

Veterinary Medical Board

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MEETING MINUTES
Veterinary Medical Board
Sacramento, California

January 29, 2013

Call to Order – Establishment of a Quorum

Veterinary Medical Board (Board) President Dr. Tom Kendall called the meeting to order at 10:00 a.m. Board Executive Officer Susan Geranen called roll; seven members of the Board were present and thus a quorum was established.

Board Members Present

Tom Kendall, DVM, President
Kim Williams, RVT, Vice-President
Richard Johnson, DVM
Richard Sullivan, DVM
Cheryl Waterhouse, DVM
Patti Aguiar, Public Member
Judie Mancuso, Public Member

Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board
Paul Sanchez, Assistant Executive Officer
Rebecca Bon, Legal Counsel
Diann Solokoff, SDAG, Board Liaison
Erika Calderon, Enforcement Analyst
Detrea James, Enforcement Assistant
Ethan Mathes, Administrative Program Coordinator
Sandra Monterrubio, Enforcement Program Coordinator
Allison Nagao-Dutra, Enforcement Analyst
Elizabeth Parker-Smith, Administrative Analyst
Karen Robison, Administrative Analyst
Jan Solone, Enforcement Analyst

Guests Present

Elena Almanzo, Investigator, DOI
Rex Cowart, Northern Area Commander, Division of Investigation
Nancy Ehrlich, RVT, California Registered Veterinary Technician Association
Valerie Fenstermaker, Executive Director, California Veterinary Medical Association
Mike Gomez, Chief, Division of Investigation and Enforcement Programs
William Grant II, DVM, Chair, Multidisciplinary Advisory Committee
Ron Kelp, DVM, California Veterinary Medical Association
Lawrence Kosmin, DVM, Board Hospital Inspector
Amber Littlejohn, Center for Public Interest Law
Kristi Pawlowski, RVT, California Veterinary Medical Association
Greg Prudin, Department of Consumer Affairs, Legislative Unit
Joshua Room, Deputy Attorney General
Alfredo Terrazas, Senior Assistant Attorney General
Stephanie Whitley, Division of Investigation

Enforcement Training

Enforcement training commenced with Alfredo Terrazas, SAAG, giving an overview of the various components of the disciplinary process along with some of the roadblocks. Mr. Terrazas explained how a case is initiated, the documents needed and the events that happen during the course of preparing an accusation and the overall case. He spoke about the parameters for default actions and how the AG's office handles settlement negotiations and preparations for a trial if a settlement cannot be reached. He also indicated that his office works with the boards to address the board's priorities and expedite cases when necessary and when possible. He explained how boards can authorize a DAG to approach a judge in a criminal proceeding under Penal Code 23 (PC 23) and request a license suspension if the evidence is strong enough to indicate that the licensee is a threat to the public.

Then Michael Gomez, Chief, DCA Division of Investigation (DoI), spoke to the Board about the investigative phase of the disciplinary process and outlined the role of investigators from DoI. Stephanie Whitley and Rex Cowart, DoI Investigators, spoke about the case triage process and the nuances of field investigations.

Diann Sokoloff, SDAG, began the training portion of the morning and spoke about the overall process including, imitating a case, licensee violations verses unlicensed activity, settlement negotiations, discovery, investigative reports and witness preparation. She provided insight about motions, opposing counsel, and the roll of the Administrative Law Judge (ALJ). Ms. Sokoloff included information on evidentiary rulings and the difference between expert witness testimony and lay person testimony. She gave information on how the ALJ makes a proposed decision, how long it takes for a proposed decision to be reached, and once it is reached how the proposed decision is sent to the Board.

Rebecca Bon, DCA Staff Counsel to the Board, spoke about the post-trial phase of the disciplinary process. She spoke about proposed decisions verses stipulated agreements and the options that a board has for taking action in the different scenarios.

The final presenter, Joshua Room, DAG, wrapped up the training with a presentation on expert witness training and testimony, the process of preparing witnesses for trial, examples of good testimony and bad testimony, and techniques for answering questions while testifying.

