general fund loans. All funds were transferred out of the Board's Contingent Fund between 1990 to 1992 were returned with interest over a three year period from 1996 to 1999.

**11. Describe the amounts and percentages of expenditures by program component. Use Table 3. Expenditures by Program Component to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.**

The Veterinary Medical Board operates on an annual budget of \$2.7 million, with approximately 60% of its budget devoted to enforcement activities, 18% to examination and licensing functions, 15% to DCA pro rata costs, and Administration and Diversion making up the remaining 8% (see chart below).

**Veterinary Medical Board Expenditures by Program Component 2008-2012**



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 to provide support services in areas such as human resources, accounting, information technology, and other administrative services.

**Table 3. Expenditures by Program Component (in thousands)**

	FY 2008/09		FY 2009/10		FY 2010/11		FY 2011/12	
	Personnel Services	OE&E						
Enforcement	314	1,059	330	1,174	393	925	400	1,078
Examination	119	138	110	194	123	132	148	198
Licensing	97	34	89	36	98	29	105	65
Administration *	160	19	147	25	152	18	160	52
DCA Pro Rata	-	333	-	313	-	342	-	453
Diversion (if applicable)	-	18	-	19	-	20	-	21
<b>TOTALS</b>	\$690	\$1,601	\$676	\$1,761	\$766	\$1,466	\$820	\$1,867

\*Administration includes costs for executive staff, board, administrative support, and fiscal services.

**12. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.**

B&P Code, Section 4905; CCR Section 2070 and 2071 – Fee Schedule - Attachment #\_\_\_\_\_

10/2007 – fees were increased via regulation to the statutory maximum

1/2010 – legislation to increase the statutory maximums became effective

3/2012 – an actual fee increase via regulation became effective

**Table 4. Fee Schedule and Revenue**

Fee	Current Fee Amount	Statutory Limit	FY 2008/09 Revenue	FY 2009/10 Revenue	FY 2010/11 Revenue	FY 2011/12 Revenue	% of Total Revenue
<b>VETERINARIANS</b>							
Application for Examination Review	\$125	\$350	\$67,500	\$70,800	\$66,900	\$59,600	2%
California State Board Examination	\$200	\$350	\$82,138	\$87,900	\$81,300	\$89,250	3.1%
Veterinary Law Examination	\$100	\$100	\$18,050	\$17,450	\$18,450	\$27,400	1%
Initial Veterinary License (for one year or more)	\$290	\$500	\$68,000	\$64,250	\$72,500	\$72,645	2.5%
Initial Veterinary License (less than one year)	\$145	\$250	\$26,125	\$27,775	\$33,625	\$33,255	1%
Veterinary License Biennial Renewal	\$290	\$500	\$1,197,621	\$1,249,275	\$1,287,525	\$1,375,230	47.8%
Temporary Veterinary License - Reciprocity	\$150	\$250	\$7,000	\$5,125	\$7,275	\$17,150	.6%
Temporary Veterinary License - Intern	\$150	\$250	\$6,375	\$8,250	\$5,150	\$8,500	.3%
Inactive License Renewal	\$250	\$250	\$38,000	\$83,525	\$34,000	\$36,080	1.25%
<b>VETERINARY PREMISES</b>							
Initial Registration	\$200	\$400	\$14,500	\$12,300	\$16,000	\$31,200	1%
Registration Renewal	\$200	\$400	\$285,400	\$242,300	\$293,900	\$600,710	20.9%
<b>REGISTERED VETERINARY TECHICIANS</b>							
Examination Application Review	\$125	\$350	\$64,025	\$120,000	\$56,000	\$76,525	2.7%
Examination	\$175	\$300	\$94,950	\$174,950	\$80,400	\$103,100	3.6%
Initial Registration (for one year or more)	\$140	\$350	\$20,600	\$37,350	\$25,200	\$23,340	.8%
Registration (less than one year)	\$70	\$175	\$9,500	\$16,050	\$10,650	\$11,890	.4%
Biennial Registration Renewal	\$140	\$350	\$218,575	\$242,500	\$262,900	\$309,420	10.8%

**13. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.**

In the past four years, the Board has submitted BCPs to implement legislation and increase staffing and funding in both Enforcement and Licensing. Even though the Board has been granted legislative BCPs, all other staffing BCPs have been denied. It is imperative that the Board increase staffing levels to accommodate previous budget and staffing cuts, the impact of the budget reductions and furloughs, licensee population growth, and the increase in complaints and enforcement cases. Even though the Board is fiscally solvent and maintains a structural balance, the proposals have been denied at the Agency level or by the Department of Finance because they did not meet the criteria set by the Governor’s Administration. With a growing licensee population and a continued annual increase in the number of complaints the Board receives, the caseload and backlogs have grown significantly. The Board has streamlined processes and made every effort to absorb the workload with existing staff and temporary help; unfortunately, there are few alternatives none of which address the growing backlog other than to increase the Board’s enforcement staffing.

**Table 5. Budget Change Proposals (BCPs)**

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1110-04L	2009-10	AB-1584	.5 SSA	.5 SSA 2 year limited term	38,000	38,000	26,000	26,000
1110-05L	2009-10	AB-2423	1.0 SSA	1.0 SSA	62,000	62,000	13,000 first year 5,000 ongoing	13,000 first year 5,000 ongoing
1110-39L	2010-11	AB-107	1.0 SSA	1.0 SSA	68,000	68,000	50,000 first year 7,000 ongoing	50,000 first year 7,000 ongoing
1110-1A	2010-11	Consumer Protection Enforcement Initiative	7.1 first year 8.1 ongoing	1.0 Special Investigator	388,000 first year 473,000 ongoing	55,000	75,000	30,000
	2011-12	Veterinary Hospital Inspection Program	.5 SSA .5 OT	0.0	59,000	0	154,000	0
	2011-12	Practice Analysis	0.0	0.0	0	0	99,000	0
	2011-12	Mandatory Continuing Education	2.0 Office Technicians	0.0	107,000	0	18,000	0

**STAFFING ISSUES**

**14. Describe any staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.**

Due to the increasing workload in the number of complaints the Board receives annually, additional positions were requested during the past four years through the BCP process. Even though the Board is fiscally solvent and able to support additional positions, the requests have been denied at the Agency level or by the Department of Finance because they did not meet the criteria set by the Governor’s Administration.

### Staff Reductions and Furloughs

During the past four years, the VMB has been severely impacted in the area of personnel due to staffing cuts and furloughs. In addition, the Board has been restricted in filling vacancies which has resulted in a backlog of enforcement cases. During the 2008-09 fiscal year, the Board's staff was reduced by 43% for six months losing the work potential of 2 Enforcement Analysts, one Office Technician (PI), two Student Assistants, and two In-house Veterinary Consultants. During this time the Board was also unable to fully implement its hospital inspection program.

From February 2009 through October 2010, the Board lost 55 work days or 440 hours per employee due to furloughs. The impact to our services was equally damaging as workloads increased along with weekly challenges of trying to tackle new workload in the form of license applications, consumer complaints, or information requests while trying to reduce the backlogs from the prior week's work.

Below is the chronological sequence of events that directly impacted the Board's staffing and operations:

1. On January 10, 2008, Governor Schwarzenegger issued Executive Order S-01-08, which ordered all state agencies to reduce and/or eliminate all non-essential expenditures. This order included a hiring freeze which prevented the Board from obtaining additional staffing to address its increasing workload.
2. On July 31, 2008, Executive Order S-09-08 was issued. This order set in place a freeze for all hiring not considered critical, to immediately reduce expenditures and preserve cash, including the following: (1) halting all hiring, transfers and promotions of employees, and contracting for individuals to perform services; (2) prohibition of overtime; (3) termination of the services of retired annuitants, permanent intermittent employees, seasonal employees, temporary help workers and, student assistants; and (4) suspension of personal services contracts.
3. On December 19, 2008, Governor Schwarzenegger issued Executive Order S-16-08 which required state agencies to implement furloughs of state employees for two days per month regardless of funding source, from February 9, 2009 through June 30, 2009.
4. On July 2, 2009, Governor Schwarzenegger issued Executive Order S-09-12 which required state agencies to close their offices for three Fridays every month through June 30, 2010.
5. On August 9, 2010, Governor Schwarzenegger issued Executive Order S-12-10 which required state agencies to close their offices for three Fridays every month until the budget is signed.
6. On August 31, 2010, Governor Schwarzenegger implemented a State Hiring Freeze and one self-directed furlough day.

### 15. Describe the board's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

Due to staffing shortages during the past four years, staff was not able to take advantage of training opportunities. In addition, Governor Schwarzenegger's Executive Order (S-01-08), mandated the Board to decrease and/or eliminate non-essential expenditures, which included travel and training. In spite of the restrictions, the Board has taken advantage of internal training opportunities provided by the DCA's training office, including but not limited to courses related to contracts, regulations, analytical development, writing, and the Enforcement Academy. The Board has also maximized its internal resources by cross training staff in administration, licensing, examinations and enforcement. The cross training efforts have allowed staff to develop skills while attaining experience that has led to six internal and four external staff promotions in the last 4-6 years.

## SECTION 4 Licensing Program

### 16. What are the board's performance targets/expectations for its licensing<sup>2</sup> program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The Board is meeting its performance targets/expectations for its licensing program.

---

<sup>2</sup> The term "license" in this document includes a license certificate or registration.

**17. Describe any increase or decrease in average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?**

At the current time the Board is meeting or exceeding its recommended performance timelines for processing applications and there is no backlog.

**18. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?**

The Board issues new licenses to approximately 500 veterinarians, 400 RVTs and 200 premises annually.

Renewals occur biennially for veterinarians and RVTs and annually for veterinary premises. In any given year, the Board renews approximately 5,500 Veterinarians, 2900 RVTs and 3,100 premises. RVT School approval is granted for 2 to 4 years; there is one California approved school at this time.

