

Veterinary Medical Board

1747 N. Market Blvd., Suite 230, Sacramento, CA 95834

Telephone: 916-515-5220 Fax: 916-928-6849 | www.vmb.ca.gov



MEETING AGENDA
Veterinary Medical Board
1747 N. Market Blvd. - Hearing Room
Sacramento, California
January 20-21, 2015

9:00 a.m. Tuesday, January 20, 2015

1. Call to Order - Establishment of a Quorum
2. Introductions
3. Approval of October 21-22, 2014 Meeting Minutes
4. Proposed Regulations
 - A. Status of Pending Regulations
 - B. Review and Possible Approval of Amendments to Pet Lovers License Plate Regulations
 - C. Review and Discuss Possible Action for the Emergency Filing of Approved Proposed Animal Control Officer Training Regulations
 - D. Review and Possible Approval of Updates to Disciplinary Guidelines
 - E. Review and Possible Approval of Updates to Approved Proposed Animal Rehabilitation Regulations
 - F. Review and Possible Recommendations on California Horse Racing Board Regulation (Title 4, CCR section 1845)
5. 2015 Legislation Report
 - A. Review and Approval of Legislative Omnibus Bill Proposal (BPC sections 4836.35, 4836.2, 4853.7, 4887, and 4883)
 - B. SB 27 – Hill (2015-2016) – Livestock: Use of Antibiotics
6. Update on Upcoming Strategic Planning
7. Rodeo Reporting (BPC section 4830.8) – Presentation by Eric Mills, Action for Animals
8. Sunset Review – Update on Current Sunset Review Issues
9. Action on Administrative Disciplinary Procedures
10. Discuss Board Approval Process for California Veterinary Technician Schools – California University of Management and Sciences
11. Discuss Continuing Education Program Provider Approval (Title 16, CCR section 2085.5) – Mark Cushing, Animal Policy Group
12. Board Chair Report – Dr. Mark Nunez
13. Executive Officer & Staff Reports
 - A. Administrative/Budget
 - B. Enforcement
 - C. Licensing/Examination

14. Comments from Public/Outside Agencies/Associations

Note: The board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code Sections 11125, 11125.7(a)).

15. Agenda Items and Next Meeting Dates – April 21-22, 2015; July 21-22, 2015; October 20-21, 2015

A. Agenda Items for Next Meeting

B. Multidisciplinary Advisory Committee Meetings – February 19, 2015

16. Recess

9:00 a.m. Wednesday, January 21, 2015

17. Call to Order - Establishment of a Quorum

18. Introductions

19. Petition for Penalty Modification – Dr. Kim De La Peza, VET 19593

20. Petition for Penalty Modification – Dr. Corea Kiejoon Choi, VET 12070

CLOSED SESSION

21. 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 and proposed decisions.

OPEN SESSION

22. Adjourn

This agenda can be found on the Veterinary Medical Board website at www.vmb.ca.gov. Times stated are approximate and subject to change. This meeting will conform to the Open Meeting Act. Agenda discussions and report items are subject to action being taken on them during the meeting by the Board at its discretion. The Board provides the public the opportunity at meetings to address each agenda item during the Board's discussion or consideration of the item. Total time allocated for public comment may be limited.

The meeting locations are accessible to the physically disabled. Other disability-related accommodations or modifications can be provided upon request. Please make your request for disability-related accommodations by contacting the Board at (916) 515-5220 or sending a written request to 1747 N. Market St., Suite 230, Sacramento, CA 95834. Provide at least five (5) business days' notice prior to the meeting to help ensure availability of requested accommodations.

MISSION

The mission of the Veterinary Medical Board is to protect consumers and animals by regulating licensees, promoting professional standards and diligent enforcement of the practice of veterinary medicine.

Veterinary Medical Board

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MEETING MINUTES
Veterinary Medical Board
Embassy Suites Anaheim
400 N. State College Boulevard
Orange, California

9:00 a.m. Tuesday, October 21, 2014

I. Call to Order - Establishment of a Quorum

Dr. Tom Kendall called the Veterinary Medical Board (Board) meeting to order at 9:10 a.m. Annemarie Del Mugnaio, Executive Officer, called roll; seven members of the Board were present and thus a quorum was established.

Board Members Present

Tom Kendall, DVM, President

Mark Nunez, DVM

Richard Sullivan, DVM

Cheryl Waterhouse, DVM

Jennifer Loreda, RVT

Kathy Bowler, Public Member

Elsa Flores, Public Member

Judie Mancuso, Public Member

Staff Present

Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board

Rebecca Bon, Legal Counsel

Diann Sokoloff, SDAG, Board Liaison

Ethan Mathes, Administrative Program Manager

Candace Raney, Enforcement Program Manager

Bryce Penney, DCA Web Cast

Guests Present

Al Aldrete, DVM, Veterinary Allied Staff Education

Jeff Backus, California Registered Veterinary Technician Association

Nancy Bassali, Center for Public Interest Law

Jeff Beasca, California University of Management Sciences

Kellie Boiston, California Association of Animal Physical Therapists

Nancy Ehrlich, California Registered Veterinary Technician Association

Valarie Fenstermaker, California Veterinary Medical Association

Bill Grant, DVM, Multidisciplinary Advisory Committee

Alec Henderson, RVT, Veterinary Allied Staff Education

Awet Kidane, Director, Department of Consumer Affairs

David Park, California University of Management Sciences

Kristi Pawlowski, California Veterinary Medical Association

Carol Schumacher, RVT

Dan Segna, DVM, California Veterinary Medical Association

Jim Weisenberg, Diversion Evaluation Committee

II. Introductions

III. Ceremonial Swearing In of New Veterinary Medical Board Members

Jennifer Loreda, RVT and Kathy Bowler were sworn in as Board members by Executive Officer Annemarie Del Mugnaio.

IV. Approval of July 22-23, 2014 Meeting Minutes

- Judie Mancuso motioned and Dr. Cheryl Waterhouse seconded the motion to approve the April 24-25, 2012 Meeting Minutes. The motion carried 7-0.

V. Executive Officer & Staff Reports

A. Administrative/Budget

Ms. Del Mugnaio updated that all new staff are required to be hired by the end of the year, Board staff has established a social media presence on Twitter and Facebook, the veterinary hospital inspection program anticipates there will be more than 500 premise inspections in the coming Fiscal Year, and that there will be stakeholder meeting for the new veterinary assistant controlled substances permit program next year.

Ms. Del Mugnaio added the California Registered Veterinary Technician Association letter was forwarded to the Governor requesting a registered veterinary technician proclamation; however, the Governor's office indicated they don't initiate such proclamations. Expert witness training will take place in November and the Board's budget is currently healthy in part due to salary savings from vacant staff positions.

B. Enforcement

C. Licensing/Examination

Ms. Del Mugnaio updated on enforcement case timelines and that the timelines include both Attorney General and Office of Administrative Law delays which cannot be controlled by Board staff. Candace Raney noted there are areas Board staff can reduce its timelines including complaint intake as a notable contributing factor for reducing enforcement case timelines.

D. Department of Consumer Affairs BreEZe Update- Awet Kidane, Director, Department of Consumer Affairs

Department of Consumer Affairs Director, Awet Kidane, gave an overview of the BreEZe program progress. There were many lessons learned from the initial participating board's releases and those experiences have been incorporated into subsequent releases. These lessons will help those subsequent boards have an improved experience with their BreEZe database project. The design of the Board's system is nearing completion; following design Board staff with work on user acceptance testing of the system. Due to the increasing complexity of the project and delays due to that complexity, which involved additional staff time, overall costs of the project have also increased.

VI. Board Chair Report - Dr. Tom Kendall

A. American Association of Veterinary State Boards Update

Dr. Kendall reported the American Association of Veterinary State Boards (AAVSB) presentation on animal dentistry is online. The AASVB also discussed the model practice act and telemedicine at their annual meeting.

VII. Discuss Need for Regulations Regarding Anesthesia-Free Dental Cleaning (BPC Section 4826(d))

A. AAVSB Panel Discussion – September 12, 2014

Dr. Cheryl Waterhouse presented on the need for regulation of anesthesia free dental care. The Board reviewed Nevada's recently adopted anesthesia free dental care laws and discussed the prescriptive nature of those laws and the need to further regulate anesthesia free dental care in California.

The Board noted there is a demand for anesthesia free dental care in California and the Board could do more to educate consumers. Dr. Mark Nunez offered that he would research case law and outreach efforts and report back to the Board.

VIII. Overview and Discussion Regarding the Board's Diversion Program – James L. Weisenberg, Diversion Evaluation Committee Chair

James Weisenberg spoke on his experience with substance abuse and provided an overview of the Diversion Evaluation Committee (DEC). The DEC program is currently self-referral but will begin accepting participants through the enforcement program's stipulated settlements.

The Board discussed the cost of the diversion program and whether insurance is an option for participants in lieu of the Board paying for their participation. Ms. Del Mugnaio added all other healing art programs pay in some form or another for participation in their diversion program and suggested that the Board should consider the overall benefit of the program.

IX. Proposed Regulations

A. Status of Pending Regulations

Ms. Del Mugnaio updated on pending regulations and reported Dr. Richard Sullivan will amend currently proposed animal rehabilitation regulatory language for the Board to review at their next meeting.

B. Review and Possible Approval of Uniform Standards for Substance Abusing Licensees/Disciplinary Guidelines (BPC Sections 315-315.4)

The Board reviewed the proposed Uniform Standards language and made various minor amendments.

- Dr. Mark Nunez motioned and Dr. Cheryl Waterhouse seconded the motion to approve the proposed uniform standards for substance abusing licensees/Disciplinary Guidelines regulatory language. The motion carried 8-0.

C. Review and Possible Approval of Consumer Protection Enforcement Initiative (CPEI)

Ms. Del Mugnaio updated on amendments to the proposed CPEI language made at the July Board meeting and reviewed all other proposed sections of the regulations.

- Dr. Mark Nunez motioned and Judi Mancuso seconded the motion to approve the proposed Consumer Protection Enforcement Initiative regulatory language. The motion carried 8-0.

X. 2014 Legislation Report

- A. AB 1437 – Mullin – Medically Important Antimicrobials: Nontherapeutic Use
- B. SB 835 – Hill – Food Producing Animals: Medically Important Antimicrobial Drugs.
- C. AB 1810 – Maienschein – Deposits for Keeping: Abandoned Animals
- D. AB 1809 – Maienschein – Dogs: Health Certificates
- E. AB 2058 – Wilk – Open Meetings
- F. SB 1243 – Lieu – Sunset Extension Bill
- G. SB 1323 – Lieu – Specialized license plates: Pet Lover's License Plate Program
- H. AB 1758 – Patterson – Proration of Initial License Fees
- I. AB 186 – Maienschein – Military spouses: temporary licenses

Ms. Del Mugnaio reported SB 1323 provided a one-time transfer of funds to the Pet Lover's License Plate Program and that there may be an additional legislative bill to allow for the continuous appropriation of funds.

AB 186 was approved by the Governor for the issuance of a temporary veterinary license to a military spouse or domestic partner; the Board currently has a process in place to license these applicants.

Judie Mancuso suggested using the Board's social media to update on changes to the law in AB 1810 as well as any other new laws that pertain to veterinary medicine. Dr. Richard Sullivan noted SB 1243 created Board authority for the enforcement of certain unlicensed activity, it provided an operative date for the veterinary assistant controlled substances program, and mandated the Board address issues from its recent Sunset Review.

XI. Discuss Board Approval Process for California Veterinary Technician Schools
A. California University of Management and Sciences

Jeff Beasca of the California University of Management and Sciences (CalUMS) requested the Board review and approve his registered veterinary technology program. He noted CalUMS is accredited by the Accrediting Council for Independent Colleges and Schools and that they currently have students enrolled in the program. David Park of CalUMS added the program did not apply for American Veterinary Medical Association (AVMA) because it does not meet AVMA accreditation criteria at this time and accreditation takes up to four years for approval.

Ms. Del Mugnaio noted the Board is not an accreditation body but has approved veterinary technology programs in its past. The Board would need to determine the availability of appropriate staff resources in order to resurrect the veterinary technology approval program. Students in the CalUMS program may also qualify for examination using the existing alternate route eligibility pathway in lieu of Board program approval or AVMA accreditation. Dr. Sullivan added that due to the lack of a current veterinary technology approval program and staffing challenges the Board may not be able to approve the CalUMS program in a timely manner.

Ms. Del Mugnaio offered that staff would do additional research on Board requirements, authority to approve veterinary technology programs, and the timeline and cost for Board program approval process. Staff will contact CalUMS with update on the Board discussion and approval process.

Dr. Kendall noted previously approved California veterinary technology programs have largely gotten AVMA accreditation due to regulatory changes that allowed for California acceptance of AVMA accredited schools. Dr. Sullivan suggested staff look into re-inspection of existing California approved veterinary technology programs.

XII. Discuss Continuing Education Programs Approval Proposal

Ms. Del Mugnaio reported the Animal Policy Group (APG) is requesting Board approval of its continuing education programs. The Board has the authority to review and approve continuing education. Ethan Mathes clarified the APG was not requesting statutory approval, but approval through the existing regulatory process.

The Board discussed the efficacy of offering blanket approval to multiple providers when the AVMA Registry of Approved Continuing Education has an existing approval process and also whether the Board should initiate a continuing education approval program.

- Dr. Richard Sullivan motioned and Dr. Mark Nunez seconded the motion to table further discussion on continuing education approval until the Animal Policy Group could present to the Board. The motion carried 8-0.

XIII. Multidisciplinary Advisory Committee Report – Dr. William Grant

Dr. Bill Grant updated that the Multidisciplinary Advisory Committee (MDC) discussion at their October 2014 meeting covered registered veterinary technician alternate route program approval, the challenges alternate route students face obtaining the required education, and whether alternate route applicants are acquiring the necessary education in order to be fully prepared veterinary technicians. The MDC was interested in ensuring alternate route programs offer an equivalent education to AVMA schools. The MDC voted to recommend to further research a

process for approving alternate route programs in lieu of offering the existing alternate route pathway to examination eligibility.

Carol Schumacher and Nancy Ehrlich opined that there is no clear evidence indicating the Board should move away from the existing alternate route pathway and that work experience and on the job training is an integral part of the alternate route applicant's eligibility. This work experience and on the job training helps the alternate route applicant's equivalency when compared to an AVMA student's education.

- Dr. Richard Sullivan motioned and Dr. Cheryl Waterhouse seconded the motion to direct the Multidisciplinary Advisory Committee to proceed with their recommendation to research a process for approving alternate route programs in lieu of offering the existing alternate route pathway to examination eligibility. The motion carried 8-0.

Dr. Grant reported the MDC discussed veterinary technician student exemptions, whether the exemption would apply to alternate route students, and final determination of this question should wait until alternate route program approval has been established. The Board agreed that "final year" and level of supervision should be defined for the exemption. The MDC is continuing its discussion on university/faculty licensure, changes to the minimum standards regarding types of veterinary practices, and drug compounding. Ms. Del Mugnaio added that the discussion on drug compounding is important as there is no current law governing the practice in California and that California law would need to be in agreement with federal laws.

XIV. Comments from Public/Outside Agencies/Associations

There were no comments from public/outside agencies/associations.

XV. Recess

9:00 a.m. Wednesday, October 22, 2014

XVI. Call to Order - Establishment of a Quorum

Dr. Kendall called the Board meeting to order at 9:10 a.m. Ms. Del Mugnaio, Executive Officer, called roll; eight members of the Board were present and thus a quorum was established.

