



NEWS & VIEWS

Fall 2002

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American Association of Veterinary State Boards (AAVSB) Annual Meeting Update

By Susan M. Geranen, Executive Officer

The American Association of Veterinary State Boards (AAVSB) is the national association of veterinary medicine licensing boards. The veterinary licensing boards in all fifty states, four Canadian provinces, and the U.S. Territories are members. The AAVSB's annual conference for 2002 was held last July in Nashville, Tennessee.

The discussion topics at these meetings are varied and usually result in lively debate. The issues discussed at this year's conference included: Internet pharmacies, the PAVE program, mandatory continuing education, confidentiality issues for licensing boards, alternative/complementary therapies, and impaired licensees. This year there were 41 jurisdictions represented-38 states, 2 territories (Puerto Rico and the Virgin Islands), and one Canadian province (Ontario).

The National Board of Veterinary Medical Examiners (NBVME) holds its meetings concurrently. This year it was announced that the fee for the North American Veterinary Licensing Examination (NAVLE) is increasing immediately. The NBVME will absorb the initial increase of \$10 per examination in fiscal year 2002/2003. However, beginning in fiscal year 2003/2004, an additional increase of \$40 for a total of \$50 per examination will be passed on to the candidates.

The NBVME discussed the possibility of limiting the number of times a candidate can sit for the NAVLE. Illinois limits access to three times and then the candidate is required to obtain additional educational courses. Missouri imposed a limit several years ago. The limit of three

Please see AAVSB, page 2

Are You Confused?

An interesting phenomenon related to the mandatory CE reporting requirements has been occurring in the inspection program. During routine inspections of several veterinary practices, the inspector discovered inactive licenses posted with the active ones. It appears that the veterinarian marked "no" to the question of whether he or she had completed the required CE for renewal.

The action resulting from paying the fee, but marking "no" to that question is that an inactive license is issued.

Veterinarians cannot practice with an inactive license. Further, inactive licensees have to transfer authority for managing the

Please see Renewal Forms, page 4

Referrals to Emergency Clinics Update

By Kay Hossner, DVM

The Veterinary Medical Board (VMB) included informational articles in its last two newsletters regarding the Business and Professions Code, Section 654.2, referrals to organizations in which a licensee or family has significant beneficial interest, and the required disclosure statement.

The law states that written notice is required when veterinarians refer clients to an emergency clinic in which the veterinarians have a significant financial interest. The licensee must disclose in writing to the clients that there is such an interest and advise them that they may choose any organization for the purpose of obtaining the services ordered or requested by the licensee. The exact text of the notice is at the veterinarian's discretion. A significant financial interest is defined as any financial interest that is equal to or greater than the lesser of the following: 1) five percent of the whole, or 2) five thousand dollars.

AAVSB, Continued from page 1

times was recently challenged in court and the Missouri board's authority to limit access was upheld.

Representatives from the University of Florida reported that Florida has developed a distance learning educational program for candidates studying for the NAVLE. The program might be helpful to candidates if more states had access to this program, especially if boards were considering limiting the number of times a candidate can sit for the NAVLE.

Dewey Helmcamp, Assistant Attorney General for the Texas VMB, Ed Bayo, Attorney General for the state of Florida, and Kendall Lynch, Executive Director of the Tennessee Pharmacy Board spoke about Internet pharmacies. Mr. Helmcamp compared the new veterinary pharmacies with 1-800-Contacts -- an Internet pharmacy selling contact lenses. He reported that the Texas Optometry Board successfully prosecuted the Internet pharmacy for selling contact eyeglasses in Texas without a valid prescription from an optometrist licensed in Texas. The investigation was a joint effort -- the Texas Medical Board conducted the investigation and the Texas Pharmacy Board pursued the litigation. All three emphasized the need for Veterinary-Client-Patient-Relationship and cooperation between Veterinary and Pharmacy Boards on the issue of illegal Internet pharmacies.