January 30, 2013

Call to Order – Establishment of a Quorum

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Ethan Mathes, Administrative Program Coordinator
Sandra Monterrubio, Enforcement Program Coordinator

Elizabeth Parker-Smith, Administrative Analyst
Karen Robison, Administrative Analyst
Jan Solone, Enforcement Analyst

Guests Present

Al Aldrete, DVM, VASE
Tess Anderson, Heritage College
Tony Basile
Judy Capul, CPS
Jim Dagostino, PT, CPTA
Mike DeSousa, CPS
Tanya Doman, PT, DPT
Dr. Allan Drusys
Nancy Ehrlich, RVT, California Registered Veterinary Technician Association
Valerie Fenstermaker, Executive Director, California Veterinary Medical Association
William Grant II, DVM, Chair, Multidisciplinary Advisory Committee
Alex Henderson, VASE
Ron Kelpel, DVM, California Veterinary Medical Association
Dr. H. Jay Kerr
Amber Littlejohn, Center for Public Interest Law
Bruce Morris, Heritage College
Kristi Pawlowski, RVT, California Veterinary Medical Association RVT Committee
Greg Prudin, Department of Consumer Affairs, Legislative Unit
Nancy Scanlon, DVM, American Holistic Veterinary Medical Association

1. Approve October 16-17, 2012 and December 11, 2012 Meeting Minutes

- **Ms. Patti Aguiar motioned and Dr. Cheryl Waterhouse seconded the motion to approve the October 23-24, 2012 and December 11, 2012 Meeting Minutes. The motion carried 7-0.**

2. Executive Officer Report

Ms. Geranen reported the Sunset Review Report was submitted to the Legislature. The tentative hearing date is March 18, 2013 at 1:00p.m. Questions from the legislature will be sent to the Board one to two weeks before the Sunset Review hearing. Ms. Geranen stated there were limits on the number of Board members testifying but, she would check to see if more could attend.

Enforcement training was held on January 29, 2013; additional training will be held in March for the Multidisciplinary Advisory Committee and for the Board in April or July, if needed. Dr. Kendall thanked staff for the training presentation.

3. Administrative/Budget Committee Report

A. Staff Program Report

Paul Sanchez reported that Jan Solone was hired in December and is the new Hospital Inspection Program Coordinator. Staff is actively recruiting two part-time enforcement positions. Mr. Sanchez reported the lease proposal for the office move to HQ2 is in progress and he is working with DCA and DGS on the layout, information technology, and communication phases of the move.

B. Review Budget, Revenue, Expenditure Projections for 2012/2013, and Budget Fund Condition Status

Mr. Sanchez gave an overview of the revenue and expenditure projections and the budget fund status for the 2012 fiscal year.

C. Update on CPS Contract Proposal for Succession Planning

Judy Capul updated the Board on the progress of its Succession Plan. Ms. Capul stated she met with management and staff, and is in the process of identifying the immediate and future needs of the Board. Mike De Sousa is working on the work force planning portion of the plan and will be conducting interviews with comparable Boards to determine workflow benchmarks and mapping the workflow to identify any workload deficiencies and or needs.

D. Strategic Plan Update – no report.

E. Administrative Procedures Manual Update

i. Two Member Committees

The Board discussed the proposed minor changes to the Administrative Procedures Manual and accepted the amendments. The Board asked that the Manual be sent out to Board members once it was updated.

- **Dr. Richard Sullivan motioned and Ms. Kim Williams, RVT seconded the motion to approve the Administrative Procedures Manual with the noted amendments. Motion passed 7-0**

F. AAVSB

i. Proposed Changes to Bylaws

ii. Practice Act Model

The American Association of Veterinary State Boards (AAVSB) is proposing changes to its Practice Act Model and is asking the licensing jurisdictions for input to areas where changes might be suggested. Ms. Geranen asked that any suggestions for change to the AAVSB Practice Model be given to Dr. Kendall.

iii. Nomination of Officers

Dr. Kendall was nominated as a candidate for a second term with the AAVSB.

