



VETERINARY MEDICAL BOARD
Registered Veterinary Technician Committee

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Is It Always Someone's Fault?

Richard Spickard, DVM

Many of the complaints received by the Veterinary Medical Board have very little to do with the actual care the patient received. Some can be relegated to communication challenges. Some are due to the difficulty explaining complex medical concepts in accurate lay terminology.

Most of the complaints, however, have some component of BLAME. What an emotionally loaded word! Consumer complaints are all about the emotional response of the complainant. Blame is about establishing guilt and assigning punishment. We are definitely a blame-based culture.

The Veterinary Medical Board however is not about blame. The Board's mission is "to protect consumers and animals through the development and maintenance of professional standards, the licensing of veterinarians and registered veterinary technicians, and the diligent enforcement of the California Veterinary Medicine Practice Act."

The Board accomplishes that mission by:

- Administering examinations
- Issuing licenses to individuals who successfully pass the examination
- Maintaining an enforcement program
- Establishing consumer education programs
- Providing prompt and courteous customer service

Most of the Board's work is education-based. When a complaint is filed, the Board determines whether a violation of the Veterinary Medicine Practice Act occurred. In most cases where there was no direct violation, the Board will make recommendations to the veterinarian to help avoid future complaints. In cases where a violation has occurred, the Board determines the appropriate action. The goal is to prevent repeat occurrences. Again, the Board makes recommendations to improve the practice.

A negative outcome does not automatically equate with responsibility or blame—consumers and veterinarians alike have a hard time with this concept. A consumer might say "My pet suffered harm, how can the veterinarian not be [the one] to blame?" The answer is that the veterinarian took reasonable precautions and exercised good judgement. That doesn't always prevent bad things (complications) from happening.

Thankfully, many of the complaints we investigate do not have evidence of gross misconduct; most veterinarians are diligent and professional. Remember, all veterinarians in the State of California are responsible for knowing and abiding by the Veterinary Medicine Practice Act.





DEA Clarifies Theft, “Significant” Loss Issues

As of September 12, 2005, Drug Enforcement Administration (DEA) registrants have a new set of rules to guide them in determining when and how to report the theft of controlled substances, as well as what constitutes a “significant” loss. The new rules, which are aimed at eliminating the confusion that has arisen in the past few years, now require registrants to notify their DEA Field Division Office within one business day of any theft, significant loss, or unexplained loss of controlled substances.

The amendments to Code of Federal Regulations Section 1301.76 now require that practitioners notify the DEA Field Division Office, in writing, of any theft or significant loss of any controlled substances. The notification must be made within one business day of discovery of the theft or loss. You must also complete and submit DEA Form 106 to the DEA Field Division Office in your area regarding the loss or theft.

When is a loss considered “significant?”

In determining when a loss of controlled substances is “significant,” the DEA advises that the following factors be considered:

- How large was the quantity of substances lost in relation to the type of business involved?

- What are the specific substances that were lost?
- Can the loss be associated with the access to those substances that you provide to specific individuals, or can it be attributed to unique activities that may have taken place involving the substances?
- Has there been a pattern of losses over a specific time period? Have those losses appeared to be random? What have been the results of any efforts you have taken to resolve these losses?
- Are the specific controlled substances likely candidates for diversion?
- What are the local trends and other indicators of the diversion potential of the missing substances?

Diversion

According to the DEA, any loss due to diversion or suspected diversion, regardless of the amount, must be reported within 24 hours of the discovered loss.

DEA Form 106 can be obtained at www.deadiversion.usdoj.gov or from your local DEA office.