This year there were two proposals on the floor of the Delegate Assembly for a vote that were defeated. Based on action taken by the American Veterinary Medical Association (AVMA) in 2001 to eliminate the AAVSB representative position on the ECFVG committee, the AAVSB considered eliminating the language in the bylaws that mandates an AAVSB representative and his or her

The law states that the disclosure requirements may be met by providing clients with a written disclosure statement or it may be met by posting a conspicuous sign in an area which is likely to be seen by all clients. The law does not specifically require a verbal notice on the business telephone message after hours. As was stated in the previous articles, it may be advantageous to consider a notice on your voice mail. It is up to the individual veterinarian to decide whether or not a voice mail notice is appropriate for his/her practice in addition to the required written notice or posted sign.

The articles were informational about the law and not intended as specific legal advice. Licensees needing information specific to their practice should contact an attorney.

attendance at the ECFVG committee meetings. The delegates felt that this change was premature. The vote was not to react to AVMA's action and to keep the existing language. The second proposal was to change the name of the AAVSB. The proposed name change was voted down because some states need time to make the change through their legislature.

During the board member training session on July 14 there was a lengthy discussion about the foreign veterinary graduate equivalency programs. Currently there are two, the Program for Assessment of Veterinary Education Equivalence (PAVE) and the Educational Commission for Foreign Veterinary Graduates (ECFVG). There was some controversy surrounding these two programs again this year. Many states currently recognize both programs. A chart outlining the requirements for PAVE and ECFVG is included in this newsletter. It is a good snapshot comparison of the requirements of each program.

One of the comments raised at the Delegate Assembly was whether the PAVE program gives certain candidates an advantage over others. The delegate from the Virgin Islands, Andrew Williamson, DVM, offered the analogy that PAVE sets a single, consistent standard for all candidates graduating from non-AVMA accredited veterinary schools. There will always be candidates who start out closer to the bar and those who have to jump higher to reach the bar. In either case, the bar is a constant.

The first Qualifying Examination for the PAVE program was held August 15, 2002, with 35 candidates sitting for the examination. The entry fee for PAVE is \$250 and \$800 for the Qualifying Examination.

Comparison of Education Equivalence Assessment Programs

ECFVG Educational Commission for Foreign Veterinary Graduates American Veterinary Medical Association (AVMA) Professional Association	PAVE Program for Assessment of Veterinary Education Equivalence American Association of Veterinary State Boards (AAVSB) Regulatory Boards
<i>Initial Requirements - Steps 1-3</i>	
1. Basic Science requirements. Graduation.	1. Basic Science requirements - Successful completion of the equivalent of the first two years at an AVMA accredited veterinary college or at least 50% of the program at whatever school they are attending.
2. Credential Certification -Approval of teaching institution based on Council of Education Standards	2. Credentials Certification – Approval of teaching institution based on Council of Education Standards.
3. English Fluency Tests -Test of English as a Foreign Language (TOEFL), the Test of Written English (TWE), and the Test of Spoken English (TSE). <i>Some candidates are exempt</i> from the English fluency tests.	3. English Fluency Tests - Test of English as a Foreign Language (TOEFL), the Test of Written English (TWE), and the Test of Spoken English (TSE). <i>All candidates must take and pass</i> the English fluency tests.
4. Successful completion of the North American Veterinary Licensing (NAVLE) Examination. The National Board of Veterinary Medical Examiners (NBVME) developed the NAVLE as a test of entry level knowledge necessary to be licensed as a veterinarian.	4. Successful completion of the Qualifying Examination . The National Board of Veterinary Medical Examiners (NBVME) developed the Qualifying Examination as a test of basic scientific knowledge acquired in veterinary college courses prior to the 4 th year or clinical portion of a veterinary education.
<i>Clinical Requirements - Step 4</i>	
5. Clinical Requirements: (a) Successful completion of one postgraduate year of evaluated clinical experience at an AVMA accredited veterinary college, Or (b) Successful completion of the Clinical Proficiency Examination	5. Clinical Requirements: (a) Successful completion of the same clinical rotations and evaluations required of regularly enrolled students at an AVMA accredited veterinary college (senior year or postgraduate). Or (b) Successful completion of the Veterinary Clinical Skills Assessment Examination developed by the National Board of Veterinary Medical Examiners to evaluate clinical skills through a hands-on clinical examination.
<i>Final Requirements</i>	
6. No additional requirements prior to state licensing examinations.	6. Graduation.
	7. Successful completion of the NAVLE . Examination. The National Board of Veterinary Medical Examiners (NBVME) developed the NAVLE as a test of entry level knowledge necessary to be licensed as a veterinarian.

practice to another veterinarian or cease the practice immediately.

