

## MEETING MINUTES VETERINARY MEDICAL BOARD

Department of Consumer Affairs  
1747 N. Market Blvd.  
1st Floor Hearing Room  
Sacramento, California 95834

**10:00 a.m. Wednesday, July 17, 2019**

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

Dr. Jaymie Noland called the Veterinary Medical Board (Board) meeting to order at 10:09 a.m. Executive Officer, Ms. Jessica Sieferman, called roll; six members of the Board were present, and a quorum was established. Ms. Alana Yanez was absent. Ms. Dianne Prado was absent at the time of roll call but joined the meeting at 10:22 am

### 2. Board President's Remarks, Board Member Comments and Introductions

Dr. Noland welcomed the new public member, Ms. Prado, to the Board.

#### Members Present

Jaymie Noland, Doctor of Veterinary Medicine (DVM), President  
Cheryl Waterhouse, DVM, Vice President  
Kathy Bowler, Public Member  
Christina Bradbury, DVM  
Jennifer Loreda, Registered Veterinary Technician (RVT)  
Mark Nunez, DVM  
Dianne Prado, Public Member

#### Staff Present

Jessica Sieferman, Executive Officer  
Patty Rodriguez, Hospital Inspection Program Manager  
Moneel Singh, Administrative Program Manager  
Robert Stephanopoulos, Enforcement Manager  
Andrea Amaya-Torres, Licensing Technician  
Amanda Drummond, Administrative Program Analyst  
Kellie Flores, Licensing Analyst  
Jim Howard, DVM, Inspector  
Tara Welch, Legal Counsel

#### Guests Present

Al Aldrete, DVM, Veterinary Allied Staff Education (VASE)

Michelle Angus, Department of Consumer Affairs (DCA)  
John Brooks, DCA  
Rosie Bush, California Department of Food and Agriculture (CDFA)  
Bikram Dhaliwal, DCA Budgets  
Nancy Ehrlich, California Registered Veterinary Technicians Association (CaRVTA)  
Valerie Fenstermaker, California Veterinary Medical Association (CVMA)  
Paul Hansbury, Lovingly and Legally Grown  
Trina Hazzah, DVM  
Liz Hughston, Veterinary Cannabis Academy  
Leigh Kammerich, Rural County Representatives of California (RCRC)  
Alex Kozvshin  
Patrick Le, DCA  
Caroline Leichter, CVMA  
Anita Levy, CaRVTA  
Max Mikalonis, K Street Consulting, VETCBD  
Grant Miller, DVM, CVMA  
Karen Muñoz, DCA Budgets  
John Pascoe, DVM, University of California, Davis (UC Davis)  
Jeff Pollard, DVM, Board Multidisciplinary Advisory Committee (MDC)  
Gary Richter, DVM  
Cindy Savely, Sacramento Valley Veterinary Technician Association (SVVTA)  
Jason Siegen, Kings County Sheriff's Department  
Marissa Silva, CDFA  
Saundra Snyder, VASE  
Richard Sullivan, DVM, MDC  
Susan Tibbon, Lovingly and Legally Grown  
Jill Tucker, Cal Animals  
Eric Valance, Lotus  
Katelyn Williams, CDFA  
Dennis Wilson, CDFA

### **3. Public Comment on Items Not on the Agenda**

*No public comments were received.*

### **4. Review and Approval of April 17-18, 2019 Board Meeting Minutes**

The Board made no changes to the April 17-18, 2019 meeting minutes.

- Dr. Mark Nunez moved and Dr. Christina Bradbury seconded the motion to approve the minutes. The motion carried 6-0. Ms. Dianne Prado was absent. [Webcast 3:57](#).

## **5. Report and Update from Department of Consumer Affairs**

Mr. Patrick Le provided an update on behalf of DCA, which included an ongoing search to obtain a new DCA director, and that business is continuing as usual with the director's meetings in the absence of a DCA director. Mr. Le also provided an update to the Board regarding the executive officer salary study, which has been completed and distributed on July 8th to executive officers and board presidents. The Board had some questions regarding following up studies, and Mr. Le clarified that this was the first step, and additional steps, including one-on-one meetings with the individual boards, would proceed, and he would bring some of the concerns raised by the Board back to DCA. Mr. Le also updated that in January, the DCA Office of Information Services released the open data portal, which is a public portal that includes all information for licensing and enforcement for all 37 boards and bureaus in DCA.