- **Dr. Richard Sullivan motioned and Dr. Richard Johnson seconded the motion to submit the nomination of Dr. Tom Kendall to the AAVSB. The motion carried 7-0**

G. New Issues

i. Administration of Epidurals on Animals

Dr. Richard Sullivan asked if there are any restrictions on administration of epidurals on animals or could it be delegated to a veterinary assistant. Kim Williams, RVT felt that an epidural is an anesthesia that only vets and RVT's are able to perform. Dr. Sullivan asked that the administration of epidurals be referred to the MDC and that the MDC report back to the Board within two meetings.

- **Dr. Richard Sullivan motioned and Dr. Richard Johnson seconded the motion to refer the issue to the MDC as high priority. The motioned carried 7-0**

ii. Review CCR Section 2027 – Veterinary Exemption

CCR section 2027 is the veterinary exemption for junior and senior veterinary students and graduates of AVMA recognized colleges. Dr. Sullivan stated junior and senior AVMA veterinary students can work as RVTs' but graduates should not be able to. Dr. Johnson voiced there are no issues so there is no reason to pursue the issue.

- **Dr. Richard Sullivan motioned to refer the veterinary exemption issue to the MDC. The motion died.**

Discussion ensued about staff researching complaints to determine if issues arise with AVMA students and graduates performing RVT tasks.

Dr. Tom Kendall directed staff to research the exemption of AVMA students/graduates performing RVT job tasks and notify the Board if any complaints have been filed.

4. 10 a.m. - Public Hearing – AVMA Approved RVT Programs

Ethan Mathes opened the public hearing at 10:00 a.m. The AVMA Approved RVT Program proposed changes are to sections 2064, 2065, 2065.5, 2065.6, 2065.7, 2065.8, 2065.8.1, 2065.8.2, 2065.8.3, 2065.9, 2066, and 2066.1. The proposed changes are to provide clarity to the section, make wording consistent and accurate throughout the regulation, and to put into law policy already in place.

The Board discussed its ability to withdraw recognition and reapprove recognition of AVMA accredited schools and changes to accredited versus approved in the section were discussed.

The Board delegated the proposed language with the noted changes to staff to initiate a 15-day notice.

- **Dr. Richard Sullivan motioned and Ms. Kim Williams, RVT seconded the motion to delegate staff to amend the proposed language and initiate a 15-day notice and move forward if no adverse comments are received. The motion carried 7-0**

5. Legislation/Regulations Committee Report

A. 2012/13 Legislation

i. Sunset Issues

The CVMA submitted a letter to the Legislature that listed several concerns, but supported the continuation of the Veterinary Medical Board. The CVMA noted additional staff is needed to pursue unlicensed and enforcement related complaints.

1. Consultants – Out of State Licensees

The Board discussed the existing language in B&P Code section 4830(a) (2) and (3). The CVMA stated that the existing language is too vague which makes it difficult to prosecute unlicensed veterinarians coming into California to practice without a license. The CVMA proposed language changes to B&P Code section 4830 (a) (2) and (3) and additional language to B&P Code 4825.1. Legal Counsel noted that in the current exemption consultants can observe and/or actually practice with the California licensee by whom they were called. The Board supports the proposed change.

- **Dr. Richard Sullivan motioned and Ms. Kim Williams, RVT seconded the motion to support the change in the regulations and make it a part of the Sunset Review. The motion carried 7-0**

ii. Controlled Substances Reporting (CURES)

The Board discussed CURES funding and decided to continue to monitor the issue. The Board determined the Board President and EO should participate in discussions on CURES funding.

- **Dr. Richard Johnson motioned and Dr. Richard Sullivan seconded the motion to monitor the program and have Dr. Kendall and Sue Geranen participate in the discussions. The motion carried 7-0**

iii. AB 1904 – Military Spouses

The Board discussed the meaning of “expedite the licensure process” for spouses of active duty military personnel. They determined putting these applications on the top of the stack would be the best way to proceed. The Board recommends adding an “are you an active duty military spouse “ yes or no box to the applications, add the military licensing process information to the website, and include an article in the newsletter.