Board Members Present

Tom Kendall, DVM, President
Mark Nunez, DVM
Richard Sullivan, DVM
Cheryl Waterhouse, DVM
Jennifer Loreda, RVT
Kathy Bowler, Public Member
Elsa Flores, Public Member
Judie Mancuso, Public Member

Staff Present

Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board
Rebecca Bon, Legal Counsel
Diann Sokoloff, SDAG, Board Liaison
Ethan Mathes, Administrative Program Manager
Candace Raney, Enforcement Program Manager
Bryce Penney, DCA Web Cast

Guests Present

Peter Wienstein, Southern California Veterinary Medical Association

XVII. Introductions

XVIII. Election of Officers

Dr. Kendall noted the elected Vice President would take effect immediately and the elected President would take effect on January 1, 2015.

- Dr. Richard Sullivan motioned to nominate Dr. Mark Nunez for Board President. The motion carried 7-0-1 (with Dr. Nunez abstaining).
- Elsa Flores motioned to nominate Judi Mancuso for Board Vice President. The motion failed 4-3.
- Dr. Richard Sullivan motioned to nominate Dr. Cheryl Waterhouse for Board Vice President. The motion carried 5-3.

XIX. Update on Exempt Appointee Salary Increase

Dr. Kendall reported the Board's entire approved increase to the Executive Office salary did not occur. Ms. Del Mugnaio clarified there was an increase, but not to the full amount approved by the Board.

- Judie Mancuso motioned and Dr. Mark Nunez seconded the motion to grant the Executive Officer a five percent salary increase as approved at the Board's July 2014 meeting. The motion carried 8-0.

CLOSED SESSION

XX. Closed Session

IV 2014 8

Board adopted stipulated settlement.

IA 2013 22

Board adopted stipulated settlement.

AV 2013 33

Board adopted stipulated settlement.

AV 2012 16

Board adopted stipulated settlement.

AV 2013 9

Board adopted stipulated settlement.

AV 2013 10

Board adopted stipulated settlement.

AV 2010 28

Board adopted stipulated settlement.

OPEN SESSION

XXI. Agenda Items and Next Meeting Dates – January 20-21, 2015; April 21-22, 2015; July 21-22, 2015; October 20-21, 2015

- A. Agenda Items for Next Meeting
- B. Multidisciplinary Advisory Committee Meetings 2015

Dr. Sullivan suggested moving staff reports to the end of the agenda and asked for a future agenda item on the difference between minimum and community standards of care.

Ms. Del Mugnaio reported the next Board meeting will be in November to hold an enforcement hearing.

Ms. Del Mugnaio confirmed the next meeting agenda will include items covering strategic planning, rodeo reporting, Sunset Review, veterinary technician school approval, and continuing education approval.

XXII. Adjourn

The Board adjourned at 1:15 p.m.

PROPOSED REGULATORY SCHEDULE 2014/2015

Priority	Subject	CCR Section(s)	Current Status/Action
PENDING ACTIONS			
1.	RVT AVMA School Approval	2064 et. seq.	9/2/14 – Approved by OAL; Effective 1/1/2014
2.	Pet Lovers License Plate	2090 et. seq.	12/19/14 – OAL Disapproved File, 120 days to resubmit; January 2015 – Board review for 15-day Notice
3.	Citation and Fine Program Update	2043	January 2015 – File under review at Department; February 2015 – Publish 45-day Notice
PROPOSED ACTIONS – BOARD			
1.	Uniform Standards for Substance Abuse (SB 1441)	2006, 2006.5, and 2076	October 2014 – Board approved; TBD – Publish 45-day Notice
2.	Animal Control Officer's Training	TBD	July 2014 – Board approved; January 2015 – Board discussion
3.	CPEI (SB 1111)	TBD	October 2014 – Board approved; TBD – Publish 45-day Notice
4.	Animal Rehabilitation	2038.5	January 2015 – Board discussion
5.	Veterinary Assistant Controlled Substances Permit	TBD	January 2015 – Task Force discussion
6.	Disciplinary Guidelines	2006	January 2015 – Board discussion
PROPOSED ACTIONS – MDC			
1.	RVT Student Exemption (BPC 4841.1)	TBD	Aug. 2014 – MDC Discussion
2.	RVT Alternate Route School Approval	2068.5	October 2014 – Assigned to MDC; February 2015 – MDC discussion
3.	Telemedicine	TBD	February 2015 – MDC discussion
4.	Minimum Standards	TBD	February 2015 – MDC discussion

**Veterinary Medical Board**

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**MEMORANDUM**

DATE	January 10, 2015
TO	Veterinary Medical Board
FROM	Annemarie, Executive Officer DCA/Veterinary Medical Board
SUBJECT	Pet Lover's License Plate Regulations

Attached is an outline of the disapproval issued by the Office of Administrative Law (OAL) on December 12, 2014 regarding the proposed California Pet Lovers License Plate Program regulation. The outline is intended to summarize the 20 page disapproval document issued by OAL.

I've worked with Rebecca Bon, Legal Counsel to craft amendments to the proposed regulations addressing some of the OAL's concerns. However, there are sections that will require further discussion and decisions of the Board (most of which are noted in the text).

Attachments:

- OAL Disapproval Outline 12/19/14
- Modified Text 1/2015

Pet Lover's License Plate Proposed Regulations

OAL Disapproval – 12/19/14

1. Authority Standard- The VMB does not have the authority to delegate decisions for granting funds to grantees to a separate non-profit entity.
 - a. VC 5156 does not provide statutory authority for the VMB to delegate its rulemaking power to another entity
 - b. Application form, application process, and grant criteria need to be established by the VMB in regulation

2. Necessity Standard- ISOR failed to support the need for each regulation and did not provide “substantial evidence” regarding the benefits anticipated from the regulatory action, including the benefits and goals in the authorizing statute. VMB needs to submit an Addendum to the ISOR explaining why each proposed provision is necessary to carry out the purpose for which it was proposed. – 15-day notice of availability of documents added to the rulemaking file.
 - a. 2092.1 – Why is it important for the “Fund” to notify the VMB if there is a change in Board composition – geographical bias held by members of the “Fund?”
 - b. 2093- Grant eligibility – Explain 5 eligibility requirements – why are each necessary? Why specific requirements are important for “specific entities?”
 - c. 2095.1- Commingling of funds- why are governmental agencies called out to restrict diverting to General Fund? All agencies should comply with same accounting standards

3. Clarity Standard- The following text was not written or displayed so that the meaning of the regulations will be easily understood by the persons directly affected by them. Amend text and submit 15-day Modification of Text package
 - a. 2091- VMB withdrawing recognition of Fund should Fund fail to provide *any documents or records* requested. Are the documents

referring to those enumerated in 2092? 2091(b) is unclear as to the requirements imposed on the Fund.

- b. 2091.1- “Due Notice” to the Fund prior to the VMB taking any action to withdraw its recognition of the Fund and an “opportunity to be heard.” Need to explain what constitutes “due notice”- orally or in writing/ within xxx number of days? Need to explain “opportunity to be heard.” – RB
- c. 2092- “Per geographic region” – define geographic region {CA counties, CA cities, Nor Cal/So Cal?}
- d. 2093 – Unclear whether a Grantee must comply with all subdivisions (a)- (c) or just those that are applicable. Need to cite specific regulations for (c)(1)-(4). RB
- e. 2093.1 – Application approval process/approval criteria is unclear
 - i. ISOR statement does not support text
 - ii. “Applications” is vague – no information on the form, or process to apply
 - iii. “First come/first served” – unclear as there is no timeline as to when applications will be accepted or an application period
 - iv. “Other criteria that promotes the official work of this Program” is vague. What criteria promotes the official work of the Program?”
- f. 2094- Subdivision (a) regarding “information and records” need to be specified as to whether it’s the same “information and records” enumerated in 2095? Subdivision (b) should be restated to clearly state that the *grantee shall make its operations and records available for inspection or audit by the Fund*. As currently written maintaining its “operations and records for the purpose of inspection” is unclear as there is no direction on how the grantee should maintain its operations and records.
- g. 2095 – How grantee may spend funds and on what animals is unclear.
 - i. Subdivision (a) – what services qualify as “existing services already funded and provided by that Grantee”
 - ii. Subdivision (b) – sterilization services are funded for *only dogs, cats, and rabbits*. ISOR indicates that the sterilization services are to be provided to this limited population but in this specific

order: cats, dogs, and rabbits? Language conflicts with ISOR statement.

iii. Subdivision (c)(2) – Program funds may not be used to fund overhead and/or *operational costs*. Unclear as to what constitutes *operational costs* if labor, tools, and office space cannot be paid for using grant funds, it is unclear what grant funds may be used for.

h. 2095.1- Commingling of Funds of Governmental Entities- ISOR does not explain why governmental entities have a specific restriction on commingling of funds, also the term “accounting requirements” should be stricken from ISOR language.

i. 2095.2 (e) Unclear what “revenue for administrative services and the detail of service required” means. Should this be *total cost of administrative services rendered by DMV and a description of the services rendered to justify the cost?*

j. 2095.3 – ISOR states that there is a frequency of transfer of the funds and an expenditure limit set to ensure funds are consistently distributed. The regulation text does not address an expenditure limit. **Also, text appears to bypass Legislative appropriation of funds pursuant to VC 5157.**

4.1 Insufficient Economic Impact Assessment- Addendum to its EIA – 15-day notice of availability of the document- VMB failed to address economic impact on: the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses within the state, and the expansion of businesses currently doing business within the state.

4.2 FSOR does not include statements regarding “nonsubstantial changes” to the text, under the heading “Updated Information.” An Amended FSOR should state: *The following nonsubstantial changes were made to the text following the 45-day public comment period, which serve to clarify the text without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text and explain why the changes were necessary for clarity:*

- *Article 11. Specialty License Plate Fund*
- *Reference citation in 2092,2 – added VC 5159*
- *Existing reference to DMV- California Department of Motor Vehicles*

5 Miscellaneous Corrections:

- Regulation text- underline and strikeout illustration errors
- Reference citations – 2092.1 – check reference citations
- Correct Form 400 – B.2 add Section 2093.1 as an adopted reg
- Form STD 399 – A.5 Fiscal Impact Statement is hole-punched
- ISOR and FSOR included references to VC Section 5060 – should be removed
- Good Cause for why regs should take effect prior to the quarterly effective date prescribed in GC 11343.4.

**Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board
Article 11. Specialty License Plate Fund**

Modified Text – 1/2015

2090. Program Overview

The Veterinary Medical Board of California (“Board”), as the sponsoring state agency, recognizes the California Spay and Neuter License Plate Fund Inc. (“Plate Fund Inc.”), a non-profit California corporation, as the organization that will administer and manage review grant applications and make recommendations to the Board regarding awarding grants for the California Pet Lovers License Plate Program (“Program”), which uses revenues from the original issuance, renewal, retention, replacement, or transfer of the license plates to provide funding to no or low cost animal sterilization services from approved providers of those services (“Grantees”).

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2090.1. Ownership of Program Title

The title “California Pet Lovers License Plate Program” is wholly owned by the Fund. If at any time the Fund’s role for administration and management of the Program terminates, the Board shall immediately cease use of this title.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2091. Withdrawal of Recognition by Board

The Board may withdraw its recognition of the Plate Fund Inc., in the following circumstances:

(a) If the Plate Fund Inc., employs fraud, misrepresentation, or deception in administering or managing the Program or its funds.

(b) If the Plate Fund Inc., fails to provide any documents or records **as specified in section 2092** that are requested by the Board.

(c) If the Plate Fund Inc., fails to qualify for non-profit status under Section 501(c)(3) of the Internal Revenue Code and Section 23701(d) of the Revenue and Taxation Code.

(d) If the Plate Fund Inc., fails to comply with this Article, or any state or federal tax requirements, and it fails to correct the lack of compliance within 120 days of its discovery.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2091.1. Notice and Opportunity to be Heard

Prior to taking any action to withdraw recognition of the Plate Fund Inc., the Board shall provide the Plate Fund Inc., ~~due written notice of its intent to withdraw its recognition at least thirty (30) days prior to taking any action. Said notice shall include information regarding the process to be heard before the Board at a regularly scheduled meeting. and an opportunity to be heard~~

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2092. Reporting Requirements

The Plate Fund Inc., shall prepare and submit an accounting report to the Board by May 31 of each year. The report shall be made available for presentation at the public meeting of the board, and the report shall include all of the following:

- (a) A list of the Plate Fund Inc.'s board members.
- (b) A copy of the Plate Fund Inc.'s bylaws.
- (c) A list of all Grantees ~~approved~~ recommended by the Plate Fund Inc.
- (d) The amount of funds given to Grantees.
- (e) ~~The total amount of revenue collected by the Fund.~~
- (f) The amounts of expenditures for administrative costs, marketing, or other promotional activities associated with encouraging application for, or renewal of, the specialized plates.
- (g) The number of animal sterilization procedures performed by Grantees with Program funds, **per geographic region.** *OAL requests further definition of "geographic region"- county, city, Nor Cal / So Cal?*
- (h) All comments, complaints, or feedback, received by the Plate Fund Inc., about the Program or any Grantee.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, 5159 and 5160, Vehicle Code

2092.1. Notifications

The Plate Fund Inc. shall notify the Board in writing within 15 working days of any of the following:

- (a) The departure of any board member,
- (b) The appointment of any board member,
- (c) Any change to the Plate Fund Inc.'s current bylaws, or
- (d) Any change in the Plate Fund Inc.'s California non-profit status under Section 501(c)(3) of the Internal Revenue Code.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, 5159 and 5160, Vehicle Code

2093. Grantee Eligibility

An entity is eligible to be a Grantee of the Program if it meets the following criteria:

(a) An entity is eligible to be a Grantee of the Program if it is at least one of the following:

(1) A California licensed Veterinarian or Veterinary Medical Association;

(2) A California City, County, or City and County;

(3) A California City, County, or City and County Animal Care and Control Department or Police Department that provides animal care and control services;

(4) A California non-profit under Section 501(c)(3) of the Internal Revenue Code;:and

(b) An entity is eligible to be a Grantee of the Program if it does at least one of the following:

(1) Currently provides, or has the ability to provide, animal sterilization services;

(2) Currently contracts with, or has the ability to contract with, providers of animal sterilization services;

(3) Operates, or has the ability to operate, a voucher program for animal sterilization service providers;:and

(c) An entity is eligible to be a Grantee of the Program if it complies with all of the following as applicable:

(1) The Veterinary Medicine Practice Act;

(2) Federal and state tax obligations The U.S. Internal Revenue Service;

(3) The California Franchise Tax Board; and

(4) The California Department of Public Health Veterinary Public Health Section, including mandated rabies control activities and reporting for the Local Rabies Control Activities Annual Report.

(5) Hold a valid veterinary premises registration as if required by Section 4853 of the Business and Professions Code.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 4853, Business and Professions Code, Section 5156, Vehicle Code

2093.1 Grantee Application

The Plate Fund Inc., reserves the right, on an annual basis, to **review and recommend approve** of applications on a “first come/first served” basis **beginning April 1, of each year** depending on availability of funds and other criteria that promotes the official work of this program.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2094. Grantee Requirements

Every Grantee shall agree to the following Program requirements prior to receipt of funding:

(a) Grantee shall provide information and records as **provided for in section 2095, and** requested by the Plate Fund Inc., including but not limited to, receipts and records of sterilization procedures.

(b) Grantee shall **make** maintain its operations and records **available** as open for inspection or audit by the Plate Fund Inc.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2095. Funding Purposes

~~(a) Grantees receive funding to provide specific services in addition to existing services already funded and provided by that Grantee.~~

(a) Grantees shall use Program funds for no- or low- cost sterilization of only dogs, cats, and rabbits.

(b) Grantees shall not use Program funds for any of the following:

(1) To replace or supplant existing sterilization procedures, including any sterilization already required by Food and Agriculture Code § 30503 i.e., impounded animals.