**Table 6. Licensee Population**

		FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
<b>Veterinarian</b>	Active	10,201	10,404	10,671	10,998
	Out-of-State	2,332	2,330	2,388	2,447
	Out-of-Country	87	85	88	90
	Delinquent	3,611	3,864	3,996	4,120
<b>Registered Veterinary Technician</b>	Active	4,692	5,218	5,601	5,811
	Out-of-State	472	465	491	506
	Out-of-Country	17	16	16	19
	Delinquent	2,312	2,469	2,597	2,774
<b>Veterinary Premise</b>	Active	2,867	2,916	2,996	3,111
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	189	199	206	220
<b>Veterinary Internship</b>	Active	40	45	38	34
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	n/a	n/a	n/a	n/a
Veterinary Reciprocity	Active	55	41	30	20
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	n/a	n/a	n/a	n/a

**Table 7a. Licensing Data by Type - Veterinarian**

	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	Combined, if unable to separate out
FY 2009/10	(Exam)	659	585			6	6	-	-	-	26
	(License)	586			491	-	-	-	-	-	178
	(Renewal)	5,154		n/a		-	-	-	-	-	-
FY 2010/11	(Exam)	643	518			34	34	-	-	-	14
	(License)	652			561	-	-	-	-	-	154
	(Renewal)	5,286		n/a		-	-	-	-	-	-
FY 2011/12	(Exam)	696	549			57	57	-	-	-	18
	(License)	584			501	-	-	-	-	-	192
	(Renewal)	5,386		n/a		-	-	-	-	-	-

\* Optional. List if tracked by the board.

**Table 7a. Licensing Data by Type - Registered Veterinary Technician**

	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	Combined, if unable to separate out
FY 2009/10	(Exam)	1,200	1,225			24	24	-	-	-	20
	(License)	695			699	-	-	-	-	-	129
	(Renewal)	2,425		n/a		-	-	-	-	-	-
FY 2010/11	(Exam)	560	551			94	94	-	-	-	23
	(License)	465			461	-	-	-	-	-	145
	(Renewal)	2,629		n/a		-	-	-	-	-	-
FY 2011/12	(Exam)	706	703			122	122	-	-	-	21
	(License)	414			414	-	-	-	-	-	108
	(Renewal)	2,786		n/a		-	-	-	-	-	-

\* Optional. List if tracked by the board.

**Table 7a. Licensing Data by Type - Veterinary Premise**

	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	Combined, if unable to separate out
FY 2009/10	(Exam)	n/a	n/a			n/a	-	-	-	-	n/a
	(License)	123			112	1	1	-	-	-	1
	(Renewal)	2,866		n/a		n/a	-	-	-	-	-
FY 2010/11	(Exam)	n/a	n/a			n/a	-	-	-	-	n/a
	(License)	160			142	1	1	-	-	-	1
	(Renewal)	2,939		n/a		n/a	-	-	-	-	-
FY 2011/12	(Exam)	n/a	n/a			n/a	-	-	-	-	n/a
	(License)	312			193	0	-	-	-	-	14
	(Renewal)	3,044		n/a		n/a	-	-	-	-	-

\* Optional. List if tracked by the board.

**Table 7b. Total Licensing Data**

	FY 2009/10	FY 2010/11	FY 2011/12
<b>Initial Licensing Data:</b>			
Initial License/Initial Exam Applications Received	1,210	1,145	1,126
Initial License/Initial Exam Applications Approved	1,350	1,212	1,091
Initial License/Initial Exam Applications Closed			
License Issued	1,184	1,100	805
<b>Initial License/Initial Exam Pending Application Data:</b>			
Pending Applications (total at close of FY)	31	129	179
Pending Applications (outside of board control)*	31	129	179
Pending Applications (within the board control)*	-	-	-
<b>Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):</b>			
Average Days to Application Approval (All - Complete/Incomplete)	23/153	17/150	19/200
Average Days to Application Approval (incomplete applications)*	-	-	-
Average Days to Application Approval (complete applications)*	-	-	-
<b>License Renewal Data:</b>			
License Renewed	10,283	10,718	8,675

\* Optional. List if tracked by the board.

**19. How does the board verify information provided by the applicant?**

**a. What process is used to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?**

The Board requires fingerprinting, both state and federal, prior to licensure. Additionally, the Board uses the AAVSB's national disciplinary database - the Veterinary Information Verifying Agency (VIVA).B.

**b. Does the board fingerprint all applicants?**

Yes, every applicant is required to obtain fingerprinting prior to licensure.

**c. Have all current licensees been fingerprinted? If not, explain.**

All current licensees have been fingerprinted except for RVTs registered between 1979 and 2004. The Board passed regulations in April 2012 that requires all licensees to have electronic fingerprints on file as a condition of their renewal. The Board is currently working on rolling out this program in conjunction with the new DCA licensee database.

**d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?**

The VIVA is the national databank relating to disciplinary actions and it is maintained by the AAVSB on behalf of California and 56 other licensing jurisdictions in the United States, Canada and the U.S. Territories. The Board receives regular reports from the AAVSB and does check prior to issuing a license along with doing a state and federal live scan fingerprinting of applicants for both veterinarian and veterinary technician.

The Board does not check the databank prior to renewing a license; however, if a report is received that indicates that a licensee has been disciplined in another state, the Board takes reciprocal action and that could lead to either sanctions against the license or revocation depending on the type of violations.

**e. Does the board require primary source documentation?**

The Board utilizes the services of the AAVSB's VIVA to verify source documents such as national examination scores. For applicants applying directly to the Board primary source documents are required, such as transcripts and letters of good standing.

**20. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.**

The Board utilizes the VIVA database, fingerprinting, Program for the Assessment of Veterinary Education Equivalence (PAVE), and Educational Commission for Foreign Veterinary Graduates (ECFVG) to process out-of-state and out-of-country applicants.

The PAVE and ECFVG programs assess the educational equivalency of out-of-country degrees in veterinary medicine to those programs that are AVMA approved.

**21. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.**

The Board sends No Longer Interested notifications to the Department of Justice (DoJ) on a regular and on-going basis. No Longer Interested notifications are faxed or mailed to the DoJ; there is currently there is no backlog.

**EXAMINATIONS**

Table 8. Examination Data			
California Examination (include multiple language) if any:			
License Type		Veterinarian	Registered Veterinary Technician
Exam Title		California State Board	Registered Veterinary Technician Examination
FY 2008/09	# of 1 <sup>st</sup> Time Candidates	609	344
	Pass %	84%	77%
	# of Retake Candidates	119	73
	Pass %	79%	60%
FY 2009/10	# of 1 <sup>st</sup> Time Candidates	651	331
	Pass %	85%	75%
	# of Retake Candidates	133	59
	Pass %	69%	45%
FY 2010/11	# of 1 <sup>st</sup> Time Candidates	620	262
	Pass %	87%	69%
	# of Retake Candidates	95	81
	Pass %	69%	55%
FY 2011/12	# of 1 <sup>st</sup> time Candidates	684	370
	Pass %	94%	79%
	# of Retake Candidates	72	98
	Pass %	93%	62%
Date of Last OA		Ongoing	Ongoing
Name of OA Developer		DCA Office of Professional Examination Services	
Target OA Date		n/a	n/a
National Examination (include multiple language) if any:			
License Type		Veterinarian	
Exam Title		North American Veterinary Licensing Examination	
FY 2008/09	# of 1 <sup>st</sup> Time Candidates	345	
	Pass %	88%	
FY 2009/10	# of 1 <sup>st</sup> Time Candidates	385	
	Pass %	88%	
FY 2010/11	# of 1 <sup>st</sup> Time Candidates	378	
	Pass %	88%	
FY 2011/12	# of 1 <sup>st</sup> time Candidates	339	
	Pass %	88%	
Date of Last OA		2009	
Name of OA Developer		Allied Measurement Professionals	
Target OA Date		unknown	

**22. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required?**

Currently, applicants wishing to become licensed as a veterinarian must take and pass a national exam, a state specific examination and a law exam. Applicants wishing to become registered as veterinary technicians must take only the state exam; however, in 2014, the Board will be transitioning to the National Veterinary Technician Exam (VTNE) and implementing a law exam for RVT candidates.

**23. What are pass rates for first time vs. retakes in the past 4 fiscal years?**

(Refer to Table 8: Examination Data)

**24. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?**

The Board uses computer based testing for licensing veterinarians and registered veterinary technicians. The examinations are given six days a week with six month eligibility windows; once eligible, candidates may apply on a continuous basis by phone or online through the Boards designated testing vendor PSI. There are 13 computer testing sites throughout California.

**25. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.**

Currently, there are no existing statutes that hinder the efficient and effective processing of applications and/or examinations.

## SCHOOL APPROVALS

---

**26. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?**

The Board is the approval authority for all schools providing instruction in veterinary medicine and veterinary technology. The Board accepts AVMA accreditation for purposes of California approval of veterinary and veterinary technology.

The Board requires BPPE approval for all veterinary technology programs that are approved directly by the Board.

**27. How many schools are approved by the board? How often are schools reviewed?**

The Board currently approves all California veterinary technology program some through approval of national accreditation standards and some through California regulatory requirements and physical inspection. School approval is for a period of no more than four years at one time.

**28. What are the board's legal requirements regarding approval of international schools?**

The Board recognizes the accreditation standards of the AVMA for international schools.

## CONTINUING EDUCATION/COMPETENCY REQUIREMENTS

---

**29. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.**

The VMB requires continuing education (CE) for veterinarian and registered veterinary technician license renewal. Veterinarians are required to complete 36 hours of CE every two years and RVTs are required to complete 20 hours of CE every two years. Both CE providers and courses must be "approved" as defined in the Practice Act and must be obtained in subjects related to

the practice of veterinary medicine and/or veterinary technology. The CE courses must be consistent with current standards and practices beyond the initial academic studies required for initial licensure or registration.

The CE requirements have been codified in California Code of Regulations, Section 2085 – 2085.13 for veterinarians and Sections 2086-2085.9 for RVTs.

**a. How does the board verify CE or other competency requirements?**

Licensees are required to sign their renewal notice under penalty of perjury stating that they have completed the requisite number of CE hours within the last two year renewal period. Licensees are required to maintain completion documentation for no less than four years and, if audited, are required to provide that documentation to the Board upon request.

**b. Does the board conduct CE audits on its licensees?**

The Board does conduct CE audits on licensees. Veterinary mandatory continuing education became law in 2004 and the random audit process began in 2006 with a target of 10% of licensees per two-year renewal cycle. The audit process was conducted through 2008, but due staffing reductions that began in 2008, the Board has had to scale back its audit program to licensees who are renewing from an inactive license status or licensees who are compelled to complete CE as a term of their probation.