What Led to this Phenomenon?

Revised Renewal Forms

The Veterinary Medical Board revised the renewal forms for Veterinarian License, Registered Veterinary Technician Registration, and Premises Permit to include the conviction disclosure question on part three of the renewal form. The automated cashiering computer scans part three of the renewal form when the renewal payment is processed. If the licensee has not answered the conviction question or has not signed the renewal form, the computer automatically puts a hold on the license and a letter is sent to the licensee re-stating the need for information or signature. Once the Board receives the signed statement, the hold is released and the license is sent. If the licensee answers YES to the conviction disclosure question, no hold is placed on the license, but a letter is generated to the licensee requesting the information regarding the conviction.

Veterinarians

In addition to the conviction disclosure question, the renewal form for Veterinarian License was revised to include the continuing education (CE) certification information. The

automated cashiering computer also scans this CE portion. If the Licensee has not answered the CE questions, a hold is placed on the license and a letter is sent to the licensee re-stating the questions. Once the Board receives the signed statement, the hold is released and the license is sent. If the licensee has not completed the required CE hours, an inactive license is generated and sent to the licensee. This license has "INACTIVE" at the top in red letters.

Premises Permits

The space for an address change was deleted from the Premises Permit renewal form. Premises permit address changes must be completed on a separate application, not on the renewal form. The Board also added a statement on the renewal form directing licensees to contact the Board for any name or address changes.

Reminder

Renewal notices are mailed out 30-45 days prior to the license expiration date. It is the Veterinarian's & RVT's responsibility to renew his/her license on time whether or not he/she receives the renewal notice. If you have any questions, contact the Veterinary Medical Board at (916) 263-2610.

LICENSE RENEWAL APPLICATION VETERINARIAN

Continuing Education and Conviction Information

- A. I have completed 36 hours of approved CE within the last two years.
- B. I have not completed the required hours of CE, and/or please renew my license with an "inactive status".

Since you last renewed your license, have you been convicted or pled nolo contendere to a felony or misdemeanor, other than a minor traffic violation, or had any disciplinary action taken against you by any licensing/regulatory agency in this or any other state? F. Yes ___ G. No ___

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

D. Signature _____ Date _____

REGISTRATION RENEWAL APPLICATION REGISTERED VETERINARY TECHNICIAN

Since you last renewed your registration, have you been convicted or pled nolo contendere to a felony or misdemeanor, other than a minor traffic violation, or had any disciplinary action taken against you by any licensing/regulatory agency in this or any other state? F. Yes ___ G. No ___

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

D. Signature _____ Date _____

“Off - Premises” Regulations Take Effect

By Nancy Ehrlich, RVT

Sections 2034 & 2036 of the California Code of Regulations have been amended to allow veterinarians to utilize Registered Veterinary Technicians (RVTs) in “off premises” settings. The amendments modify the definitions of *Indirect & Direct Supervision*, but do *not* effect existing RVT job tasks or the existing levels of supervision. The changes went into effect on July 3, 2002.

There has been much confusion about the significance of these changes that collectively became known as the “Off-Premises Regulations”. Veterinarians benefit from these changes because they have more flexibility in assigning existing job tasks that can be done under indirect supervision to RVTs to perform off site. RVTs can now perform tasks for animals, somewhat like visiting nurses do for people. Veterinarians send RVTs to locations outside the veterinary hospital to perform health care tasks for owners who are not capable of treating their animals themselves. These tasks include but are not limited to administering subcutaneous fluids, medication for on-going conditions such as diabetes, and changing bandages.