Supervision Requirements For The Administration Of Controlled Substances

Earlier this year, the Veterinary Medical Board’s (Board) legal counsel determined that the Federal Controlled Substances Act (FCSA) severely restricts the veterinarian’s authority to delegate administration of controlled substances. Without specific regulation to the contrary, the delegation authority is limited to “immediate” (in the physical presence of the licensee) supervision. Immediate supervision is more restrictive than “direct supervision.” The conclusion, based on the legal opinion, is that *under current law as mandated in the Federal Controlled Substances Act, the administration of controlled substances cannot be delegated to either an RVT or an unregistered assistant (UA) unless they are in the physical presence of the licensed veterinarian, unless or until such time that the Board implements regulations to permit otherwise. These regulations are further constrained by the FCSA because unknown persons (lay staff) cannot be authorized to administer controlled substances under indirect supervision.*

The Federal and California State Uniform Controlled Substances Acts are currently in effect and supersede the Veterinary Practice Act. The Board adopted regulations on Wednesday,

October 18, 2006, which expand the authority of veterinarians to delegate the administration of controlled substances under direct and indirect supervision for RVTs and under direct supervision for unregistered assistants. It will take approximately six months for the regulations to go through the regulatory process and become effective.

Diversion Program

The purpose of the Board’s Diversion Program is to identify and rehabilitate licensed veterinary professionals whose competency is impaired due to abuse of drugs and/or alcohol. The program is designed so that impaired veterinary professionals can be counseled, guided to appropriate treatment, and returned to practice in a manner which will not endanger public health or safety. The Board contracts with MAXIMUS, Inc., to provide confidential intervention, assessment, referral, and monitoring services. For more information, please contact MAXIMUS, Inc., at (800) 522-9198.

Welcome Board Members

The Veterinary Medical Board would like to introduce our newest members. Stephanie Ferguson, DVM, of Manhattan Beach, was appointed to the Board in March 2005. She has been a licensed veterinarian in California since 1989, and is the owner and operator of Veterinary Home Service, an in-home veterinary care service.

Lisa Newell, DVM, of Agoura Hills, was appointed to the Board in October 2005. She has served as a veterinarian at Malibu Coast Animal Hospital since 2000. Previously, she served as assistant veterinarian at Pet Headquarters Animal Hospital of Camarillo and as a veterinary assistant at Malibu Coast. She is a member of the Board of Directors for the California Wildlife Center, a non-profit organization that rescues, rehabilitates, and releases wild animals.

Welcome!

Upcoming Meetings

Veterinary Medical Board & Registered Veterinary Technician Committee Meetings

January 23 & 24, 2007, Davis, CA

May 1 & 2, 2007, Davis, CA

The VMB holds quarterly board and committee meetings throughout California to discuss various topics related to veterinary medicine, including legislation, law changes, licensure, and examinations. The Board has dedicated a portion of each meeting to receive public comments. Meetings are open to the public unless otherwise noted.

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 at (916) 263-2610.

Attendance at Board meetings is encouraged and welcomed!

The Alternate Route

RVT ELIGIBILITY CATEGORY FOR EXPERIENCED ASSISTANTS

Although the Alternate Route eligibility category has existed since 1994, it appears that many veterinarians and unregistered assistants are unaware of this method for qualifying to take the Registered Veterinary Technician (RVT) examination.

The Alternate Route is designed for individuals already working in a veterinary setting. It provides unregistered assistants a flexible and practical method for becoming RVTs while remaining on the job. Candidates are required to have 300 hours of specific education and 36 months of practical experience in order to qualify.

Below is a short summary of the requirements:

Practical Experience:

Practical experience is not just limited to time spent working at a veterinary hospital. Candidates applying for the examination via the Alternate Route must document that they have achieved proficiency in a specific set of job skills through the use of the Task List that is provided with the application. Their supervising veterinarian(s) must sign the list to verify the achievement of job skills and completion of the required 36 months of training.

Education:

All courses must be achieved at the post-secondary (after high school) level. Candidates have flexibility in fulfilling the coursework requirements. They may use classes attended at a formal academic institution, such as a junior college or university. They may also use classes attended at major

veterinary conferences such as the Wild West Veterinary Conference, private seminars, on-line, or any other format that provides the required content and documentation, and is taught by qualified instructors. Veterinarians or RVTs are qualified to teach the courses if they have at least two years' experience in the subject being taught. This flexibility allows veterinary hospitals to teach Alternate Route classes within their own facilities. With so many acceptable education venues, including their own work place, every experienced assistant should be able to acquire the required education.

