



MEETING MINUTES - DRAFT

Veterinary Medical Board
Newport Beach, CA

Tuesday, April 23, 2013

Call to Order – Establishment of a Quorum

Veterinary Medical Board (Board) President Dr. Tom Kendall called the meeting to order at 12:40 p.m. Board Executive Officer Susan Geranen called roll; eight 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
Linda Starr, 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
Ethan Mathes, Administrative Program Coordinator
Sandra Monterrubio, Enforcement Program Coordinator
Elizabeth Parker-Smith, Administrative Analyst
Karen Robison, Administrative Analyst

Guests Present

Jeff Sears, DCA Human Resources

1. Closed Session

A. Personnel Issues (Government Code section 11126(a)(1))

Jeff Sears gave an overview on executive officer recruitment which included the tasks involved in the recruitment and to whom the responsibility falls on for completion of each task.

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

AA 2012 31

Default Decision – Adopted

AV 2012 27

Stipulated Settlement - Adopted

AV 2012 9
Stipulated Settlement – Adopted

AV 2011 22
Stipulated Settlement – Adopted

AV 2012 29
Stipulated Settlement – Adopted

AV 2006 21
Stipulated Surrender – Adopted

AV 2012 23
Stipulated Settlement – Adopted

AV 2011 5
Stipulated Settlement – Adopted

Recess

**Wednesday, April 24, 2013
9 a.m. to 4 p.m.**

Call to Order – Establishment of a Quorum

Veterinary Medical Board (Board) President Dr. Tom Kendall called the meeting to order at 9:05 a.m. Board Executive Officer Susan Geranen called roll; eight members of the Board were present and thus a quorum was established.

Board Members Present

Tom Kendall, DVM, President
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Richard Johnson, DVM
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Cheryl Waterhouse, DVM
Patti Aguiar, Public Member
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Staff Present

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Ethan Mathes, Administrative Program Coordinator
Sandra Monterrubio, Enforcement Program Coordinator
Elizabeth Parker-Smith, Administrative Analyst
Karen Robison, Administrative Analyst

Guests Present

Karen Atlas, MPT CCRT
Jeff Backus, CaRVTA
Clyde Boiston,
Kellie Boiston, CAAPT
James Dagostino, CPTA

Dr. Tanya Doman, PT, APTA
Allan Drusys, DVM, MDC, Riverside County Dept. of Animal Services
Nancy Ehrlich, RVT, California Registered Veterinary Technician Association
Reichel Everhart, DCA
Valerie Fenstermaker, Executive Director, California Veterinary Medical Association
Paul Gaspar, IPT of CA
William Grant II, DVM, Chair, Multidisciplinary Advisory Committee
Lee Heller, PHD
Nelda Jones
Ron Kelp, DVM, California Veterinary Medical Association
Lynn Marvis
Maddison McDonald, RVT
Sharon R McDonough
Trish Penick, CAAPT
Bobbi Prilaman
Jill Rufu, RVT, PVAS
Nancy Scanlon, DVM, American Holistic Veterinary Medical Association
Dan Segna, DVM, CVMA
Erin Troy, DVM

2. Approve January 29-31, 2013 Meeting Minutes

- **Ms. Patti Aguiar motioned and Ms. Kim Williams seconded the motion to approve the January 29-31, 2013, Meeting Minutes with amendments. The motion carried 8-0**

3. Executive Officer Report

Ms. Geranen updated the Board on the Sunset hearing. A written response to the Committee's issues has been submitted and there is Sunset Hearing on the bill April 29, 2013.

Ms. Geranen reported the Disciplinary Guideline regulations are being reviewed by the Department of Finance (DOF). The file will be forwarded to Office of Administrative Law (OAL) once DOF has completed their review. Ms. Geranen notes there are six regulation files pending at this time.

Ms. Geranen reports the National Board of Veterinary Medical Examiners (NBVME) changed their eligibility parameters to allow senior students to apply for the National Exam ten months prior to graduation rather than the previous eight months. However, the California Practice Act limits eligibility to eight months prior to graduation so it would require a change in the law to allow the ten months.

4. Administrative/Budget Committee Report

A. Assistant Executive Officer's Program Report

Paul Sanchez reported the budget cycle for 2013/2014 has started and with the growing backlog he is working with DCA budgets and DOF to complete Budget Change Proposals (BCP) to increase staff.

