



MEETING MINUTES
Veterinary Medical Board
Sacramento, California

Wednesday, April 23, 2014

I. Call to Order

Tom Kendall, DVM called the Board meeting to order at 2:30 p.m. Annemarie Del Mugnaio, Executive Officer (EO) 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
Mark Nunez, DVM
Richard Sullivan, DVM
Cheryl Waterhouse, DVM
Patti Aguiar, Public Member
Elsa Florez, Public Member
Judie Mancuso, Public Member

Staff Present

Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board
Paul Sanchez, Assistant Executive Officer
Rebecca Bon, Legal Counsel
Diann Sokoloff, SDAG, Board Liaison
Ethan Mathes, Administrative Program Coordinator
Sandra Monterrubio, Enforcement Program Coordinator
Beth Parvin, DVM, Board Consultant
Karen Robison, Administrative Analyst

Guests Present

James Allen, Deputy Attorney General
Karen Brandt, Administrative Law Judge
Bonnie Lutz, Attorney
Sang Bong Kang
Jan Weisberg

II. Introductions

III. Hearing on Petition for Reinstatement of Revoked License - Sang Bong Kang

Deputy Attorney General (DAG) Jeffrey Allen opened the reinstatement hearing presenting the case against Dr. Kang. Bonnie Lutz, counsel for the petitioner, presented the case to reinstate the license of Dr. Kang. Dr. Kang answered questions from DAG Allen and members of the Board. DAG Allen summarized the State's case and Ms. Lutz presented the closing arguments. Administrative Law Judge (ALJ) Karen Brandt closed the hearing and the Board went into closed session.

CLOSED SESSION

- IV. The Board will meet in closed session pursuant to Government Code Section 11126(c)(3) to discuss and vote on this matter and other disciplinary matters including stipulations, proposed decisions, and petitions.

AV 2012 10

Motion to Vacate Default Decision and Order – Adopted

AV 2009 19

Petition for Reinstatement – Adopted

RETURN TO OPEN SESSION

The Board returned to open session at 5:41 p.m. and Ms. Del Mugnaio called roll. All eight members of the Board were present and thus a quorum was established.

- V. Role of Board Member - Adjudication of Disciplinary Matters/Practice Act Reference Materials

Rebecca Bon gave an overview of the Veterinary Medicine Practice Act with an emphasis on a quorum, rulemaking authority, and closed session disciplinary decisions.

- VI. The Board went into recess at 6:20 p.m.

Thursday, April 24, 2014

- I. Call to Order

Tom Kendall, DVM called the Board meeting to order at 9:05 a.m. Annemarie Del Mugnaio, Executive Officer (EO) called roll; eight members of the Board were present and thus a quorum was established. Dr. Kendall read the Department of Consumer Affairs (DCA) meeting rules, Roberts Rules of Order.

Board Members Present

Tom Kendall, DVM, President
Kim Williams, RVT, Vice-President
Mark Nunez, DVM
Richard Sullivan, DVM
Cheryl Waterhouse, DVM
Patti Aguiar, Public Member
Elsa Florez, Public Member
Judie Mancuso, Public Member

Staff Present

Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board
Paul Sanchez, Assistant Executive Officer
Rebecca Bon, Legal Counsel
Ethan Mathes, Administrative Program Coordinator
Sandra Monterrubio, Enforcement Program Coordinator
Allison Nagao-Dutra, Enforcement Analyst
Karen Robison, Administrative Analyst

Guests Present

Dr. Al Aldrete, VASE

Don Chang, DCA Legal

Nancy Ehrlich, California Registered Veterinary Technician Association

Val Fenstermaker, Executive Director, California Veterinary Medical Association

William Grant II, DVM, Multidisciplinary Advisory Committee

Alex Henderson, VASE

Jonathan Kaplan, National Resource Defense Council

Ron Kelpel, DVM, California Veterinary Medical Association

Christine Lally, DCA

Grant Miller, California Veterinary Medical Association

Allyne Moon, California Registered Veterinary Medical Association

Kristi Pawlowski, California Veterinary Medical Association

Greg Pruden, DCA

Carol Schumacher, RVT

Jeffrey Sears, DCA

Dan Segna, DVM, California Veterinary Medical Association

Dr. Don Shields

Dayna Weidenkeller, California Veterinary Medical Association

II. Introductions

III. Approval of October 22-24, 2013 Meeting Minutes, January 29, 2014 & March 17, 2014 Telephonic Meeting Minutes

- **Ms. Patti Aguiar motioned and Dr. Richard Sullivan seconded the motion to approve the October 22-24, 2013 Meeting Minutes with corrections. The motion carried 8-0**
- **Dr. Richard Sullivan motioned and Ms. Judie Mancuso seconded the motion to approve the January 29, 2014 meeting minutes. The motion carried 8-0**
- **Ms. Judie Mancuso motioned and Ms. Kim Williams, RVT seconded the motion to approve the March 17, 2014 meeting minutes. The motion carried 8-0**

IV. Executive Officer & Staff Reports

A. Administrative/Budget

Ms. Del Mugnaio presented the Board Budget report.