- **Dr. Richard Sullivan motioned and Ms. Patti Aguiar seconded the motion to amend the applications by adding an active duty military spouse box to the application, add the military licensing process information to the Board website and include an article in the VMB newsletter. The motion carried 7-0**

B. AB 1839 - Administration of Drugs

i. Access to Controlled Substances/Background Checks – Section 4836.1

The Board discussed defining background check, determining who has access to the lock box of bulk drugs and the daily secondary daily use box, or rewrite the language to clarify who can have access to controlled substances. Ms. Sokoloff stated if the definition is broad then its application will be broad.

It is noted that this is not a new law and that the DEA has had the background check requirement in place for many years. Ms. Ehrlich questioned how far back the background check should go? It was noted that the VMB is taking the issue farther than the DEA is.

Dr. Johnson requested finding out how the Medical Board and the Dental Board are handling access to controlled drugs. The CVMA noted that there are companies that provide background check services that have set parameters for those checks and it is up to the licensee to exercise their due diligence to run background checks on the correct employees. The Board decided to refer researching background checks to the Enforcement Committee.

- **Dr. Richard Sullivan motioned and Ms. Patti Aguiar seconded the motion to refer researching background checks to the Enforcement Committee. The motion carried 6-1**

C. Update on Minimum Standards Regulations

The minimum standards rulemaking file was disapproved by the Office of Administrative Law (OAL). Ms. Geranen and Mr. Mathes met with OAL and they are addressing the questions and changes required by OAL so the file can be resubmitted.

D. 2012/13 Regulations

i. Finalize and Consider Adoption of Pet Lovers License Plate Proposed Regulations

The Board discussed the proposed regulations of the license plate program. Dr. Kendall questioned whether regular veterinarians could provide the spay/neuter service. Dr. Johnson voiced his concern that rural areas do not have or are limited to the amount of non-profit spay/neuter providers available to perform the spay/neuter service and questioned whether the proposed regulation exclude regular veterinarians from becoming approved spay/neuter providers.

The California Spay & Neuter License Plate Fund, Inc. (Fund) reports to the VMB who in turn reports to the Department of Motor Vehicles (DMV). The Fund would provide a report to the VMB with the exact number of spay/neuter procedures performed by species. The Fund can spend up to 25% of the total revenue on administrative costs. Dr. Sullivan voiced his concern about the fund breaking away from the VMB. Ms. Mancuso advised there is proposed legislation to prevent this from occurring.

The Board moved to have staff move forward with the regulations as written and a public hearing.

- **Ms. Judie Mancuso motioned and Ms. Patti Aguiar seconded the motion to move forward with regulation and a public hearing. The motion carried 7-0**

ii. SB 1162 - Animal Control: Tranquilizers – Training for Animal Control Officers

iii. Review Regulation Calendar

6. Multidisciplinary Advisory Committee Report

A. Report on Status of Regulatory Projects

i. Citation and Fine Guidelines and Regulations – Proposed Language

Dr. Grant reported that the MDC submitted proposed language for the citation and fine guidelines and regulations to the Board for review. The Board discussed the criteria for determining the amount of a citation and wondered if all Boards have an issue with determining citation amounts.

The Board moved to accept the citation and fine guidelines and regulations proposed language as drafted.

- **Ms. Judie Mancuso motioned and Ms. Kim Williams, RVT seconded the motion to accept the Citation and Fine guidelines and regulations proposed language as drafted. The motioned carried 7-0**

ii. Animal Rehabilitation – Proposed Language

Dr. Grant reported that the MDC held two full meetings just on information gathering and listening to all concerned parties and then several meetings to review the information. At the last meeting, legal counsel presented an opinion that physical therapy on animals is considered the practice of veterinary medicine and may only be performed by a California licensed veterinarian or under direct supervision of a California licensed veterinarian. As the law exists today, animal rehabilitation is the practice of veterinary medicine.