## **6. Review, Discussion, and Possible Action on Multidisciplinary Advisory Committee (MDC) Report**

Dr. Jeff Pollard, MDC Chair, provided an overview of the three main discussions held at the July 16, 2019 MDC meeting, regarding the approval of guidelines for veterinarian discussion of cannabis within the veterinarian-client-patient-relationship animal patients, the defining conditions that must be met prior to a veterinarian recommending cannabis treatment, and an overview of outdated and overlapping regulations. The MDC approved the cannabis discussion guidelines, and the Board will be reviewing them at the October meeting.

Dr. Pollard provided an overview of the defining conditions that the MDC drafted that must be met prior to the veterinarian recommending cannabis treatment. The Board and members of the public reviewed the conditions and made the following amendments:

- Amending bullet point 7 to include horses
- Adding “or lactating” to bullet point 17

Dr. Nunez commented that a lot of the bullet points in the defining conditions are already included in a white paper by Dr. Trina Hazzah. He recommended that the MDC merge the initial work Dr. Hazzah has started and add other bullet points and add it to Senate Bill (SB) 627 (Galgiani, 2019). Legal counsel clarified that this list is for use in treatment with cannabis, and as SB 627 currently stands, the Board would need to develop guidelines, so this is the Board getting a head start should SB 627 pass.

- Dr. Mark Nunez moved and Ms. Kathy Bowler seconded the motion that the MDC use the document “What All Veterinarians Should Know About Cannabis” by Dr. Trina Hazzah as a starting point for the guidelines on the appropriate administration in use of medical cannabis on animal patients and also ensure that all the bullet points listed on the MDC report are included in those guidelines. Motion carried 7-0. [Webcast 46:36 \(Part 1\)](#).

7. **Discussion and Possible Action on California Department of Food and Agriculture (CDFA) Guidelines for Veterinarians: Judicious Use of Antimicrobials in Livestock**

Dr. Anette Jones, California State Veterinarian, and Dr. Roselle Bush, veterinary specialist, both of CDFA, provided a presentation to the Board for guidelines regarding the judicious use of antimicrobials. The presentation included an overview of SB 27 (Hill, Chapter 758, Statutes of 2015), which implemented the judicious use of antimicrobials, and the guidelines themselves. The CDFA requested the Board's review and feedback of this document and wanted the Board's confirmation that the guidelines reflected the standard of care in California. The Board and members of the public asked questions and provided their feedback on the guidelines.

- Dr. Mark Nunez moved and Ms. Kathy Bowler seconded the motion to support the guidelines as presented. The motion carried 7-0. [Webcast 1:32:06 \(Part 1\)](#).

8. **Update, Discussion, and Possible Action Related to Pet Cremation Services**

Mr. Dennis Cuevas-Romero, the Deputy Director of DCA Legislative Affairs, provided an update to the Board on the pet cremation legislation. The Cemetery and Funeral Bureau is currently going through sunset, and they identified this as a potential issue. There are currently no complaints regarding this issue, and in the past, consumer harm needed to be identified before a change could occur. Research was conducted on this topic and concern was raised by the Cemetery and Funeral Bureau that specific religious entities and other stakeholders would raise an issue with the comingling of animal and human remains.

9. **Discussion and Possible Action Regarding Potential Legislation Related to Business and Professions Code Section 4827 and Animal Shelter Services**

Ms. Siefertman provided an update on this topic. In April of 2019, the MDC proposed language relating to shelter settings that had been in development for over five years. The amendments were developed to make it easier for shelters to comply with the minimum standards for veterinary premises; but shortly after the Board adopted the language, Board staff was inundated by comments from the public asking to halt the regulatory process. The shelters also went to the Assembly and Senate Business and Professions Committees, as well as the Governor's Office, to request assistance with some potential legislation.

Mr. Cuevas-Romero from DCA's Office of Legislative Affairs advised that his office was brought into the conversation by the Governor's Office, and he has been trying to reach a compromise and see if a legislative fix is necessary. Mr. Cuevas-Romero was advised that this regulatory change is not imminent, and there will be ample time for public comment.

