

**VETERINARY MEDICAL BOARD
MULTIDISCIPLINARY ADVISORY COMMITTEE
MEETING MINUTES
JANUARY 18, 2022**

In accordance with [Government Code section 11133](#), the Multidisciplinary Advisory Committee (Committee) of the Veterinary Medical Board (Board) met via teleconference/WebEx Events with no physical public locations on **Tuesday, January 18, 2022.**

1:00 p.m., Tuesday, January 18, 2022

Webcast Link:

<https://www.youtube.com/watch?v=TcVrJhK278k>

1. Call to Order / Roll Call / Establishment of a Quorum

Webcast: [00:00:15](#)

Committee Chair, Richard Sullivan, Doctor of Veterinary Medicine (DVM), called the meeting to order at 1:00 p.m. Board Executive Officer, Jessica Sieferman, called roll; eight members of the Committee were present, and a quorum was established.

Members Present

Richard Sullivan, DVM, Chair
Leah Shufelt, Registered Veterinary Technician (RVT), Vice-Chair
Christina Bradbury, DVM, Board Liaison
Kevin Lazarcheff, DVM
Jennifer Loreda, RVT, Board Liaison
Jamie Peyton, DVM
Maria Salazar Sperber, Juris Doctor (JD) (absent at roll call; joined the meeting at 1:04 p.m.)
Dianne Sequoia, DVM
Marie Ussery, RVT

Staff Present

Jessica Sieferman, Executive Officer
Timothy Rodda, Administration/Licensing Manager
Patty Rodriguez, Hospital Inspection Program Manager
Rob Stephanopoulos, Enforcement Manager
Amber Kruse, Enforcement Analyst
Jeffrey Olguin, Lead Administrative & Policy Analyst

Tara Welch, Board Counsel, Attorney III,
Department of Consumer Affairs (DCA), Legal Affairs Division

Guests Present

Jason Alley, Enforcement Chief (A), Compliance, Discipline, and Closed School Units, California Bureau for Private Postsecondary Education (BPPE)
Dan Baxter, California Veterinary Medical Association (CVMA)
Karen Borja, Manager, Complaint Investigations Unit, BPPE
Kathy Bowler, Board President
Michelle Cave, Public Information Officer, DCA, Office of Public Affairs (OPA)
Nancy Ehrlich, RVT,
California Registered Veterinary Technicians Association (CaRVTA)
Anita Levy Hudson, RVT, CaRVTA
Aubrey Jacobsen, Legislative Analyst, DCA, Division of Legislative Affairs
Brandy Kuentzel, General Counsel,
San Francisco Society for the Prevention of Cruelty to Animals
Laura Lien, CVT, VTS (LAIM), MS, American Veterinary Medical Association (AVMA) Assistant Director
Bonnie Lutz, Esq., Klinedinst
Brianna Miller, Manager, DCA, Board and Bureau Relations
Grant Miller, DVM, CVMA
Joanna Murray, Senior Education Specialist, Quality Education Unit, BPPE
John Pascoe, University of California, Davis
Trisha St. Clair, Moderator, DCA, SOLID
Mike Sanchez, Television Specialist, DCA, OPA
Rachel Valentine, RVT, BS; AVMA Assistant Director, Committee on Veterinary Education & Activities
Kristy Veltri, RVT

2. Committee Chair's Remarks and Committee Member Comments

Webcast: [00:02:09](#)

Dr. Sullivan welcomed everyone to the first MDC meeting of 2022 and thanked Kristi Pawlowski, RVT, for her many years of service to the MDC both as a public member and a member of the Board. He also welcomed new Committee member Marie Ussery. He also congratulated Ms. Shufelt for her appointment as Vice Chair.

3. Public Comment on Items Not on the Agenda

Webcast: [00:03:44](#)

There were no public comments made on this item.

4. Review and Approval of October 20, 2021 Committee Meeting Minutes

Webcast: [00:04:52](#)

Dr. Sullivan asked the Committee if there were any corrections, additions, or comments on the minutes and to make a motion. Dr. Sequoia commented at how helpful it was to have the time next to each item of the webcast.