(2) To fund overhead and/or operational costs. ***How do you define “operational costs” separate from those costs associated with labor, tools, office space, etc., for low and no-cost sterilization?***

(3) To offset any other budget reductions or shortcomings in the Grantee’s general fund.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2095.1. Separation of Funds

Grantees, including governmental entities, shall keep and maintain all Program funds segregated from all other revenue, such that there shall be no commingling of Program funds with other revenue. Grantees, including governmental entities, may segregate these funds by use of “special” funds, trust funds, or other methods to prevent these funds from being

commingled with general fund revenue. In no event shall the monies from the Fund be diverted to any government entity's general fund.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2095.2. California Department of Motor Vehicles Reports

The Board shall request, on a quarterly basis, a report from the California Department of Motor Vehicles that outlines the following for each month of the quarter and overall for the quarter:

(a) Number of license plates, sold, renewed or canceled.

(b) Total revenue received from the sale and renewal of the license plates.

(c) Total revenue designated for the Fund

(d) Total revenue deposited into the California Department of Motor Vehicles California Environmental License Plate Fund pursuant to Section 5157(a)(5) of the Vehicle Code

(e) Total revenue cost for administrative services and the detail of services rendered to justify the cost required.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156 and 5157, Vehicle Code

2095.3. Fund Transfers

The Board shall request transfer of funds on no less than an annual basis and may request quarterly or biannual fund transfers. The Board may request funds be transferred directly to the Fund.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156 and 5157, Vehicle Code

ETHAN MATHES
Administrative Programs Coordinator
Veterinary Medical Board

**Veterinary Medical Board**

1747 N. Market Blvd., Suite 230, Sacramento, CA 95834

Telephone: 916-515-5220 Fax: 916-928-6849 | www.vmb.ca.gov

**MEMORANDUM**

DATE	January 10, 2015
TO	Veterinary Medical Board
FROM	Annemarie, Executive Officer DCA/Veterinary Medical Board
SUBJECT	Disciplinary Guidelines

Background:

The VMB adopted the current Disciplinary Guidelines Document in fall of 2013. However, over the past year, the VMB has expressed concern regarding the lack of specificity in supervision parameters (Optional Term #5) and the application of minimum and maximum penalties applied to disciplinary cases.

Attached is a proposal to amend the Disciplinary Guidelines and: 1) strike language that presents due process challenges, 2) provide rationale to minimum and maximum penalties, and 3) adopt supervision language that provides greater specificity and direction to probation staff when monitoring the supervision terms of a respondent.

Action Requested:

Review and consider adopting the proposed language and determine appropriate supervision language to incorporate into the proposed guidelines, and direct staff to issue a 45-day notice and schedule a public hearing.

Attachment

Proposed Disciplinary Guidelines 2015

Sample Supervision Language

Disciplinary Guidelines

~~July 2012~~

Veterinary Medical Board



~~2005 Evergreen Street, Suite 2250~~ 1747 N. Market Blvd., Suite 230

Sacramento, CA ~~95815-3831~~ 95834

(916) ~~263-2610~~

www.vmb.ca.gov

(add social media links?)

~~Susan M. Geranen~~ Annemarie Del Mugnaio, Executive Officer

DISCIPLINARY GUIDELINES

VETERINARY MEDICAL BOARD

~~July 2012~~

Tom Kendall, DVM

~~Kim Williams~~ Jennifer Loreda, RVT

~~Patti Aguiar~~ Elsa Florez, Public Member

~~Richard Johnson~~ Mark T. Nunez, DVM

Judie Mancuso, Public Member

~~Linda Starr~~ Kathy Bowler, Public Member

Richard Sullivan, DVM

Cheryl Waterhouse, DVM

Special thanks to former Board President ~~Stephanie Ferguson, DVM~~ Tom Kendall, DVM

~~Susan M. Geranen~~ Annemarie Del Mugnaio

Executive Officer

~~Sandra Monterrubio~~ Candace S. Raney

Enforcement Program Manager

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Veterinary Medical Board

Disciplinary Guidelines

Introduction

The Veterinary Medical Board (Board) developed the Disciplinary Guidelines outlined in this manual for its Executive Officer, staff, legal counsel, administrative law judges, and other persons involved in the Board's enforcement process to be used for the purpose of creating judgment orders in formal disciplinary actions. These guidelines are published in regulations for the public and the profession so that the processes used by the Board to impose discipline are readily available and transparent.

The Board recognizes that each case is unique and that mitigating or aggravating circumstances in a particular case may necessitate variations. Therefore, the Board has developed minimum and maximum penalties to assist in determining the appropriate penalty. If ~~an administrative law judge makes a finding that a violation occurred but assesses less than the minimum penalty for that charged violation, the Board would require information an accusation is sustained and less than the minimum penalty is assessed, the Board requires information~~ from the administrative law judge to explain the reasoning for applying a penalty lower than the minimum on the circumstances that resulted in less than the minimum penalty being assessed. In addition, probationary conditions are divided into two categories, 1) standard terms and conditions that are used for all cases, and 2) optional terms and conditions that are used for specific violations and circumstances unique to a specific case.

The Board licenses veterinarians and registers veterinary premises and veterinary technicians, and issues veterinary assistant controlled substances permits. If there is action taken against both the individual license and the premises permit, then the disciplinary order should reflect actions against both. However, in some cases, minimum standard violations are so severe that it is necessary to take immediate action and close a facility. In these instances, the veterinary license and the premises permit may be disciplined separately, and the disciplinary order should reflect separate action.

Because of the severity of cases resulting in action by the Office of the Attorney General, the Board has established that the minimum penalty shall always include revocation or suspension with the revocation or suspension stayed and terms and conditions of probation imposed. The imminent threat of the revocation or suspension being reinstated helps to insure compliance with the probationary terms and conditions. It is the recommendation of the Board that in any case involving a violation related to alcohol or drug abuse violations that the minimum term of probation should be five years. In addition, in any case involving a violation related to alcohol or drug abuse violations the mandatory terms and conditions listed specifically for this type of cases shall be imposed.

~~In cases where the penalties deviate from the minimum to maximum range without explanation of the deviation, the Board may non-adopt the Proposed Decision and review the case itself.~~

PENALTIES BY BUSINESS AND PROFESSIONS CODE SECTION NUMBER

Section	4883(a); 4837(b)
Violation	Conviction of a crime substantially related to the qualifications, functions, or duties of veterinary medicine, surgery, or dentistry, in which case the record of the conviction shall be conclusive evidence.
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty (as appropriate)	Revocation and/or suspension stayed Two-year probation \$2,000 fine Standard terms and conditions Optional terms and conditions including but not limited to: Suspension Limitations on practice Supervised practice No ownership of a veterinary hospital or clinic No management of a veterinary hospital/no supervision of interns or residents Continuing education Psychological evaluation and/or treatment Medical evaluation and/or treatment Rehabilitation program Submit to drug testing Abstain from controlled substances/alcohol Community service Restitution Ethics training

Maximum penalties should be considered if the criminal act caused or threatened harm to an animal or the public, if there have been limited or no efforts at rehabilitation, or if there were no mitigating circumstance at the time of the commission of the offense(s).

Minimum penalties may be considered if there is evidence of an attempt(s) at self-initiated rehabilitation. Evidence of self-initiated rehabilitation includes, but is not limited to, pro bono services to nonprofit organizations or public agencies that improve the care and treatment of animals or improve generally society's interactions with animals. Self-initiated rehabilitation measures also include, but are not limited to, when appropriate, specific training in areas of weakness, full restitution to persons harmed by the licensee or registrant, completions of treatment or other conditions of probation ordered by the court, or full compliance with all laws since the date of the occurrence of the criminal act.

Section	4883(b); 4837(d)
Violation	Having professional connection with, or lending the licensee's or registrant's name to, any illegal practitioner of veterinary medicine and the various branches thereof.
Maximum Penalty	Revocation and a \$5,000 fine

Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$2,000 fine Optional terms and conditions including but not limited to: 30-day suspension for each offense No ownership, of a veterinary hospital or clinic No management of a veterinary hospital/no supervision of interns or residents Ethics training
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or client or if there are prior violations of the same type of offense.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.</p>	

Section	4883(c); 4837(e); 4839.5
Violation	Violation or attempt to violate, directly or indirectly, any of the provisions of the chapter
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: Restitution Ethics training
<p>Maximum penalties should be considered if the actions were intended to subvert investigations by the Board or in any way hide or alter evidence that would or could be used in any criminal, civil, or administrative actions.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.</p>	

Section	4883(d)(e)
Violation	Fraud or dishonesty in applying, treating, or reporting on tuberculin or other biological tests. Employment of anyone but a veterinarian licensed in the State to demonstrate the use of biologics in the treatment of animals.
Maximum Penalty	Revocation or suspension and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$5,000 fine Optional terms and conditions including but not limited to: 30-day suspension of license and/or premises permit Continuing education Community service

Maximum penalties should be considered if the acts or omissions caused public exposure of reportable diseases (rabies, brucellosis or tuberculosis) or other hazardous diseases of zoonotic potential

Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.

Section	4883(f)
Violation	False or misleading advertising
Maximum Penalty	Revocation and/or suspension and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation 60-day suspension Standard terms and conditions \$2,000 fine Optional terms and conditions including but not limited to: Restitution Ethics training

Maximum penalties should be considered if the advertising was deceptive, caused or threatened harm to an animal, or caused a client to be misled and suffer monetary damages. One of the probationary terms in that case should be restitution to any client damaged as a result of the violation. The more severe penalty should be considered when there are prior violations of the same type of offense.

Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.

Section	4883(g); 4837(c)
Violation	Unprofessional conduct, that includes, but is not limited to the following: (1) Conviction of a charge of violating any federal statutes or rules or any statute or rule of this state regulating dangerous drugs or controlled substances. (2)(A) The use of, or prescribing for, or administering to himself or herself, any controlled substance. (B)The use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages to the extent, or in any manner as to be dangerous or injurious to a person licensed or registered under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person so licensed or registered to conduct with safety the practice authorized by the license or registration. (C)The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. (3) A violation of any federal statute, rule, or regulation or any of the statutes, rules, or regulations of this state regulating dangerous drugs or controlled substances.
Maximum Penalty	Revocation and a \$5,000 fine

<p>Minimum Penalty</p>	<p>Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$5,000 fine Optional terms and conditions including but not limited to:</p> <ul style="list-style-type: none"> 30-day suspension Supervised practice Psychological evaluation and/or treatment Medical evaluation and/or treatment Surrender DEA license/send proof of surrender to Board within 10 days of the effective date of the decision. No ownership, of a veterinary hospital or clinic No management of a veterinary hospital/no supervision of interns or residents Rehabilitation program Submit to drug testing Abstain from use of alcohol and drugs
<p>Maximum penalties should be considered if acts or omissions caused or threatened harm to an animal or a client <u>or if there are prior violations of the same type of offense.</u></p> <p>Minimum penalties may be considered if acts or omissions did not cause harm to an animal, there are no prior violations of the same type of offense, and there is evidence of self-initiated rehabilitation.</p> <p>When considering minimum penalties, the terms of probation should include a requirement that the licensee submit the appropriate medical reports (including psychological treatment and therapy), submit to random drug testing, submit to a limitation of practice, or practice under the supervision of a California licensed veterinarian as applicable on the facts of the case, and submit quarterly reports to the Board (in writing or in person as the Board directs). Note: in any violation related to alcohol or drug violations the Board requires a minimum of five years probation.</p>	

Section	4883(g)
Violation	General unprofessional conduct
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty (as appropriate)	<p>Written Public Reapproval Revocation and/or suspension stayed Two-year probation Standard terms and conditions Optional terms and conditions including but not limited to:</p> <ul style="list-style-type: none"> Suspension Limitations on practice Supervised practice No ownership of a veterinary hospital or clinic No management of a veterinary hospital/no supervision of interns or residents Continuing education Psychological evaluation and/or treatment Medical evaluation and/or treatment Rehabilitation program Submit to drug testing Abstain from controlled substances/alcohol Community service/ Restitution Ethics training

Maximum penalties should be considered if the acts or omissions caused substantial harm to an animal or a client, or if there are prior actions violations of the same type of offense against the licensee or registrant.

Minimum penalties may be considered if there are no prior actions, if there are mitigating circumstances such as the length of time since the offense(s) occurred, if the acts or omissions did not cause substantial harm to an animal or a client, and if there is evidence of a self-initiated rehabilitation.

Section	4883(h)
Violation	Failure to keep the licensee's or registrant's premises and all equipment therein in clean and sanitary condition. (Requirements for sanitary conditions are also outlined in Sections 4853.5 and 4854 (practice sanitation standards).
Maximum Penalty	Revocation or suspension of premises permit and a \$5,000 fine.
Minimum Penalty	<p>Revocation and/or suspension stayed Two-year probation Standard terms and conditions Fine - not less than \$50 nor more than \$500 per day, not to exceed \$5,000 Optional terms and conditions including but not limited to:</p> <ul style="list-style-type: none"> A ten- to thirty-day suspension or suspension until compliance with minimum standards of practice is achieved. Random hospital inspections

Maximum penalties should be considered if the acts or omissions caused or threatened harm to animals or the public, if there are prior actions and/or no attempt to remedy the violations, for example, unsanitary or hazardous workplace, improper sterilization of instruments, or improper husbandry practices or if there are prior violations of the same type of offense.

Minimum penalties may be considered people if the acts or omissions did not cause or threaten harm to animals or people, remedial action has been taken to correct the deficiencies, and **there is remorse for the existing unsanitary conditions.**

Note - A veterinary license and a premises permit can be disciplined separately.

Section	4883(i)
Violation	Negligence in the practice of veterinary medicine
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Three-year probation Standard terms and conditions Fine - not less than \$50 nor more than \$500 per day, not to exceed \$5,000 Optional terms and conditions including but not limited to: A ten- to thirty-day suspension or suspension until compliance with minimum standards of practice is achieved. Random hospital inspections

Maximum penalties should be considered if the acts or omissions caused or threatened harm to animals or the public, if there are prior actions and/or no attempt to remedy the violations.

Minimum penalties may be considered people if the acts or omissions did not cause or threaten harm to animals or people, remedial action has been taken to correct the deficiencies and there is remorse for the negligent acts.

Section	4883(i)
Violation	Incompetence in the practice of veterinary medicine
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/ or suspension stayed Three-year probation Standard terms and conditions \$2,000 fine Optional terms and conditions including but not limited to: 90-day suspension Supervised practice Hospital inspections Continuing education Clinical written examination Community service Restitution Ethics training

Maximum penalties should be considered based on the following factors: if the acts or omissions caused harm to an animal or an animal has died, there are limited or no efforts at rehabilitation, or there are no mitigating circumstances at the time of the commission of the offense(s).

Minimum penalties may be considered if the acts or omissions did not cause substantial harm to an animal, there is evidence of rehabilitation, and there are mitigating circumstances such as no prior discipline, remorse for the harm that occurred, cooperation with the Board's investigation, etc.

Section	4883(i)
Violation	Fraud and/or Deception in the practice of veterinary medicine
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Three-year probation Standard terms and conditions \$2,000 fine Optional terms and conditions including but not limited to: 90-day suspension Hospital inspections Supervised practice Clinical written examination Community service Restitution Ethics training

Maximum penalties should be considered based on the following factors: if the acts or omissions caused harm to an animal or an animal has died, there is limited or no evidence of rehabilitation or no mitigating circumstances at the time of the commission of the offense(s).

Minimum penalties may be considered if the acts or omissions did not cause substantial harm to an animal, there is evidence of rehabilitation and there are mitigation circumstances such as no prior discipline, remorse for the harm that occurred, cooperation with the Board's investigation, etc.

Section	4883(j); 4839.5
Violation	Aiding or abetting in acts which are in violation of any of the provisions of this chapter
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: 30-day suspension Ethics training

Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or client and the acts were repeated after a prior violation of the same type of offense.

Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client, there were no prior actions, and there is evidence of remorse and an acknowledgement of the violation.