Members of the shelter community provided their input as to why they felt this regulatory proposal was problematic, specifically shelters in rural areas having access to veterinarians and being required to obtain a veterinary premises registration. It was clarified that these regulations were not new requirements, and these shelters are already held to the current minimum standards

for fixed facilities. The proposed regulations would make it easier for them to comply. The shelters are requesting support for a legislative exemption to provide basic veterinary services without a veterinary premises registration or a licensed veterinarian. The Board recommended that the shelters work with the Legislature to develop loan forgiveness programs for veterinarians providing shelter medicine services and mandating a local county Public Health officer.

- Dr. Nunez motioned and Ms. Kathy Bowler seconded to task the MDC to look at alternatives and address the concerns and issues raised regarding the inability for shelters, due to a lack of resources, to comply with the law and the proposed regulations, and to proceed with moving the regulatory proposal forward. Motion carried 7-0. [Webcast 1:19:09 \(Part 2\)](#).

#### **10. Update, Discussion, and Possible Board Action on 2019 Legislation**

##### **A. Assembly Bill (AB) 312 (Cooley, 2019) State government: administrative regulations: review**

*This bill failed passage, so in the interest of time, the Board did not discuss it at the July meeting.*

##### **B. AB 366 (Bloom, 2019) Animals: blood, blood components, and biologics**

*This bill failed passage, so in the interest of time, the Board did not discuss it at the July meeting.*

##### **C. AB 496 (Low, 2019) Business and professions**

Ms. Sieferman provided an update on AB 496, which was on the Senate Floor. This bill makes non-substantive changes and is a cleanup bill. The Board's current position is to watch.

##### **D. AB 528 (Low, 2019) Controlled substances: CURES database**

Ms. Sieferman advised that the Board did not take a position on AB 528 as it was not on the last agenda. This bill would change the timeframe required for controlled substance dispensers to report dispensed prescriptions from 7 days to the following business day. This bill was amended for veterinarians to report when reasonably possible, but not more than 7 days. The bill is in the last fiscal committee, and then will be headed to the Senate Floor.

##### **E. AB 544 (Brough, 2019) Professions and vocations: inactive license fees and accrued and unpaid renewal fees**

*This bill failed passage, so in the interest of time, the Board did not discuss it at the July meeting.*

##### **F. AB 611 (Nazarian, 2019) Sexual abuse of animals**

Ms. Sieferman provided an update on AB 611, on which the Board has a support stance. This bill has no opposition and is moving, and she foresees no problem with it passing through the Legislature.

**G. AB 613 (Low, 2019) Professions and vocations: regulatory fees**

*This bill failed passage, so in the interest of time, the Board did not discuss it at the July meeting.*

**H. AB 1230 (Quirk, 2019) Veterinary medicine: declawing animals**

*This bill failed passage, so in the interest of time, the Board did not discuss it at the July meeting.*

**I. AB 1553 (Fong, 2019) Animal impoundment**

*This bill was passed and Chaptered by the Secretary of State – Chapter 7, Statutes of 2019, so in the interest of time, the Board did not discuss it at the July meeting.*

**J. Senate Bill (SB) 53 (Wilk, 2019) Open meetings**

Ms. Sieferman provided an update on SB 53, on which the Board has an opposed stance. This bill would remove the ability of board or committee members to meet as two-member committees or subcommittees without complying with the Open Meeting Act. There are also concerns about the language being too limiting and restricting. The bill is currently in the Assembly Appropriations Committee.

**K. SB 202 (Wilk, 2019) Animal blood donors**

Ms. Sieferman provided an update on SB 202, on which the Board has a support stance. This bill is related to animal blood banks. The bill is passing through the Legislature.

**L. SB 627 (Galgiani, 2019) Medicinal cannabis and medicinal cannabis products: veterinary medicine**

Ms. Sieferman provided an update on SB 627, on which the Board has an opposed stance. The Assembly Business and Professions Committee analysis raised concerns that mirrored the Board's concerns with specific sections in the bill. The analysis proposed amendments that addressed several of the concerns raised and during a hearing, the author accepted all of the amendments in the analysis. However, the main opposition raised by the Board was the lack of research for cannabis use in animals, which was not addressed in the amendments. Ms. Sieferman advised that if the Board does not achieve the research through SB 627, the Board can attempt to obtain the research through sunset.