While the new regulations provide veterinarians with more flexibility in assigning job tasks that can be done outside the veterinary hospital, no new tasks have been added to the list of tasks RVTs may perform under indirect supervision. Also, the changes do *not* allow RVTs to perform any indirect supervision task on an animal patient unless the supervising veterinarian has prescribed the treatment.

The old definition of *Indirect Supervision* allowed RVTs to perform certain job tasks when the supervisor was not on the premises. This definition restricted RVTs to performing indirect supervision tasks only in an animal hospital setting, but allowed the supervisor to be off the premises when the tasks were performed. The new definition states that “the supervisor is not physically present at the location where animal health care job tasks are to be performed”. This means that RVTs may now perform indirect supervision tasks at any location, provided the tasks are prescribed and supervised by a veterinarian.

Another revision is to the requirement that the veterinarian “has given written or oral instructions (“direct orders”) for the animal patient, and the animal has been examined by a veterinarian” has been strengthened with the addition of the term “direct orders”. This term means that the veterinarian must specify the treatment and assign the task to the RVT.

The definition of *Direct Supervision* also has been changed. The old definition required the supervisor to be “on the premises in an animal hospital setting or in the same general area in a range setting”. The new definition has deleted the reference to “in an animal hospital setting” and now requires the supervisor to be “physically present at the location where the animal health care job tasks are to be performed”. These changes clarify that an RVT may perform job tasks requiring direct supervision at any location a veterinarian may legally practice. (The job tasks an RVT may perform under the direct supervision of a licensed veterinarian are outlined in section 2036(b)(1-4) of the California Code of Regulations.) The regulations also clarify that *Direct Supervision* means that the veterinarian must be physically present at the location where the tasks are being performed, not merely in the same general area.

If you have any questions regarding these off-premises regulations, please call the VMB at (916) 263-2610 or toll-free at 1-866-229-0190.

ATTENTION!

Ambulatory Practitioners

Mobile and ambulatory practices must have a valid premises permit with the VMB. The cost is \$50 a year and must be renewed annually on May 15. Premises permit applications are available by calling the office at (866) 229-0170. Press the # key and leave your name and address where the application should be sent.

2002 Meeting Calendar Board & Committees

October 9-10 2002
January 15-16, 2003

If you have any questions regarding the meetings, or if you would like to be added to the mailing list to receive agendas and regulatory notices, please contact the Board.

Disciplinary Actions & Reinstatements

Pursuant to Business and Professions Code Section 4883, the Veterinary Medical Board (VMB) has the authority to discipline licensed veterinarians, registered veterinary technicians, and veterinary hospitals. Disciplinary penalties are determined based on a number of factors, including, but not limited to, severity and recency of the offense, rehabilitation evidence, current ability to practice safely, mitigating factors, and past disciplinary history. In addition, the VMB has established Disciplinary Guidelines specific to each of the grounds for discipline in Section 4883. The Guidelines are published in its Practice Act.

Detailed disciplinary documents are available to the public and can be obtained via written request to the VMB at 1420 Howe Avenue, Suite 6, Sacramento CA 95825-3228.

Veterinarians

John Marshall Parker, San Pablo, California. Denial of application for a veterinary medical license, effective June 1, 2002.

Basis for denial: Conviction of crimes substantially related to the qualifications, functions and duties of a veterinarian, and misrepresentation in attempting to obtain his veterinary medical license by failing to disclose prior criminal convictions on his license application.

Sidney Ivar Brown, DVM #6632, West Covina, California.

Revocation stayed/Five years probation effective May 19, 2002.

Basis for discipline: In a stipulated agreement, Dr. Brown agreed that cause for discipline existed based on his self-administered use of drugs.

Mandatory Terms and Conditions During Five Years of

Probation include:

1. Actual suspension for thirty days
2. Psychotherapy
3. Alcohol/Drug Rehabilitation Program
4. Submit biological fluids
5. Abstain from controlled substances
6. Abstain from alcohol use
7. Other standard terms and conditions of probation.

In addition, Dr. Brown was ordered to pay the Board its costs of investigation and enforcement in the amount of \$6,362 and a fine of \$1,000.