In FY 2012/13 the Board was able to fill some of its staff vacancies in other areas and is currently attempting to absorb this additional workload in order to fulfill its mandate to ensure that veterinarians meet their CE requirement through random Board audits. The Board is also attempting to begin the RVT audit program once a full CE mandated renewal cycle has completed in July 2013. However, without additional personnel the Board's ability to perform audits is severely limited.

**c. What are consequences for failing a CE audit?**

The consequences for failing a CE audit is that the license is automatically renewed as inactive and the licensee cannot continue practicing past their renewal date. The licensee must cease practicing until the required number of hours are completed and approved. If the failure to complete the required hours is discovered after a licensee has renewed, the consequences could be more severe such as a citation and fine or formal action.

**d. How many CE audits were conducted in the past four fiscal years?**

Even with the limitations of staff and resources over the past four years the Board has conducted approximately 50 audits each year for probationers and for those licensees who wished to renew a delinquent license. In the past four years, the Board has submitted Budget Change Proposals to the DCA requesting an augmentation to provide for additional staff to handle the workload of this very valuable consumer protection program. Unfortunately, each year the Board's request has been denied. So, with existing staffing resources, the Board is limited to conducting approximately 60 to 100 audits per year.

**e. What is the board's course approval policy?**

The course approval criteria is outlined in regulation (16 CCR 2085.3, 1085.6 and 2086.5). Based on the approval criteria outlined in regulations, the Board delegates course approval to its national regulatory agency, the American Association of Veterinary State Boards' (AAVSB), Registry for Approved Continuing Education (RACE) for all non statutorily approved providers and courses. AAVSB evaluates courses and providers based on the regulatory criteria and either approves or disapproves the application. Approved providers are listed on the AAVSB web site at [aavsb.org](http://aavsb.org).

**f. Who approves CE providers?**

AAVSB, through its RACE program, approves all non-statutorily approved continuing education providers and courses.

The Board also recognizes certain continuing education providers, such as AVMA and government sponsored courses, spelled out in Business and Professions Code section 4846.5.

**g. How many applications for CE providers and CE courses were received? How many were approved?**

Numbers provided by the agency that does the approvals, the AAVSB, are as follows:

Continuing Education Programs			
	FY 2009/10	FY 2010/11	FY 2011/12
<b>Programs</b>			
Submitted	1,349	1,341	1,586
Denied	12	16	5
Approved	1,286	1,256	1,502
<b>Providers</b>			
Submitted	171	177	206
Denied	0	0	1
Approved	161	161	181

**h. Does the board audit CE providers?**

The Board audits statutorily approved providers on a case by case basis. If documentation for the licensee is not complete due to an issue with the provider then the Board will contact the provider and ask for proof of compliance. Providers that go through the AAVSB - RACE approval process are audited and reviewed during each two-year renewal period and during individual audits of licensees.

**i. Describe the board’s effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensees’ continuing competence.**

The Board, in its first sunset review report, recommended retesting for licensure in lieu of mandatory continuing education as a way to ensure true continued competency. At this point in time, the Board has not discussed a different model but is willing to consider its options in this area.

**NOTE: Does the Board want to make any recommendations in this area? Telemedicine, faculty licensure, animal rehab???**

**SECTION 5  
Enforcement Program**

**30. What are the board’s performance targets/expectations for its enforcement program?**

In July 2009, the Governor directed the State and Consumer Services Agency (SCSA) to conduct an internal review of the Division of Investigation and health care boards’ enforcement programs within the Department of Consumer Affairs (DCA). Based on SCSA’s finding, the Governor charged the DCA Director with reforming the enforcement process for health care boards in California.

The DCA reviewed existing enforcement processes and identified systemic problems that were barriers limiting the boards’ abilities to investigate and act on cases in a timely manner. The barriers identified ranged from legal and procedural challenges to inadequate resources such as funding and staff shortages. In response, the DCA launched the Consumer Protection Enforcement Initiative (CPEI). As part of the CPEI, enforcement performance measures were developed to monitor and assist in determining the effectiveness of efforts to streamline enforcement processes, reduce backlogs and achieve the overall goal to process complaints within 12-18 months. The Veterinary Medical Board’s program included a review, comparison and evaluation of best practices with the DCA and working collaboratively with the DCA to establish targets for the Board enforcement program.

The enforcement process is monitored by the Board’s Executive Officer and Enforcement Program Manager at many phases and intervals. Performance targets serve as a tool to improve case management at each interval of the enforcement process. These targets are listed below. Comments on the Board’s performance to these targets are noted after each section:

1. Intake: This the time from complaint receipt until the complaint is assigned to an analyst/investigator. Complaints are received by telephone, writing or email.

**Target:** Target for Intake is 10 days.

**Performance:** This goal was not met by the Board in fiscal 2011/12.

Intake Process Target Performance			
FY 2011/2012	Average Days	Target # of Days	Target Met
1 <sup>st</sup> Quarter	13	10	No
2 <sup>nd</sup> Quarter	33	10	No
3 <sup>rd</sup> Quarter	23	10	No
4 <sup>th</sup> Quarter	19	10	No

**Comment:** Complaints at intake are processed by a part-time Office Technician who also has a variety of other duties. In fiscal year 2011/2012 the Board received a total of 770 complaints.

2. **Intake and Investigation:** This is the average time from complaint receipt to closure of the investigation process. The investigative process includes desk investigations conducted by the analyst, and/or sending the complaint information to the Division of Investigation (DoI) for a formal investigation. Cases sent to the Attorney General (AG) for formal discipline are not included in this measure.

Intake and Investigation Target Performance			
FY 2011/2012	Average Days	Target # of Days	Target Met
1st Quarter	336	365	Yes
2nd Quarter	306	365	Yes
3rd Quarter	307	365	Yes
4th Quarter	309	365	Yes

**Comment:** Analysts constantly monitor their cases by sending status request to the appropriate person at every level of the process. This may include an expert consultant, DoI investigator or other persons.

3. **Formal Discipline:** This is the average number of days to complete the entire enforcement process for cases resulting in formal discipline. This includes intake, investigation by the Board and/or DoI and prosecution by the Attorney General.

**Target:** Target for Formal Discipline is: 740 days

**Performance:** This goal was not met by the Board in 2011/12.

Formal Discipline Target Performance			
FY 2011/2012	Average Days	Target # of Days	Target Met
1 <sup>st</sup> Quarter	NA	740	NA
2 <sup>nd</sup> Quarter	NA	740	NA
3 <sup>rd</sup> Quarter	NA	740	NA
4 <sup>th</sup> Quarter	NA	740	NA

**4. Probation Intake:** This is the average number of days from probation monitor assignment to the date the probation monitor makes the first contact with the probationer by phone or letter.

**Target:** Target for Probation Intake is 10 days.

**Performance:** This goal was met by the Board in 2011/12

Probation Intake Target Performance			
FY 2011/2012	Average Days	Target # of Days	Target Met
1st Quarter	5	10	Yes
2nd Quarter	4	10	Yes
3rd Quarter	NA	10	NA
4th Quarter	NA	10	NA

**5. Probation Violation Response:** This is the average number of days from the date a violation of probation is reported to the date the probation monitor initiates action.

**Target:** Target for Probation Violation response is 5 days.

**Performance:** This goal was not met by the Board in 2011/12.

Probation Intake Target Performance			
FY 2011/2012	Average Days	Target # of Days	Target Met
1st Quarter	NA	5	NA
2nd Quarter	NA	5	NA
3rd Quarter	NA	5	NA
4th Quarter	NA	5	NA

**Comment:** The Board is meeting its target performance numbers.

**31. Explain trends in enforcement data and the board’s efforts to address any increase in volume, timeframes, ratio of closure to pending, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?**

The Board utilizes its authority to issue citations and fines to address less egregious violations in an expedient manner. The Board finds this process to be an efficient mechanism for resolving minor violations. The Board directed its Multidisciplinary Advisory Committee (MDC) to work on developing Citation and Fine Guidelines to define the process and make the program even more viable and transparent to the licensees and the public. The Board asked the MDC to update the citation and fine regulations to clarify the process and increase the fines up to the \$5,000 statutory maximum.

Since the evidentiary standard for a citation is preponderance of evidence as opposed to the standard for formal discipline, clear and convincing to a reasonable certainty, these cases are handled primarily by desk investigations. While the issuance of citations and fines requires a substantial amount of staff time, there are usually no investigative or prosecutorial expenditures. Therefore, citations and fines can be a cost effective and relatively quick means to address minor violations.

Performance barriers. There are two major performance barriers in the enforcement process, 1) the length of time required for an investigation through the DCA’s Division of Investigation, and 2) the length of time necessary for processing through the Office of the Attorney General and the Office of Administrative Hearings. Investigations through DoI can take anywhere from six (6) to eighteen (18) months. Once a case is transferred to the Office of the Attorney General for preparation of an accusation, it can take anywhere from six months to a year to prepare an accusation and one to two plus years to a hearing and final outcome. Scheduling a hearing with the Office of Administrative hearing is taking anywhere from nine (9) to twelve (12)

months. These timelines are outside the Board's control, but add greatly to the overall length of time it takes from receipt of a complaint to ultimate resolution.

Other performance barriers include staffing shortages as well as the lack of timely responses from outside agencies and licensees. In many cases, to determine if a violation exists, the Board must obtain various documents such as court reports, arrest records and written responses related to each case. Responses to requests for documents can vary greatly. In many cases, multiple documents are needed from other agencies and sometimes repeated requests are required. Further delays can be caused when processing fees are required by courts and arresting agencies.

The staffing shortages are a significant barrier to improved performance in processing consumer complaints. A summary of the circumstances surrounding the staffing shortages is listed below:

1. On January 10, 2008, Governor Schwarzenegger issued Executive Order S-01-08, which ordered all state agencies to reduce and/or eliminate all non-essential expenditures. This order included a hiring freeze which prevented the Board from obtaining additional staffing to address its increasing workload.
2. On July 31, 2008, Executive Order S-09-08 was issued. This order set in place a freeze for all hiring not considered critical, to immediately reduce expenditures and preserve cash, including the following: (1) halting all hiring, transfers and promotions of employees, and contracting for individuals to perform services; (2) prohibition of overtime; (3) termination of the services of retired annuitants, permanent intermittent employees, seasonal employees, temporary help workers and student assistants; and (4) suspension of personal services contracts.
3. On December 19, 2008, Governor Schwarzenegger issued Executive Order S-16-08 which required state agencies to implement furloughs of state employees for two days per month regardless of funding source, from February 9, 2009 through June 30, 2009.
4. On July 2, 2009, Governor Schwarzenegger issued Executive Order S-09-12 which required state agencies to close their offices for three Fridays every month through June 30, 2010.
5. On August 9, 2010, Governor Schwarzenegger issued Executive Order S-12-10 which required state agencies to close their offices for three Fridays every month until the budget is signed.
6. On August 31, 2010, Governor Schwarzenegger implemented a State Hiring Freeze and one self-directed furlough day.