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

C. Update on CPS Report for Succession Planning

Mr. Sanchez reported CPS submitted their draft succession planning and organizational assessment document for the Boards review. Discussion about the CPS draft report included obtaining mentors from other boards/bureaus, the low competency ratings, and procedural updates. Mr. Sanchez noted the steps to implement the findings in the CPS report should be available in July 2013.

D. Strategic Plan Update

E. Update on Bagley-Keene Open Meeting Requirements

Rebecca Bon gave an update on Bagley-Keene Open Meeting Requirements (Bagley-Keene Act). Liz Parker-Smith noted the Board always has two copies of the Bagley-Keene Act available at each meeting. One copy is at the head table near the Board president and one copy is at the public sign in table.

i. Practice Act Overview

Ms. Bon gave a brief overview of the California Veterinary Practice Act (Practice Act) which included the statutes and regulations specific to the Board. The Practice Act includes the disciplinary guidelines and the new guidelines will be in the 2014 Practice Act.

F. American Association of Veterinary State Boards (AAVSB)

i. Letter from AAVSB President

ii. Funded Delegate Program

The AAVSB has a Delegate Funding program that assists with paying expenses so Boards can send a delegate to the annual meeting. Dr. Sullivan noted California needs to be involved in the processes of the AAVSB.

G. New Issues

i. Animal Rehabilitation

1. Proposed Regulations

The Board voted in January 2013 to proceed with the Animal Rehabilitation (AR) proposed regulations and directed staff to move forward with the regulations and schedule a hearing. If the Board wanted to rescind the previous motion, an affirmative two-thirds majority vote would be required. The Board did not propose a motion to rescind the decision.

Comments from licensed physical therapists, RVT and physical therapy associations, licensed veterinarians and RVT's, and the public were heard. The comments were supportive of AR but not supportive of the supervision level in the proposed language.

Dr. Kendall thanked everyone for their input and noted the hearing is tentatively scheduled for January 2014 at the Board meeting in Sacramento.

2. Rulemaking Flowchart

The OAL publishes a flowchart which gives an overview of the rulemaking process. The flowchart is included to give the Board a basic timeline for the processing of a regulation package.

5. Legislation/Regulations Committee Report

A. 2012/13 Legislation

i. SB 307 – Sunset Bill

There is a Sunset Bill hearing on April 29, 2013. Ms. Geranen expects to receive an update for the hearing by April 25, 2013. Ms. Geranen noted that the Boards legislative committee has been working on a budget project to provide five additional staff.

SB 809 – Controlled Substances Reporting (CURES)

Ms. Geranen reported CURES is underfunded and there is a proposed fee increase to cover the cost of the CURES program. The Board is opposed to an annual fee and a mandatory fee in the bill as our licensees are on a biennial renewal cycle. Dr. Sullivan noted other states exempt reporting by veterinarians and the Board should request an exemption from the reporting requirement.

- **Ms. Judie Mancuso motioned and Ms. Linda Starr seconded the motion to monitor and request to exempt the VMB from the reporting requirement. The motion carried 8-0**
- ii. **AB 343 – Animal Cruelty: Duty to Report.**
- B. Animal Control Officer Training Update (SB 1162)**
- C. Update on Ongoing Regulations**
 - i. **Disciplinary Guidelines**
 - ii. **Minimum Standards Regulations**

Staff met with OAL to discuss the response to the minimum standard regulations and filed an extension request to respond to the large number of comments. The Board will be filing a 15-day notice and has until August 16, 2013, to resubmit the file to OAL.

D. 2012/13 Regulations

i. Proposed VTNE Transition Regulations – Review and Consider Adoption

The RVT Task Force discussed and made amendments to the VTNE Transition proposed regulations at their March 2013 meeting. The RVT Task Force has referred the proposed regulations back to the Board for review. The Board discussed minor changes to the wording of the proposed regulation.

The fee to take the California registered veterinary technician examination was discussed by the Board. The exam is administered by PSI and a breakdown on how the cost to administer the state exam was obtained was requested by the Board.

- **Dr. Richard Sullivan motioned and Dr. Richard Johnson seconded the motion for staff to move forward with the VTNE Regulation package as amended and directed staff to research the cost to administer the RVT state exam. The motion carried 8-0**
- ii. **Review Regulation Calendar**

The proposed regulatory schedule was reviewed and the timelines were discussed. Ms. Geranen noted the VTNE Transition and the Pet Lovers License Plate were the top priorities at this time.