- [Motion](#): Dr. Bradbury moved and Ms. Shufelt seconded the motion to approve the October 20, 2021 meeting minutes.
- [Vote](#): The motion carried 9-0.

There were no public comments made on this motion.

5. Discussion Regarding Board Approval of RVT Colleges and Postsecondary Institutions

Webcast: [00:08:03](#)

Ms. Siefertman provided background information regarding Board approval of RVT colleges and postsecondary institutions discussed in further detail in the meeting materials for this item. Ms. Siefertman noted the Board has a pending rulemaking relating to this issue, which is a relatively new requirement the Board has yet to fully implement. The Board has not developed the Board approval process for the alternate route programs. Ms. Siefertman described initial staff recommendations to duplicate the American Veterinary Medical Association (AVMA) RVT program review process, apply that review process to the alternate route program, but charge the programs a lower price than the AVMA. She advised the Committee that the Board does not currently have the staff or resources to fully develop the program. Ms. Siefertman noted that the Bureau of Private Postsecondary Education (BPPE) and AVMA already provide oversight for the RVT education programs. Ms. Siefertman recommended the Board first look at other existing institutions that provide regulatory oversight of RVT education programs.

Ms. Siefertman advised that the Board has requested for the Committee to determine if it is necessary for consumer protection for the Board to be involved in this review/approval process, evaluate whether the Board approval process is a redundant requirement for the RVT schools to complete, review the proposed rulemaking on these issues, and review applicable statutes and regulations. Ms. Siefertman advised that the Board does not want to create an overly burdensome requirement if it is not in the best interest of consumer protection. MDC members Leah Shufelt and Jennifer Loreda have agreed to serve on the RVT Education Subcommittee and review these issues with Ms. Siefertman.

There were no public comments made on this item.

6. Presentation Regarding the Bureau for Private Postsecondary Education (BPPE) Oversight of RVT Colleges and Postsecondary Institutions—BPPE Representatives

Webcast: [00:13:06](#)

Ms. Siefertman introduced this item and noted that if the requirement for Board approval of RVT education programs was removed, the programs that are private postsecondary institutions still would be required to be approved by BPPE. BPPE was asked to present their approval and oversight process.

Joanna Murray, Senior Education Specialist in the Quality Education Unit of the BPPE provided an overview of the process for institutions to become recognized by the BPPE. Ms. Murray informed the Committee of the process differences between program reviews, including institutions and accrediting entities, such as the AVMA, recognized by the US Department of Education verses the alternative route. The alternative route includes standard minimums, which includes three years of work experience and appropriate credentials.

[Jason Alley](#), acting Enforcement Chief over the Compliance, Discipline, and Closed School Units of the BPPE, provided information about the BPPE inspection process and school compliance with minimum standards.

[Karen Borja](#), one of the managers in the Complaint Investigations Unit of the BPPE, provided information about the BPPE complaint process from its initialization from the public, to the investigative and relay of information to applicable external entities, and the inspection of an institution.

[Dr. Bradbury](#) asked how many complaints does BPPE receive on average and the average cycle time to complete an investigation. Ms. Borja responded that the time varies based on when the BPPE receives a response from the school or students. Ms. Borja indicated that BPPE receives, on average, 15 to 20 cases per week from all schools under the BPPE.

[Dr. Bradbury](#) asked if BPPE staff evaluated the pass rates when evaluating programs. Ms. Murray responded that BPPE requires institutions to provide: completion rates, 150% completion rates, examination pass rates, placement rates, and, if available, range of salary [post-graduation] or if the former student is working fulltime. Ms. Murray also indicated that BPPE does not have a specific pass rate percentage, and some schools may have a low pass rate but still be in compliance. However, Ms. Murray indicated that the school will be under observation from BPPE.

[Dr. Lazarcheff](#) asked about the average approval time and the approval costs. Ms. Murray responded that the initial application is \$5,000, renewal application is \$3,500, and adding a new program is \$500. The average time to add a new program is approximately 6 months. Ms. Murray indicated that opening a new school typically takes between 6 to 18 months but may take longer, depending on how fast the institution is at submitting documentation.