The reduction in staffing through furlough and hiring freeze has had a significant impact on the Board's ability to process complaints in a timely manner. For example, from February 2009 through October 2010, the Board 55 work days per staff member or 440 hours due to furloughs. If you multiply 440 hours by the three existing full-time and this equates to 1,320 hours of lost work time. This lost time is equivalent to a .74 of an annual full-time equivalent of position or a 20% reduction in enforcement staff over that time period. Mandatory furloughs directly impacted the Board's ability to protect the public. Over the last three years, the number of cases enforcement staff was able to process was reduced and case backlogs and processing delays increased.

In an attempt to off set the impact of the reduction in staffing levels through furlough and the hiring freeze, the Board hired temporary help, utilized the services AARP volunteers, and authorized overtime for enforcement staff in February and March of 2012.

In an effort to streamline the processing time for unlicensed activity complaints, the Board recently eliminated one step in a three step process – a cease and desist letter, a preliminary letter for citations and then the citation if a violation is established - unlicensed activity cases are now handled in two steps – the cease and desist letter was combined with the preliminary letter so that a failure to respond or if it is established that there is unlicensed activity, then the second step is to issue a citation. This was just implemented within the last six months so there is insufficient data to track the effect, but the Board is hopeful that small changes such as this will help to alleviate the existing workload backlogs.

As a part of the DCA's Consumer Protection Enforcement Initiative, the Board prepared data analysis which was included in a budget change proposal for additional enforcement positions. The request was to increase enforcement staff by 7.0 positions based on current workload. On July 1, 2010, the Board received budget approval for 1.0 non-sworn investigator position. However, on August 31, 2010, the Governor implemented a state hiring freeze and as a result, the Board was not able to fill the position. The Board also attempted to reclassify an investigator position to a staff services analyst to help with the enforcement workload; however, due to additional budget cuts in 2010 and 2011, the investigator position has been reduced to only three-tenths (.3) of a position

**Table 9a. Enforcement Statistics**

	<b>FY 2009/10</b>	<b>FY 2010/11</b>	<b>FY 2011/12</b>
<b>COMPLAINT</b>			
Intake <sup>1</sup> (Use CAS Report EM 10)			
Received (not including convictions/arrests)	580	714	774
Closed	143	31	10
Referred to INV	490	654	669
Average Time to Close	97	33	27
Pending (close of FY)	38	22	33
Source of Complaint (Use CAS Report 091)			
Public	337	449	423
Licensee/Professional Groups	58	63	48
Governmental Agencies	41	6	5
Other	144	196	188
Conviction / Arrest (Use CAS Report EM 10)			
CONV Received	57	45	48
CONV Closed	63	48	48
Average Time to Close	71	22	12
CONV Pending (close of FY)	3	0	0
<b>LICENSE DENIAL (Use CAS Reports EM 10 and 095)</b>			
License Applications Denied	8	11	8
SOIs Filed	4	6	7
SOIs Withdrawn	1	1	0
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	370	523	534
<b>ACCUSATION (Use CAS Report EM 10)</b>			
Accusations Filed	12	8	26
Accusations Withdrawn	2	3	1
Accusations Dismissed	1	2	0
Accusations Declined	6	2	0
Average Days Accusations <sup>2</sup>	1260	1523	1153
Pending (close of FY)	36	28	23

1 Intake-The Board receives complaints that allege negligence, incompetence, unprofessional conduct, fraud, deception, convictions, unlicensed activity and substance/drug related abuse.

2 Average Days Accusations-When a case is referred to the Office of the Attorney General for formal discipline typically a hearing is scheduled through the Office of Administrative Hearings. Scheduling an administrative hearing can take up to 12 months depending on the availability of the presiding administrative law judge.

**Table 9b. Enforcement Statistics (continued)**

	FY 2009/10	FY 2010/11	FY 2011/12
<b>DISCIPLINE</b>			
Disciplinary Actions (Use CAS Report EM 10)			
Proposed/Default Decisions	6/2 8	9/2 11	2/4 6
Stipulations	9	3	10
Average Days to Complete <sup>1</sup>	1,280	1,380	937
AG Cases Initiated	32	40	55
AG Cases Pending (close of FY)	37	48	72
Disciplinary Outcomes (Use CAS Report 096)			
Revocation	6	6	9
Voluntary Surrender	2	1	3
Suspension	0	0	0
Probation with Suspension	1	2	3
Probation	7	7	10
Probationary License Issued	0	0	5
Other			
<b>PROBATION</b>			
New Probationers	8	7	7
Probations Successfully Completed	10	7	3
Probationers (close of FY)	38	32	38
Petitions to Revoke Probation	3	4	5
Probations Revoked	3	3	2
Probations Modified	1	0	0
Probations Extended	0	1	0
Probationers Subject to Drug Testing	16	12	10
Drug Tests Ordered	-	10	16
Positive Drug Tests	-	4	4
Petition for Reinstatement Granted	1	0	0
<b>DIVERSION</b>			
New Participants	2	0	1
Successful Completions	0	0	0
Participants (close of FY)	5	2	3
Terminations	2	2	0
Terminations for Public Threat	0	1	0
Drug Tests Ordered	#	#	#
Positive Drug Tests	3	3	0

<sup>1</sup> Average Days to Complete-This is the average number of days to complete the entire enforcement process for formal discipline. The average includes intake, desk investigation, formal investigation through the Division of Investigation, and prosecution through the Attorney General.

**Table 9c. Enforcement Statistics (continued)**

	<b>FY 2009/10</b>	<b>FY 2010/11</b>	<b>FY 2011/12</b>
<b>INVESTIGATION</b>			
All Investigations (Use CAS Report EM 10)			
First Assigned	522	698	692
Closed	367	478	665
Average days to close	276	292	341
Pending (close of FY)	389	660	702
Desk Investigations (Use CAS Report EM 10)			
Closed	33	442	591
Average days to close	160	243	307
Pending (close of FY)	393	556	595
Non-Sworn Investigation (Use CAS Report EM 10)			
Closed	NA	NA	NA
Average days to close	-	-	-
Pending (close of FY)	-	-	-
Sworn Investigation	29	32	74
Closed (Use CAS Report EM 10)	1016	942	610
Average days to close	57	119	107
Pending (close of FY)			
<b>COMPLIANCE ACTION (Use CAS Report 096)</b>			
ISO & TRO Issued	0	0	0
PC 23 Orders Requested	0	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	0	0	0
Cease & Desist/Warning	23/91 114	52/47 99	80/3 83
Referred for Diversion	0	0	0
Compel Examination	0	0	0
<b>CITATION AND FINE (Use CAS Report EM 10 and 095)</b>			
Citations Issued	41	37	53
Average Days to Complete	320	532	509
Amount of Fines Assessed	\$19,407	\$13,502	\$25,750
Reduced, Withdrawn, Dismissed	2/3/3	0/3/10	0/1/0
Amount Collected	\$20,406	\$11,502	\$19,750
<b>CRIMINAL ACTION</b>			
Referred for Criminal Prosecution	1	2	10

1 Non-Sworn Investigation-All investigations were conducted by Board staff as desk investigations or D of I as sworn investigations. The Board does not have a non sworn investigator position due to budget cuts.

**Table 10. Enforcement Aging**

	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	Cases Closed	Average %
<b>Attorney General Cases (Average %)</b>						
Closed Within:						
1 Year	1	3	3	2	9	2.25%
2 Years	4	0	2	3	9	2.25%
3 Years	0	1	0	0	1	0.25%
4 Years	0	0	0	1	1	0.25%
Over 4 Years	0	0	0	1	1	0.25%
Total Cases Closed	5	4	5	7	21	5.25%
<b>Investigations (Average %)</b>						
Closed Within:						
90 Days	15	12	10	33	70	17.5%
180 Days	25	31	10	24	90	22.5%
1 Year	5	7	27	18	57	14.25%
2 Years	6	7	24	2	39	9.75%
3 Years	3	2	0	0	5	1.25%
Over 3 Years	0	0	0	0	0	0
Total Cases Closed	54	59	71	77	261	65.25%

Case aging occurs at every phase of the Board’s enforcement process. Table 10 above illustrates the AG and DoI phases of the enforcement process. Over the last three years, the processing timelines for cases increased beyond acceptable levels. Because delays compromise evidence and witness availability, the extended aging times affects the overall integrity of the Board’s enforcement efforts.

**32. What do overall statistics show as to increases or decreases in disciplinary action since last review.**

In 2010/11 fewer accusations were filed than in the previous year – 8 down from 14 the previous year - due to staffing shortages at the Board; however, the following year in 2011/12, due to a lessening of the hiring freeze and an end to furlough days, the numbers are on the rise – up from 8 to 26 total accusations filed. Also, average processing days were significantly up in 2010/11 and are now coming back down as evidenced by the total average processing days in 2011/12.

**33. How are cases prioritized? 4875.1 What is the board’s compliant prioritization policy? Is it different from DCA’s Complaint Prioritization Guidelines for Health Care Agencies (August 31, 2009)? If so, explain why.**

The Board’s priorities for enforcement are listed in the Business and Professions Code (B&P) Section 4875.1 with negligence being the highest priority. (Attachment # ).

**34. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report actions taken against a licensee. Are there problems with receiving the required reports? If so, what could be done to correct the problems?**

Licensees of the Board are required to report animal cruelty, animal fighting and injuries that occur at rodeos. Insurance companies and licensees are required to report complaints that result in a settlement to the consumer in excess of \$10,000 (B&P Code, sections 801. and 801.01. Licensees and applicants are required to be fingerprinted via Livescan for DOJ and the FBI; subsequently, the Board receives licensees’ arrest and conviction notifications. Furthermore, licensees are required to disclose whether or not they have had any convictions since their last renewal. In addition, the American Association of Veterinary State Boards (AAVSB) provides discipline notifications to the Board if a licensee is disciplined in another state.