He stated that the MDC reviewed the regulations governing physical therapy and the proposal submitted to the Board by the MDC is very similar to the MSM provision currently in regulations. Dr. Grant reported that physical therapy has greater scope than chiropractic in that physical therapists (PT) are allowed to use electromyography and topical medications that may be different in humans than with animals. One issue the MDC discussed was who would be responsible if something goes wrong. Testimony submitted during the hearings substantiated the need for a veterinarian to be present in case there is an emergency situation.

Allowing a veterinarian to determine the level of supervision is problematic because the potential for harm is greater than it is for chiropractic manipulations (MSM) and there are existing regulations specifying that MSM must be done under direct supervision. There are a number of facilities where veterinarians and PTs are working together. Dr. Grant stated that the MDC and the Board need to consider what is best for the consumer. He supported reevaluating these regulations in three to five years and possibly modifying the regulation, but the recommendation for now is creating a new law and new authority is direct supervision.

Ms. Aguiar voiced concerns about the fact that there were no animal anatomy education requirements for the PTs in the proposed language. Dr. Grant responded that there is training available, but there were no education requirements because the veterinarian is the responsible party. Ms. Aguiar asked about the logistics of requiring direct supervision in a large animal practice. Dr. Grant stated that the direct supervision was that the supervisor was in the immediate vicinity and that it was already required under current law. Legal counsel stated that under current law it was the responsibility of the

supervising veterinarian to determine competency. Dr. Grant restated that the MDC's recommendation is a first step and he agreed that taking another look in two to three years would be beneficial.

Ms. Aguiar asked whether, like in human medicine, the consumer could go direct to the PT and then have the PT report back to the veterinarian. Dr. Grant responded that the big difference is that humans can talk and animals cannot. Also, during the process of animal rehabilitation things change including medications and dosages that require the input from the veterinarian.

Dr. Johnson had some of the same concerns as Ms. Aguiar and we should require training for PTs, veterinarians and RVTs. In reviewing the Board's strategic plans, it is consistently stated that RVTs be included in this process. His other concerns were access and cost to the consumer now there are two doctorate level people and possibly an RVT and an assistant involved.

He stated that as the proposal as it stands is a good proposal, but he would like the Board to immediately start the process of review and possibly include a two year sunset clause so that in two years the Board would have something more similar to the models in Nevada and Colorado.

Dr. Waterhouse supported the value of animal rehabilitation, but had concerns about possible harm if it was done outside a veterinary hospital. Dr. Sullivan stated that he visited a veterinary hospital where physical therapy is done under direct supervision and it works well. He stated that both the veterinarian and the PT working with the veterinarian in that hospital supported the direct supervision model. In his opinion the direct supervision model is what protects the consumer and their animal best because animals cannot tell us if something is wrong.

Ms. Mancuso stated that there were many good points stated but has no personal experience with animal rehabilitation and had not considered the fact that animals cannot tell you if something is wrong. She supported credentialing for anyone doing animal rehabilitation.

Ms. Geranen stated that the proposed regulation was intended to define the relationship, if any, between a licensed California veterinarian and a licensed California physical therapist. It does not preclude the veterinarian from delegating to an RVT or requiring additional education of the PT. Under the proposed language, whether the supervision is direct or indirect, all the responsibility for treatment prescribed and performed lies with the veterinarian, but having a law in place would give the Board more authority to take action against unlicensed activity.

Diann Sokoloff, DAG, stated that because PTs are not "licensed" under the Board's Practice Act, there is no jurisdiction to require them to take classes.

There was testimony from the representatives from the California Physical Therapy Association that they believe in consumer protection and the Board should amend the language to only give authority to "animal" PTs, who have training to work on animals. They are also working on a specialty certification for Animal Physical Therapists and have put together the parameters for becoming certified as an Animal PT. There are animal rehabilitation schools in Florida, Tennessee and Colorado and there are two different tracks – one for veterinarians and PTs and one for RVTs and PT assistants. They agreed with Dr. Johnson that it would be cost prohibitive to do it under direct supervision and have two PhD level persons present and they mentioned that they were concerned about unlicensed activity too and the fact that it is escalating.