[Dr. Sullivan](#) asked if the Committee is able to find a list of RVT schools on the BPPE website. Ms. Murray responded BPPE offers a list on its website. Ms. Siefertman added that the BPPE team has been a valuable resource and has been willing to assist the Board for the best outcome.

There were no public comments made on this item.

7. Presentation Regarding the American Veterinary Medical Association (AVMA) Oversight of RVT Colleges and Postsecondary Institutions—AVMA Representatives

Webcast: [00:34:21](#)

Ms. Siefertman introduced this item and noted that even if an RVT education program is AVMA accredited, the program also must submit an application to the Board, is subject to inspection, and be approved by the Board. AVMA also performs site inspections of the programs. This demonstrates another instance of multiple entities involved in the RVT education program approval process.

[Rachel Valentine](#) and Laura Lien, AVMA Assistant Directors on the Committee on Veterinary Technician Education & Activities (CVTEA) provided information about the semi-autonomy of the CVTEA with the AVMA and a basic overview the accreditation processes and 5 to 6 year cycle times. Ms. Valentine provided a review of the programmatic accreditation where the CVTEA performs a comprehensive review of the veterinary programs to ensure students and graduates have been provided the proper education to meet the standards of entering the profession.

[Laura Lien](#) provided information about the CVTEA standards, an overview of the accreditation cycle, the types of accreditation (initial, full, or probationary), and the reports generated for accreditation reviews.

[Doctors Sullivan](#) and Bradbury thanked CVTEA and BPPE for their overviews of the accreditation process. Dr. Bradbury inquired how CVTEA handles schools that have consistently low pass rates or graduation rates and how that affects accreditation. Ms. Valentine responded that CVTEA implemented a new standard that requires programs to have met a 50% pass rate within a three-year period of time. Programs that do not meet this standard are placed on a probationary accreditation and have two years to address the concern, and with good cause, the CVTEA can grant an additional year of accreditation.

[Ms. Siefertman](#) asked CVTEA to provide costs associated with the accreditation and also the overview of the complaint, inspection, and enforcement processes. Ms. Valentine stated the application fee is \$3,000, which includes the cost of a site visit. The annual fee is around \$1,800. She also informed the Committee of the complaint process and the process for a program to respond to a letter of investigation; the program has 30 days to respond and provide documentation. Based on the response, CVTEA may request additional information, change the programs accreditation status, or perform a focus site visit between cycles. She also indicated it could take up to six months for CVTEA to take action on an accreditation status. Ms. Siefertman noted for comparison the approval/accreditation fees charged by BPPE (\$5,000; \$3,500) and AVMA (\$3,000; \$1,800), and the authority of the Board to charge \$300 for program review and approval.

There were no public comments made on this item.

8. Update from Complaint Process Audit Subcommittee—*Christina Bradbury, DVM and Kevin Lazarcheff, DVM*

Webcast: [01:02:23](#)

Dr. Sullivan informed the Committee that at the request of Dr. Lazarcheff and due to his work constraints, Dr. Sequoia will replace Dr. Lazarcheff as a member of the Complaint Process Audit Subcommittee.

Dr. Bradbury thanked Dr. Lazarcheff for his contributions to the Subcommittee. She informed the Committee about updates to expert witnesses training, including creating common reference material, how to research and reference data for cases, and informed that the complaint review process is on hold until the cases are caught up with the changes the Board has recently instituted. Dr. Bradbury and Dr. Sequoia will be drafting real-life case examples for veterinary expert witness training. Dr. Bradbury will be reaching out to the two California veterinary schools to determine the current textbooks in use at the schools to include in a list of expert witness reference materials and seek access to the veterinary school online libraries to better assist Board expert witnesses. She also asked the Committee members for any reference materials to consider for inclusion in the expert witness reference materials list. In addition, the Subcommittee will be looking at updating the criteria necessary to become a Board expert witness.

[Dr. Sullivan](#) noted that he utilizes the Veterinary Information Network (VIN) for reference material as it is easy to access with multiple views, referenced by specialists, and is kept up-to-date. He also indicated that on occasion, he will also reference a textbook as not all information is available on VIN.

[Dr. Bradbury](#) noted that the information on VIN may be variable, and she recommended going with material that is irrefutable, published, or peer-reviewed.