**35. Does the board operate with a statute of limitations? Please describe and provide citation. If so, how many cases were lost due to statute of limitations? If not, what is the board's policy on statute of limitations?**

The Board does not have a statute of limitations per se; however, licensees are legally required to maintain the records for three (3) years after the date of the last visit; so if a consumer waits to file a complaint more than 3 years after the date of the last visit, then the records or evidence in the case may not be available and the Board may be unable to take action on the complaint. Regardless, the Board investigates every case and determines whether or not there is sufficient evidence to move forward.

**36. Describe the board's efforts to address unlicensed activity and the underground economy.**

In unlicensed activity cases involving lay persons, the Board has authority to issue cease and desist letters or citations and fines. For complaints involving lay persons where it is a first time offense of unlicensed activity, the Board will usually issue a cease and desist letter to notify the lay person of the law and order them to discontinue the unlicensed activity and submit written acknowledgement.

If the cease and desist letter does not resolve the unlicensed activity, the Board may issue a citation and fine. The responding party could then request an informal conference with the Board's staff and ultimately could appeal the citation which would be handled through the Office of the Attorney General.

In complaints against lay persons involving more egregious allegations, or multiple complaints or harm to the animal patient, the Board may refer the case to the Division of Investigation for further investigation and possible filing of criminal charges. The ultimate recourse for these types of complaints would be through the local District Attorney's office. In the past, local DA's have been reluctant to prosecute such cases due to a lack of resources and a higher priority on harm to humans but, in the past few years the Board has seen an increase in unlicensed cases being accepted by the local DA's.

**37. Cite Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and last time regulations were updated. Has the board increased its maximum fines to the \$5,000 statutory limit?**

The Board has the authority to issue citation and fines pursuant to Business and Professions Code, section 4875.2 and California Code of Regulations, Title 16, section 2043. Pursuant to California Code of Regulations, Title 16 section 2043 fines range from \$50 to \$1,500. Citations are issued for minor violations that would not warrant formal discipline. Citations can be issued to veterinarians, Registered Veterinary Technicians, or unlicensed persons who commit any act that violates the Veterinary Medicine Practice Act. The Board supports increased fine amounts for its citations and has referred proposed regulations to increase the limit to its Multidisciplinary Advisory Committee. It is anticipated that draft regulations will be adopted by the MDC at its November 2012 meeting and will go to the Board for discussion and consideration of adoption at its January 2013 meeting.

**38. How is cite and fine used? What types of violations are the basis for citation and fine?**

Citation and fines are issued for minor violations that would not warrant formal discipline. Examples of minor violations are practicing without a valid license, aiding and abetting unlicensed activity, failure to report a current address of record, record keeping violations, unprofessional conduct, and negligence. Citations include a description of the violation(s), an Order of Abatement directing the subject to correct the violation(s), and fine. Subjects who have been issued a citation can request an informal conference or a formal administrative hearing. Citation fines range from \$50 to \$1,500. Payment of any fine does not constitute an admission of the violation charged. Citations are public record for five years from date of issue.

**39. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals in the last 4 fiscal years?**

The Board does not have a Disciplinary Review Committee.

In the last four years, the Board held 22 informal conferences and 8 administrative procedure act appeals. The majority of citations are paid without being contested.

**40. What are the 5 most common violations for which citations are issued?**

Negligence, unprofessional conduct, aiding and abetting unlicensed activity, unlicensed activity and recordkeeping.

**41. What is average fine pre and post appeal?**

The average citation fine pre appeal and post appeal is \$500.

**42. Describe the board’s use of Franchise Tax Board intercepts to collect outstanding fines.**

The Board uses the Franchise Tax Board intercepts program to collect outstanding fines for non-licensees. Three letters are sent to the individual for payment. If no payment is received, the Board sends the individuals information to the accounting office, with copies of the three letters, to forward to the Franchise Tax Board intercepts program. To date, the Board has sent one case to the Franchise Tax Board for collection.

**COST RECOVERY AND RESTITUTION**

**43. Describe the board’s efforts to obtain cost recovery. Discuss any changes from the last review.**

All Accusations filed by the Board seek cost recovery pursuant to B&P Code, section 125.3. Although the Board seeks cost recovery, often times administrative law judge’s will reduce the amount owed to the Board due to respondent’s financial hardship. In cases settled prior to a hearing by Stipulated Settlements, the Board may also reduce cost recovery due to respondent’s financial hardship and for settlement purposes. In probationary cases, cost recovery is due before the end of the probationary term. Failure to pay cost recovery could result in an extension of probation or revocation. Cost recovery ordered in revocation cases is usually not collected unless the respondent petitions for reinstatement.

**44. How many and how much is ordered for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.**

All cost recovery is collectable.

**45. Are there cases for which the board does not seek cost recovery? Why?**

The Board cannot seek cost recovery for default decisions. A default decision is when a subject does not file a Notice of Defense within 15 days of receiving the Accusation or the subject fails to appear at their scheduled administrative hearing.

**46. Describe the board’s use of Franchise Tax Board intercepts to collect cost recovery.**

So far the Board has collected all cost recovery and has not used the Franchise Tax Board intercepts program to collect cost recovery.

**47. Describe the board’s efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.**

The Board has the authority to order restitution as an optional term of probation. The Board has not exercised this right but encourages consumers to seek restitution through their local court.

**Table 11. Cost Recovery**

	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
Total Enforcement Expenditures	\$1,059,000	\$1,174,000	\$925,000	\$1,078,000
Potential Cases for Recovery *	#	14	8	26
Cases Recovery Ordered	#	14	8	26
Amount of Cost Recovery Ordered	#	\$149,879	\$82,135	\$142,813
Amount Collected		\$85,444	\$60,028	\$79,394

\* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.

**Table 12. Restitution**

	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
Amount Ordered	0	0	0	0
Amount Collected	0	0	0	0

**SECTION 6  
Public Information Policies**

**48. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?**

The Board posts disciplinary actions on its web site and that information is maintained indefinitely. Board meeting agendas and final minutes are posted on line. Draft minutes are posted as a part of the agenda meeting materials for the next regularly scheduled Board meeting approximately two weeks prior to the meeting. Copies of approved minutes are posted within approximately two weeks of the meeting and remain on the web indefinitely. The Board has an electronic mailing list for public notices and distribution of its newsletter as well as a variety of Frequently Asked Questions and Answers throughout its programs that are also available on the web site.

**49. Does the board webcast its meetings? What is the board’s plan to webcast future board and committee meetings?**

The Board does not webcast its meetings; however, it is considering implementing that function and is including the web cast function in the plan to move to a new building in the Spring of 2013 with meeting rooms that have the webcast feature.

**50. Does the board establish an annual meeting calendar, and post it on the board’s web site?**

Yes.

**51. Is the board’s complaint disclosure policy consistent with DCA’s *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA’s *Web Site Posting of Accusations and Disciplinary Actions (May 21, 2010)*?**

The Board’s complaint disclosure policy is substantially consistent with the DCA standards. The Board has been posting its accusations and disciplinary actions on the web site since 2011. The Board is currently utilizing the services of an AARP volunteer to scan accusations and disciplinary documents retroactively so they can be posted on the web site. The Board also publishes a summary list of enforcement actions by year with links to the actual documents.

**52. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?**

Under current law, the Board provides the public with the licensees’ name and address of record, issue and expiration dates and any enforcement action history.

**53. What methods are used by the board to provide consumer outreach and education?**

The Board has been very restricted in its efforts to provide consumer outreach and education due to staffing issues, furloughs and travel restrictions over the last few years. However, the Board does strive to provide as much up to date information to consumers as possible via its web site. Many informational items are posted on line, including its newsletter, a hospital inspection self checklist that outlines the minimum standards requirements and consumer brochures. The Board provides consumer information on how to file a complaint and how to apply for a license. The Board also has a sign up for its online mailing list, Frequently Asked Questions and Answers, Board policies and a list of “What’s New” on its home page.

When the Department of Consumer Affairs sends representatives to the state fair or local county fairs, the Board participates by sending consumer information brochures and application information.

## SECTION 7 Online Practice Issues

### **54. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate Internet business practices or believe there is a need to do so?**

The most prevalent case that the Board has observed involves illegal on-line pharmacies. The Board is working with the Board of Pharmacy to pursue action in these cases.

In addition to on line practice, the Board has seen a dramatic increase in the use of the Internet by unlicensed person o advertise illegal services. The web sites have a professional appearance and are exceptionally deceptive to the unwary public creating the impression of professional services at a dramatically reduced cost. The actual cost to the public down the road is increased costs for veterinary care to correct problems caused by the unlicensed persons and sometimes it is the loss of life of a beloved pet. The Board recently transferred one case involving unlicensed activity to the Franchise Tax Board and recommends amending Business and Professions Code, Section 149 – telephone disconnect authority – to include Internet and other electronic advertising.

## SECTION 8 Workforce Development and Job Creation

### **55. What actions has the board taken in terms of workforce development?**

The Board regularly reviews its laws and regulations to identify any potential artificial barriers that could delay licensure. In 2009, the Board developed a new one-year pathway to eligibility to take the veterinary technician state board examination and become registered. That project was successful and approximately 450 persons became registered as a result. Also, the licensure requirements for reciprocity for veterinarians was changed from four years to two and for persons completing work experience the timeframe in which to complete the total required hours was shortened from three to two years to allow for time worked over a regular 8-5 work schedule.

### **56. Describe any assessment the board has conducted on the impact of licensing delays.**

There are no licensing delays currently. Since 2003, the Board implemented streamlined licensure for reciprocity, residents, and interns and changed the practice requirement for reciprocity from 4 years of practice to 2 years. At its October 2012 meeting, the Board discussed ways in which it can recognize military experience as a pathway for eligibility to take the RVT licensing examination.

### **57. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.**

The Board regularly reviews its laws and regulations to identify any potential artificial barriers that could delay licensure. In 2009, the Board developed a new one-year pathway to eligibility to take the veterinary technician state board examination and become registered. That project was successful and approximately 450 persons became registered as a result.

### **58. Provide any workforce development data collected by the board, such as:**

- a. Workforce shortages
- b. Successful training programs.

## Current Issues

### 59. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

Proposed regulations on the Board's October 2012 meeting agenda for discussion and consideration of adoption.

### 60. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

Proposed regulations are on the Board's meeting agendas for September 5, 2012 and October 17, 2012 for discussion and consideration of adoption.