Melissa J. Nixon, DVM #7576, Sacramento, California.

Revocation stayed/Two years probation effective May 19, 2002.

Basis for discipline: In a stipulated agreement, Dr. Nixon agreed that cause for discipline existed based on her self-administered use of drugs.

Mandatory Terms and Conditions During Two Years of

Probation include:

1. Actual suspension for one year
2. Submit biological fluids
3. Abstain from controlled substances
4. Other standard terms and conditions of probation.

William Gregory, DVM #3399, Sherman Oaks, California.

Surrender of license effective May 3, 2002. **Basis for surrender of**

license: In a stipulated agreement, Dr. Gregory stipulated that cause for discipline existed based on negligence and

unprofessional conduct in five cases cited in the accusation. In addition, Dr. Gregory was ordered to pay the Board its costs of investigation and enforcement in the amount of \$10,436 prior to issuance of a new or reinstated license.

Judith A Stolz, DVM #11396, Chandler, Arizona. Surrender of California license effective May 25, 2002. **Basis for surrender of**

California license: In a stipulated agreement, Dr. Stolz stipulated that cause for surrender existed based on disciplinary action taken by another state related to established standards of veterinary medical record keeping.

David F. Brown, DVM #5516, Russellville, Arkansas. License

revoked by default effective May 25, 2002. **Basis for revocation:** Could not produce a surgery log, failed to record Ketamine on the narcotics log, failed to keep narcotics log up-to-date and failed to indicate the balance of the controlled substances on hand.

Registered Veterinary Technicians

Theresa A. Salm, RVT #6037, Lemon Grove, California.

Revocation stayed/Two years probation effective May 19, 2002.

Basis for discipline: In a stipulated agreement, Ms. Salm stipulated that cause for discipline existed based on prior conviction of a crime.

Mandatory Terms and Conditions During Two Years of

Probation include:

1. Standard terms and conditions of probation.

Mary Discuillo, RVT #2062, Sylmar, California. Surrender of license effective May 22, 2002. **Basis for surrender of license:** In

a stipulated agreement, Ms. Discuillo stipulated that while a registered veterinary technician, she was convicted by the court of her plea of nolo contendere to crimes substantially related to the qualifications, functions, and duties of a registered veterinary technician. In addition, Ms. Discuillo agreed to pay the Board \$3,405 prior to issuance of a new or reinstated license in the State of California.

Legislative & Regulatory Update

Legislation

During the 2001/2002 Legislative session, the board monitored the following bills:

AB 1943, Acupuncture

In its original form AB 1943 expanded the scope of practice of an acupuncturist from humans to animals. The bill was amended and the final version addresses the curriculum of approved acupuncture schools. The bill was sent to the Governor on September 6, 2002.

SB 1263, Western University

This law confirms standards for Western University of Health Sciences students with those exemptions provided to the University of California students. This bill was passed as Chapter 131, Statutes of 2002.

SB 1345, Animal Blood Banks

This bill specifies standards of treatment for animals in commercial blood banks and exempts certain federally inspected facilities from its requirements as well as private veterinarians who maintain their own, in-office blood donor animals for use in their own practice. The bill was sent to the Governor on September 3, 2002.

SB 2025, Business & Professions Committee, Sunset Review

This bill extends the Veterinary Medical Board, and various other boards, until 2005 and postpones their sunset review for one year. The bill was sent to the Governor on August 31, 2002.

SB 3055, Committee on Water, Parks and Wildlife: Fish and game

This bill would add a section to the Veterinary Medicine Practice Act to allow veterinarians, RVTs or unregistered

assistants working under a veterinarian's supervision to provide veterinary care and treatment to restricted animals pursuant to the Fish and Game Code and that they are *not required* to report possession of restricted animals. The bill was passed as Chapter 453, Statutes of 2002 on September 10, 2002.

Status of the above mentioned legislation is as of September 23, 2002 and may have changed by the time this newsletter is published. For more information on any of these bills, visit our Website at www.vmb.ca.gov.

The Governor has until September 30 to sign a bill on his desk or it automatically becomes law. Or, he can veto it.

