



MEMORANDUM

DATE	March 26, 2021
TO	Multidisciplinary Advisory Committee (MDC)
FROM	Inspections Subcommittee (Subcommittee) Jennifer Loreda, RVT Margaret Warner, DVM
SUBJECT	Agenda Item 7. Discussion and Potential Recommendation Regarding Veterinary Premises Inspection Checklist and Inspection Process Improvements

During the Strategic Planning discussion at the October 23, 2020 Veterinary Medical Board (Board) meeting, the Board discussed the difficulty in meeting the annual 20% veterinary premises inspection mandate under Business and Professions Code (BPC) section [4809.7](#). Historically, the Board has never been able to meet this mandate. The Board-approved Strategic Plan included a goal to evaluate the feasibility of the 20% inspection mandate. In addition, some Board members proposed re-evaluating the inspections checklist and decreasing the number of items being inspected to reduce the amount of time it takes Board inspectors to complete inspections and Board staff to review.

With that suggestion in mind, the Board directed the MDC to evaluate the inspection process and checklist and make recommendations to the full Board. MDC Chair, Kristi Pawlowski, RVT, established the Subcommittee and appointed Margaret Warner, DVM, and Jennifer Loreda, RVT, as the Subcommittee members.

On March 2, 2021, the Subcommittee met with the Board’s Executive Officer, Inspections Program Manager, and Lead Inspector to discuss the prior inspection process, the current inspection process, and the plans to utilize a mobile app to automate many of the manual processes. The Subcommittee also reviewed the current inspection checklist.

To understand best inspections practices, the Executive Officer organized a March 17, 2021 meeting with the Subcommittee and other DCA Board Executive Officers. Participants were from the Dental Board of California (DBC), the Board of Barbering and Cosmetology (BBC), and the Board of Pharmacy (BOP).

The chart below shows a brief pre-COVID-19 comparison of the inspection programs.

Inspection Program Data								
	Percentage Mandate	Facilities	Inspections Completed	Employed Inspectors	Licensed Inspectors	Medical Record	Inspectors	Citations Issued
VMB	Yes	4,213	459	No	Yes	Yes	15	0
DBC	No	>7,172*	173	Yes	No	No	2	0
BBC	No	52,620	10,794	Yes	No	No	23	15,349
BOP	No	11,894	3,462	Yes	Yes	No	44	N/A

*DBC does not register all dental facilities. The number provided is the total number of Fictitious Name Permits (FNPs) issued. If a dentist is not practicing under a fictitious name, no registration is required. At minimum, DBC has 7,172 active facilities.

The BBC Executive Officer explained that they recently revised their inspections checklist by decreasing the number of potential violations to inspect, based on the most common violations and level of egregiousness.

In addition to researching inspection programs within DCA, a survey was sent to other state veterinary boards to gather more information on how they are handling inspections. The survey asked the following questions:

- Do you inspect veterinary clinics?
- Are you required by statute to inspect a percentage of clinics annually?
- How many citations/fines do you typically issue due to non-compliance each year?
- What do inspectors look for when performing an inspection?
- What is the average amount of time it takes to complete an inspection? (Complete means from the time the inspection starts to the time compliance is obtained and/or action is taken.)
- How much time do you give clinics to come into compliance before taking action?

As of March 30, 2021, 30 states/jurisdictions responded. Of those, only 50% stated they inspect veterinary clinics. Of the 15 that perform inspections, only four (New Mexico, Tennessee, Mississippi, and New Brunswick) are required by statute to inspect a percentage of clinics annually.

The Executive Officer reached out to the four with the mandate and, as of the date of this memo, only New Mexico and Tennessee have responded. New Mexico has 302 licensed facilities, and they are required to inspect each facility every other year. In other words, they have a 50% annual mandate. According to New Mexico's Executive Director, they generally can inspect 110-115 facilities per year. They contract with veterinarians to perform the inspections, and their contract requires the inspector to perform 50% of the facilities each year.

Tennessee licenses 839 facilities, and they are required to inspect the premises when they initially open and once every two years. Tennessee contracts with licensed veterinarians to perform the inspections full time and can perform roughly 420 inspections a year.

A full breakdown of the survey responses is attached for reference. Any additional responses received will be provided during the April 22, 2021 MDC meeting.

Based on this information, it appears that unrealistic inspection expectations have been placed on the Board, given the size of California, the workload volume, and the Board's existing resources.

The Subcommittee agrees with the staff recommendation to start issuing citations after providing adequate time to comply. The main goal of the Inspection Program should be to serve as an educational tool, but citations should be issued for egregious violations, repeated violations, or in instances where violations are willful and/or there is a blatant disregard of the laws.