### 61. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

The Board is participating in the BreEZe project by attending meetings, identifying training needs and cleaning up existing data in CAS and ATS systems. The Board is transitioning to BreEZe in the second phase around May 2013. The retroactive fingerprinting of RVTs registered between 1980 and 2004 is a project that will move forward as soon as the Board is up and running on the new BreEZe program.

## SECTION 10 Board Action and Responses to Prior Issues

### Include the following:

1. Background information concerning the issue as it pertains to the board.
2. Short discussion of recommendations made by the Committee/Joint Committee during prior sunset review.
3. What action the board took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the board has for dealing with the issue, if appropriate.

### ISSUE #1

#### **(CONTINUE REGULATION OF THE PROFESSION AND THE BOARD?) Should the licensing and regulation of the veterinary profession be continued, and be regulated by an independent board rather than by a bureau under the Department?**

**Recommendation #1:** *The Joint Committee and the Department recommend that the practice of veterinary medicine should continue to be regulated and that the Board has proven to be an effective structure for regulation of the profession and should be continued.*

**Comments:** The technical and highly specialized practice of veterinary medicine lends itself to government regulation. Without the presence of a license, consumers would have little ability to determine if a veterinarian has the requisite knowledge, skills and abilities needed to practice.

**Board Response:** SUPPORT

**Update 2012:** The technical and highly specialized practice of veterinary medicine and veterinary technology lends itself to government regulation. Without the presence of a license or registration, consumers would have little ability to determine if a veterinarian or RVT has the requisite knowledge, skills and abilities needed to practice. The Board continues to support this recommendation and respectfully requests a legislative extension of its sunset date.

## ISSUE #2

---

**(GIVE RVT COMMITTEE SPECIFIC INDEPENDENT AUTHORITY?) Currently there exists a Registered Veterinary Technicians Committee (RVTC) which acts as an advisory committee to the Board, however, they have no independent authority from the Board regarding decisions that impact their own profession.**

**Recommendation #2:** *The Joint Committee recommends that the Registered Veterinary Technicians Committee be given independent statutory authority over issues within its jurisdiction, e.g., examinations, eligibility categories, establishing criteria for and approving RVT school programs, etc.*

**Comments:** At the January 7, 2004 Joint Committee hearing there were concerns expressed regarding the lack of RVT representation on policy matters approved by the Board that impact the RVT population. Providing independent statutory authority in a number of areas handled currently by the Board will help resolve concerns that RVTs have in assuring they have a voice in decisions that impact the RVT profession.

**Board Response:** SUPPORT

**Update 2012:** The Board supported this recommendation and took the following action:

- In 2005/6, the Board:
  - Supported legislation to expand the authority of the RVTC beyond assisting the Board with examination duties and included authority for the RVTC to assist the Board in developing regulations to define procedures for citation and fines.
- In 2008/09, the Board:
  - Supported legislation that sunsetted the RVT Committee and added an RVT to the Board
  - Supported legislation that amended the composition of the Multidisciplinary Advisory Committee to include includes two RVTs
- In 2011/12, the Board:
  - Created a two-member Board RVT Sub Committee to assist staff with RVT issues

## ISSUE #3

---

**(CLARIFY DUTIES OF UNREGISTERED ASSISTANTS?) Concern has been raised that unregistered assistants may be performing activities that only veterinarians or registered veterinary technicians (RVTs) are licensed and/or qualified to perform.**

**Recommendation #3:** *The Joint Committee and the Department recommend that the Board report to the Joint Committee and the Department with recommendations on ways to clarify and delineate veterinary and RVT duties.*

**Comments:** At the January 7, 2004 Joint Committee hearing, RVTs and consumers expressed concerns regarding unregistered assistants performing duties normally completed by veterinarians or RVTs. The RVTC is working with the Department's Office of Examination Resources to conduct a statewide practice analysis that is scheduled for completion in May 2004. The practice analysis will provide the Board and the RVTC with updated information as to the application of the current RVT-only tasks and the level of harm associated with each task.

**Board Response:** SUPPORT

**Update 2012:** The Board supported this recommendation and in addition to the practice analysis, in 2011 the Board implemented title protection for "Veterinary Technician." A bill in process this year will create the title "Veterinary Assistant" for all other persons working in a veterinary hospital.

#### ISSUE #4.

---

**(CONTINUE PROVIDING BOTH NATIONAL AND STATE EXAMINATIONS FOR VETERINARIANS AND RVTs?) California requires three examinations for licensure of veterinarians including a national and state examination, and requires a state examination for RVTs rather than the national exam.**

**Recommendation #4:** *The Joint Committee and the Department recommend that the Board pursue the validity of requiring the administration of national and state examinations for veterinarians and RVTs.*

**Comments:** Since legislative proposals to increase fees have not been successful in the past couple of years, it would be more prudent to pursue the need to administer national and state examinations for veterinarians and RVTs as a means of consumer protections.

**Board Response:** SUPPORT

**Update 2012:** The Board was successful in increasing the fees for examinations and for licensure in 2012 so that they are now self-supporting. The Board is currently in the process of transitioning the RVT State Board Examination to the National Veterinary Technician Exam in 2014 and, because there are five RVT-only job tasks in California, is developing a supplemental RVT law examination to augment the national VTNE.

#### ISSUE #5

---

**(DEFINE SPECIALTY AREAS OF VETERINARY MEDICINE?)**

**The Practice Act does not define what constitutes a veterinary medicine specialty, and consumers and other veterinarians may be misled about the qualifications of veterinarians who use specialty titles.**

**Recommendation #5:** *The Joint Committee and the Department recommend that the Board establish regulations incorporating the American Veterinary Medical Association (AVMA) guidelines for the use of specialty titles used by veterinarians. They should also develop a plan to educate consumers on specialty titles.*

**Comments:** Currently the Board uses the AVMA guidelines as a basis to determine if disciplinary action is warranted. Establishing regulations will educate licensees on the legal appropriateness of use of specialty titles.

**Board Response:** SUPPORT

**Update 2012:** The Board supported this recommendation and explored the feasibility of implementing regulations to define the use of specialty titles used by veterinarians. Some of the obstacles that surfaced in those discussions were the fact that the Board issues a general license and does not specifically regulate specialty licensure. In discussing the AVMA guidelines, it was discovered that there are some specialty organizations that are recognized on a national scale, but are not "accredited" by the AVMA. Based on advice from legal counsel that excluding such organizations could amount to a restraint of trade issue, the Board did not pursue this project any further and recommended that the profession consider an educational message to licensees in California.

Recently, the Board posted information on its consumer and licensee info pages on the web site that was obtained from the AVMA on the guidelines for the use of the title "Board Certified" since the misuse of such titles, if proven, could result in false advertising and unprofessional conduct violations under California laws.

#### ISSUE #6.

---

**(CONTINUE THE DIVERSION PROGRAM AND MAKE IT SELF-SUPPORTING?) Over the past four years the Board has spent over \$40,000 on its Diversion Program, had nineteen participants, two successful completions, and two unsuccessful completions. There has not been a single successful completion during the past two years.**

**Recommendation #6:** *The Joint Committee and the Department recommend that the Board should prepare a follow-up report with recommendations on the feasibility of continuing the diversion program and other options for the program to be self-supporting.*

**Board Response:** SUPPORT

**Update 2012:** Since 2003, the Board revised its contract for its Diversion Program and the costs are approximately \$13,500 a year for the Diversion Evaluation Committee meetings. The Board believes that its Diversion Program is an excellent option for licensees who are battling addictions and is working with the contract vendor, Maximus, to increase the advertising about the program and get the word out into the profession that it is available. The actual cost for participants is \$2,800 annually and the fee charged by the Board to licensee participants was increased in 2012 from \$1,600 to \$2,000.

The Board supported this proposal and supports its Diversion program, but has been unable to achieve direct cost savings that would make the program self-supporting. The Board recommends that the Legislature consider implementing mandatory reporting requirements for licensees requiring them to report impaired professionals or suspected diversion of controlled substances.

## ISSUE #7:

---

**(INSPECT MORE VETERINARY FACILITIES?) Over the past seven years, the Board has inspected an average of only 13 percent of veterinary facilities a year. Once a facility has been inspected, it generally is not inspected again until other facilities have been inspected -- perhaps as long as six or more years later. These inspections have been performed by licensed veterinarians.**

**Recommendation #7:** *The Joint Committee recommends that the Board should attempt to increase the number of veterinary facilities inspected, as staff is made available, and these inspections should be done on a "random basis." Priority should be given to those veterinarian facilities in which complaints have been filed with the Board.*

**Comments:** California Code of Regulations §2030 sets the minimum standards for fixed veterinary premises where veterinary medicine is practiced, as well as all instruments, apparatus, and apparel used in connection with those practices. The method the Board has selected to enforce such standards is premise inspections. Each year, the Board inspects an average of 300 registered veterinary facilities that are selected from a master list, and an average of thirty-one facilities in response to complaints it receives. The vast majority of these inspections are unannounced. During the past seven fiscal years (since 1996-97), the Board has completed 2,616 inspections, including 211 complaint-related ones. The average rate for annual routine hospital inspections during the past seven years has been 13 percent, with a slight improvement during the past two fiscal years: 18 percent in 2001-02 and 16 percent in 2002-03. In its report to the Joint Committee, the Board indicated that all new veterinary premises are now inspected within the first six to twelve months of operation. In subsequent oral communications with the Joint Committee, the Board stated that its goal is to have all premises inspected within a five-year period.

The Board further indicated to the Joint Committee that when it "randomly" selects premises to inspect, it eliminates from selection those premises with the most recent inspection dates. Thus, it appears that once facilities are inspected, they enjoy "safe harbors" from random inspections for an extended period of time, perhaps as long as six or more years. To accomplish these inspections, the Board has contracted with private veterinarians who hold current California licenses and have at least five years of clinical practice experience. However, the Board is considering expanding the pool of prospective inspectors to include RVTs as well.