The exact wording and requirements of this or any other eligibility category may be obtained from the Veterinary Medical Board by calling (916) 263-2610 or viewing the web site www.vmb.ca.gov. The California Veterinary Medical Association (CVMA) has an excellent resource, the *RVT Roads to Certification Workbook*, which contains detailed information about using the Alternate Route as well as an explanation of the other eligibility categories. CVMA's workbook is available for \$20.16, and may be purchased by calling (916) 649-0599 or ordered through their web site at www.cvma.net.



Hospital Inspectors Needed

Are you ready to try something a little different in the field of veterinary medicine? Are you interested in a position that utilizes your powers of observation, clinical experience, and communication skills, but with a new twist?

Do you enjoy meeting people and experiencing—and learning from—a variety of situations? How does getting out of the office, on your schedule, sound? If this sounds enticing, you might want to consider becoming a hospital inspector for the Veterinary Medical Board.

Hospital inspectors perform routine and complaint-related inspections of veterinary hospitals, helping practitioners maintain the necessary minimum standards and avoid enforcement actions. Inspections generally include making unannounced visits to hospitals, evaluating different aspects of the practice, and following up as needed to ensure compliance.

Occasionally, an inspection is required as a part of a complaint investigation. An inspector will be requested to accompany an investigator from the Division of Investigation, who is investigating the complaint, to the place of business.

Each hospital is unique. Inspectors have an opportunity to see the profession of veterinary medicine from a new perspective and to both share their knowledge with and learn from their colleagues.

Interested individuals must be currently licensed in California as a veterinarian or a Registered Veterinary Technician (RVT), knowledgeable of state laws and standards of practice, and have at least five years of clinical practice experience in the previous seven years. If you're interested, or have questions, please call Mika Scott at the Veterinary Medical Board at (916) 263-2610.

2006 VETERINARY MEDICINE PRACTICE ACT LAWBOOK AVAILABLE

This publication contains current laws from the Business & Professions Code, the California Code of Regulations, the Health & Safety Code, the Penal Code, and other important information for veterinary practitioners. It also includes a comprehensive index, and the Radiation Safety Guide and self-test. The 2007 edition will be available in January 2007.

Copies can be ordered by telephone at 1-800-533-1637, or on the Internet at www.lexisnexis.com/bookstore (Search: California Veterinary).

Appropriate Disposal of Controlled Substances

What do you do with controlled substances that are no longer needed or have expired?

The Drug Enforcement Administration (DEA) allows you to dispose of controlled drugs in the following ways:

- Return the controlled substance to the pharmaceutical company or manufacturer that, as a service to its customers, accepts returns of outdated or damaged controlled substances.
- Give the controlled substance to a reverse distributor, who will in turn either return them to the manufacturer or, if necessary, dispose of them.

You are required to maintain an inventory of all discarded controlled substances.

Assistance may also be requested from the DEA Special Agent in Charge of the area in which you are located. The DEA Special

Agent in Charge will authorize you to dispose of the controlled substances in one of the following manners:

- By transfer to a person registered under the Controlled Substances Act and authorized to possess the substance;
- By delivery to DEA;
- By destruction in the presence of a DEA Agent or other authorized person; or
- By other means as the Special Agent in Charge may determine to assure that the substance does not become available to unauthorized persons.

Code of Federal Regulations Section 1307.21 (c) authorizes blanket approval for disposal of controlled substances on a regular basis. In these circumstances, registrants are required to keep records of substances disposed and other specified conditions set by DEA, including methods of disposal.

All of the above disposal methods require that you complete DEA Form 41 - Registrants' Inventory of Drugs Surrendered. This form can be obtained at www.deadiversion.usdoj.gov or from your local DEA office.



IN MEMORIAM

Dr. Michael Grant Kerfoot

OCTOBER 11, 1948 – AUGUST 27, 2006



Dr. Michael Kerfoot, former President of the California Veterinary Medical Board, passed away on August 27, 2006. Kerfoot, from Bakersfield, California, had distinguished himself as a leader in the food animal veterinary profession for more than 25 years. He was the owner of Bovine Health Services; prior to that he was the founder and senior partner of

Kern Delta Veterinary Hospital. His experience in private practice, combined with his extensive knowledge as a college instructor of animal science at Bakersfield College, adjunct professor at University of California, Davis, Veterinary Medical School, and researcher, made him a tremendous asset when Governor Gray Davis appointed him to the Veterinary Medical Board in 2001.