In addition, the Subcommittee requested the Inspection Program Manager and Lead Inspector evaluate the existing inspection checklist and identify the most common violations, the most egregious violations, and what violations may already be inspected by other entities, such as radiology equipment.

Further, the Subcommittee requested from the Board’s inspectors suggestions for inspection process improvement. Board inspectors also were asked to provide feedback related to decreasing inspection items and whether medical records should be reviewed on every inspection. The Subcommittee will compile the information it receives from Board inspectors and report back to the MDC at the next quarterly meeting.

Mobile App

Board staff previously reported that they participated in a demo of a mobile inspections app to be used on inspectors’ mobile devices. This app would automate much of the current manual process. The cost of the app would be distributed among the DCA boards, based on the number of users/inspectors. Total estimated costs to be shared by the DCA boards are as follows:

1. \$100,000 annually for the mobile inspections app software (Accela)
2. \$200,000 for one-time implementation services
 - a. The Subcommittee was advised that an additional \$50,000 may be needed annually to update the software for changes in the law. The Boards would not pay unless changes are necessary.

The cost breakdown would look something like this:

Fiscal Year	21/22	22/23 and ongoing
Software Implementation Services/‘Use as We Need’ Maintenance	\$200,000* (<i>\$75,000 to VMB</i>)	\$50,000* (<i>\$18,750 to VMB</i>)
Software	\$100,000* (<i>\$37,500 to VMB</i>)	\$100,000* (<i>\$37,500 to VMB</i>)

*If the DCA boards kept the same number of inspectors, the Board would be expected to pay roughly 37.5% of the costs. The BOP is not utilizing BreEZe, and it is unclear whether BOP will benefit from or use the new app.

Next Steps for the Subcommittee:

- Review Inspection Checklist information provided by the Inspection Program Manager and Lead Inspector.
- Review inspector feedback and determine if additional improvements can be made.
- Research and review history of 20% inspection mandate.
- Determine whether medical records should be included in the inspections.
- Evaluate alternatives to part-time licensed inspectors.
- Present recommendations at the next MDC meeting.

Attachment

1. CA VMB Survey to AAVSB Member Boards

State	Inspect	% Mandate	Annual Citations	Inspect For:	Time to Complete	Compliance Time
New Brunswick	Yes	Yes	We hardly do as most are compliant.	We have practice inspection guideline document that inspectors use. If required, I can provide the document.	The inspection itself take about 1 hour. If deficiencies are found, the practice has 3 weeks to correct it.	2-4 weeks depending on the issue
Washington	No					
Arizona	Yes	No	Inspectors do not have the ability to find violations--only the Board can. By law, we must allow licensees to make corrections (except in very limited circumstances) before a violation can be found. An investigative case must be opened and the Board would need to determine non-compliance. So, very few 1-2 per year.	Whether applicable laws and rules are being met (I can send you the Inspection Report (aka checklist) if you'd like).	90 minutes to 2 hours for new applications for the actual inspection. Law requires inspection at time of new application (new applications required for change of location, change of owner, change of Responsible Vet). However, we also do "random" inspections although not required--based on time from previous inspection. We give them 2 weeks to submit a response to any potential violations noted at the inspection. If all issues are addressed, license is issued typically within 1-2 weeks after response is received and reviewed by the inspector.	2 weeks to submit written response
WV	Yes	No	We normally have approximate 10% that has non-compliance issues. However, they usually correct them within 90 days.	Here is the link to our veterinary facility inspection form: https://www.wvbvm.org/Portals/WVBVM/docs/Forms/Veterinary%20Facility%20Inspection%20Forms%20102120.pdf?ver=2020-12-15-083347-447	30-45 minutes	They can request a 90 day extension.
Idaho	No					
South Dakota	No					
Vermont	No					
Ohio	Yes	No	1	The inspection form can be found on the board's web site at www.ovmb.ohio.gov . Typically the physical conditions, expired drugs, etc.	45 minutes	30 days
NS	Yes	No	Very few	Very thorough	2-3 hours	Several weeks
Tennessee	Yes	Yes	1 or 2. Most correct the non-compliance issue before a citation becomes involved	Medical Records for companion animals, records of all drugs administered or dispersed, current license certificates for all licensed individuals working in the facility, Controlled substance log, Sample Pharmacy label, written contract with other facilities for services not provided, proof of radiograph registration with another state dept. Those are just some of the major items we look for but we also inspect the building, etc.	Our inspectors state that it takes about an hour to inspect a facility	They are given 30 days after the inspection before they are considered non-compliant. If they do not become complaint and fail the inspection, they will have to close their doors and stop operations, be reported to our dept of investigations for a formal discipline to be taken and they will have to resubmit inspection fees to be inspected all over again and pass before they can start operations again. This has only happened three times in the three years I've been with the Board.
Wyoming	No					
Georgia	Yes	No	Average 2 per year	Posting of permits & licenses, security, conditions are sanitary, proper labels, ventilation, illumination, disposal of hazardous materials, medical waste and animals, signage, restrooms, surgical areas for proper equipment, insect 7 rodent control, pharmaceuticals, biological reagents and lab sample storage, record keeping and safety, extinguishers, records, security of records, housing units for animals, inspect equipment and inspection logs, etc.	Varies but roughly 3-6mths.	Varies. Based upon the number of violations and the degree. In most cases, 30 days.