**Board Response:** SUPPORT

**Update 2012:** The Board has tried to increase the expenditure authority and add one personnel year to its inspection program every year since this report was completed and has been denied each year. Despite the lack of funding and staff, the Board is working within its existing resources to improve the program and although the number of inspections annually have not increased, the Board:

1. Opened up the inspection program to RVTs;
2. Improved the inspector training and implemented a "shadowing" program whereby the Enforcement Program Manager and Assistant Program Manager go out with the new inspector to monitor and train.
3. This year hired three new inspectors for the 12/13 fiscal year to begin in September 2012 with a goal of increasing the actual number of inspections each year to 500 or 16%. The Board also changed the method of hiring inspectors from the Request for Proposal process to establishing a pool of qualified experts and hiring via the streamlined contract process implemented by DCA last year. This has greatly improved the pool of qualified applicants.

## ISSUE #8:

---

**(INCREASE THE FINE AUTHORITY OF THE BOARD?) The current self-imposed maximum cite and fine authority of \$1,500 may not be high enough to deter illegal activity and unprofessional conduct and is inconsistent with other boards under the Department.**

**Recommendation #8:** *The Joint Committee recommends that the Board's cite and fine authority should be consistent with authority granted to other boards under Section 125.9 of the Business and Professions Code.*

**Comments:** The Board implemented the citation and fine program in 1990 to augment its [complaint review process](#). It uses the program to address violations of the law that do not warrant revocation or suspension of a license or criminal prosecution. In the Board's report, it indicates that it established regulations that provide a flexible guide to determine an appropriate civil penalty related to the nature and gravity of each violation as it affects the health, safety, and welfare of the public. The number of citation and fines issued has grown from 10 in 1996-97 to 87 citation and fines in 2002-03. The Board developed the violation guidelines to outline the criteria for issuing a citation and fine. The following fine guidelines are 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.

Under Business and Professions code §125.9, the maximum statutory level for these administrative fines is currently \$5,000, effective January 1, 2004, as a result of recently enacted legislation (SB 362, Figueroa; Chapter 788, Statutes of 2003).

**Board Response:** SUPPORT

**Update 2012:** Within the Board citation and fine authority, the Board developed ranges of fines to impose at different levels depending on the violation or pattern of violations. The Board supports increasing fine amounts for its citations up to the current statutory limit of \$5,000 and has referred proposed regulations to increase the limit to its Multidisciplinary Advisory Committee (MDC). It is anticipated that draft regulations will be adopted by the MDC at its November 2012 meeting and will go to the Board for discussion and consideration of adoption at the Board's January 2013 meeting.

## ISSUE #9

---

**(ASSURE CONSISTENT APPLICATION OF DISCIPLINARY GUIDELINES?) It has been argued that the Board is ignoring its own disciplinary guidelines regarding the mandatory revocation (no stay) of licenses in cases involving cruelty to animals.**

**Recommendation #9:** *The Joint Committee recommends that the Board should assure that disciplinary guidelines are consistently applied to disciplinary cases which are decided upon by the Administrative Law Judge and the Board.*

**Comments:** The Board's disciplinary guidelines state that animal cruelty "is considered by the Board to be so severe that revocation is the only appropriate penalty, together with a \$5,000 fine." It was argued during the January 7, 2004 Joint Committee hearing that the Board has been ignoring this policy by staying revocation in at least one case where a veterinarian was found to have committed animal cruelty.

**Board Response:** The Board supports the concept of consistent application of the disciplinary guidelines, but has little to no control over the application of such guidelines by an administrative law judge. Each case and the resulting fact pattern is unique and administrative law judges must have the latitude to apply the guidelines uniquely to each case.

The Board reviews the guidelines regularly to insure that they are current and relevant. It is currently in the process of updating the guidelines to be as consistent as possible with the laws governing veterinary medicine in California.

**Update 2012:** Since 2008, the Board has been severely impacted by vacancies on the Board, hiring freezes, furloughs, and lay offs. However, in spite of the Board's limitations, in 2009, the Board held a workshop to review and update its Disciplinary Guidelines, but, due to workload factors, was unable to bring those changes forward until October 2011 during a Strategic Planning workshop held in conjunction with a regularly scheduled Board meeting. The guidelines were updated and brought back to the Board in January 2012 for discussion and again in June 2012 for a public regulatory hearing. The Guidelines are now going through the rulemaking process and the Board hopes to have them in effect early in 2013.

## ISSUE #10

---

**(ASSURE EXAMINATIONS PROVIDED BY THE BOARD ARE SELF-SUPPORTING?) During the last review of the Board, the Joint Committee recommended that the Board make examinations self-supporting so that funds that could otherwise be spent on enforcement are not used to subsidize them. However, the Board's current report indicates that it continues to lose money on the State Board Exam.**

**Recommendation #10:** *The Joint Committee recommends that the Board should raise fees to be paid by applicants for licensure to assure that licensing fees are not subsidizing the costs of the development and administration of examinations provided by the Board.*

**Comments:** During the previous Sunset Review of the Board, the Joint Committee recommended that application and license fees should not be used to subsidize the costs of examinations. It noted that the Board was using license fees to subsidize the national, and perhaps state examination, thereby limiting the amount that could be spent on enforcement. Since the Joint Committee made those recommendations seven years ago, the Board has explored ways to reduce its costs for the national and California State Board examinations without compromising their integrity. In conjunction with the Department's Office of Examination Resources, the Board took several actions, including streamlining its state exam testing format to focus on issues specific to the western states regions and reducing the total number of questions from 240 to 100. However, while these actions initially reduced the Board's costs, higher increased examination preparation and validation costs have caused the Board to lose money on the state exam. And despite the \$325 statutory ceiling on state board fee, the Board has not raised the fee (currently \$140) to make the state exam self-supporting.

**Board Response:** SUPPORT

**Update 2012:** In 2005, the Board voted to initiate a five year plan to increase fees so that all of its programs were self-supporting including the examination program. The Board implemented a regulatory fee increase to its statutory maximum in October 2007, but that was not sufficient to correct the deficiencies. In 2008, the Board sponsored a bill to increase fees, but due to political factors, the bill did not pass. The Board again sought a fee increase in 2009 and this time the bill passed and the statutory fee ceilings were increased. In 2010, the Board again sought a regulatory fee increase, but by then the economy was in a pit and it was difficult to consider an increase in any fees. The Board compromised the amount of the fees and delayed implementation of the increases until March 2012 so that the regulations would be supported. The increased fees are now in place and all of the Board's programs are self supporting.

## ISSUE #11

---

**(IMPROVE INFORMATION PROVIDED ON BOARD'S WEB SITE?) The Board's Web site does not disclose any cite and fine information nor does it provide detailed information about a licensee's disciplinary record.**

**Recommendation #11:** *The Joint Committee recommends that the Board should work with the Department to improve the information provided on its Web site and to assure that all disciplinary actions taken against a licensee are made available to the consumer.*

**Comments:** Consumers who log on to the Board's Web site to obtain information about veterinarians or veterinary hospitals may currently obtain only general information about the licensee, such as license status, address, and whether disciplinary actions have been taken. However, if disciplinary action has been taken, the consumer must contact the Board to obtain more detailed information. The Board has indicated that DCA possesses a software program, currently used by the Board of Behavioral Sciences (BBS), that it would like to use to make more useful information available online to consumers. BBS Web site users have direct consumer access to a summary of disciplinary action against a licensee. According to the Board, the reason such information is not available on its Web site is because DCA does not have staff available to "patch" the current database that the Board uses. With respect to a licensee's cite and fine history, the only way that consumers may obtain such information is by contacting the Board.

**Board Response:** SUPPORT

**Update 2012:** Board's website has been updated since 2003 and it is being improved on a continual basis. In 2010, the Board obtained scanning equipment and in addition to a summary, is now posting enforcement documents to the web site. The Board is current for the past two years with such documents. Utilizing AARP funded temporary help, the Board is going back retroactively and posting actual documents for the previous five years. Currently, for disciplinary actions prior to 2010 the Board has updated its disciplinary summary information and consumers can still request the actual documents from the Board.

## ISSUE #12

---

### **(BAN THE PRACTICE OF EAR CROPPING ON DOGS?) The practice of ear cropping in dogs -- cosmetic surgery performed on dog ears to give them a pointed appearance -- is practiced by few veterinarians and illegally by people involved in dog fighting.**

**Recommendation #12:** *The Joint Committee recommends that the ear cropping of dogs should be prohibited unless for therapeutic purposes or injury to the dog, and only for that purpose if performed by a licensed veterinarian.*

**Comments:** Ear cropping is sometimes performed by those who breed certain types of dogs for cosmetic reasons only. The American Medical Veterinarian Association, as well as state veterinary organizations, including the California Veterinary Medical Association, discourage ear cropping and state that the surgery is medically unnecessary and can cause pain and distress in the dog. The World Small Animal Veterinary Association, which represents the veterinary associations in at least 26 countries on this issue, opposes the practice and believes ear cropping in dogs should be illegal. Ear cropping is prohibited in Australia, Great Britain, Austria, Belgium, Denmark, Finland, Greece, Luxemburg, Norway, Portugal, Sweden, Switzerland, Cyprus, Czechoslovakia, Norway, Israel, and in the Canadian provinces of Newfoundland and Labrador. Further, the American Kennel Club states that, "There is nothing in AKC rules or in any breed standard that compels an owner to have this procedure performed as a prerequisite to entry at a dog show."

Ear cropping is also performed on dogs used in dog fighting activities. In this situation, the dog's ear is almost cut off entirely. This "battle cropping" has been performed legally by veterinarians and illegally by people involved in dog fighting activities. If prohibited by law, law enforcement could potentially have another tool to use for closing down illegal dog fighting operations. A poll was recently conducted to query California Veterinary Medical Association members about ear cropping. Only about 10 percent of its members practice ear cropping for cosmetic reasons. 74 percent think that veterinarians should not do ear cropping unless it is for the health and well-being of the dog. 86 percent think that ear cropping is painful during the post-operative period, including anesthetic recovery and after-care. And, 56 percent of small animal practitioners would support legislation to prohibit ear cropping, unless for therapeutic purposes.

**Board Response:** The issue of whether or not to allow veterinarians to perform ear-cropping procedures appears to be a societal issue that should be referred to the veterinary profession or the state association. Should a law be developed in this area that fell within the Board's jurisdiction, it would be enforced.