B. Enforcement/Licensing/Examination

Ms. Del Mugnaio gave an overview of the enforcement program noting the Board will have two vacancies as of May 1, 2014. Enforcement staff is prioritizing the workload and the Board will be actively recruiting to fill these two vacancies.

Probationers are being monitored and those who were out of compliance have been educated on what is expected of them. Those probationers who remain out of compliance will be sent to the Office of the Attorney General for further prosecution.

Hospital inspections were discussed and the difference between routine and complaint related inspections were explained. Routine hospital inspections will be complete by April 30, 2014, however; complaint related inspections are ongoing.

Position authority will be doubling with the approved Budget Change Proposals (BCP's). To date, both the enforcement BCP and the SB304 BCP have been approved by the Legislature. The Board will fill current vacancies and then prioritize the BCP positions.

The new California RVT examination showed an overall lower pass rate, however; it was noted those who did not pass may not have studied because they failed by a larger margin. The Office of Professional Examination Services (OPES) is reviewing the questions and will remove convoluted questions during the next examination cycle.

The alternate route pathway to licensure was discussed and the difference between alternate route program applicants and ad hoc alternate route applicants. It was noted that the ad hoc applications are time consuming to review and a high rate of these applications are returned to the applicant due to incomplete supporting documentation.

BreEZe is tentatively expected to go live at the end of 2014. Due to goal of auditing 20% of licensees each year for the continuing education the capability for the electronic transfer of CE was requested and Ethan Mathes will follow up.

Patti Aguiar reported the Spring Newsletter was published and thanked Ethan Mathes for his hard work.

Survey postcards were sent to all premises to collect data on how many veterinary assistants could potentially be issued veterinary assistant controlled substances permits. The survey opened on April 1, 2014, and will run for sixty days.

V. Board Chair Report - Dr. Kendall

A. Revisions to Administrative Policies – Update to Board Administrative Procedures Manual

Ms. Del Mugnaio explained the change to the Administrative Procedures Manual regarding how Board and Committee members would be paid for work performed. The Board discussed the change.

- **Dr. Richard Sullivan motioned and Dr. Cheryl Waterhouse seconded the motion to approve the change in pay policy.**

The Board reviewed and discussed the Administrative Procedures Manual and made revisions throughout the manual. Dr. Grant noted there has been invaluable input from Board members at the MDC meetings and would encourage the participation to the extent that Open Meetings Act provisions are not violated.

- **Dr. Richard Sullivan motioned and Dr. Mark Nunez seconded the motion to not allow Board members to speak if attending the MDC meeting. The motion died**
- **Ms. Judie Mancuso motioned and Ms. Patti Aguiar seconded the motion to approve the Administrative Procedures Manual with the changes discussed. The motion carried 8-0**

B. April 11, 2014 RACE Committee Meeting Regarding Standards for Complimentary Alternative Medicine - American Association of Veterinary State Boards

Dr. Kendall gave an update on the discussion regarding Complimentary Alternative Medicine at the RACE Committee meeting in April 2014.

C. Support for President Elect Position of the American Association of Veterinary State Boards

- **Dr. Richard Sullivan motioned and Ms. Judie Mancuso seconded the motion to submit a letter of support for Dr. Tom Kendall to the American Association of Veterinary State Boards as a candidate for President Elect. The motion carried 8-0**

VI. Multidisciplinary Advisory Committee Report

A. Vacancies and Notice for Letter of Interest

Dr. Grant noted the terms for two members of the MDC expire in June 2014. Existing members are eligible for reappointment. Openings will be posted to the Board's website to solicit applications from those who are interested in applying for the vacancies. New MDC members will be interviewed and appointed at the next Board meeting, so all interested applicants need to attend.

B. Establish Priorities

Dr. Grant informed the Board that the MDC is assessing the workload of Board staff in regards to the ad hoc alternate route applications. The RVT Student Exemption is being tabled until the alternate route issue is discussed further and decisions are made. New Minimum Standards went into effect January 1, 2014 however; the MDC is requesting Board to return the Minimum Standards to the MDC to revisit a few areas that need clarification. The MDC is requesting legal and staff to work on proposed Telemedicine language. The MDC is working on gathering information on premise permit types. University License language should be ready within the next two MDC meetings.

The Board reviewed the proposed assignments of the MDC committee, removed the completed assignments, and added three new assignments; compounding drugs, minimum standards, and veterinary student exemptions.

VII. California Horse Racing Board (CHRB) – Proposed Change to California Code of Regulation Section 1845- Authorized Bleeder Medication

Ms. Del Mugnaio explained the Board's position regarding the proposed change to California Code of Regulation (CCR) Section 1845. She informed the CHRB that the Board is prepared to work with the CHRB however; the current language places veterinarians in violation of the Veterinary Medicine Practice Act. Steve R. Schwartz, Breeders Cup representative, Dr. Don Shields and Rick Baedeker, Executive Director of the CHRB presented their position on the changes to CCR Section 1845. The Board discussed the proposed changes and asked questions of Dr. Shields, Mr. Schwartz, and Mr. Baedeker.