Section	4883(k); 4837(a)
Violation	Fraud, misrepresentation, or deception in obtaining a license or registration, <u>or permit</u>
Maximum and Minimum Penalty	Revocation and a \$5,000 fine
Note - In this instance, the gravity of the offense warrants revocation in all cases since there was no legal basis for licensure in the first place.	

Section	4883(l)
Violation	The revocation, suspension, or other discipline by another state or territory of a license, certificate, or registration to practice veterinary medicine or as a veterinary technician in that state or territory
Maximum Penalty	Revocation
Minimum Penalty	The penalty that would have been applicable to the violation if it had occurred in the State of California

Section	4883(m)
Violation	Cruelty to animals or conviction on a charge of cruelty to animals, or both
Maximum Penalty	Revocation and a \$5,000 fine.
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$5,000 fine Optional terms and conditions including but not limited to: 30-day suspension Psychological evaluation and/or treatment Medical evaluation and/or treatment Continuing education Ethics training
Note - While the Board believes this violation is so severe that revocation is the only appropriate penalty, it recognizes that a lesser penalty may be appropriate where there are mitigating circumstances.	

Section	4883(n)
Violation	Disciplinary actions taken by any public agency in any state or territory of any act substantially related to the practice of veterinary medicine or the practice of a veterinary technician
Maximum Penalty	Revocation and a \$5,000 fine

Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$2,000 fine Optional terms and conditions including but not limited to: 30-day suspension Continuing education
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or the public, there is limited or no evidence of rehabilitation, and there were no mitigating circumstances at the time of the commission of the offense(s).</p> <p>Minimum penalties may be considered if there is evidence of attempts at self-initiated rehabilitation taken prior to the filing of the accusation. Self-initiated rehabilitation measures include pro bono services to nonprofit organizations or public agencies that improve the care and treatment of animals or improve generally society's interactions with animals. Self-initiated rehabilitation measures also include, when appropriate, specific training in areas of weakness, full restitution to persons harmed by the licensee or registrant, completion of treatment or other conditions of probation ordered by the court, and full compliance with all laws since the date of the occurrence of the violation.</p>	

Section	4883(o)
Violation	Violation, or the assisting or abetting violation of any regulations adopted by the Board pursuant to this chapter
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/ or suspension stayed Two-year probation Standard terms and conditions 30-day suspension \$1,000 fine Optional terms and conditions including but not limited to: Continuing education Restitution Ethics training
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to the animal or the public, there was more than one offense, there is limited or no evidence of rehabilitation, and there were no mitigating circumstances at the time of the offense(s).</p> <p>Minimum penalties may be considered if there is evidence of attempts at self-initiated rehabilitation. Self-initiated rehabilitation measures include pro bono services to nonprofit organizations or public agencies that improve the care and treatment of animals or improve generally society's interactions with animals. Self-initiated rehabilitation measures also include, when appropriate, specific training in areas of weakness, full restitution to persons harmed by the licensee or registrant, completion of treatment or other conditions of probation ordered by the court, and full compliance with all laws since the date of the occurrence of the violation.</p>	

Section	4855
Violation	Written Records
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/ or suspension stayed Two-year probation Standard terms and conditions 30-day suspension \$1,000 fine Optional terms and conditions including but not limited to: Continuing education
<p>Maximum penalties should be considered when there are is a lack of records or omissions and/or alterations that constitute negligence.</p> <p>Minimum penalties may be considered when there is evidence of carelessness and corrective measures have been implemented to correct the process whereby the records were created.</p>	

Section	4856
Violation	Failure to permit the inspection of Records or Premises by the Board
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: 30-day suspension Ethics training
<p>Maximum penalties should be considered if there is a deliberate attempt to prevent access to the Board, prior discipline of the managing licensee or the premises, or no mitigating circumstances at the time of the refusal.</p> <p>Minimum penalties may be considered when there are mitigating circumstances at the time of the request for records, where there is no deliberate attempt to prevent the Board from having access to the records or when there are no prior actions.</p>	

Section	4857
Violation	Impermissible disclosure of information about animals and/or about clients
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: 30-day suspension

Maximum penalties should be considered when breaching confidentiality puts the animals or clients in jeopardy.

Minimum penalties may be considered when the breach is inadvertent or when there is no prior action against the licensee.

Note - The severity of violations may determine whether action taken is citation and fine or formal discipline

Section	4830.5
Violation	Duty to report staged animal fighting
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: 30-day suspension Continuing Education Ethics training

Maximum penalties should be considered when an animal or animals have been killed or severely harmed.

Minimum penalties may be considered on a case-by-case basis.

Section	4830.7
Violation	Duty to report animal abuse or cruelty
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Considered on a case-by-case basis

Section	4836.5; 4837
Violation	Disciplinary proceedings against veterinarians and registered veterinary technicians
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: 30-day suspension Continuing Education Ethics training

Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or client, or the acts were repeated after a prior violation of the same type of offense.

Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or client, or if there are no prior violations.

Note - The Practice Act is very specific on the authorized duties for RVTs that cannot be performed by unregistered assistants; therefore, these violations are more serious due to their blatant nature.

STANDARD TERMS AND CONDITIONS OF PROBATION (1-11)

The Board recommends one- to five-year probation, as appropriate, in cases where probation is part of a disciplinary order.

All standard terms and conditions are included in every order of probation applied to the licensee or registrant subject to discipline (Respondent).

1.	Obey all Laws
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Respondent shall obey all federal and state laws and regulations substantially related to the practice of veterinary medicine. Further, within thirty (30) days of any arrest or conviction. Respondent shall report to the Board and provide proof of compliance with the terms and conditions of the court order including, but not limited to, probation and restitution requirements.

2.	Quarterly Reports and Interviews
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Respondent shall report quarterly to the Board or its designee, under penalty of perjury, on forms provided by the Board, stating whether there has been compliance with all terms and conditions of probation. In addition, the Board at its discretion may request additional in-person reports of the probationary terms and conditions. If the final written quarterly report is not made as directed, the period of probation shall be extended until such time as the final report is received by the Board. Respondent shall make available all patient records, hospital records, books, logs, and other documents to the Board, upon request.

3.	Cooperation with Probation Surveillance
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Respondent shall comply with the Board's probation surveillance program. All costs for probation monitoring and/or mandatory premises inspections shall be borne by Respondent. Probation monitoring costs are set at a rate of \$100 per month for the duration of the probation. Respondent shall notify the Board of any change of name or address or address of record within thirty (30) days of the change. Respondent shall notify the Board immediately in writing if Respondent leaves California to reside or practice in another state. Respondent shall notify the Board immediately upon return to California.

4.	No Preceptorships or Supervision of Interns
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Respondent shall not supervise a registered intern and shall not perform any of the duties of a preceptor.

5.	Notice to Employers
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Respondent shall notify all present and prospective employers of the decision in this case and the terms, conditions, and restrictions imposed on Respondent by the decision in this case. Within thirty (30) days of the effective date of this decision and within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause his or her employer to report to the Board in writing, acknowledging the employer has read the Accusation and decision in this case and understands Respondent's terms and conditions of probation. Relief veterinarians shall notify employers immediately.

6.	Notice to Employees
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Respondent shall, upon or before the effective date of this decision, post or circulate a notice which actually recites the offenses for which Respondent has been disciplined and the terms and conditions of probation, to all registered veterinary employees, and to any preceptor, intern or extern involved in his or her veterinary practice. Within fifteen (15) days of the effective date of this decision, Respondent shall cause his/her employees to report to the Board in writing, acknowledging the employees have read the Accusation and decision in the case and understand Respondent's terms and conditions of probation.

7.	Owners and Officers (Corporations or Partnerships): Knowledge of the Law
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Respondent shall provide, within thirty (30) days after the effective date of the decision, signed and dated statements from the owners, officers, or any owner or holder of ten percent (10%) or more of the interest in Respondent or Respondent's stock, stating said individuals have read and are familiar with federal and state laws and regulations governing the practice of veterinary medicine.

8. Tolling of Probation

If Respondent resides out of state upon or after effective date of the decision, he or she must comply with the following conditions only: quarterly reports and interviews, tolling of probation, continuing education and cost recovery. If Respondent returns to California he or she must comply or be subject to all probationary conditions for the period of probation.

Respondent, during probation, shall engage in the practice of veterinary medicine in California for a minimum of 24 hours per week for the duration of probation ~~six (6) consecutive months~~ or as determined by the Board. Should Respondent fail to engage in the practice of veterinary medicine in California as set forth above, the time outside of the state or practicing below the specified number of hours per week practice shall not apply to reduction of the probationary terms.

9. Violation of Probation

If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, or if the Attorney General's office has been requested to prepare any disciplinary action against Respondent's license, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

10. Completion of Probation

All costs for probation monitoring and/or mandatory premises inspections shall be borne by Respondent. Failure to pay all costs due shall result in an extension of probation until the matter is resolved and costs paid. Upon successful completion of probation and all payment of all fees due, Respondent's license will be fully restored.

11. Cost Recovery and Payment of Fines

Pursuant to Section 125.3 of the California Business and Professions Code, within thirty (30) days of the effective date of this decision, Respondent shall pay to the Board its enforcement costs including investigation, hearing, and probationary monitoring in the amount of _____ or the Respondent shall make these payments as follows: _____. ~~FAILURE TO PAY THIS AMOUNT TO THE BOARD BY THE STATED DEADLINE SHALL RESULT IN AUTOMATIC REVOCATION OF THE LICENSE FORTHWITH, WITHOUT FURTHER NOTICE OR AN OPPORTUNITY TO BE HEARD.~~

OPTIONAL TERMS AND CONDITIONS OF PROBATION (1-21)

Note - In addition to the standard terms and conditions of probation, optional terms and conditions of probation are assigned based on violations and fact patterns specific to individual cases.

1. Suspension – Individual License

As part of probation, Respondent is suspended from the practice of veterinary medicine for _____, beginning the effective date of this decision. During said suspension, Respondent shall not enter any veterinary hospital which is registered by the Board. Additionally, Respondent shall not manage, administer, or be a consultant to any veterinary hospital or veterinarian during the period of actual suspension and shall not engage in any veterinary-related service or activity.

2. Suspension – Premises

As part of probation, Premises License Number _____, issued to Respondent _____, is suspended for _____, beginning the effective date of this decision. During said period of suspension, said premises may not be used by any party for any act constituting the practice of veterinary medicine, surgery, dentistry, and/or the various branches thereof.

3. Posted Notice of Suspension

If suspension is ordered, Respondent shall post a notice of the Board's Order of Suspension, in a place clearly visible to the public. The notice, provided by the Board, shall remain posted during the entire period of actual suspension.

4. Limitation on Practice/Inspections

- (A) During probation, Respondent is prohibited from practicing _____ (*Type of practice*) _____
- (B) During probation, Respondent is prohibited from the following:
1. Practicing veterinary medicine from a location or mobile veterinary practice which does not have a current premises permit issued by the Board; and
 2. If Respondent is the owner or managing licensee of a veterinary practice, the following probationary conditions apply:
 - (a) The location or mobile veterinary practice must not only have a current premises permit issued by the Board, but must also be subject to inspections by a Board representative to determine whether the location or veterinary practice meets minimum standards for a veterinary practice. The inspections will be conducted on an announced or unannounced basis and shall be held during normal business hours. The Board reserves the right to conduct these inspections on at least a quarterly basis during probation. Respondent shall pay the Board for the cost of each inspection, which is \$500. ~~If the veterinary practice has two consecutive non-compliant inspections, Respondent shall surrender the Premises Permit within ninety (90) days from the date of the second consecutive non-compliant inspection.~~
 - (b) As a condition precedent to any Premises Permit issued to Respondent as Owner or managing licensee, the location or mobile veterinary practice for which application is made shall be inspected by a Board representative to determine whether the location or mobile veterinary practice meets minimum standards for a veterinary practice. Respondent shall submit to the Board, along with any premises permit application, a \$500 inspection fee.

5. Supervised Practice

Respondent shall practice only under the supervision of a veterinarian approved by the Board. The supervision directed may be continuous supervision, substantial supervision, partial supervision, or supervision by daily review, as deemed necessary by the Board. All costs involved with practice supervision shall be borne by Respondent. (See attached samples of supervision language)

Within thirty (30) days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more veterinarians of Respondent's choice.

Each supervisor shall have been licensed in California for at least five (5) years and not have ever been subject to any disciplinary action by the Board. The supervisor shall be independent, with no prior business or personal relationship with Respondent and the supervisor shall not be in a familial relationship with or be an employee, partner, or associate of Respondent.

Upon approval by the Board and ~~within thirty (30)~~ sixty (60) days of the effective date of the decision, Respondent shall have his or her supervisor submit a report to the Board in writing stating the supervisor has read the decision in case number _____. Should Respondent change employment, Respondent shall have his/her new supervisor, within fifteen (15) days after employment commences, submit a report to the Board in writing stating the supervisor has read the decision in case number _____.

Respondent's supervisor shall, on a basis to be determined by the Board, review and evaluate all or a designated portion of patient records of those patients for whom Respondent provides treatment or consultation during the period of supervised practice. The supervisor shall review these records to assess 1) the medical necessity and appropriateness of Respondent's treatment; 2) Respondent's compliance with community standards of practice in the diagnosis and treatment of animal patients; 3) Respondent's maintenance of necessary and appropriate treatment; 4) Respondent's maintenance of necessary and appropriate records and chart entries; and 5) Respondent's compliance with existing statutes and regulations governing the practice of veterinary medicine.

Respondent's supervisor shall file monthly reports with the Board. These reports shall be in a form designated by the Board and shall include a narrative section where the supervisor provides his or her conclusions and opinions concerning the issues described above and the basis for his or her conclusions and opinions. Additionally, the supervisor shall maintain and submit with his or her monthly reports a log designating the patient charts reviewed, the date(s) of service reviewed, and the date upon which the review occurred. If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board.

If respondent is an employee rather a veterinary hospital owner, the supervisor shall additionally notify the Board of the dates and locations of all employment of respondent, during each month covered by his/her report.

6.	No Ownership
Respondent shall not have any legal or beneficial interest in any business, firm, partnership, or corporation currently or hereinafter licensed or registered by the Board and shall not own any veterinary hospital.	
7.	No Management or Administration
Respondent shall not manage or be the administrator of any veterinary hospital.	
8.	Continuing Education

Within sixty (60) days of the effective date of this decision, and on an annual basis thereafter, Respondent shall submit to the Board for its prior approval, an educational program or course related to Respondent's specific area(s) of weakness which shall not be less than _____ hours per year, for each year of probation. Upon successful completion of the course, Respondent shall provide proof to the Board. This program shall be in addition to the Continuing Education required of all licensees for licensure renewal. All costs shall be borne by Respondent.

9. Clinical Training

Within sixty (60) days of the effective date of this decision, Respondent shall submit an outline of an intensive clinical training program to the Board for its prior approval. The exact number of hours and the specific content of the program shall be determined by the Board or its designee. Respondent shall successfully complete the training program and may be required to pass an examination related to the program's contents administered by the Board or its designee. All costs shall be borne by Respondent. **(further define or clarify clinical training?)**

10. Clinical or Written Examination

Within sixty (60) days of the effective date of this decision, or upon completion of the education course required above, or upon completion of the clinical training programs, Respondent shall take and pass species specific practice (clinical/written) examination to be administered by the Board or its designee. If Respondent fails this examination, Respondent must wait three (3) months between reexaminations, except that after three (3) failures, Respondent must wait one (1) year to take each necessary reexamination thereafter. All costs shall be borne by Respondent. If Respondent fails to take and pass this examination by the end of the first year of probation, Respondent shall cease the practice of veterinary medicine until this examination has been successfully passed and Respondent has been so notified by the Board in writing.