State	Inspect	% Mandate	Annual Citations	Inspect For:	Time to Complete	Compliance Time
Kansas	Yes	No	Maybe two out of 560 premises per year.	There is a list in our statutes of the items to be reviewed including Controlled drug logs, CE requirements and records audit. You can view these in K.A.R. 70-7-1 at https://kbve.kansas.gov/wp-content/uploads/2021/01/kbve-statutes-amp-regs-new-fees.pdf	This ranges from 45 minutes to 1.5 hours.	The clinic has 30 days to respond. A fee of \$100 may be assessed if the inspector is required to go back to the clinic for an audit and compliance inspection.
Mississippi	Yes	Yes	approximately 2%	Cleanliness, proper record keeping (DEA), minimum equipment inventory	1 to 2 hours depending on the size of the practice.	2 weeks
Prince Edward Island	Yes	No	0	medical records, necessary equipment, biosecurity and sterile procedures, appearance of facility, adherence to provincial building codes and safety codes (eg. radiology equipment maintenance).	2-3 hours for onsite inspection. Review and interim approval within 14 days. Board approval within 3 months (the Board meets quarterly).	No set time. We try to be reasonable...
Alaska	No	No	N/A	N/A	N/A	N/A
Wisconsin	No					
Arkansas	No	No	N/A	N/A	N/A	N/A
Virginia	Yes	No	Don't have the information at the time of completing survey	Inspection form available on website	About 2.5 hours	Deficiencies must be responded to with in 14 days. We have a guidance document to guide board action based on points assigned in guidance document for violations.
Saskatchewan	Yes	No	we do not have fines, deficiencies are generally corrected within days, and larger deficiencies within a year (structural issues). On occasion (1-2 per year) there practices that are sent through our complaints process or are required to do extra inspections (i.e. medical records)	We have 12 sections with approximately 130 different standards throughout those sections. The sections are: General (building - external and internal), General Procedures, Examination Rooms, Examination Equipment, Medical records, Surgery/Anesthesia, Pharmacy, Clinical Pathology, Diagnostic Imaging, Vehicles and Equipment, Personnel and Care of Animals and Library	Pre-Inspection paperwork 30-60 days, On site inspection is 3-6 hours, deficiency corrections can be on-site or shortly after. Some deficiencies are corrected within a month of the on-site, other larger deficiencies (structural, may take longer)	If practices do not meet compliance and are non-cooperative and do not meet deadlines(as above in question 6), the issue is forwarded to Council or Professional Conduct, depending on the situation.
Oklahoma	No	No	Very minimal - we inspect if the complaint includes an issue with the clinic.	Our PA has minimum standards and they are very minimum.	N/A	N/A
Kentucky	No	No	n/a	n/a		Wish there was an optional "Other Comments" box here, as Kentucky is planning to start clinic inspections, trying to pass new statute next year. Would love to see answers to this survey!
New York	No					
Minnesota	No					
ND	No	No				
New Mexico	Yes	Yes	The NMBVM does not issues fines or citations; but rather a plan of correction.	Cleanliness, odors, organization, compliance with statute minimum standards.	It depends on the size of the practice i.e., a large practice may take 2-3 hours. A small practice may take 1-1.5 hours.	The inspector sets a reasonable period of time in which to make the corrections cited. If the facility remains non-compliant, the inspector informs the board. The board has the option to issue a notice of contemplated action
District of Columbia	Yes	No	0	3 part inspection to include: Animal facilities Radiology Pharmacy	2 hours	Depending on the violation. Between 1 -7 days typically. In the event that there is construction involved then 30 days.
Utah	No					
Alberta	Yes	No	None. Must be compliant before they are certified by us.	We have a Quality Assurance checklist that is used for inspection that matches our Practice Inspection Practice Standards Bylaws.	Inspections average 3 hours. If deficiencies noted, the practice is referred to the Practice Inspection Practice Standards Committee, which decides further actions.	They are given 30 days to respond with their corrections.
Vermont	No					