Ms. Mancuso asked whether the Board could amend the proposed language to require education. Dr. Kendall stated that the question of education is not before the Board. Dr. Johnson stated that the Board can adopt or non-adopt the language.

Dr. Sullivan suggested that since the Board asked the MDC to work on the issue, the Board should listen to its recommendation. He stated that having two high level professionals in the same practice is not cost prohibitive. He also stated that there are many states that have adopted the direct supervision model for animal rehabilitation including Louisiana and Ohio.

Nancy Ehrlich, RVT, CARVTA, stated that the role of the MDC as a committee of the Board is to make recommendations to the Board and then it is up to the Board to decide whether to move forward with regulations as written or to amend the regulations. She also stated that the supervision of a PT could not be less than that of an RVT and suggested that under the current model there could be less supervision for a lay person than a PT. She suggested allowing PTs to work under direct or indirect supervision of a licensed veterinarian or under direct supervision of an RVT.

Ron Kelpé, DVM, testified that the CVMA supports the language as presented by MDC with the direct supervision provision. Dr. Scanlon stated that she supports the additional training for both PTs and veterinarians and that until the extra training can be required for all parties, physical therapy should only be done under direct supervision.

Following the lengthy discussion, Dr. Sullivan proposed an amendment to the proposed language to add RVTs and veterinary assistants as persons who could perform animal rehabilitation under direct supervision of a veterinarian. Dr. Kendall stated that there first needs to be a motion on the proposed language and then there can be discussion.

Motion: Ms. Williams made a motion and Ms. Mancuso seconded it to reject the MDC proposed language. After discussion, the motion was withdrawn.

Dr. Johnson asked Dr. Kendall to explain the Board's options at this point. Dr. Kendall stated that the option was to accept the language as presented by the MDC and then discuss an amendment. Legal counsel suggested that the Board make amendments first and then adopt it or not once the amendments are stated. Dr. Sullivan suggested adding RVTs and veterinary assistants to the language

Motion: Dr. Sullivan made a motion to accept the language for purposes of making amendments, Ms. Aguiar seconded the motion.

Discussion: The proposal to amend the language to include RVTs and veterinary assistants was discussed. Ms. Mancuso stated that she is opposed to adding the additional authority without requiring additional training. Ms. Sokoloff stated that the Board only has jurisdiction over its licensees - veterinarians and RVTs. Ms. Mancuso stated that the veterinary assistant should not be included.

Dr. Johnson stated that the Board could change the law to be like the Colorado model where the Board would have jurisdiction over PTs performing animal rehabilitation.

Point of order: Dr. Sullivan stated that his proposed amendment to add both RVTs and veterinary assistants should be made globally within the language.

Vote: the amendment to add both RVTs and veterinary assistants was defeated 3 to 4: Williams, Sullivan and Waterhouse – aye; Johnson, Mancuso, Aguiar and Kendall – nay.

Motion: Ms. Williams made a motion to add “only RVT” globally after PT as the only other licensee able to do animal rehabilitation under direct supervision of a licensed California veterinarian to the language. Dr. Sullivan seconded the motion.

Discussion: The Board discusses adding language to designate that “only” PTs and RVTs can perform animal rehabilitation under direct supervision of a veterinarian. Dr. Johnson suggested that the Board appears to be split on the issue and he is not convinced that it is where it should be. He proposed that the Board table it for today and review other state models and bring the issue back to the Board.

Dr. Grant stated that California is a leader and the MDC did look at the models from other States and the fact that it is done differently in other states is not a good reason to do it that way here. He stated that the Board is trying to do a last minute fix and that is not a good idea. He stated that he thought Dr. Johnson's recommendation for a sunset clause was a good idea and including RVTs needs to be

thought out. He stated that if the Board does not want to adopt the language today that it should send it back to the MDC for further discussion.