Kerfoot was Chair of the Board's Examining Committee and the Board's Enforcement Committee. He was elected as Vice President of the Board in 2003, then served as Board President from April 2004 to April 2005. He had the distinction of being the first food animal veterinarian to serve on the Board since the early 1980s. During his tenure, the Board passed significant regulations regarding continuing education requirements for veterinarians, and significantly updated the State Board Exam. He will also be noted for his tremendous contributions to the bovine industry—his significant research and presentations in the areas of respiratory diseases in calves, reproduction management in dairy herds, and the veterinarian's role in milk quality for dairies. Kerfoot always gave 150 percent in everything he did, and he always did it with a positive attitude and a great smile. He will be greatly missed by his fellow Board members, by the Board staff, and by his veterinary colleagues throughout the State.

EXPERT WITNESSES NEEDED

The VMB is expanding its enforcement program, and is seeking persons interested in participating as or expert witnesses. In order to serve as an expert witness, you must hold a current and valid license to practice veterinary medicine in California, have at least five years' work experience in clinical practice, and have knowledge of state laws, rules and regulations, and standards regarding veterinary medicine. If you would like additional information, please contact Gina Bayless at (916) 263-2610.

We Need Subject Matter Experts

Do you remember coming out of the State Board Examination muttering under your breath "Where did they get that question?" "That's not relevant!" or "There were two answers!" Well, here's your chance to put in your two cents' worth and make a difference! The Veterinary Medical Board and Registered Veterinary Technician Committee are looking for practitioners to help write and review test questions for the California State Board (CSB) Examination and the Registered Veterinary Technician (RVT) Examination.

The two-day workshops will be held in Sacramento and led by a representative of the Department of Consumer Affairs' Office of Examination Resources. The question writing workshop begins with a short course in question and answer writing (you'd think after all those years of taking tests you'd be an expert at it) and progresses to writing the actual exam questions in a clear and relevant manner. The question review workshop is a separate event and consists of picking apart the question-writers' hard work: Each question is carefully reviewed for clarity (ambiguity not allowed, unlike radiologists' diagnoses), correctness of answers (you'd be surprised at the discussions that arise here), and relevance.

What's in it for you? You get to feel good about your role in contributing to the veterinary profession by ensuring the CSB and RVT examinations are current and relevant. You can add an unusual line to your resume ("Subject Matter Expert"—sounds impressive). You get to engage in spirited discussions on subjects near and dear to all our hearts. You also get paid travel expenses and a small stipend, and get to meet interesting colleagues. Finally, your participation will earn you up to 16 hours of continuing education credit.

These workshops can actually be a fun respite from practice, and there are no phone calls to return! Talk a colleague into coming with you! Veterinarians, particularly those of you less than five years out of school, from all areas of practice are needed—exotic, feline, emergency, small animal, food animal, equine, dentistry, surgeons, etc. If you're interested in participating or have additional questions, call Chris Novak, Examination Coordinator, at the Veterinary Medical Board at (916) 263-2610.