The Board discussed submitting language to the author's office that requested funding for research on cannabis usage in animals and if maintaining an opposed position would enforce the Board's stance on funding. There was public comment that the Board should support this bill, and while the research is important, if the Board has an "opposed unless amended" stance to enforce the need to implement the research amendments, it could create a high fiscal by adding on the research mandate on the bill and cause the bill to fail to pass out of the Assembly Appropriations Committee.

- Dr. Mark Nunez moved and Ms. Kathy Bowler seconded the motion to change the Board's position on SB 627 to support if amended if the amendments developed by legal counsel are included. Motion carried 6-1. Dr. Cheryl Waterhouse voted no. [Webcast 2:47:08 \(Part 1\)](#).

## **11. Update, Discussion, and Possible Action on Proposed Regulations**

### **A. [Status Update on Pending Regulations](#)**

Ms. Amanda Drummond provided an update on the status of current regulations. Changes since the April Board meeting include: the rulemaking package for Fee Schedule has been approved by the Office of Administrative Law (OAL) on April 17, 2019; final rulemaking package for Consumer Protection Enforcement Initiative (CPEI) has been submitted to DCA; the 45-day comment period for the Telemedicine rulemaking package closed on July 1, 2019, and the Board will be reviewing those comments today; and the rulemaking package relating to the implementation of AB 2138 (Chiu, Chapter 995, Statutes of 2018) is currently in the 45-day comment period, which will close on August 12, 2019. The Board asked clarifying questions about the DCA review process and the timeline for the review process.

Dr. Richard Sullivan provided an update to the Board regarding the revisions to the United States Pharmacopeia (USP) non-sterile preparation guidelines and their relation to the regulatory proposal for drug compounding. The newest guidelines from USP eliminates simple, moderate, and complex compounding, which is problematic in veterinary practice for the limited compounding services that veterinarians provide. Letters to USP expressed concerns on how this would change the practice to veterinary medicine. These regulations have put a veterinarian where they are unable to provide necessary treatment without breaking the law. Additionally, AB 973 (Irwin, 2019) states that USP will be accepted as law in California. Dr. Sullivan advised that he will keep the Board updated on the status of these guidelines and they will work on obtaining an exemption for veterinarians to continue drug compounding.

### **B. [Sections 2027 and 2027.5, Article 3, Division 20, Title 16 of the California Code of Regulations \(CCR\) Regarding DVM Graduates and Students of Veterinary Colleges – Job Tasks and Eligibility for R.V.T. Licensure](#)**

Ms. Drummond provided an overview of the topic. In January 2017, the Board looked at this topic and the existing regulation that authorized DVM graduates to work as an RVT without obtaining registration. Last year, legislation passed that closed that loophole. The Board was presented with language containing amendments to reflect the new statute for their consideration and review. Legal counsel reviewed the proposed language with the Board and commented that the two years in the language is to accommodate students with varying length of programs, so everyone with a senior status can qualify for the RVT examination.

- Dr. Cheryl Waterhouse moved and Ms. Kathy Bowler seconded the motion to approve the proposed regulatory changes as modified, direct the Executive Officer to take all steps necessary to initiate the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day public comment period, and if no adverse comments are received during the

45-day comment period and no hearing is requested, adopt the proposed regulatory changes. The motion carried 7-0. [Webcast 2:19:30 \(Part 2\)](#).

C. [Section 2032.1, Article 4, Division 20, Title 16 of the CCR Regarding Veterinarian-Client-Patient Relationship and Telemedicine](#)

Ms. Drummond addressed the Board that the Telemedicine rulemaking was noticed by OAL on May 17, 2019, and the comment period for this regulatory package closed on July 1, 2019. Two comments were received. Ms. Drummond provided a summary of the comments and recommended responses to the Board for their consideration.

- Ms. Kathy Bowler moved and Dr. Cheryl Waterhouse seconded the motion to approve the recommended responses to the Telemedicine comments received. The motion carried 7-0. [Webcast 2:26:21 \(Part 2\)](#).