11. Psychological Evaluation (should this be Psychiatric Evaluation?)

Within thirty (30) days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more psychotherapists of Respondent's choice. Upon approval, and ~~W~~within ~~thirty (30)~~ sixty (60) days of the effective date of this decision, and on a periodic basis as may be required by the Board or its designee, Respondent shall undergo a psychiatric evaluation by a ~~Board-appointed~~ Board-approved psychotherapist (psychiatrist or psychologist), to determine Respondent's ability to practice veterinary medicine safely, who shall furnish a psychological report to the Board or its designee. All costs shall be borne by Respondent.

If the psychotherapist (psychiatrist or psychologist) recommends and the Board or its designee directs psychotherapeutic treatment, Respondent shall, within thirty (30) days of written notice of the need for psychotherapy, submit the name and qualification of one of more psychotherapists of Respondent's choice to the Board for its prior approval. Upon approval of the treating psychotherapist by the Board, Respondent shall undergo and continue psychotherapy until further notice from the Board. Respondent shall have the treating psychotherapist submit quarterly written reports to the Board. All costs shall be borne by Respondent.

ALTERNATIVE: PSYCHIATRIC EVALUATION AS A CONDITION PRECEDENT TO PRACTICE.

As of the effective date of the decision, Respondent shall not engage in the practice of veterinary medicine until notified in writing by the Board of this determination that Respondent is mentally fit to practice safely. If recommended by the psychotherapist (psychiatrist or psychologist) and approved by the Board or its designee, Respondent shall be barred from practicing veterinary medicine until the treating psychotherapist recommends, in writing and stating the basis therefore, that Respondent can safely practice veterinary medicine, and the Board approves said recommendation. All costs shall be borne by Respondent.

12.	Psychotherapy
<p>Within thirty (30) days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more psychotherapists of Respondent's choice. Upon approval, Respondent shall undergo and continue treatment until the Board deems that no further psychotherapy is necessary. Respondent shall have the treating psychotherapist submit quarterly status reports to the Board. The Board may require Respondent to undergo psychiatric evaluations by a Board-appointed psychiatrist. All costs shall be borne by Respondent.</p>	
13.	Medical Evaluation
<p><u>Within thirty (30) days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more physicians of Respondent's choice. Upon approval, and on a periodic basis thereafter as may be required by the Board or its designee, Respondent shall undergo a medical evaluation by a Board appointed approved physician,</u> to determine Respondent's ability to practice veterinary medicine safely, who shall furnish a medical report to the Board or its designee. If Respondent is required by the Board or its designee to undergo medical treatment, Respondent shall, within thirty (30) days of written notice from the Board, submit the name and qualifications of a physician of Respondent's choice to the Board for its prior approval. Upon approval of the treating physician by the Board, Respondent shall undergo and continue medical treatment until further notice from the Board. Respondent shall have the treating physician submit quarterly written reports to the Board. All costs shall be borne by Respondent.</p> <p>ALTERNATIVE: MEDICAL EVALUATION AS A CONDITION PRECEDENT TO PRACTICE.</p> <p>As of the effective date of this decision, Respondent shall not engage in the practice of veterinary medicine until notified in writing by the Board of its determination that Respondent is medically fit to practice safely. If recommended by the physician and approved by the Board or its designee, Respondent shall be barred from practicing veterinary medicine until the treating physician recommends, in writing and stating the basis therefore, that Respondent can safely practice veterinary medicine, and the Board approves said recommendation.</p>	
14.	Rehabilitation Program – Alcohol or Drug
<p>Within thirty (30) days of the effective date of this decision, Respondent shall submit in writing a(n) alcohol/drug rehabilitation program in which Respondent shall participate <u>(for the duration of probation/for one/for two years)</u> to the Board for its prior approval. In the quarterly written reports to the Board, Respondent shall provide documentary evidence of continuing satisfactory participation in this program. All costs shall be borne by Respondent.</p>	
15.	Submit to Drug Testing
<p>Respondent shall immediately submit to drug testing, at Respondent's cost, upon request by the Board or its designee. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and to Respondent's current employer.</p>	
16.	Abstain from Controlled Substances
<p>Respondent shall completely abstain from the personal use or possession of controlled substances, as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4211 of the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for a bona fide illness. Respondent shall submit to random drug testing during the period of probation.</p>	
17.	Abstention from Alcohol Use
<p>Respondent shall abstain completely from the use of alcoholic beverages.</p>	

18.	Community Service
<p>Within sixty (60) days of the effective date of this decision, Respondent shall submit a community service program to the Board for its prior approval. In this program Respondent shall provide free services on a regular basis to a community or charitable facility or agency for at least _____ (____) hours per _____ for the first _____ of probation. All services shall be subject to prior Board approval.</p>	
19.	Fine
<p>Respondent shall pay to the Board a fine in the amount of _____ (not to exceed five thousand dollars) pursuant to Business and Professions Code sections 4875 and 4883. Respondent shall make said payments as follows: _____.</p> <p>Pursuant to Business and Professions Code Section 125.3, enforcement costs (investigative, legal, and expert review), up to the time of the hearing, can be recovered.</p>	
20.	Restitution
<p>Respondent shall make restitution to any injured party in the amount of _____. Proof of compliance with this term shall be submitted to the Board within sixty (60) days of the effective date of this decision.</p> <p>Note - Name and address of injured party may be inserted in the body of this term.</p>	
21.	Ethics Training
<p>Respondent shall submit to the Board for its prior approval, an ethics training course for a minimum of _____ hours during the probationary period. Upon successful completion of the course, Respondent shall provide proof to the Board. All costs shall be borne by Respondent.</p>	

Sample Supervision Language – Disciplinary Guidelines#

PHARMACY BOARD

During the period of probation, respondent shall practice only under the supervision of a licensed pharmacist not on probation with the board. Upon and after the effective date of this decision, respondent shall not practice pharmacy and his or her license shall be automatically suspended until a supervisor is approved by the board or its designee. The supervision shall be, as required by the board or its designee, either:

Continuous – At least 75% of a work week

Substantial - At least 50% of a work week

Partial - At least 25% of a work week

Daily Review - Supervisor's review of probationer's daily activities within 24 hours

Within thirty (30) days of the effective date of this decision, respondent shall have his or her supervisor submit notification to the board in writing stating that the supervisor has read the decision in case number _____ and is familiar with the required level of supervision as determined by the board or its designee. It shall be the respondent's responsibility to ensure that his or her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely acknowledgements to the board shall be considered a violation of probation.

If respondent changes employment, it shall be the respondent's responsibility to ensure that his or her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the board. Respondent shall have his or her new supervisor, within fifteen (15) days after employment commences, submit notification to the board in writing stating the direct supervisor and pharmacist-in-charge have read the decision in case number _____ and is familiar with the level of supervision as determined by the board. Respondent shall not practice pharmacy and his or her license shall be automatically suspended until the board or its designee approves a new supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely acknowledgements to the board shall be considered a violation of probation.

Within ten (10) days of leaving employment, respondent shall notify the board in writing.

DENTAL BOARD

Within 60 days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more proposed supervisors and a plan for each such supervisor by which Respondent's practice would be supervised. The Board will advise Respondent within two weeks whether or not the proposed supervisor and plan of supervision are approved. Respondent shall not practice until receiving notification of Board approval of Respondent's choice of a supervisor and plan of supervision. CCR §1018 Page 19

The plan of supervision shall be *(direct and require the physical presence of the supervising dentist in the dental office during the time dental procedures are performed.) (general and not require the physical presence of the supervising dentist during the time dental procedures are performed but does require an occasional random check of the work performed on the patient as well as quarterly monitoring visits at the office or place of practice).*

Sample Supervision Language – Disciplinary Guidelines#

Additionally, the supervisor shall have full and random access to all patient records of Respondent. The supervisor may evaluate all aspects of Respondent's practice regardless of Respondent's areas of deficiencies.

Each proposed supervisor shall be a California licensed dentist who shall submit written reports to the Board on a quarterly basis verifying that supervision has taken place as required and include an evaluation of Respondent's performance. It shall be Respondent's responsibility to assure that the required reports are filed in a timely manner. Each supervisor shall have been licensed in California for at least five (5) years and not have ever been subject to any disciplinary action by the Board. An administrative citation and fine does not constitute discipline and therefore, in and of itself is not a reason to deny an individual as a supervisor.

The supervisor shall be independent, with no prior business or professional relationship with Respondent and the supervisor shall not be in a familial relationship with or be an employee, partner or associate of Respondent. If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by the Respondent.

MEDICAL BOARD

Monitoring -Practice/Billing

Within 30 calendar days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval as a _____insert: practice, billing, or practice and billing] monitor(s), the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or personal relationship with respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering, shall be in respondent's field of practice, and must agree to serve as respondent's monitor. Respondent shall pay all monitoring costs. The Board or its designee shall provide the approved monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement for approval by the Board or its designee.

Within 60 calendar days of the effective date of this Decision, and continuing throughout probation, respondent's _____ [insert: practice, billing, or practice and billing] shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation. If respondent fails to obtain approval of a monitor within 60 calendar days of the effective date of this Decision, respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a monitor is approved to provide monitoring responsibility.

The monitor(s) shall submit a quarterly written report to the Board or its designee which includes an evaluation of respondent's performance, indicating whether respondent's practices are within

Sample Supervision Language – Disciplinary Guidelines#

the standards of practice of _____[insert: medicine or billing, or both], and whether respondent is practicing medicine safely, billing appropriately or both.

It shall be the sole responsibility of respondent to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.

If the monitor resigns or is no longer available, respondent shall, within 5 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If respondent fails to obtain approval of a replacement monitor within 60 calendar days of the resignation or unavailability of the monitor, respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility. In lieu of a monitor, respondent may participate in a professional enhancement program equivalent to the one offered by the Physician Assessment and Clinical Education Program at the University of California, San Diego School of Medicine, that includes, at minimum, quarterly chart review, semi -annual practice assessment, and semi-annual review of professional growth and education. Respondent shall participate in the professional enhancement program at respondent's expense during the term of probation.

Third Party Chaperone

During probation, respondent shall have a third party chaperone present while consulting, examining or treating _____[insert: male, female, or minor] patients. Respondent shall, within 30 calendar days of the effective date of the Decision, submit to the Board or its designee for prior approval name(s) of persons who will act as the third party chaperone.

BOARD OF BEHAVIORAL SCIENCES

Supervised Practice

Within 30 days of the effective date of this decision, respondent shall submit to the Board or its designee, for its prior approval, the name and qualification of one or more proposed supervisors and a plan by each supervisor. The supervisor shall be a current California licensed practitioner in respondent's field of practice, who shall submit written reports to the Board or its designee on a quarterly basis verifying that supervision has taken place as required and including an evaluation of respondent's performance. The supervisor shall be independent, with no prior business, professional or personal relationship with respondent.

If respondent is unable to secure a supervisor in his or her field of practice due to the unavailability of mental health care professionals in the area, then the Board may consider the following options for satisfying this probationary term:

- (1) Permitting the respondent to receive supervision via videoconferencing; or,
- (2) Permitting respondent to secure a supervisor not in the respondent's field of practice.

The forgoing options shall be considered and exhausted by the Board in the order listed above. The Board may require that respondent provide written documentation of his or her good faith attempts to secure face-to-face supervision, supervision via videoconferencing or to locate a mental health professional that is licensed in the respondent's field of practice.

Failure to file the required reports in a timely fashion shall be a violation of probation. Respondent shall give the supervisor access to respondent's fiscal and client records. Supervision obtained from a probation supervisor shall not be used as experience gained toward licensure.

Sample Supervision Language – Disciplinary Guidelines#

If the supervisor is no longer available, respondent shall notify the Board within 15 days and shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by respondent. Supervision shall consist of at least one (1) hour per week in individual face to face meetings. The supervisor shall not be the respondent's therapist. [Optional - Respondent shall not practice until he/she has received notification that the Board has approved respondent's supervisor.]

BOARD OF REGISTERED NURSING

SUPERVISION - Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.

(d) Home Health Care - If respondent is approved to work in the home health care setting, the Individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the respondent with or without respondent present.

**Veterinary Medical Board**

1747 N. Market Blvd., Suite 230, Sacramento, CA 95834

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**MEMORANDUM**

DATE	January 10, 2015
TO	Veterinary Medical Board
FROM	Annemarie, Executive Officer DCA/Veterinary Medical Board
SUBJECT	Animal Rehabilitation Regulations

Background:

Based on significant discussion with interested parties at its January 2013 meeting, the Board reviewed and approved amendments to the proposed animal rehabilitation language. The Board then reviewed the proposed language again at its April 2013 and agreed hold the regulatory hearing in January 2014.

Due to staff transition and pending workload issues, a hearing regarding the proposed animal rehabilitation language has not been held. Dr. Sullivan has proposed amendments to the language adopted by the Board in January 2013 and again in April 2013, which uses the existing regulatory model of the Musculoskeletal Manipulation regulations (CCR §2038), since these provisions have been approved by the Office of Administrative Law.

Action Requested:

Review and consider adopting the proposed language as submitted by Dr. Sullivan and direct staff to issue a 45-day notice and schedule a public hearing.

Attachment

Proposed Animal Rehabilitation Language – VMB 2013

Proposed Animal Rehabilitation Language – Sullivan 2014

Animal Rehabilitation

(a) The term animal rehabilitation (AR) is the physical or corrective rehabilitation of any animal by the use of the physical, chemical and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise for the prevention, cure or relief of a wound, fracture, bodily injury, or disease of animals. AR includes physical rehabilitation evaluation, treatment planning, instruction and consultative services.

(b) AR may only be performed by the following persons:

(1) A veterinarian who has examined the animal patient and has sufficient knowledge to make a diagnosis of the medical condition of the animal, has assumed responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, including a determination that AR will not be harmful to the animal patient, discussed with the owner of the animal or the owner's authorized representative a course of treatment, and is readily available or has made arrangements for follow-up evaluation in the event of adverse reactions or failure of the treatment regimen. The veterinarian shall obtain as part of the patient's permanent record, a signed acknowledgment from the owner of the patient or his or her authorized representative that AR is considered to be an alternative (nonstandard) veterinary therapy.

(2) A California licensed physical therapist (PT) or a registered veterinary technician (RVT) working under the direct supervision of a veterinarian. A PT or a RVT shall be deemed to be working under the direct supervision of a veterinarian where the following protocol has been followed:

(A) The supervising veterinarian shall comply with the provisions of subsection (b)(1) prior to authorizing a PT or RVT to complete an initial examination of and/or perform treatment upon an animal patient.

(B) After the PT or RVT has completed an initial examination of and/or treatment upon the animal patient, the PT or RVT shall consult with the supervising veterinarian to confirm that the AR care is appropriate, and to coordinate complementary treatment, to assure proper patient care.

(C) At the time a PT or RVT is performing AR on an animal patient in an animal hospital setting, the supervising veterinarian shall be on the premise. At the time a PT or RVT is performing AR on an animal patient in a range setting, the supervising veterinarian shall be in the general vicinity of the treatment area.

(D) The supervising veterinarian shall be responsible to ensure that accurate and complete records of AR treatments are maintained in the patient's veterinary medical record.

(c) Where the supervising veterinarian has ceased the relationship with a PT or RVT who is performing AR treatment upon an animal patient, the PR or RVT shall immediately terminate such treatment.

(d)(1) A PT or RVT who fails to conform with the provisions of this section when performing AR upon an animal shall be deemed to be engaged in the unlicensed practice of veterinary medicine.

(2) A veterinarian who fails to conform with the provisions of this section when authorizing a PT or RVT to evaluate or perform AR treatments upon an animal shall be deemed to have engaged in unprofessional conduct.

**Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board**

2038.5. Animal Rehabilitation.

(a) The practice of veterinary medicine includes Animal Rehabilitation (AR) which is the physical or corrective rehabilitation of any animal by the use of the physical, chemical and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise for the prevention, cure or relief of a wound, fracture, bodily injury, or disease of animals. AR includes physical rehabilitation evaluation, treatment planning, instruction and consultative services.