[Dr. Peyton](#) commented that VIN and Google Scholar are helpful as search engines for finding journals. She also commented that textbooks take two years to be published and that access to journals might be best.

[Dr. Sullivan](#) noted that when he would reference VIN, he would look at the author to see if they were boarded to determine the weight of their commentary. He also indicated that VIN had recent material not included in the textbooks. He noted that regardless of the disciplinary case, the onus is on the licensee to prove the source of why they followed a particular process.

[Dr. Bradbury](#) agreed with Dr. Sullivan's recommendation. However, she indicated that there may be conflicts when experts do not have reference material, which could include what is currently being taught at veterinary schools, to back the experts' opinions on the standard of care. She advised that if the Board's experts are not making a convincing argument to support a violation, including using appropriate reference material, there may be a negative outcome in a disciplinary matter. When there is a difference in expert opinion and the Board's expert does not have

reference material to support their opinion on standard of care, the outcome of a case will come down to which side can convince a judge of their viewpoint.

[Dr. Lazarcheff](#) noted that the reference materials should provide the most basic and universally accepted minimum standard of care at the time, not just what is being said this week. He stated reliance on a textbook from 1985 may not be appropriate, but practitioners should not have to reference just this year's journal articles on a subject.

[Ms. Sieferman](#) reiterated that the burden of proof is on the Board to provide clear and convincing evidence that the individual did not follow the standard of care.

The Committee received public comment on this item.

[Dr. Grant Miller](#), CVMA, thanked the Committee on the report, and he agreed with Dr. Lazarcheff's comments. Dr. Miller expressed the need of the Board to follow the minimum standard of care versus the gold standard of care; he referenced [California Code of Regulations \(CCR\) section 2032](#). He stated that what is written in literature is rarely consistent with current medical practice in this state, and literature may contain conflicting items or advanced ideas that are not necessarily the standard of practice. Dr. Miller supported the use of VIN, and he stated that it is a reflection of conversations of the individuals on the front lines performing the work and what prevails in the real world. He disagreed that the Committee should compile a library of defensible documents but that the Committee should be looking for a minimum standard and auditing Board cases to determine whether or not there were issues in determining that minimum standard. Dr. Miller claimed the Board is pushing toward a gold standard, which is resulting in an unattainable standard for individuals in this state, causing individuals to leave the profession, be in despair, and is contributing to the suicide rate in the profession.

[Dr. Miller](#) referenced [Business and Professions Code \(BPC\) section 4875.3](#) in relation to Dr. Bradbury's comment on what she would like to see in an expert. He referenced a section of BPC section 4875.3(b), which indicates that a veterinarian who reviews and investigates an alleged violation shall be licensed in or employed by the state either full time or part time and shall not have been out of practice for more than four years. He stated that he believes that the current experts do not meet this requirement.

[Dr. Bradbury](#) thanked Dr. Miller for his comments and reference to BPC section 4875.3. She stated that the Committee is still reviewing the criteria and that her idea of a reference book is to protect veterinarians, that expert opinions are fair, and where those expert opinions are coming from.

[Bonnie Lutz, Esq.](#) thanked Ms. Sieferman for her comments that the burden of proof is on the Board. She commented that the standard of practice changes over time, and textbooks do not keep up with the changes. She recommended hiring experts who are in the same field as the case they are overseeing—generalists overseeing

generalist standards of care, boarded individual overseeing boarded standards of care. She also supports the use of VIN.

9. Future Agenda Items and Meeting Dates

- April 19, 2022
- July 19, 2022
- October 18, 2022

Webcast: [01:36:34](#)

Dr. Sullivan asked for the Board to consider a request to charge the MDC with developing educational material for licensees on how to comply with drug compounding ([CCR, title 16, sections 2090–2095](#)).

[Ms. Sieferman](#) highlighted the new memo for all future agenda items, which includes all topics that are anticipated for the tasks for the MDC, items that are assigned to individuals, and options for members to choose topics to work on.

There were no public comments made on this item.

10. Adjournment

Dr. Sullivan adjourned the meeting at 2:40 p.m.