Disciplinary Actions

Respondent Name and City	License No.	Action	Effective Date	Violations
Carol Osborne Rapisarda Chagrin Falls, OH	VET 8386	▶ Surrender of License	5/4/2005	<ul style="list-style-type: none"> • Previously disciplined in another state
Wendi E. Dudley Riverbank	VET 9741	<ul style="list-style-type: none"> ▶ Revocation Stayed ▶ 5 Years Probation 	8/19/2005	<ul style="list-style-type: none"> • Conviction of a crime • Unprofessional conduct • Self prescribing • Misrepresentation on renewal applications
Robert R. Clark Sacramento	RVT	▶ Denial of veterinary technician application	8/20/2005	<ul style="list-style-type: none"> • Fraud • Conviction of a crime
Edward Pygatt Long Beach	VET 2715	▶ Surrender of License	8/20/2005	<ul style="list-style-type: none"> • Failure to comply with terms of probation
Byung I. Min Mira Loma	VET 7134	<ul style="list-style-type: none"> ▶ Revocation Stayed ▶ 5 Years Probation 	11/28/2005	<ul style="list-style-type: none"> • Unprofessional conduct • Minimum standards • Fraud • Negligence • Narcotics security • Recordkeeping • Aiding or abetting the practice of veterinary medicine
Robert A. Hoffman Monterey	VET 10374	▶ Surrender of License	12/4/2005	<ul style="list-style-type: none"> • Conviction of a crime • Unprofessional conduct
Claire J. Camburn Norwalk	VET 14768	<ul style="list-style-type: none"> ▶ Revocation Stayed ▶ 3 Years Probation 	12/8/2005	<ul style="list-style-type: none"> • Unprofessional conduct • Previously disciplined in another state
Abbye D. Graham San Ramon	RVT 6913	<ul style="list-style-type: none"> ▶ Revocation Stayed ▶ 2 Years Probation 	2/25/2006	<ul style="list-style-type: none"> • Conviction of a crime
Joyce R. Pillsbury Rancho Cordova	RVT 5786	▶ Revocation	2/25/2006	<ul style="list-style-type: none"> • Failure to comply with terms of probation
Allen A. Cesafsky Woodminister Veterinary Hospital Oakland	VET 4118 HSP 1989	▶ Revocation	2/26/2006	<ul style="list-style-type: none"> • Negligence • Unprofessional conduct • Recordkeeping

Respondent Name and City	License No.	Action	Effective Date	Violations
Alfred Sutherlin Sacramento	VET 5447	▶ Revocation Stayed ▶ 4 Years Probation	3/2/2006	<ul style="list-style-type: none"> • Unprofessional conduct • Self prescribing
Carla J. Gee a.k.a. Carla J. Seymour Santa Maria	RVT 4276	▶ Revocation Stayed ▶ 3 Years Probation	3/31/2006	<ul style="list-style-type: none"> • Unprofessional conduct • Federal or State controlled substances • Obtain controlled substances by fraud • Diverted controlled substances for self-use • Falisified controlled substance logs
Juan F. Casillas II Baldwin Park	VET 13887	▶ Revocation Stayed ▶ 5 Years Probation	6/1/2006	<ul style="list-style-type: none"> • Unprofessional conduct • Federal or State controlled substances • Failure to comply with regulations • Minimum standards
William J. Greer Somerton, AZ	VET 5100	▶ License Revoked	6/1/2006	<ul style="list-style-type: none"> • Previously disciplined in another state
Kelley L. Brock Antelope	RVT 6953	▶ Revocation Stayed ▶ 3 Years Probation	6/2/2006	<ul style="list-style-type: none"> • Conviction of a crime • Unprofessional conduct • Dishonesty
Pavel Zeicu Santee	VET 3284	▶ Revocation Stayed ▶ 5 Years Probation	6/8/2006	<ul style="list-style-type: none"> • Cruelty to animals • Negligence • Incompetence • Minimum standards and sanitary conditions violations • Failure to comply with veterinary practice requirements

VET – veterinary license RVT – registered veterinary technician registration

Veterinary Medical Board

REGISTERED VETERINARY
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Linda Starr, Public Member

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Richard Johnson, DVM, Chair
Nancy Ehrlich, RVT, Vice Chair
Virginia Curtis, Public Member
Alex Henderson, RVT
Kim Williams, RVT

Susan M. Geranen, Executive Officer

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Thank You!

Thank you to all the Examination Preparation Workshop Participants!

The Veterinary Medical Board and Registered Veterinary Technician Committee would like to thank the Subject Matter Experts (SMEs) who participated in the Item Writing, Item Review, Angoff Passing Score, RVT Practice Analysis, and Test Preparation workshops for the years 2004 and 2005. Their contribution helps ensure that the California Veterinary State Board Examination and Registered Veterinary Technician Examination remain current and relevant. We hope that these SMEs will continue to participate in future examination preparation workshops.

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