Regulations

Disciplinary Guidelines

The board amended its disciplinary guidelines to improve the consistency of penalties as they relate to the degree of harm imposed on animals and consumers. The proposal to amend the disciplinary guidelines became effective June 20, 2002.

Fee Increase

The board is proposing to increase veterinarian license fees from \$200 to \$225 biennially, Registered Veterinary Technicians from \$50 to \$75 biennially and premise permits from \$50 to \$100 annually. The rulemaking file is pending review at the Department of Consumer Affairs.

Registered Veterinary Technician Alternate Route

The board's proposal to expand educational sources for eligibility to take the RVT registration examination, specify instructor approval criteria and add approved interactive distance learning became effective May 2, 2002.

Registered Veterinary Technician Committee Composition

The board's proposal to adopt the RVTC composition into regulations was disapproved by the Department of Consumer Affairs. However, the Board adopted the composition via policy at its July meeting.

Registered Veterinary Technician (RVT) Off Premises Tasks

The board's proposal to amend regulations allowing RVTs to perform tasks outside an animal hospital setting under the direct or indirect supervisor of a veterinarian became effective on July 3, 2002. Please see the article on page 5 for more information.

All regulatory proposals are included on the board's Website. Please visit www.vmb.ca.gov for more information.

Inside The Next Issue . . .

- Why Was My Complaint Closed?
- Internet Pharmacies
- Continuing Education FAQs
- Budget Crunch & Hiring Freeze, What is the Impact?

Heartfelt Thanks

The Veterinary Medical Board and Registered Veterinary Technician Committee would like to thank the subject matter experts who participated in the Item Writing, Item Review, Angoff Passing Score, and Practice Analysis workshops for the year 2001. Their contribution helps ensure that the California Veterinary State Board Examination (CSB) and Registered Veterinary Technician (RVT) Examination remain current and relevant. We hope that these subject matter experts will continue to participate in the examination preparation workshops.

Veterinary Workshops

Alberto Aldrete, DVM
Gaelin Arbios, DVM
Laurence Berry, DVM
Brooks Bloomfield, DVM
Liz Bracken, DVM
Linda Byer, DVM
Nancy Collins, DVM
Bob Cutright, DVM
Cathy Dyer, DVM
Stacy Fuchino, DVM
Tara Gee, DVM
Lisle George, DVM
Ann Gillis, DVM
Damon Goldstein, DVM
Robert Goulding, DVM
Adam Graft, DVM
William Grant II, DVM
Richard Hagle, DVM
Kay Hossner, DVM

John House, DVM
Victoria Joseph, DVM
Shawn Kari, DVM
Tom Kendall, DVM
Michael Kerfoot, DVM
Ann Lesch-Hollis, DVM
Andrea Mongini, DVM
Robert Morgan, DVM
Terry Paik, DVM
Russell Peterson, DVM
Anna Revenaugh, DVM
Jim Reynolds, DVM
Troy Roach, DVM
Lori Siverling, DVM
Pia Tucker, DVM
Ralph Walton, DVM
Johanna Watson, DVM

RVT Workshops

Linda Blair, RVT
Corey Cherrstrom, DVM
Katie Cicotte, RVT
Nancy Ehrlich, RVT
Mark Fernandez, RVT
Bliss Fisher, RVT
Pamela Heffley, RVT
Alex Henderson, RVT
Damaris Hochanadel, RVT
Karla Hopper, DVM
David Johnson, RVT
Richard Johnson, DVM
Jessica Laemmle, DVM
Marlene Lane, RVT
Linda Lasky, RVT
Marika Pappagianis, RVT
Carol Schumacher, RVT
Bob Thomas, RVT
Kim Williams, RVT

Veterinary Medical Board

Registered Veterinary Technician Committee

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Sacramento, CA 95825-3228
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Website: <http://www.vmb.ca.gov>

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Gregory Ferraro, DVM
Ellen O'Connor, Public Member
R. Troy Roach, DVM

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Kathleen Cicotte, RVT
Richard Johnson, DVM
Alex Henderson, RVT

Susan M. Geranen, Executive Officer

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