



**VETERINARY MEDICAL BOARD
MULTIDISCIPLINARY ADVISORY COMMITTEE
MEETING MINUTES
JULY 19, 2022**

The Multidisciplinary Advisory Committee (Committee) of the Veterinary Medical Board (Board) met via teleconference/WebEx Events on **Tuesday, July 19, 2022**, with the following location available for Committee and public member participation:

Department of Consumer Affairs
1625 North Market Blvd., Hearing Room
Sacramento, CA 95834

1:00 p.m., Tuesday, July 19, 2022

Webcast Link:

<https://youtu.be/3Zh4aRt7UfA>

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

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

Committee Chair, Richard Sullivan, DVM, called the meeting to order at 1:00 p.m. Executive Officer, Jessica Sieferman, called roll; seven members of the Committee were present, and a quorum was established. Kevin Lazarcheff, DVM, was absent. Dianne Sequoia, DVM, joined the meeting at 1:06 p.m.

Members Present

Richard Sullivan, DVM, Chair
Leah Shufelt, Registered Veterinary Technician (RVT), Vice-Chair
Christina Bradbury, DVM, Board Liaison
Jennifer Loreda, RVT, Board Liaison
Jamie Peyton, DVM
Maria Salazar Sperber, Juris Doctor (JD)
Dianne Sequoia, DVM
Marie Ussery, RVT

Staff Present

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

Jacqueline French, Enforcement Analyst
Karen Halbo, Regulatory Counsel, Attorney III,
Department of Consumer Affairs (DCA), Legal Affairs Division
Tara Welch, Committee Counsel, Attorney III, DCA, Legal Affairs Division

Guests Present

Dan Baxter, Executive Director, California Veterinary Medical Association (CVMA)
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association
(CaRVTA)
Aubrey Hopkins, Legislative Analyst, DCA, Division of Legislative Affairs
Sarah Irani, DCA, SOLID
Grant Miller, DVM, CVMA
Mark Nunez, DVM
Ken Pawlowski, DVM, CVMA
Kristi Pawlowski, RVT
Bryce Penney, TV Specialist, DCA, Office of Public Affairs
Kristy Veltri
Scott Young

2. Committee Chair's Remarks and Committee Member Comments

Webcast: [00:00:49](#)

Dr. Sullivan remarked that there were very important issues for the Committee to discuss at this meeting.

3. Public Comment on Items Not on the Agenda

Webcast: [00:01:41](#)

[Dr. Sullivan](#) requested public comment on this item. There were no public comments made on this item.

4. Review and Approval of April 19, 2022 Committee Meeting Minutes

[Meeting Materials](#)

Webcast: [00:02:52](#)

Dr. Sullivan provided an overview of the April 19, 2022 meeting minutes and requested comment from Committee members. Ms. Siefertman noted and Ms. Welch clarified the following issues with the Committee meeting minutes:

- Various parts of the meeting minutes that state “the Board received the following public comment” [pp. 2, 5, 6, 8, 10, 14, and 15] or “before the Board acted on the motion” [pp. 3, 7, 9, 10, and 14] should be changed to reference “Committee” instead of “Board.”

- On page 9, third paragraph, where it states “Dr. Bradbury inquired what were the final revisions to CCR, title 16, section 2030.3, subsection (q)” to “Dr. Bradbury inquired what were the final revisions to CCR, title 16, section 2030.3, subsection (r)”.

[Dr. Sullivan](#) requested public comment on this item. There were no public comments made on this item.

- **Motion:** Ms. Loredo moved and Ms. Shufelt seconded the motion to adopt the minutes as amended.

[Dr. Sullivan](#) requested public comment before the Committee acted on the motion. There were no public comments made on this item.

Dr. Sullivan called for the vote on the motion. Ms. Siefertman took a roll call vote on the motion.

- **Vote:** The motion carried 6-0-1 with Dr. Peyton abstaining. Due to technical difficulties, Dr. Sequoia was absent for the vote.