**12. [Discussion and Possible Action on Draft 2020 Sunset Review Report](#)**

*Due to time constraints, the Board did not discuss this agenda item. The Board agreed, in the interest of time, to hold this discussion via a teleconference meeting.*

**13. Board President Report – Jaymie Noland, DVM**

*Due to time constraints, the Board did not discuss this agenda item.*

**14. Registered Veterinary Technician Report – Jennifer Loreda, RVT**

*Due to time constraints, the Board did not discuss this agenda item.*

**15. Executive Officer and Staff Reports**

A. [California Horse Racing Board Collaboration](#)

*Due to time constraints, the Board held this discussion on the second day of the meeting.*

Ms. Sieferman advised that the Board is collaborating with the California Horse Racing Board (CHRB), and the Board will have more of a presence with CHRB going forward. Ms. Sieferman and staff visited the racetracks in Santa Anita and Cal Expo, developed an idea of their processes, and will return during race season. Ms. Sieferman advised that the goal is to be more open in sharing information with CHRB and continuing future collaboration.

## **B. Budget**

Ms. Karen Muñoz, DCA Budgets manager, provided an update to the Board and introduced Mr. Bikram Dhaliwal, the new Budget analyst to the Board. Ms. Muñoz provided an overview of the Board budget and future budget projections, as well as the current fund condition statement. The Board also asked questions regarding hiring additional staff and how that could impact the budget, as well as requesting future budget change proposals. Ms. Sieferman advised that with current staff levels, the Board will not be able to maintain the status quo, and there will be a need to pursue a fee increase to the statutory cap.

## **C. Enforcement**

*The majority of the discussion was held under agenda item 19.*

Mr. Robert Stephanopoulos provided a brief overview of his enforcement report, including working with the Attorney General's Office and Department of Insurance.

## **D. Licensing/Examination**

*Due to time constraints, the Board held this discussion on the second day of meetings.*

Mr. Moneel Singh provided an update on licensing staff, the online renewal process, licensee fingerprinting requirements, and diversion program updates. Additional updates include refunds for the California Veterinary Technician Examination (CVTE), BreEZe changes, examination development and workshops, and licensing statistics.

## **E. Hospital Inspection**

*Due to time constraints, the Board held this discussion on the second day of meetings.*

Ms. Sieferman provided an update on the hospital inspection program. Updates include three vacancies in the inspections team that help with reports pending review, as well as the positive inspection survey results.

## **16. Future Agenda Items**

*Due to time constraints, the Board held this discussion on the second day of meetings.*

The Board announced changing the 2020 Board meetings to a Thursday and Friday schedule, and the MDC meetings to Wednesday.

## **17. Recess until Thursday, April 18, 2019, at 9:00 a.m.**

The meeting was recessed at 5:18 p.m.

**9:00 a.m., Thursday, July 18, 2019**

**18. Reconvene - Establishment of a Quorum**

Dr. Noland called the Board meeting to order at 9:00 a.m. Dr. Noland called roll; eight members of the Board were present, and a quorum was established.

Members Present

Jaymie Noland, DVM, President  
Cheryl Waterhouse, DVM, Vice President  
Kathy Bowler, Public Member  
Christina Bradbury, DVM  
Jennifer Loreda, RVT  
Mark Nunez, DVM (*left at 4:18 pm*)  
Dianne Prado, Public Member  
Alana Yanez, Public Member

Staff Present

Jessica Sieferman, Executive Officer  
Moneel Singh, Administrative Program Manager  
Robert Stephanopoulos, Enforcement Manager  
Dillon Christensen, Enforcement Technician  
Amanda Drummond, Administrative Program Analyst  
Kellie Flores, Licensing Analyst  
Wendy Garske, Enforcement Analyst  
Virginia Gerard, Enforcement Analyst  
Kimberly Gorski, Enforcement Analyst  
Helen Park, Enforcement Analyst  
Terry Perry, Enforcement Technician  
Sidney Villareal, Probation Monitor  
Tara Welch, Legal Counsel