(b) Only a California licensed physical therapist ("Physical Therapist") in good standing or registered veterinary technician in good standing may perform animal rehabilitation under a California licensed veterinarian's direct supervision, pursuant to California Code of Regulations, Section 2034(e) and Section 2035, under the following criteria:

(1) The supervising veterinarian, in consultation with the licensed physical therapist or registered veterinary technician, has determined that AR treatment is appropriate, and

(2) The supervising veterinarian ensures that accurate and complete records of AR treatments are maintained in the patient's veterinary medical record.

(c) Once the supervising veterinarian ceases the relationship with a physical therapist or registered veterinary technician who is performing AR treatment, the physical therapist shall immediately terminate treatment.

(d) A physical therapist or registered veterinary technician who fails to conform to the provisions of this section when performing AR treatment shall be deemed to be engaged in the unlicensed practice of veterinary medicine.

(e) A supervising veterinarian who fails to conform to the provisions of this section when authorizing a physical therapist or registered veterinary technician to evaluate or perform AR treatment shall be deemed to have engaged in unprofessional conduct.

(f) This section shall remain in effect only until January 1, 2017 and as of that date is repealed.

NOTE: Authority cited: Section 4808 and 4836, Business and Professions Code. Reference: Section 4825, 4826, 4836 and 4883, Business and Professions Code.

**Veterinary Medical Board**

1747 N. Market Blvd., Suite 230, Sacramento, CA 95834

Telephone: 916-515-5220 Fax:: 916-928-6849 | www.vmb.ca.gov

**MEMORANDUM**

DATE	January 10, 2015
TO	Veterinary Medical Board
FROM	Annemarie, Executive Officer DCA/Veterinary Medical Board
SUBJECT	CHRB Proposed Regulations – Authorized Bleeder Medication

The California Horse Racing Board (CHRB) is proposing changes to Section 1845 of the Rule regarding Authorized Bleeder Medication (aka Lasix) and has collaborated with the VMB and Business, Consumer Services and Housing Agency to develop the enclosed proposal for VMB consideration.

Along with the proposed regulation documents, are several background documents submitted by the CHRB, and intended to document the necessity for the changes to existing rules. The enclosed documents are listed below for your review and reference.

Attachments:

- Proposed Changes to Rule 1845 – Clean Copy
- Proposed Changes to Rule 1845 – Edited with Current Text
- Rule 1845 – Chart of Proposed Changes
- Lasix Background Report and Attachment

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
RULE 1845. AUTHORIZED BLEEDER MEDICATION

1845. Authorized Bleeder Medication.

The only authorized bleeder medication for the control of exercise-induced pulmonary hemorrhage (EIPH) shall be furosemide, and it shall only be administered by a single intravenous injection, in a dosage of not less than 150 mg and not more than 500 mg, on the grounds of the racetrack where the horse will race, and no later than four hours prior to race time. It shall only be administered to a horse that is registered on the authorized bleeder medication list.

(a) A horse is registered on the authorized bleeder medication list as follows:

(1) The trainer and a veterinarian designated by the owner determine furosemide is medically necessary to control EIPH and is not otherwise contraindicated for that horse.

(2) Prior to entry for race, the Official Veterinarian approves the CHRB Form 194 Authorized Bleeder Medication and Medical Records Request (**Date**), which is hereby incorporated by reference, submitted to the Official Veterinarian by the trainer and veterinarian designated by the owner.

(b) Once registered, any horse that will be administered furosemide shall:

(1) Arrive on the grounds of the racetrack where the horse will race no later than five hours prior to the post time of the race for which the horse is entered; and

(2) Be assigned to a pre-race security stall prior to the scheduled post time for the race in which it is entered, and shall remain there until it is taken to the receiving barn or the paddock to be saddled or harnessed for the race. While in the security stall, the horse shall be in the care, custody, control and constant view of the trainer, or a licensed person assigned by the trainer. The trainer shall be responsible for the condition, care and handling of the horse while it remains in the security stall. The Official Veterinarian may permit a horse to leave the security stall to engage in track warm-up heats prior to a race.

(c) Furosemide shall be administered only after:

(1) The trainer, owner, or veterinarian designated by the owner or trainer has consulted with the veterinarian designated by the Official Veterinarian regarding the condition of the horse sufficient to establish a veterinary-client-patient relationship within the meaning of California Code of Regulations, Title 16, section 2032.15; or

(2) The trainer, owner, or veterinarian designated by the owner or trainer has consulted with the Official Veterinarian or Racing Veterinarian sufficient to establish a veterinary-client-patient relationship within the meaning of California Code of Regulations, Title 16, section 2032.15, and that consulting Official Veterinarian or Racing Veterinarian directly supervises the veterinarian or California registered veterinary technician who administers furosemide.

(d) Administration of furosemide shall occur as follows:

(1) Only a veterinarian designated by the Official Veterinarian or a California registered veterinary technicians under the direct supervision of the veterinarian designated by the Official Veterinarian may administer furosemide. The Official Veterinarian shall not designate himself or herself to administer furosemide except in an emergency, the details of which shall be immediately reported to the stewards.

(A) Any veterinarian or California registered veterinary technician who administers furosemide shall not have a current business relationship with participating licensees within 30 days of the date they are designated to administer furosemide, or have had a veterinarian-client-patient relationship within 30 days of the date they are designated to administer furosemide.

(B) The person who administers furosemide pursuant to subsection (d)(1) shall promptly notify the Official Veterinarian of the treatment of the horse. Such notification shall be made on CHRB Form-36 (New 08/04), Bleeder Treatment Report, which is hereby incorporated by reference, not later than two hours prior to post time of the race for which the horse is entered.

(2) The owner, trainer or a designated licensed employee of the trainer shall be present and observe the furosemide administration.

(3) A horse authorized to be administered furosemide shall receive 250 mg of furosemide intravenously unless an alternative dose between 150 mg and 500 mg has been determined after consultation between the trainer, owner, or veterinarian designated by the owner or trainer, and the veterinarian designated by the Official Veterinarian pursuant to subsection (c).

(e) In the event of an adverse reaction or other emergency related to the administration of furosemide, the veterinarian or California registered veterinary technician who administered furosemide shall attend the horse until the arrival of a veterinarian designated by the trainer or owner.

(f) The syringe used to administer furosemide shall be provided to and retained by the Board until all testing of the horse is completed. In the event of a positive test finding as defined in this article, the Board may order, or the owner or trainer may request, the retained syringe be analyzed for prohibited substances. The results of the analysis may be used in any action before the Board.

(g) A horse that has been administered furosemide must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

(1) The official laboratory shall measure the specific gravity of post-race urine samples to ensure samples are sufficiently concentrated for proper chemical analysis. The specific gravity of such samples shall not be below 1.010.

(2) If the specific gravity of the post-race urine sample is determined to be below 1.010, or if the urine sample is not available for testing, quantitation of furosemide in serum or plasma shall then be performed. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

(h) A horse registered on the official authorized bleeder medication list must remain on the list unless the trainer or veterinarian designated by the horse owner requests the horse be removed. The request must be made using CHRB Form-194 (new) and must be submitted to the Official Veterinarian prior to the time of entry. A horse removed from the authorized bleeder

medication list may not be placed back on the list for a period of 60 calendar days unless the Official Veterinarian determines it is medically necessary for the horse. If a horse is removed from the authorized bleeder medication list a second time in a 365 day period, the horse may not be placed back on the list for a period of 90 calendar days.

(i) If the Official Veterinarian observes a horse bleeding externally from one or both nostrils during or after a race or workout, and determines such bleeding is a direct result of EIPH, the horse shall be ineligible to race for the following periods:

- First incident—14 days;
- Second incident within 365-day period—30 days;
- Third incident within 365-day period—180 days;
- Fourth incident within 365-day period—barred from racing lifetime.

For the purposes of counting the number of days a horse is ineligible to run, the day after the horse bled externally is the first day of such period.

(j) The owner(s) of a registered horse shall:

(1) Pay all costs associated with the administration of furosemide.

(2) Consent to the procedures in this section and agree that the pre-race examination conducted under the direction of the Official Veterinarian shall constitute a veterinary-client-patient relationship within the meaning of California Code of Regulations, Title 16, section 2032.15.

Authority: Sections 19440 and 19562, Business and Professions Code.

Reference: Sections 19580 and 19582, Business and Professions Code.

Jan. 5, 2015

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
RULE 1845. AUTHORIZED BLEEDER MEDICATION

1845. Authorized Bleeder Medication.

The only authorized bleeder medication for the control of ~~exereised-exercise-~~induced pulmonary hemorrhage (EIPH) ~~may~~shall be furosemide, and it shall only be administered ~~to by~~ a ~~horse~~single intravenous injection, in a dosage of not less than 150 mg and not more than 500 mg, on the grounds of the racetrack where the horse will race, and no later than four hours prior to race time. It shall only be administered to a horse that is registered on the authorized bleeder medication list.

(a) A horse is ~~eligible to race with~~registered on the authorized bleeder medication ~~if the licensed list as follows:~~

(1) The trainer and/or a veterinarian determines it is in the horse's best interest. If a horse will race with authorized bleeder medication, form designated by the owner determine furosemide is medically necessary to control EIPH and is not otherwise contraindicated for that horse.

(2) Prior to entry for race, the Official Veterinarian approves the CHRB Form 194 (New 08/04), Authorized Bleeder Medication and Medical Records Request, (Date), which is hereby incorporated by reference, shall be used submitted to notify the Official Veterinarian by the trainer and veterinarian prior to entry designated by the owner.

~~—(b) The official laboratory shall measure the specific gravity of post race urine samples to ensure samples are sufficiently concentrated for proper chemical analysis. The specific gravity of such samples shall not be below 1.010.~~

~~—(c) If the specific gravity of the post race urine sample is determined to be below 1.010, or if a urine sample is not available for testing, quantitation of furosemide in serum or plasma shall then be performed. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.~~

~~_____ (d) A horse qualified to race with authorized bleeder medication shall~~ (b) Once registered, any horse that will be administered furosemide shall:

(1) Arrive on the grounds of the racetrack where the horse will race no later than five hours prior to the post time of the race for which the horse is entered; and

(2) Be assigned to a pre-race security stall prior to the scheduled post time for the race in which it is entered, and shall remain there until it is taken to the receiving barn or the paddock to be saddled or harnessed for the race. While in the security stall, the horse shall be in the care, custody, control and constant view of the trainer, or a licensed person assigned by the trainer. The trainer shall be responsible for the condition, care and handling of the horse while it remains in the security stall. The Official Veterinarian may permit a horse to leave the security stall to engage in track warm-up heats prior to a race.

~~_____ (e) A horse qualified for administration of authorized bleeder medication must be treated on the grounds of the racetrack where the horse will race no later than four hours prior to post time of the race for which the horse is entered. The authorized bleeder medication, furosemide,~~ (c) Furosemide shall be administered by a single intravenous injection only, in a dosage of not less than 150 mg. after:

(1) The trainer, owner, or not more than 500 mg. A horse racing with furosemide must show a detectable concentration of the drug in the post-race serum, plasma or urine sample. The veterinarian administering designated by the owner or trainer has consulted with the veterinarian designated by the Official Veterinarian regarding the condition of the horse sufficient to establish a veterinary-client-patient relationship within the meaning of California Code of Regulations, Title 16, section 2032.15; or

(2) The trainer, owner, or veterinarian designated by the owner or trainer has consulted with the bleeder medication shall Official Veterinarian or Racing Veterinarian sufficient to establish a veterinary-client-patient relationship within the meaning of California Code of Regulations, Title 16, section 2032.15, and that consulting Official Veterinarian or Racing Veterinarian directly supervises the veterinarian or California registered veterinary technician who administers furosemide.

(d) Administration of furosemide shall occur as follows:

(1) Only a veterinarian designated by the Official Veterinarian or a California registered veterinary technicians under the direct supervision of the veterinarian designated by the Official Veterinarian may administer furosemide. The Official Veterinarian shall not designate himself or herself to administer furosemide except in an emergency, the details of which shall be immediately reported to the stewards.

(A) Any veterinarian or California registered veterinary technician who administers furosemide shall not have a current business relationship with participating licensees within 30 days of the date they are designated to administer furosemide, or have had a veterinarian-client-patient relationship within 30 days of the date they are designated to administer furosemide.

(B) The person who administers furosemide pursuant to subsection (d)(1) shall promptly notify the Official Veterinarian of the treatment of the horse. Such notification shall be made using CHRB Form-36 (New 08/04), Bleeder Treatment Report, which is hereby incorporated by reference, not later than two hours prior to post time of the race for which the horse is entered. ~~Upon the request of a Board representative, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.~~

~~(2) The owner, trainer or a designated licensed employee of the trainer shall be present and observe the furosemide administration.~~

(3) A horse ~~placed~~ authorized to be administered furosemide shall receive 250 mg of furosemide intravenously unless an alternative dose between 150 mg and 500 mg has been determined after consultation between the trainer, owner, or veterinarian designated by the owner or trainer, and the veterinarian designated by the Official Veterinarian pursuant to subsection (c).

(e) In the event of an adverse reaction or other emergency related to the administration of furosemide, the veterinarian or California registered veterinary technician who administered furosemide shall attend the horse until the arrival of a veterinarian designated by the trainer or owner.

(f) The syringe used to administer furosemide shall be provided to and retained by the Board until all testing of the horse is completed. In the event of a positive test finding as defined in this article, the Board may order, or the owner or trainer may request, the retained syringe be analyzed for prohibited substances. The results of the analysis may be used in any action before the Board.

(g) A horse that has been administered furosemide must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

(1) The official laboratory shall measure the specific gravity of post-race urine samples to ensure samples are sufficiently concentrated for proper chemical analysis. The specific gravity of such samples shall not be below 1.010.

(2) If the specific gravity of the post-race urine sample is determined to be below 1.010, or if the urine sample is not available for testing, quantitation of furosemide in serum or plasma shall then be performed. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

(h) A horse registered on the official authorized bleeder medication list must remain on the list unless the ~~licensed~~-trainer ~~and~~/or veterinarian designated by the horse owner requests ~~that~~ the horse be removed. The request must be made using CHRB Form-194 (new-08/04-) and must be submitted to the Official Veterinarian prior to the time of entry. A horse removed from the authorized bleeder medication list may not be placed back on the list for a period of 60 calendar days unless the Official Veterinarian determines it is ~~detrimental to the welfare of~~medically necessary for the horse. If a horse is removed from the authorized bleeder medication list a second time in a 365 -day period, the horse may not be placed back on the list for a period of 90 calendar days.

(g(i) If the Official Veterinarian observes a horse bleeding externally from one or both nostrils during or after a race or workout, and determines such bleeding is a direct result of EIPH, the horse shall be ineligible to race for the following periods:

- ~~First incident—14 days;~~
- ~~Second incident within 365-day period—30 days;~~

- ~~—●—~~Third incident within 365-day period—180 days;
- ~~—●—~~Fourth incident within 365-day period—barred ~~for~~from racing lifetime.

For the purposes of counting the number of days a horse is ineligible to run, the day after the horse bled externally is the first day of such period. ~~The voluntary administration of authorized bleeder medication without an external bleeding incident shall not subject a horse to the initial period of ineligibility as defined under this subsection.~~

~~NOTE:-(j) The owner(s) of a registered horse shall:~~

~~(1) Pay all costs associated with the administration of furosemide.~~

~~(2) Consent to the procedures in this section and agree that the pre-race examination conducted under the direction of the Official Veterinarian shall constitute a veterinary-client-patient relationship within the meaning of California Code of Regulations, Title 16, section 2032.15.~~

Authority ~~cited~~: ~~_____~~ Sections 19440 and 19562, Business and Professions Code.

Reference: Sections 19580 and ~~19581~~19582, Business and Professions Code.