Legal counsel stated that adding RVT to this language is just restating current law, but in the meantime, there is a lack of definition in law outlining who can do animal rehabilitation in California which leads to unlicensed activity. Valerie Fenstermaker, CVMA, stated that the CVMA recommended direct supervision three years ago and that in light of the unlicensed activity that is happening right now, it would be disappointing if the Board did not adopt this language.

Dr. Johnson asked about withdrawing the original motion to allow a vote on proposal as written. Dr. Sullivan called for a vote on the amendment.

Vote: Motion on amendment to globally add RVTs in addition to PTs and the proviso that “only” RVTs and PTs can perform the animal rehabilitation under direct supervision to the proposed language carried 4/3: Sullivan, Waterhouse, Williams and Kendall – aye; Johnson, Mancuso and Aguiar – nay.

Ms. Mancuso stated that she wanted another amendment on the language to add a sunset clause. Dr. Grant suggested a three year sunset but stated that the MDC could start looking at the issues. Dr. Johnson asked Ms. Geranen if the Board could change the language between now and the time the regulations go forward. Ms. Geranen stated that once the Board votes on a proposed regulatory change, that directs staff to moves forward with the proposed language to a public hearing. Once it is noticed, the Board could amend its own language during the public hearing, but those changes would have to be re-noticed. Substantive changes would require another 45 day notice and non-substantive changes would require a 15-day notice.

Motion: Ms. Mancuso made a motion to add a three year sunset clause from date of implementation to the proposed language and Ms. Aguiar seconded the motion.

Discussion: Dr. Sullivan suggested five years. The three years would be from the date of implementation.

Vote: Motion on amendment to add three year sunset clause from date of implementation carried 6/1 with Dr. Sullivan voting no.

Vote: The Board voted on the main motion to adopt the proposed language as presented by the MDC with three amendments 1) adding RVT, 2) adding the “only” proviso for RVTs and PTs and 3) inserting a three year sunset clause from date of implementation. Motion passed unanimously.

B. Discuss and Consider MDC Vacancy Appointment

The Board interviewed several veterinarians for the one vacancy on the MDC: Dr. H. Jay Kerr, Dr. Nancy Scanlon and Dr. Allan Drusys. After the interviews concluded, the Board discussed each candidate’s qualifications and what expertise they felt the MDC needed.

- **The Board’s first vote was split with no majority.**
- **The Board’s second vote was to break a tie.**
- **The Board’s third vote gave the affirmative majority to Dr. Drusys.**

The Board welcomed Dr. Drusys as the newest member of the Multidisciplinary Advisory Committee and thanked all three candidates for applying.

7. Enforcement Committee Report

A. Staff Program Report

Sandra Monterrubio reported there have been 320 complaints received since July 2012. Negligence and animal cruelty are given priority handling. The complaint process is lengthy because the analysts currently handle over 200 complaints each and phone calls from the complainants for status are time consuming. Enforcement needs 7-8 staff members to handle the complaints in a timely manner. There are 175 cases ready to review and there has been discussion about bringing in consultants to review the cases.

Dr. Kendall and the Board thanked Ms. Monterrubio for her hard work.

i. Hospital Inspection Program Update

The hospital inspection program recently lost one inspector bring the total down to four and routine hospital inspections were temporarily suspended for three months due to lack of staff to handle the work load. The inspections have now been resumed, but it is still an uphill battle to handle the workload associated with this program.

B. CPEI Update

The Enforcement Committee will review the nine items listed in SB 1111 and note which of the items apply to the Board or are already captured in other sections of the Practice Act. The Enforcement Committee will review the enforcement process to determine if improvements can be made to the expert review portion of the process. The Enforcement Committee will bring the information back to the Board for discussion.

- **Dr. Richard Johnson motioned and Ms. Judie Mancuso seconded the motion to have the enforcement committee review the nine items listed in SB 1111 and review the enforcement process. The motion carried 7-0**

C. Discuss SB 1441 Proposed Language and Uniform Standards Document

The Board discussed the SB 1441 proposed language and uniform standards document and the Board moved to adopt the Uniform Standards Document and proposed language and initiate rulemaking.