5. Update, Discussion, and Potential Recommendation to the Committee Regarding Pending Rulemaking Proposal to Amend California Code of Regulations (CCR), Title 16, Sections 2036.1, 2064, 2065, 2065.1, 2065.2, 2065.6, 2065.7, 2065.8, 2066, and 2068.5 Regarding Registered Veterinary Technician (RVT) School Approval and RVT Student Exemption—*Leah Shufelt, RVT, and Jennifer Loredo, RVT*

[Meeting Materials](#)

Webcast: [00:11:15](#)

Ms. Shufelt and Ms. Loredo provided background and updated information related to the RVT School Approval and RVT Student Exemption regulations package, which focused on:

- Continuing the rulemaking package that is authorized by [Business and Professions Code section 4841.1](#) as it relates to veterinary technician students performing the duties of an RVT while under the direct supervision of a veterinarian or an RVT, which would include students in their second year of their education program as RVTs.
- Striking the parts that require having the education complete within the previous two years or 24 months.
- Continuing to review the equivalency of the American Veterinary Medical Association (AVMA)-accredited programs and the RVT school approval process.

The Committee continued discussion over the proposals, including clarifying that the package would be split into two packages, separating CCR, title 16, sections 2036.1 and 2068.5 from the rest of the proposed regulations.

- [Motion](#). Ms. Loreda moved and Dr. Bradbury seconded the motion to recommend the Board retain the addition of new CCR, title 16, section 2036.1 regarding Animal Health Care Tasks for RVT Students, remove all of the article 6 proposed amendments, except for the amendments to CCR, title 16, section 2068.5 that strike the language that had expired the educational and clinical experience and prohibited the education experience from being completed in no less than 24 months, and move forward with the RVT Education rulemaking package comprised of only those two regulatory sections.

[Dr. Sullivan](#) requested public comment before the Committee acted on the motion. The following public comments were made on this item:

- [Grant Miller](#), DVM, CVMA, stated he understood that this motion would separate the packages, and CVMA had no concerns with that. However, he pointed out several issues with the language that have emerged over time. He thought these might be non-substantive changes that may be within the Board's capability of just fixing and would not deter this from moving forward. He asked for clarification on the reference to the California veterinary technician exam in proposed CCR, title 16, section 2065.2, subsection (j), on page 10 of the meeting materials.

[Ms. Sieferman](#) clarified that those proposed amendments would be removed from the rulemaking to be reassessed, and requested that public comment be directed at Attachment 2 of the meeting materials, which was the only regulatory text the Committee was seeking to move forward at this time.

- [Grant Miller](#) continued by noting there were two versions of CCR, title 16, section 2068.5 in the meeting materials, one version on page 13 and one version on page 16, and inquired which version was the right one.

[Ms. Sieferman](#) clarified that Attachment 2 began on [page 16](#) and that proposal was the one proposed to move forward.

- [Nancy Ehrlich, RVT](#) expressed confusion about what was the second item the Committee was moving forward. She understood the Committee was moving forward with section 2036.1 and asked what was the second item.

[Ms. Sieferman](#) clarified that the proposal would include the amendments to CCR, title 16, section 2068.5, approved in July 2020, striking the expiration of the experience and education and the limitation on the 24 months.

[Ms. Welch](#) clarified some of the issues brought up by Dr. Miller, and noted:

- [On page 13](#) of the meeting materials, the Attachment 1 version of CCR, title 16, section 2068.5 contained some minor non-substantive technical revisions that

will be revised in the proposed rulemaking submitted to the Board. She provided an example of a minor non-substantive change, including changes to CCR, title 16, section 2068.5(a), third line, would add “, who satisfies the qualification requirements of subsection (f)(1)” and then strike “as defined by Section 2068.5(e)”.

- [On page 17](#) of the meeting materials, in Attachment 2, Section 2068.5(a), third line, “qualified instructor as defined by section 2068.5(e)” is a non-substantive change that will be corrected at the Board level to reflect the prior corrections made by the Board in July 2020, so it would read “qualified instructor, who satisfies the qualification requirement of subsection (e).”

Dr. Sullivan called for the vote on the motion. Ms. Siefertman took a roll call vote on the motion.

- [Vote](#): The motion carried 8-0.

6. Update, Discussion, and Potential Recommendation to the Committee on Legislative Proposal to Amend Business and Professions Code Section 4826.5 and Regulatory Proposal to Amend CCR, Title 16, Sections 2036.5, 2090, 2091, 2092, and 2094 Regarding Veterinary Drug Compounding – Richard Sullivan, DVM, and Marie Ussery, RVT

[Meeting Materials](#)

Webcast: [00:34:43](#)

Dr. Sullivan and Ms. Ussery provided background and updated information related to the Veterinary Drug Compounding.

Legislative Proposal to Amend Business & Professions Code Section 4826.5

[Meeting Materials](#)

- [Motion](#): Dr. Sequoia moved and Dr. Peyton seconded the motion to recommend to the Board the legislative proposal to amend [Business and Professions Code section 4826.5](#) to authorize a veterinary assistant controlled substance permit holder to perform drug compounding.