- **Dr. Richard Sullivan motioned and Ms. Patti Aguiar seconded the motion to direct the EO and legal to work with the CHRB in making CCR Section 1845 conform to the Veterinary Medicine Practice Act by maintaining the integrity of the VCPR. The motion carried 7-1**

VIII. Proposed Regulations

A. Status of Pending Regulations

The proposed regulatory schedule was discussed and the Board was updated on the status of each action.

- B. RVT School Approval (16 CCR 2064-2066)
- C. Citation and Fine (16 CCR 2043)

The Board discussed the Citation and Fine proposed regulations and approved holding a public hearing upon request only.

- **Ms. Patti Aguiar motioned and Ms. Kim Williams, RVT seconded the motion to approve the proposed regulations. The motion carried 8-0**

D. Uniform Standards for Substance Abusing Licensees/Disciplinary Guidelines (BPC Code Sections 315-315.4)

The Board discussed the Uniform Standards for Substance Abusing Licensees/Disciplinary Guidelines proposed language and made changes to the text.

- **Ms. Judie Mancuso motioned and Dr. Mark Nunez seconded the motion to approve the proposed language with corrections. The motion carried 8-0**

E. Animal Control Officer Training (Senate Bill 1162- 1/1/2013)

IX. 2014 Legislation

A. AB 1437 - Mullin - Medically Important Antimicrobials: Nontherapeutic Use

Greg Prudin informed the Board that AB 1437 was amended two days before the Board meeting. Jon Kaplan of the National Resource Defense Council (NRDC) explained the issue and the position of the NRDC.

- **Dr. Richard Sullivan motioned and Dr. Mark Nunez seconded the motion to watch AB 1437. The motion carried 8-0**

B. SB 835 - Hill- Food Producing Animals: Medically Important Antimicrobial Drugs.

- **Ms. Judie Mancuso motioned and Dr. Cheryl Waterhouse seconded the motion to watch SB 835. The motion carried 7-1**

C. AB 1810 – Maienschein - Deposits for Keeping: Abandoned Animals

- **Ms. Judie Mancuso motioned and Ms. Elsa Florez seconded the motion to support AB 1810. The motion carried 8-0**

D. AB 1809 – Maienschein - Dogs: Health Certificates

- **Dr. Richard Sullivan motioned and Dr. Cheryl Waterhouse seconded the motion to watch AB 1809. The motion carried 7-1**

E. AB 2056 – Dababneh - Pet Insurance

- **Dr. Richard Sullivan motioned and Dr. Mark Nunez seconded the motion to drop AB 2056. The motion carried 5-2**

F. AB 2058 – Wilk – Open Meetings

- **Ms. Elsa Florez motioned and Ms. Kim Williams, RVT seconded the motion to watch AB 5058. The motion carried 8-0**

G. Sunset Extension Bill

- **Ms. Judie Mancuso motioned and Ms. Patti Aguiar seconded the motion to give staff the authority to submit clean up language. The motion carried 8-0**

X. Comments from Public/Outside Agencies/Associations

There were no comments from Public/Outside Agencies/Associations.

XI. Discuss Increase in Board Level and Exempt Status of the Executive Officer.

Jeff Sears, Human Resources Manager, handed out material and explained that due to the legislative budget change proposals (BCP's) granting the Board additional staff, the Board is increasing in size. The exempt salary schedule for the Executive Officer is set by CalHR and, Mr. Sears recommends requesting an exempt level increase.

- **Ms. Judie Mancuso motioned and Ms. Patti Aguiar seconded the motion to give Jeff Sears the authority to move forward with submitting a proposal to CalHR to increase the Board size. The motion carried 8-0**

Mr. Sears explained the process for the Board to evaluate the performance of Ms. Del Mugnaio. He explained that DCA personnel will supply the Board with the performance evaluation package. Ms. Williams, RVT and Dr. Nunez will work on the evaluation.

XII. Agenda Items and Next Meeting Dates

A. Agenda Items for Next Meeting

Ms. Aguiar requested adding a Strategic Plan session to the next Board meeting. Ms. Del Mugnaio stated she has with the DCA Solid team to schedule strategic planning for January 2015.

B. Board Meeting Dates - July 22-23, 2014 – Sacramento/October 21-22, 2014 – San Diego

Changing the location of the October Board meeting was requested. The meeting in October 2014 will be moved from San Diego to Orange County.

C. Multidisciplinary Advisory Committee Meetings 2014

Ms. Del Mugnaio will work with the MDC to schedule a date for the next MDC meeting since there will be two vacancies, and two other members are unable to attend a meeting in July 2014.

XIII. Adjourn

- **Dr. Mark Nunez motioned and Dr. Richard Sullivan seconded the motion to adjourn the meeting at 4:30 p.m. The motion carried 8-0**