6. Multidisciplinary Advisory Committee Report

Dr. Grant reported the MDC discussed telemedicine and licensure exemptions at the meeting in March 2013. Ms. Mancuso and Ms. Aguiar noted they would like more information and background on the issues taken up by the MDC when it is sent to the Board for review. Dr. Sullivan agreed it is important for some Board members to attend the MDC meeting. Ms. Fenstermaker noted you can listen to the meetings to become informed on the material. Dr. Grant stated there needed to be mutual respect and trust between the Board and the MDC. Dr. Grant stated that in the future he would summarize the MDC meetings and recommendation in more detail at the meeting and Dr. Johnson said the summary could be included in the Board meeting binder.

A. Bagley-Keene Issues

Ms. Geranen noted the RVT Task Force meeting will be held in June 2013, prior to the MDC meeting and that there will be three Board members in attendance. Ms. Bon stated attendance at a meeting is attending the meeting in general not who is in the room at any given time. If a majority of Board members is present, the members in the audience, cannot participate in discussions.

7. Enforcement Committee Report

A. Enforcement Program Manager's Report

Sandra Monterrubio reported 462 complaints have been received this fiscal year and 74 of the complaints are for unlicensed activity. Due to the backlog of cases Department of Investigation (D of I)

has offered to assist the Board in the review and assigning of cases for the next four to six months. A hospital inspection training workshop will be held in May 2013 and staff will shadow the inspectors on three inspections as part of the workshop.

B. CPEI Update

The Enforcement Committee met on April 23, 2013, and reviewed SB 1111. Dr. Johnson will prepare a report for the next Board meeting on the committee's recommendations. Ms. Bon thanked Dr. Johnson, Ms. Aguiar, Mr. Sanchez, and Ms. Monterrubio for their hard work.

8. Exam Vet/RVT Committee Report

A. Exams/Licensing Program Manager's Report

i. Update on CE Audit Program

Ethan Mathes reported the CE audit pilot program is about complete and there is a 90% compliance rate. The licensees not in compliance have not responded to the CE audit letter or the paperwork has been returned by the Post Office. A full report to the Board will be provided at the Board meeting in July 2013.

ii. Update on Transition to VTNE

The transition to the VTNE is tentatively scheduled for January 2014. The contract with the AAVSB to administer the VTNE is in process at this time. The transition to Breeze from ATS may impact the roll out of the transition to the VTNE.

B. Report on RVT Task Force Meeting

Ms. Williams reported the RVT Task Force met on March 12, 2013. The Task Force discussed the VTNE Transition, the Alternate Route School Approval, and setting an hour requirement for the Postsecondary Academic Course Requirements. Ms. Williams noted that it was a good meeting and many issues were identified; however, the half day was not enough time to complete the discussion and they would like to meet again for a full day to devote more time to each item on the agenda. Another next RVT Task Force meeting was tentatively scheduled on June 11, 2013, from 10a.m. to 3p.m.

9. Comments from Public/Outside Agencies/Associations

Nancy Scanlon, DVM submitted information regarding alleged conflict of interest on Holistic medicine between the AAVSB and a RACE advisor. Ms. Scanlon brought the issue to the California VMB because the AAVSB will not discuss the matter with any associations only the state Boards.

Nancy Ehrlich noted if AB 272 passes it will change the age requirements for when the rabies vaccination is required and then it will not be compatible with the answer on the new law exam.

10. Agenda Items and Next Meeting Dates

Many agenda items are standard and carried over to each meeting. Ms. Geranen stated that a mock agenda for the next Board meeting could be included in the meeting binders so suggestions for the agenda items could be focused on issues not already listed on the agenda.

A. Agenda Items for Next Meeting

B. Board Meetings

i. July 23-24, 2013 – Sacramento

ii. October 22-23, 2013 – Riverside

iii. January 21/22 or 28/29, 2014 – Sacramento

C. Multidisciplinary Advisory Committee Meetings – Sacramento

i. June 12, 2013

ii. November 13, 2013

D. RVT Task Force Meeting – Sacramento

i. June 11, 2013

Ms. Geranen noted this is Linda Starr's last meeting as a member of the Veterinary Medical Board, and on behalf of the Board, Ms. Geranen presented Ms. Starr a resolution thanking her for her dedication and many years of service.

- **Ms. Linda Starr motioned and Dr. Richard Johnson seconded the motion to adjourn. The motion carried 8-0**

The meeting adjourned at 3p.m.