[Dr. Sullivan](#) requested public comment before the Committee acted on the motion. The following public comment was made on this item:

- [Nancy Ehrlich, RVT](#) expressed shock at this recommendation. She did not think that there should be VACSP holders because they have no qualifications other than having passed a criminal background check. She did not see how that qualifies them to be administering controlled substances, which are the most dangerous drugs used in a veterinary hospital. She stated never mind compounding drugs, these people have no specific training, and they are no different than someone who walked in off the street. She stated that if the

Committee wanted to make things more accessible, then the Board should allow RVTs to do more things. She claimed RVTs are the ones who have qualifications to do things. She stated she would be shocked, as a client, if she knew that veterinarians were using people off the street to administer controlled drugs and now to be able to compound drugs. She stated it was outrageous.

[Dr. Sullivan](#) stated that the ultimate responsibility of the compounding procedure lies with the veterinarian, and there are requirements of the veterinarian to teach the both the RVT and the permit holder to do the compounding at a level that the veterinarian feels that they are competent, but the ultimate responsibility still falls back onto the veterinarian. He also disagreed with the comment that the individuals are people off the street; they are veterinary assistants who are working within the practice who have helped greatly during these times.

[Ms. Sieferman](#) reminded everyone that public comments are not intended to be a dialogue between the Committee and public. She recommended if someone has concerns, then they share those concerns, and the Committee, as a whole, could talk more about those concerns.

Dr. Sullivan called for the vote on the motion. Ms. Sieferman took a roll call vote on the motion.

- [Vote](#): The motion carried 8-0.

Regulatory Proposal to Amend CCR, Title 16, Section 2036.5

[Meeting Materials](#)

Webcast: [00:50:16](#)

[Dr. Sullivan](#) requested public comment on this item. There were no public comments made on this item.

Regulatory Proposal to Amend CCR, Title 16, Section 2090

[Meeting Materials](#)

Webcast: [00:52:19](#)

[Dr. Sullivan](#) requested public comment on this item. There were no public comments made on this item.

Regulatory Proposal to Amend CCR, Title 16, Section 2091

[Meeting Materials](#)

Webcast: [00:55:28](#)

[Dr. Sullivan](#) requested public comment on this item. There were no public comments made on this item.

Amend CCR, Title 16, Sections 2092 and 2094

Meeting Materials

Webcast: [00:56:56](#)

The Committee discussed this item in depth, including issues related to intravenous (IV) fluids, sterile drugs for immediate use, expiration dates, and reworked subsection (e) for the next MDC meeting.

[Dr. Sullivan](#) requested public comment on this item. The following public comments were made on this item:

- [Grant Miller](#), DVM, CVMA, stated he had no idea what this was saying. He was completely confused by this, and if the only people that understood this are those who wrote it, it was not going to work. He stated his biggest problem was trying to figure out what exactly we need to document so the master formula code form in section 2092(b) made sense. He stated what did not make sense was section 2092, subsection (f), because it almost looked like it was duplicating what was in subsection (b). He thought it needed a lot more work, and would be willing to try to work with the Committee if it had any future phone calls on it. He stated anything he could do to try to help in any way, he would, but it was just not coming clearer for him.

[Dr. Sullivan](#) stated the master formula is straightforward and what the Committee proposed was to document what happens when the actual preparation is made, when is it made, when is the expiration date, who made it, and where is it going. He explained that was the intent of the spreadsheet and stated the intent would be clear when the regulation package was together.

- [Grant Miller](#), DVM, CVMA, stated he hoped that that guidance document was really clear as he was still not understanding it. He said he has gotten lost along the way here with this. He had read it several times, and he understood part (b) where it is like a formulary or a monograph essentially, so it was a master recipe book for all the things that are made in that practice. He stated his confusion related to subsection (f), where each time you make one, information would not be on the label; it would just be a document that exists in addition to the master formula document. He questioned about the information as it contained a lot of the same information that was in the master formula.

[Dr. Sullivan](#) stated it did not contain any information that was in the master formula except the unique formula code. It would contain the ingredients and their expiration date. That expiration date cannot be put in the formula because it changes every time a new bottle is used.