- **Dr. Johnson motioned and Ms. Mancuso seconded the motion to move forward with the SB 1441 proposed language and initial rulemaking. The motion carried 7-0**

8. Exam Vet/RVT Committee Report

A. Discuss Status of RVT Transition to Veterinary Technician National Exam (VTNE)

i. Finalize and Consider Adoption of VTNE Transition Proposed Regulations

The Board discussed the VTNE proposed regulatory changes. The Board proposed some minor changes to the language.

- **Dr. Sullivan motioned and Dr. Johnson seconded the motion to direct the RVT committee to make the noted corrections to the proposed language. The motion carried 7-0**
- **Dr. Waterhouse motioned and Ms. Aguiar seconded the motion to adopt the proposed RVT Transition clean up language. The motion carried 7-0**

1. RVT Law Exam Plan Update

The Office of Professional Examination Services (OPES) is holding RVT workshops in preparation for the California registered veterinary technician law examination.

2. Five-Year Limitation on Scores

Discussion by the Board on the length of time the VTNE passing scores would be valid before the VTNE would need to be retaken by the RVT applicant. A five-year limitation on scores was the consensus.

B. Proposed RVT Task Force Meeting – Tuesday, March 12, 2013 – 9:00 to 12:00 p.m.

The Board RVT committee proposed a meeting with the MDC RVT sub-committee to work as an RVT task force on specific RVT issues. The Board approved the public RVT task force meeting for March 12, 2013.

9. Comments from Public/Outside Agencies/Associations

There were no comments from public/outside agencies/associations.

10. Agenda Items and Next Meeting Dates

- A. Agenda Items for Next Meeting
- B. Board Meetings
 - i. April 23-24, 2013 – Orange County
 - ii. July 23-24, 2013 – Sacramento
 - iii. October 22-23, 2013 – Riverside
- C. Multidisciplinary Advisory Committee Meetings - Sacramento
 - i. March 13, 2013
 - ii. June 12, 2013
 - iii. November 13, 2013

Thursday, January 31, 2013

9:00 a.m. to 12:00 p.m.

Roll Call and Establishment of a Quorum

Call to Order

Board President Dr. Kendall called the meeting to order at 9:00 a.m. Ms. Geranen called roll; seven members of the Board were present and thus a quorum was established.

Board Members Present

Tom Kendall, DVM, President
Kim Williams, RVT, Vice-President
Richard Johnson, DVM
Richard Sullivan, DVM
Cheryl Waterhouse, DVM
Patti Aguiar, Public Member
Judie Mancuso, Public Member

Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board
Paul Sanchez, Assistant Executive Officer
Rebecca Bon, Legal Counsel
Ethan Mathes, Administrative Program Coordinator
Sandra Monterrubio, Enforcement Program Coordinator
Karen Robison, Administrative Analyst

Guests Present

Noreen Marks, Senior Attorney, DCA Legislative Unit

Agenda items heard out of order and lengthy discussion carried the Board meeting over to Thursday, January 31, 2013. The VTNE transition proposed regulations, the enforcement committee report, SB 1441 Proposed Language and Uniform Standards Document, and SB 1111 were discussed in open session this morning by the Board.

The meeting adjourned at 10:20 a.m. and closed session started at 10:35 a.m.

11. Closed Session

A. Deliberate and Take Action on Disciplinary Matters (Government Code section 11126(c)(3))

NV 2012 375

Board Approved Decision as Written

AV 2011 42

Stipulated Surrender of License and Order - Adopted

AV 2011 36

Stipulated Settlement and Order - Adopted

IA 2012 35

Stipulated Settlement and Order - Adopted

AV 2010 11

Default Decision and Order – Adopted

AV 2011 37

Default Decision and Order – Adopted

IV 2012 8

Stipulated Settlement and Order - Adopted

Closed session adjourned at 1p.m.

Adjourn