**Update 2012:** The Board supports its response from 2003.

## ISSUE #13

---

### **(SHOULD VETERINARIANS AND RVTs REPORT ANIMAL ABUSE?) Veterinarians and RVTs have no duty to report animal abuse or cruelty for animals under their care or treatment. However, other like health care professionals, including physicians, dentists, nurses, and chiropractors, are required to report child abuse.**

**Recommendation #13:** *The Joint Committee recommends that licensed veterinarians and RVTs should report incidents of animal abuse or cruelty about which they know or have reasonable suspicion regarding such abuse or cruelty to animals under their care or treatment. However, legal immunity should be provided to veterinarians and RVTs who report such abuse or cruelty to the proper authorities.*

**Comments:** The Child Abuse and Neglect Reporting Act (California Penal Code § 11164 et seq.) designates professions and occupations whose members, while acting in their professional capacity or within the scope of their employment, must report incidents of child abuse and neglect about which they know or have reasonable suspicion. The list of "mandated reporters" include health professionals, such as, physicians, surgeons, psychiatrists, dentists, podiatrists, chiropractors, licensed nurses, dental hygienists and optometrists. No mandated reporter shall be civilly liable for any report required or authorized by the Act. Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of \$1000 or both.

The lack of legal immunity for reports of animal cruelty was the subject of recently enacted legislation in the state of New York. Under this new law, a veterinarian who reasonably and in good faith suspects that a companion animal's injury, illness or condition is the result of animal cruelty or a violation of any law pertaining to the care, treatment, abuse or neglect of a companion animal, or believes that disclosure of certain records is necessary to protect the health or welfare of a companion animal, a person or the public, may report the incident and disclose records concerning the companion animal's condition and treatment to the law enforcement agencies and others. Veterinarians who make such reports are immune from liability in the form of damages in any civil or criminal proceeding on account of such reporting or disclosure.

**Board response:** The Board believes that animal cruelty is the worst offense for a veterinarian and is no less serious when done by the animal's owner. There is an existing mandated reporting requirement for a veterinarian who suspects that an animal's injuries were sustained in a staged dogfight. The Board supports any efforts to report animal abuse, but believes that this issue should be discussed with the profession and the public to explore factors including, but not limited to, the reporting process, definitions of abuse and/or cruelty, enforcement and liability.

**Update 2012:** The Board implemented mandatory reporting of animal cruelty in 4830.5 in 04/05 following adoption of SB 1584, Chapter 467.

## ISSUE #14

---

**(IMPROVE REPORTING OF RODEO-RELATED ANIMAL INJURIES?) There appears to be general non-compliance with the California law that requires rodeo veterinarians to report rodeo-related animal injuries to the Board.**

**Recommendation #14:** *The Joint Committee recommends that the Board should attempt to assure veterinarians are aware of the reporting requirements regarding any rodeo-related animal injury for which they provide care or treatment, and should consider whether an injury form could be provided over the Board's Website. It should also be made clear that all rodeo events in California should be subject to the reporting requirements under Section 596.7 of the Penal Code.*

**Comments:** California Penal Code § 596.7 (SB 1462, Perata; Chapter 992, Statutes of 2000), which became effective on January 1, 2001, requires, among other things, that: (a) rodeos have attending or on-call veterinarians at all times, (b) that any animal that is injured during, or due to, a rodeo event shall receive immediate examination and appropriate treatment by the attending veterinarian or shall begin receiving examination and appropriate treatment by a veterinarian within one hour after the determination of the injury requiring veterinary treatment, and (c) that such veterinarians must submit brief reports of any animal injury to the Board within 48 hours of the injury. The Board has received only three reports since January 2001, all within the past year.

**Board Response:** The Board does not have jurisdiction over the operation of livestock events such as rodeos and believes that the reporting of injuries should be done to the California Department of Food and Agriculture (CDFA). Most of the animals used in rodeos are privately owned by individuals or by stock contractors. When they are injured, the owners take them home to their own veterinarian for treatment.

One reason for the low number of reports may be that the law does not require reporting of all animal injuries, it only requires reporting of the injuries that were treated on the site of the rodeo by the designated event veterinarian.

Veterinarians are subject to the Board and the record keeping laws. If a consumer complained about the veterinary treatment provided, the Board would contact the veterinarian directly and investigate the complaint.

**Update 2012:** Board updated its law regarding mandatory reporting of animal injuries at rodeos in Section 4830.8 in 2010. The Board also created a reporting form that is now posted on the Board's web site along with the information on the law and the reporting requirements.

## ISSUE #15

---

**(INCREASE SETTLEMENT AMOUNT REPORTED TO THE BOARD?) The amount of claim or action for damages reported to the Board is currently \$3,000, while the amount for other health related professions is \$10,000 or greater.**

**Recommendation #15:** *The Joint Committee recommends that the amount of any settlement or arbitration award reported to the Board by insurers be raised to \$10,000.*

**Comments:** The California Veterinary Medical Association (CVMA) has expressed an interest in increasing the reporting limits for professional liability settlement for veterinarians that has been reported to the Board from \$3,000 to \$10,000. State law requires any professional liability settlement over \$3,000 to be reported to the Board by the insurance carrier. Over the last few years, several of the medical professions have increased their minimum reporting threshold. Veterinarians have not had a change in the minimum threshold for more than 15 years. The increase to \$10,000 would not only bring veterinarians into more appropriate parity with their medical colleagues in similar professions, but CVMA believes it would be a cost savings for the Board as they would not need to process the data on these smaller cases.

**Board Response:** SUPPORT

**Update 2012:** In 04/05, the Board supported a legislative change, SB 1548, Chapter 467, that increased the reporting levels in Section 801(d) from \$3,000 to \$10,000.

## ISSUE #16

**(CLARIFY DEFINITION OF “DENTAL OPERATION?”) The CVMA has indicated that there are some that are practicing illegal animal dentistry because the definition of “dental operation” is unclear.**

**Recommendation #16:** *The Joint Committee recommends that the Board review whether changes are necessary to the definition of “dental operation” in the Business and Profession Code and make recommendations to the Legislature if necessary.*

**Comments:** According to CVMA, current law makes reference to “or similar items to clean an animal’s teeth.” This vague reference to “similar items” has been interpreted by those looking to practice illegal animal dentistry as permission to use metal or hard plastic scalers on an animal’s tooth, which is a violation of the Veterinary Practice Act.

**Board Response:** SUPPORT

**Update 2012:** The Board supported this proposal and proposed regulatory amendments are pending at the Department of Consumer Affairs. The Board anticipates that the regulations will be in effect in mid 2013.

## ISSUE #17

**(PROHIBIT LOCAL PREEMPTION OF THE VETERINARY PRACTICE ACT?) The CVMA has indicated that cities have passed local ordinances that prohibit veterinarians from performing certain procedures that would be permissible under the Veterinary Practice Act.**

**Recommendation #17:** *The Joint Committee recommends that the Board review whether local cities or counties can or should be prevented from passing local rules, regulations or ordinances regarding the practice of veterinary medicine within their jurisdictions.*

**Comments:** According to CVMA, several cities have passed ordinances or considered ordinances that would strictly prohibit veterinarians from performing certain procedures, such as cat declawing in their city. Not only does CVMA believe that these type of ordinances challenge the state-defined Veterinary Practice Act, but it also creates an unfair business practice environment for those practicing in the jurisdiction affected.

**Board Response:** The issue of whether or not local cities or counties can or should be prevented from passing local rules, regulations or ordinances regarding the practice of veterinary medicine within their jurisdictions appears to be outside the Board’s jurisdiction. Should a law be developed in this area that fell within the Board’s jurisdiction, it would be enforced.

**Update 2012:** SB 762, Chapter 16 was passed to assist in this endeavor in 2010 but at least five local jurisdictions were allowed to change their laws to prohibit declaw procedures prior to the effective date of the law.

## SECTION 11 New Issues

This is the opportunity for the board to inform the Committee of solutions to issues identified by the board and by the Committee. Provide a short discussion of each of the outstanding issues, and the board’s recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., legislative changes, policy direction, budget changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.
2. New issues that are identified by the board in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committee.

## MAJOR STUDIES

Based upon legislative direction and the recommendations of testing experts the Board is completing a practice analysis (available upon request) of the California veterinary medical licensing examination. The state test plan is based upon the results of this practice analysis. The Board is working with the Office of Professional Examination Services and expects to complete the analysis in mid 2013. The Board is also working with OPES to develop a California law exam for RVTs to supplement the national veterinary technician national exam.

The Board has also contracted with an outside vendor to do a succession plan for the leadership position at the Board, the Executive Officer, Assistant Executive Officer and two lead staff position along with identifying critical workload needs. That report will be completed in the first half of 2013.

## SECTION 12 Attachments

### Please provide the following attachments:

- A. Board's administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Major studies, if any (cf., Section 1, Question 4).
- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).

## SECTION 13 Board Specific Issues

### DIVERSION

Discuss the board's diversion program, the extent to which it is used, the outcomes of those who participate, the overall costs of the program compared with its successes

### **Diversion Evaluation Committees (DEC) (for BRN, Dental, Osteo and VET only)**

- 1. DCA contracts with a vendor to perform probation monitoring services for licensees with substance abuse problems, why does the board use DEC? What is the value of a DEC?**

The Board works with seven other DCA licensing boards to contract with a vendor that has expertise in addiction recovery. The Board does its own probation monitoring, but utilized the services of the DCA drug testing vendor for probationers who are not in the formal addiction program. The value of the DEC is that the members are all recovering addicts who have a long history of recovery and who know the nuances of addiction intimately and can confront persons who are trying to deceive the committee.

- 2. What is the membership/makeup composition?**

The Board's DEC is comprised of five members, four veterinarians and one marriage family counselor.

- 3. Did the board have any difficulties with scheduling DEC meetings? If so, describe why and how the difficulties were addressed.**

The Board has not experienced any difficulties scheduling DEC meetings.

- 4. Does the DEC comply with the Open Meetings Act?**

Yes. All DEC meetings are noticed, but noticed as closed session meetings.

**5. How many meetings held in each of the last three fiscal years?**

Three meetings each year.

**6. Who appoints the members?**

The Board appoints the members.

**7. How many cases (average) at each meeting?**

Two to six.

**8. How many pending? Are there backlogs?**

There are no cases pending and no backlogs.

**9. What is the cost per meeting? Annual cost?**

Approximately \$4,550 per meeting with an annual cost of \$13,650.

**10. How is DEC used? What types of cases are seen by the DEC?**

The DEC reviews the files of all persons in the Board's Diversion Program and makes recommendations for treatment for addiction recovery.

**11. How many DEC recommendations have been rejected by the board in the past four fiscal years (broken down by year)?**

None.

## Attachments