- [Grant Miller](#), DVM, CVMA, stated there was duplicative information in the proposed regulation; for instance, subsection (f) would require the name of each active and inactive ingredient. Subsection (b) would require the name and quantity of each of the active ingredients, and the name, strength, and quantity

in each of the inactive ingredients. He stated it was going to be confusing. He reminded everyone of the tremendous workload that veterinarians have, and if duplicative paperwork could be avoided, it would be beneficial to all parties. He understood where the Committee was going. He stated he would imagine that the information that the Committee is looking for would just be on the label, and veterinarians are already required to label medications. He provided the example that nothing can be in the hospital that does not have a label on it. The label usually has the name, and the expiration, and those things on it, so the additional document in subsection (f) either needed to be paired way down or it was not needed at all. He stated he would defer to the Committee if it had some kind of example of this, like a visual that the public could see.

[Dr. Sullivan](#) stated that if the veterinarian could put together a label that satisfied the Code, the Committee was going off what the regulation says.

- [Grant Miller](#), DVM, CVMA, stated there are still drug labeling requirements, in addition to this. He explained there was no way to have anything in a hospital like a vial, or a bag, or anything that does not have a label on it.

[Dr. Sullivan](#) stated that office stock would have a label, which would be pared down to having the formula code, the preparation number, expiration date, and the initials of who compounded it.

- [Grant Miller](#), DVM, CVMA, questioned the purpose of subsection (f). He said it seemed duplicative and would confuse people.

[Dr. Sullivan](#) stated that he would go over it with Dr. Miller to see if he could streamline it more.

- [Grant Miller](#), DVM, CVMA, asked to see an example of what Dr. Sullivan was talking about. He stated it sounded like some of this was already in action. He requested to see what that looked like and wanted to be careful about this once the law is written; the law is always here, but the education documents can come and go. He expressed concern if the regulation was totally contingent upon needing an education document to understand it. He felt the law needed to be clearer. He said this was complicated stuff and was the argument of compounding that destroyed the [California] Board of Pharmacy for years. He added that it has been a major issue over there and here. He said veterinarians are trying to tackle some of it too, to get their arms around it, and he noted veterinarians are experiencing some of the same challenges that they have with it. He concluded that if no one understands the proposed regulation, veterinarians cannot move a lot with it. He added that CVMA would keep working on it, and he appreciated that the Committee was willing to go through it a little bit and see if they could make it a little bit clearer.
- [Ken Pawlowski](#), DVM, CVMA, provided written comment through WebEx that cherry syrup has an expiration date, and inactive ingredients like sterile water have expiration dates.

[Dr. Sullivan](#) noted that the Committee would continue to work on this item and there would not be a motion made on this item.

7. Update from Complaint Process Audit Subcommittee – *Christina Bradbury, DVM, and Dianne Sequoia, DVM*

[Meeting Materials](#)

Webcast: [01:55:30](#)

Dr. Sequoia and Dr. Bradbury provided an update on this agenda item, including that the Subcommittee provided feedback to subject matter experts on current cases, utilizing the Medical Board of California's format on reviewing cases, and noted improvements to remove emotional language from expert reports. The reference library requested by Dr. Miller was not finalized; the Subcommittee was trying to get training examples completed. The reference library is mostly what veterinary students are studying and would not be the end-all-be-all but provide information to experts as to what reference material exists.

[Dr. Sullivan](#) requested public comment on this item. The following public comment was made on this item:

- [Grant Miller](#), DVM, CVMA, clarified that he was not requesting to review the reference library. He stated his request, which was reflected accurately in the meeting minutes, was that when finally assembled, the reference library be made available to licensees so they would know how to comply based on what the Board was looking at as valid reference materials. He responded to Dr. Bradbury's question regarding whether CVMA had reference materials, stating that CVMA does not have a list of specific materials, but they do remind people their reference materials must be current. He stated that if they have a book from 20 to 30 years ago, that probably would not be adequate. He added that CVMA advises its members that they can have both printed, physical copies and electronic references, as long as they have the ability to prove that their people have access to them online.

8. Future Agenda Items and Meeting Dates

[Meeting Materials](#)

Webcast: [02:09:10](#)

Ms. Siefertman presented and answered questions relating to the Future Agenda Items and Next Meeting Dates. The future Committee meetings will include continued discussion on the cannabis guidelines, and the proposed future meeting dates are as follows:

- January 17, 2023
- April 18, 2023

- July 18, 2023
- October 17, 2023

[Dr. Sullivan](#) requested public comment on this item. There were no public comments made on this item.

9. Adjournment

Dr. Sullivan adjourned the meeting at 3:28 p.m.