HISTORY:

~~1. Amendment filed 7-11-75; effective 8-10-75.~~

~~2. Repealer and new rule filed 10-29-81; effective 11-28-81.~~

~~3. Amendment filed 2-9-84; effective 2-9-84.~~

~~4. Amendment of subsections (e) and (f) filed 8-13-91; effective 9-12-91.~~

~~5. Amendment filed 4-27-05; effective 5-27-05.~~

Jan. 5, 2015

ADMINISTRATION OF FUROSEMIDE - OVERVIEW

CURRENT PROCEDURE

Routine Daily Care

by CVMB/CHRB Licensed Private Veterinarian

Race Day Care (on the morning of race day)

Pre-race Exam by CHRB Official Veterinarian

Race Day Administration of Lasix

by CVMB/CHRB Licensed Private Veterinarian

PROPOSED PROCEDURE (key points)

Routine Daily Care

by CVMB/CHRB Licensed Private Veterinarian

Race Day Care (on the morning of race day)

Pre-race Exam by CHRB Official Veterinarian

Race Day Administration of Lasix

by **licensed veterinarian designated by the Official Veterinarian** or **registered veterinary technician under the supervision of a licensed veterinarian** designated by the Official Veterinarian

Furosemide shall be administered only after:

(1) The trainer, owner, or veterinarian designated by the owner or trainer has consulted with the veterinarian designated by the Official Veterinarian regarding the condition of the horse sufficient to establish a **veterinary-client-patient relationship...**

(2) The trainer, owner, or veterinarian designated by the owner or trainer has consulted with the Official Veterinarian or Racing Veterinarian sufficient to establish a **veterinary-client-patient relationship...** and that consulting Official Veterinarian or Racing Veterinarian **directly supervises** the veterinarian or California registered veterinary technician who administers furosemide.

and:

(1) Only a veterinarian designated by the Official Veterinarian or a California registered veterinary technician under the **direct supervision** of the veterinarian designated by the Official Veterinarian may administer furosemide. **The Official Veterinarian shall not designate himself or herself** to administer furosemide except in an emergency, the details of which shall be immediately reported to the stewards.

(A) [the designee] who administers furosemide **shall not have a current business relationship** with participating licensees **within 30 days** of the date they are designated to administer furosemide, or **have had a veterinarian-client-patient relationship within 30 days** of the date they are designated to administer furosemide.

(2) The owner, trainer or a designated licensed employee of the trainer shall be present and observe the furosemide administration.

Exercise Induced Pulmonary Hemorrhage in Racing Overview

Rick M. Arthur, DVM

Equine Medical Director, UC Davis School of Veterinary Medicine

Epistaxis has been a problem in racing Thoroughbreds for at least 300 years (*Markham*). As late as the early 1970's epistaxis was considered the diagnostic sign for the condition. Cook reported about this time epistaxis occurred in between 0.5-2.5% of racing Thoroughbreds (*Cook*). This all changed in the 1970's with the introduction of fiberoptic endoscopy into race track veterinary practice. In the late 70's the term Exercise Induced Pulmonary hemorrhage was coined by Pascoe (*Pascoe 1981*) and co-authors to describe the much more common occurrence of pulmonary hemorrhage without epistaxis. Only a small fraction of horses with EIPH demonstrate epistaxis. Subsequent studies put the occurrence of EIPH at about 80% depending on the length of the fiberoptic endoscope and other factors (*Hinchcliff*). Cytological and histological studies put the occurrence at virtually 100% (*Oikawa, Whitwell*).

Race day administration of furosemide has been permitted in CA since the mid-70's. Most states in the US were permitting race day furosemide by the mid-90's. The first furosemide efficacy study was conducted at tracks in California in the mid-80's (*Pascoe 1985*) and the definitive study from South Africa was published in 2009 (*Hinchcliff*). Even though over half of all horses show EIPH even after treatment, the severity of the EIPH has been shown to be less.

Whether a horse receives furosemide or not is an important handicapping (wagering) factor since horses receiving furosemide are known to run faster with the medication (*Gross, Soma*). All treatments with furosemide are noticed to the public. Approximately \$2.5 billion was wagered on California races in FY 2013-2014.

Nearly 98% of Thoroughbreds in CA race on furosemide. The attached racing program is for Santa Anita on January 4, 2015. All but one horse raced on furosemide (designated by "L" in the program). The dosage of furosemide is restricted to 150mg-500mg by a single IV dose no sooner than 4 hours prior to racing. The lower dose requirement is to ensure the horse is racing under the influence of furosemide. Racing a horse "hot" with Lasix or "cold" without Lasix was considered a means to manipulate performance. The higher dose, IV administration and 4 hour prohibition restrictions ensure the urine is not diluted so as to interfere with drug testing (*Sams*).

Furosemide or any other drugs or medications are not permitted by International Federation of Horseracing Authority rules. The major racing countries of England, Ireland, France, Japan, Hong Kong, Dubai, South Africa, New Zealand and Australia do not allow the use of furosemide to race.

Whether race day furosemide should be permitted has been an ongoing debate in US racing for several years. One issue that has drawn particular scrutiny over the practice in the US is access to horses on race day by private veterinarians. In 2011, the threat of federal legislation and the chairman of the Racing Commissioners International statement that, "Today over 99% of Thoroughbred racehorses and 70% of Standardbred racehorses have a needle stuck in them 4 hours before a race. That just does not pass the

smell test with the public or anyone else ...” Access to horses on race day is an integrity issue. The CHRB has dealt with over half a dozen cases in recent years of drug positives for drugs that can only be found when administered on race day by IV injection. All have been consistent with furosemide time administrations. In addition, CHRB investigations have uncovered instructions to veterinarians to administer a number of other prohibited drugs on race day that are currently difficult or impossible to detect with post-race testing.

The industry, including racing regulators, industry stakeholders and American Association of Equine Practitioners representing veterinarians, came together and proposed a number of changes concerning racing medication. One consensus issue was that access to horses on race day needed to be limited. The province of Ontario, Canada, the New York Racing Association and many harness tracks had already prohibited private veterinarians from administering furosemide on race day. Those programs operated successfully. Third-party Lasix was included as part of the national uniform medication program along with greater restrictions on a number of other medications and increased penalties for drug violations. The Breeder’s Cup and the Kentucky Horse Racing Commission have instituted similar policies in recent years. The Breeder’s Cup in California has operated the last 3 years with 3rd party Lasix administration. Breeder’s Cup contracted veterinarians, licensed by CVMB & CHRB, consulted with all trainers prior to Breeder’s Cup this last fall concerning Lasix administrations. The Breeder’s Cup is unusual in as much as the majority of horses ship in for the race from around the country and internationally. As a practical matter, using the January 4, 2015, race day at Santa Anita again and an example, only 8 of the 99 horses entered to race that day had not raced previously in California. All of the others already had examination and medication treatment records on file with the CHRB. Only 8 new examination and treatment records had to be created for that day. While the proposed regulations for furosemide administration will increase paperwork requirements beyond what is current practice in most private veterinary practices, this will be readily manageable.

References:

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Whitwell KE, Greet TRC: Collection and Evaluation of tracheobronchial lavage in the horse. *EVJ* 16:499-508 (1984)



Mark Bet Slips South Track

\$1 Exacta / \$1 Trifecta

\$2 Rolling Double/ \$1 Rolling Pick Three (Races 1-2-3)

\$0.50 Pick 5 (Races 1-2-3-4-5)

\$1 Superfecta (.10 Min.)



1st

Approx. Post 12:30PM

Win	Place	Show

CLAIMING \$25,000-\$22,500. PURSE \$32,000. FOR FOUR YEAR OLDS AND UPWARD. Weight, 123 Lbs Non-winners Of A Race Since November 19, 2014 Allowed 2 Lbs. Claiming Price \$25,000, if for \$22,500, allowed 2 lbs. (Maiden and Claiming races for \$20,000 or less not considered). **Six And One Half Furlongs.**

Track Record: Square Eddie 119 lbs. 5 y.o. 1-14-11 1:13.11

1	William P. & Nancy R. Gregory <i>Yellow, blue hand, blue hand on front and "DR G" on back, yellow cap</i> Charlie'sboywins	William Gregory L 119 Vinnie Bednar	30 \$22,500
Red	8y.o. Dk B/ Br. g (CA) by Fruition - Spanish Gypsy (Ole) Bred in California by William P. Gregory & Nancy Rubin Gregory		
2	Branch or Glatt <i>Blue, yellow "B" in circle frame on back, blue cap</i> McKenzies Way	Mark Glatt L 121 Martin Pedroza	6 \$25,000
White	7y.o. Ch. g (KY) by Wildcat Heir - Lose the Blues (Pulpit) Bred in Kentucky by Ron McCauley		
3	Kurt Rexius <i>Fluorescent orange, multi-colored war game cock on back, fluorescent cap</i> Oligarch	Gus Headley L 121 Kayla Stra	4 \$25,000
Blue	7y.o. B. g (FL) by Congrats - For All Who Dream (Eltish) Bred in Florida by Rosebrook Farms LLC		
4	Acker or Allen or Lindo, Et Al <i>Maroon, gold "AC" on back, gold sleeves, maroon and gold cap</i> Life a Riley	Bill Spawr L 121 Tyler Baze	8 \$25,000
Yellow	5y.o. Dk B/ Br. g (CA) by Bertrando - Sweet Paradise (Storm Cat) Bred in California by Pam & Martin Wygod		
5	Randy Marriott <i>White, green "D" in red circle, red sleeve, green sleeve, white cap</i> When We Met	Robertino Diodoro(Williams, S.) L 121 William Antongeorgi	5/2 \$25,000
Green	9y.o. B. g (KY) by Maria's Mon - Unbridled Femme (Unbridled) Bred in Kentucky by Duzee Stable		
6	Juan Garcia <i>Maroon, maroon shamrock on gold ball on back, gold sleeves, maroon and gold cap</i> Hadfunlastnight	Victor Garcia L 121 Elvis Trujillo	3 \$25,000
Black	6y.o. Ch. g (AZ) by Margie's Wildcat - Elkmont (Rare Brick) Bred in Arizona by Hal Snowden Jr.		
7	Benowitz or Powell or Viskovich, Et Al <i>White, yellow sun with orange and red rays, black diamond cuffs on sleeves, orange, red and yellow quartered cap</i> No Contingency	Leonard Powell L 119 Kent Desormeaux	7/2 \$25,000
Orange	5y.o. Dk B/ Br. g (FL) by Put It Back - Dixieland Event (Wild Event) Bred in Florida by Bridlewood Farm		
8	KM Racing Enterprise, Inc. <i>Blue, lime emblem, blue "KM" on back, black and lime green infinity emblem on front, lime green sleeves and cap</i> Quality Plan	George Papaprodromou L 119 Flavien Prat	8 \$22,500
Pink	5y.o. Dk B/ Br. h (KY) by Elusive Quality - Gypsy Hollow (Dixieland Band) Bred in Kentucky by Fares Farm LLC		

L denotes Lasix. © denotes horses using lasix that did not in their last start. denotes California bred.

- Denotes Golden State Series eligible.

#7 No Contingency: Entered not to be claimed per CHRB rule 1634.

Morning Line Odds are prepared prior to scratch time.

01/04/2015 Race 1

**Pick 5 Carryover
\$392,388 Should
Exceed \$2 Million
Starts Here**



Mark Bet Slips South Track
 \$1 Exacta / \$1 Trifecta / \$2 Rolling Double
 \$1 Rolling Pick Three (Races 2-3-4)
 \$0.50 Pick 4 (Races 2-3-4-5)
 \$1 Superfecta (.10 Min.)



2nd

Approx. Post 1:00PM

Win	Place	Show

MAIDEN SPECIAL WEIGHT PURSE \$56,000. (PLUS UP TO \$16,800 TO CAL-BREDS)FOR MAIDENS, FOUR YEARS OLD AND UPWARD.Weight, 122 Lbs. **Six And One Half Furlongs.**

Track Record: Square Eddie 119 lbs. 5 y.o. 1-14-11 1:13.11

1	Mr. & Mrs. Marc C. Ferrell <i>Turquoise, red cross, red stars and cuffs on sleeves, turquoise cap</i> Logan's Moon	Peter Eurton Rafael Bejarano	2
Red	5y.o. B. g (KY) by Malibu Moon - Press Camp (Comic Strip) Bred in Kentucky by Spendthrift Farm LLC	L 122	
2	Qatar Racing, Ltd. <i>Claret, gold braid, claret sleeves and cap</i> •Moonlight Meeting	Simon Callaghan Kieren Fallon	12
White	4y.o. Ch. r (VA) by Malibu Moon - Beautiful Stranger (Foxhound) Bred in Virginia by Hart Farm	L 122	
3	Al & Julia Dominguez <i>Yellow and light blue diamonds, light blue diamond stripe on yellow sleeves, yellow cap</i> Mr. Pete Got Even 🐜	Andrew Harris Mario Gutierrez	30
Blue	4y.o. Dk B/ Br. c (CA) by Time to Get Even - Sinceyouwentaway (Dynaformer) Bred in California by Al Dominguez	L 122	
4	Ellen & Peter O. Johnson, Sr. <i>Yellow, teal, peach and navy diamond panel, navy cuffson sleeves,navy diamond hoop on yellow cap</i> Twentytwentyvision	Richard Mandella(A. Vega) Flavien Prat	8
Yellow	4y.o. B. g (KY) by Pollard's Vision - Miss Alphonie (Candi's Gold) Bred in Kentucky by Peter O. Johnson	L 122	
5	Betty or Robert G. Irvin (Lessee) <i>Chinese red, black "C-Punch" on back, black cuffs, red and black cap</i> Uptown Rythem	Carla Gaines Tyler Baze	3
Green	4y.o. Dk B/ Br. c (KY) by Speightstown - Listen to My Song (Unbridled's Song) Bred in Kentucky by Town & Country Farms Corp.	L 122	
6	Connor or Jacobsen or Sherman <i>Black, red sleeves, white cap</i> Wade 🐜	Peter Eurton Elvis Trujillo	4
Black	5y.o. Gr/ro. g (CA) by Marino Marini - Excessiveability (In Excess (IRE)) Bred in California by Dennis Conner & Wade Jacobsen	L 122	
7	Kretz Racing, LLC <i>Black, light blue "SCORPION DESIGNCOM" on white hoop on back, black and white inverted diamonds, white star on black cap</i> To the Bar	Ronald Ellis Joseph Talamo	12
Orange	4y.o. Ch. g (KY) by Kitten's Joy - Surpriseinthebox (Outofthebox) Bred in Kentucky by Kenneth L. Ramsey & Sarah K. Ramsey	L 122	
8	Doubledown Stables, Inc. <i>White, white 'T' on black spade, black sleeves, black cap</i> War Destiny	John Sadler(L. Benavidez) Victor Espinoza	5/2
Pink	5y.o. Dk B/ Br. g (KY) by War Front - Our Destiny (Our Emblem) Bred in Kentucky by Abbas Masri	L 122	

L denotes Lasix. 🐜 denotes horses using lasix that did not in their last start. 🐜 denotes California bred.

🐜 - Denotes Golden State Series eligible.

• Equipment Change: Moonlight Meeting will race with Blinkers On

Morning Line Odds are prepared prior to scratch time.

01/04/2015 Race 2

OPEN MAIDEN RACE WITH CAL-BRED ENTRY

*If a California Bred wins this race, the Owner will receive a \$17,500 incentive award directly funded by the California Thoroughbred Breeders Association and the Thoroughbred Owners Of California.



Mark Bet Slips South Track
 \$1 Exacta / \$1 Trifecta / \$2 Rolling Double
 \$1 Rolling Pick Three (Races 3-4-5)
 \$1 Superfecta (.10 Min.)