Guests Present

Michelle Angus, DCA  
Karen Denvir, Deputy Attorney General (DAG) and Board Liaison, Office of the Attorney  
General, Department of Justice  
James Ferguson, DO, FASAM, Medical Director, Recovery Management Services  
Patrick Fong, County of Riverside  
Sean Gavin, Administrative Law Judge (ALJ), Office of Administrative Hearings  
Patrick Le, DCA  
Ann R. Leitz, Diamond Court Reporters

## **19. Enforcement and Discipline Process Overview**

Mr. Stephanopoulos provided an overview of the enforcement process. He discussed how disciplinary actions and citations have decreased in this year, but complaints do continue to rise. Mr. Stephanopoulos also commented on the ongoing training and current caseload of enforcement staff. The Board asked clarifying questions regarding the enforcement process, enforcement statistics, and the new training processes.

Ms. Karen Denvir provided an overview of the Attorney General process and their role in the Disciplinary Process. Ms. Denvir discussed the importance of preparing a case, keeping costs down, expert witnesses, and the hearing, discovery, and settlement processes.

*Due to time constraints, the Board returned to this agenda item at a later time.*

The Board asked questions regarding cost recovery and potential ways that the Board can reduce costs going forward. Ms. Denvir went over the *Zuckerman* factors that determine cost recovery in disciplinary cases.

The Board had questions about the probation process and drug testing results. Ms. Sidney Villareal and Ms. Virginia Gerard provided an overview to the Board on the probation process and the Board process for positive and dilute results.

Ms. Sieferman also thanked Ms. Diann Sokoloff for over 20 years of hard work and service to the Board as the DAG and Board liaison.

## **20. Effective Probation Drug and Alcohol Monitoring, Specimen Selection, Evaluation, and Related Issues**

Dr. James Ferguson provided a presentation to the Board on drug and alcohol monitoring, including specimen collecting, accurately reading and evaluating test results, and how to interpret those results when making disciplinary decisions. Dr. Ferguson also provided examples as to specific tests and the accuracy of those tests and how they can vary from different substances and different individuals. The Board asked clarifying questions regarding the testing process and analyzing results.

## **21. Update, Discussion, and Possible Action Regarding Uniform Standards for Substance Abusing Licensees Subcommittee Report**

*Due to time constraints, the Board did not discuss this agenda item. The Board agreed, in the interest of time, to hold this discussion via a teleconference meeting.*

**22. Petition for Termination of Probation - Shanna Tungloong, RVT, Registration No. 11243**

ALJ Gavin presided over the petition for termination of probation. DAG Karen Denvir updated and presented the case against Ms. Shanna Tungloong. Ms. Tungloong presented her case for the petition for termination of probation. Ms. Tungloong answered questions from the DAG and members of the Board. ALJ Gavin closed the hearing.

**CLOSED SESSION**

**23. Pursuant to Government Code Section 11126(c)(3), the Board Will Deliberate on the Above Petition and Disciplinary Actions.**

Petition for Termination of Probation – Shanna Tungloong, RVT, Registration No. 11243  
The Board moved to grant the petition for termination of probation.

In the Matter of the Accusation Against Celina Hatt, DVM, License No. 14581, and Pawsh Place Veterinary Center, Premises Registration No. 4232 – Case No. 4602016000212  
The Board moved to adopt the decision after rejection.

In the Matter of the Accusation Against Juan F. Casillas, DVM, License No. 4459, and managing licensee to: Montebello Vet Hospital, Premises Registration No. 1910; E. L.A. Dog and Cat Hospital, Premises Registration No. 2358; Lynwood Dog and Cat Hospital, Premises Registration No. 3865; and Huntington Park Dog and Cat Hospital, Premises Registration No/ 2145 – Case No. 4602017000103  
The Board moved to adopt the proposed decision.

In the Matter of the Accusation Against Tya Henderson, DVM, License No. 15011 – Case No. 4602017000103  
The Board moved to adopt the proposed decision.

**24. Pursuant to Government Code Section 11126(a)(1), the Board will meet in closed session to discuss the Executive Officer Evaluation.**

**RECONVENE TO OPEN SESSION**

**25. Adjournment**

- Dr. Cheryl Waterhouse moved, and Ms. Jennifer Loreda seconded, to adjourn the meeting. [Webcast 1:31:53 \(Part 2\)](#).

*The meeting adjourned at 5:22 p.m.*