3rd

Approx. Post 1:30PM

Win	Place	Show

ALLOWANCE OPTIONAL CLAIMING \$80,000. PURSE \$58,000. (PLUS UP TO \$17,400 TO CAL-BREDS) FOR FILLIES THREE YEARS OLD WHICH HAVE NEVER WON \$10,000 OTHER THAN MAIDEN, CLAIMING OR STARTER OR WHICH HAVE NEVER WON TWO RACES OR OPTIONAL CLAIMING PRICE OF \$80,000. Weight, 122 Lbs Non-winners of a race other than Maiden, Claiming or Starter at a mile or over Allowed 2 Lbs. A race other than Claiming, or Starter at a mile or over Allowed 4 Lbs. Claiming Price \$80,000 (Maiden And Claiming Races For \$62,500 Or Less Not Considered). **One Mile.**

Track Record: Ruhlmann 118 lbs. 4 y.o. 3-5-89 1:33.40

1	Barber or Barber or Wachtel Stable <i>Hot pink, black circle "BB" on back, black epaulets and cap</i>	John Sadler(L. Benavidez)	4
Red	Suva Harbor 3y.o. Gr/ro. f (KY) by Rockport Harbor - Queen Dido (Thunder Gulch) Bred in Kentucky by William D. Gould	L 118	Martin Pedroza
2	Kaleem Shah, Inc. <i>Red and white stripes, blue sleeves, blue cap</i>	Bob Baffert(J. Barnes)	8
White	Party Rock 3y.o. Ch. f (CA) by Good Journey - Go On Sophie (Albert the Great) Bred in California by Kaleem Shah, Inc.	L 118	Kent Desormeaux
3	Gary Barber <i>Hot pink, black circle "BB" on back, black epaulets and cap</i>	Mark E. Casse(Melton, R.)	4
Blue	Miss Mandate 3y.o. Dk B/ Br. f (FL) by Pioneer of the Nile - Baba's Mandate (Full Mandate) Bred in Florida by Jack T. Hammer	L 118	Joseph Talamo
4	Michael Lund Petersen <i>Cream, green chevrons on front, green "HH" in green circle on back, green bars on sleeves, green cap</i>	Bob Baffert(J. Barnes)	5/2
Yellow	Olivia's Greatdane 3y.o. B. f (PA) by Ghostzapper - In a Haze (Smoke Glacken) Bred in Pennsylvania by London Thoroughbred Services Ltd.	L 118	Martin Garcia
5	Mark DeDomenico, LLC or Hollendorfer <i>Fluorescent pink, navy blue 'D' on back, blue and white bar on sleeves, pink cap</i>	Jerry Hollendorfer(D. Ward)	8
Green	Taparri 3y.o. Gr/ro. f (KY) by Tapit - Kiddari (Smarty Jones) Bred in Kentucky by Summer Wind Farm	L 113 ⁵	Drayden Van Dyke
6	Campbell, Clark or Skoda, Et Al <i>Orange and purple diamonds, orange sleeves and cap</i>	Jerry Hollendorfer(D. Ward)	2
Black	All Star Bub 3y.o. Ch. f (KY) by Midshipman - High Style (Giant's Causeway) Bred in Kentucky by Sun Valley Farm	L 118	Rafael Bejarano
7	Stuart Tsujimoto <i>Gold, gold "SST" on black diamond, ,black cap</i>	Vann Belvoir	8
Orange	Devil's Beauty 3y.o. Ch. f (KY) by Giant's Causeway - Beauty's Due (Devil His Due) Bred in Kentucky by Celebre Investments	L 118	William Antongeorgi

L denotes Lasix. © denotes horses using lasix that did not in their last start. * denotes California bred.
 Morning Line Odds are prepared prior to scratch time.
 01/04/2015 Race 3



Mark Bet Slips South Track
 \$1 Exacta / \$1 Trifecta / \$2 Rolling Double
 \$1 Rolling Pick Three (Races 4-5-6)
 \$2 Pick Six Starts (Races 4-9) / \$1 Superfecta (.10 Min.)



4th

Approx. Post 2:00PM

The Gerszt Family Race

MAIDEN SPECIAL WEIGHT PURSE \$56,000. (PLUS UP TO \$16,800 TO CAL-BREDS) FOR MAIDENS, THREE YEARS OLD. Weight, 122 Lbs (Non-Starters for a Claiming Price of \$40,000 Or Less in Their Last Start Preferred.). **One Mile And One Eighth. (Turf)(Rail at 8 Feet)**

Track Record: Kostroma (IRE) 117 lbs. 5 y.o. 10-20-91 1:43.92

	Win	Place	Show
1			
P.P.1	Allen, Conner or Lovingier	Walther Solis(M. Lopez)	12
Red	Maroon, white hoops, white cuffs on sleeves, maroon and white cap		
	P Club	L 122	Edwin Maldonado
	3y.o. Dk B/ Br. c (CA) by Bushwacker - Sheila's Prospect (Not For Love) Bred in California by Terry C. Lovingier		
2			
P.P.2	Al & Sandee Kirkwood	Mark Glatt	15
White	Black, blue hoops and bars on sleeves, blue cap		
	Rockin Robin	L 122	Tyler Baze
	3y.o. B. c (KY) by Rock Hard Ten - Tu Tu Larue (Theatrical (IRE)) Bred in Kentucky by Hunter Valley Farm & Bourque Goldstein Thoroughbreds, LLC		
3			
P.P.3	Lucas Downs, Ltd.	Adam Kitchingman(H. Rangel)	5
Blue	Royal blue, lime green stripes, royal blue bar on lime green sleeves, royal blue cap		
	Stuffed Animal	L 122	Fernando Perez
	3y.o. B. c (FL) by Leroidesanimaux (BRZ) - Sacred Charm (Silver Charm) Bred in Florida by Frank Bertolino		
4			
P.P.4	S. Alesia, Bran Jam Sib, Ciaglia Rcg, LLC, Et Al	Peter Eurton	8
Yellow	Rose, blue square "ABC" on back, blue bars and cuffs on sleeves, pink and blue cap		
	Just Kidding	L 122	Martin Garcia
	3y.o. B. c (FL) by Kiss the Kid - Catomaria (Tale of the Cat) Bred in Florida by Steve Tucker		
5			
P.P.5	Calumet Farm	Neil Drysdale	20
Green	Black, gold chevrons, gold chevrons on sleeves, black cap		
	Gin Riki	122	Kieren Fallon
	3y.o. B. r (KY) by Lemon Drop Kid - Emmy Darling (Graeme Hall) Bred in Kentucky by Jack Swain III		
6			
P.P.6	J K Racing Stable, LLC	Thomas F. Proctor(A. Dollase)	9/2
Black	Yellow, blue diamond frame "JK" on back, blue diamonds on sleeves, blue and yellow cap		
	Temple Keys	L 117 ⁵	Drayden Van Dyke
	3y.o. Dk B/ Br. c (CA) by Temple City - Camas Creek (Fusaichi Pegasus) Bred in California by Linda Madsen & Joy Seifert		
7			
P.P.7	Arndt, McFridge, Preiss, Et Al	Jeff Bonde(M. Carranza)	5/2
Orange	Purple, white "HH", purple and white sleeves, purple and white diamond cap		
	Metaboss	L 122	Rafael Bejarano
	3y.o. Ch. c (KY) by Street Boss - Spinning Yarns (Free House) Bred in Kentucky by Mr. & Mrs. John A. Toffan		
8			
P.P.8	The Club Racing, LLC	David Hofmans(B. Fabbri)	15
Pink	Black, white braids, white sleeves, teal and purple cap		
	Financial	L 122	Martin Pedroza
	3y.o. Dk B/ Br. c (KY) by Super Saver - Adorable and Smart (Gulch) Bred in Kentucky by Tony Holmes & Breffni Farm		
9			
P.P.9	Eric S. Jensen	Elmer January	30
Turquoise	Green, green "ESJ" on black diamond on back, black diamond stripe and cuffs on sleeves, green and black cap		
	Solar Heat	L 115 ⁷	Brandon Boulanger
	3y.o. Ch. c (CA) by Unusual Heat - Solar Miss (Malibu Moon) Bred in California by Eric Scott Jensen		
10			
P.P.10	DP Racing, LLC	James M. Cassidy(M. Williams)	10
Purple	Light blue, brown "DP" on back, brown v-sash, on front, brown polka dots on sleeves, light blue and brown cap		
	Pretentious	L 122	Kent Desormeaux
	3y.o. Dk B/ Br. c (KY) by Super Saver - Turkappel (Turkoman) Bred in Kentucky by Farfellow Farms Ltd.		
	Godolphin Racing, LLC (Lessee)	E. G. Harty	
11			
Gray	Milton		SCRATCHED
12			
P.P.11	Warren B. Williamson	Carla Gaines	9/2
Lime	Orange, yellow w-hoops, yellow sleeves, yellow and orange cap		
	Air Nashoba	L 122	Joseph Talamo
	3y.o. B. c (CA) by Birdstone - Nashoba's Excess (In Excess (IRE)) Bred in California by Williamson Racing, LLC		
13			
P.P.12	Reddam Racing, LLC	Simon Callaghan	8
Brown	White, purple hoop, white bar on purple sleeves, purple cap		
	Miltee	L 122	Mario Gutierrez
	3y.o. Dk B/ Br. g (KY) by Arch - Fanny Cerrito (Gulch) Bred in Kentucky by Siena Farms LLC		

ALSO ELIGIBLE - Harmonic may run if any late scratches occur.			
A E	Awtrey or Hammond or Phillips Racing Partners	Derry Hollendorfer(D. Ward)	6
P.P.13	Et Al		
14	White, blue and grey "H" on back, blue and grey sleeves on sleeves, blue and orange cap		
Maroon	Harmonic	L 122	Kent Desormeaux
	3y.o. B. c (KY) by Orange Blossom - Cat Front (Stormy Atlantic) Bred in Kentucky by Mike Abraham		

SCRATCHED

L denotes Lasix. © denotes horses using lasix that did not in their last start. ☼ denotes California bred.
 ☼ - Denotes Golden State Series eligible.
 • Miltee - has been gelded since last start.
 Morning Line Odds are prepared prior to scratch time.
 01/04/2015 Race 4

OPEN MAIDEN RACE WITH CAL-BRED ENTRY

*If a California Bred wins this race, the Owner will receive a \$17,500 incentive award directly funded by the California Thoroughbred Breeders Association and the Thoroughbred Owners Of California.

Pick 6 Carryover
\$87,422 Should Exceed
\$500,000 Starts Here



Mark Bet Slips South Track
 \$1 Exacta / \$1 Trifecta / \$2 Rolling Double
 \$1 Rolling Pick Three (Races 5-6-7)
 \$1 Superfecta (.10 Min.)



5th

Approx. Post 2:34PM

Win	Place	Show

ALLOWANCE OPTIONAL CLAIMING \$20,000. PURSE \$58,000. FOR CALIFORNIA BRED OR CALIFORNIA SIRED FOUR YEAR OLDS AND UPWARD WHICH HAVE NEVER WON \$10,000 OTHER THAN MAIDEN, CLAIMING OR STARTER OR WHICH HAVE NEVER WON TWO RACES OR OPTIONAL CLAIMING PRICE OF \$20,000. Weight, 123 Lbs Non-winners Of A Race Other Than Maiden, Claiming Or Starter Allowed 2 Lbs. A Race Other Than Claiming, Or Starter Allowed 4 Lbs. Claiming Price \$20,000 (Maiden And Claiming Races For \$16,000 Or Less Not Considered). **Six Furlongs.**

Track Record: The Factor 118 lbs. 2 y.o. 12-26-10 1:06.98

1	Bailey or Pirillo <i>White, green "GREAT BILL PARROTS" and emblem on back, orange and lime green stripes on sleeves, orange cap</i> Misty'sviewthegold 4y.o. Dk B/ Br. c (CA) by Misty'sgoldentouch - Distorted View (Chief Seattle) Bred in California by Laura R. Bailey	Ronald D. Jackson	15	Cheryl Charlton
2	Goodtymes Racing Stable or High Hill Racing <i>Black, black "GOODTYMES" in grey, panel on front grey seams black cap</i> Destino 6y.o. B. g (CA) by Jet West - Dinner Atthe Steer (Candi's Gold) Bred in California by Applebite Farms	Victor Fernandez	15	Iggy Puglisi
3	Byrnes or London or Kretz Racing LLC, Et Al <i>Maroon, white hoops, white cuffs on sleeves, maroon and white cap</i> Willie B Awesome 4y.o. Dk B/ Br. g (CA) by Awesome Gambler - Cause I'm Tricky (Nineteen) Bred in California by Terry C. Lovinquier	Walther Solis(M. Lopez)	4	Edwin Maldonado
4	Tommy Town Thoroughbreds, LLC <i>Silver, gold "TTTT" on black oval on back, black diamonds on sleeves, black and silver cap</i> He's On His Toes 4y.o. Dk B/ Br. g (CA) by Whatsthescript (IRE) - Up On Her Toes (Green Dancer) Bred in California by Tommy Town Thoroughbreds, LLC	Jerry Hollendorfer(D. Ward)	4	Elvis Trujillo
5	Benjamin C. Warren <i>White, black "W" on back, black bars on sleeves, black and white cap</i> Warren's Nicholas 6y.o. Gr/ro. g (CA) by Affirmative - Elusive Rose (Cozzene) Bred in California by Benjamin C. Warren	Jorge Gutierrez(E. Galindo)	6	Joseph Talamo
6	B. Headley, Molasky & Molasky <i>White, green war game cock on back, white cap</i> Kill Shot 5y.o. Ch. h (CA) by Cyclotron - Crystal Chandelier (Houston) Bred in California by Bruce Headley, Andrew Molasky & Irwin Molasky	Bruce Headley(K. Headley)	7/5	Mike Smith
7	Arrias or Bayer or Sharp <i>Lavender and purple diamonds, black "B" on lavender ball on back, purple sleeves, black cap</i> Memphis 7y.o. B. g (CA) by Roar - Cinq Etoiles (Five Star Day) Bred in California by John J. Greely III	R. B. Hess, Jr.(G. Morales)	5/2	Kent Desormeaux

L denotes Lasix. denotes horses using lasix that did not in their last start. denotes California bred.
 - Denotes Golden State Series eligible.
 • Willie B Awesome, Warren's Nicholas - have been gelded since last start.
 Morning Line Odds are prepared prior to scratch time.
 01/04/2015 Race 5



Mark Bet Slips South Track

\$1 Exacta / \$1 Trifecta / \$2 Rolling Double

\$1 Rolling Pick Three (Races 6-7-8)

\$0.50 Pick 4 (Races 6-7-8-9) / \$1 Superfecta (.10 Min.)



6th

Approx. Post 3:07PM

Win	Place	Show

CLAIMING \$25,000-\$22,500. PURSE \$32,000. FOR FILLIES AND MARES FOUR YEARS OLD AND UPWARD. Weight, 123 Lbs Non-winners of a race since November 20, 2014 Allowed 2 Lbs. Claiming Price \$25,000, if for \$22,500, allowed 2 lbs. (Maiden and Claiming races for \$20,000 or less not considered). About Six And One Half Furlongs. (Hillside Turf Course)(Rail at 8 Feet)

Track Record: Eddie's First 117 lbs. 3 y.o. 5-11-14 1:10.73

1	Abrams or M. Auerbach LLC or Rosenberg Navy blue, gold cap Marina De Heat	Barry Abrams(Garcia, Antonio)	8
Red	5y.o. Ch. m (A) by Unusual Heat - Peak Maria (Meadowlands) Bred in California by Leading Quarters of Barry Abrams	Corey Nakatani	\$25,000
2	Reilly or Sorenson or Yamada Black, yellow circle 'RR' on back, yellow bars on sleeves, black cap Vegas Rules	Richard Rosales	12
White	6y.o. B. m (CA) by Tribal Rule - Golden Ballerina (Touch Gold) Bred in California by Dahlberg Farms LLC	Iggy Puglisi	\$25,000
3	Bardy Farm Green, purple and white triangle on back, purple and white cuffs on sleeves, purple cap Veronica Bay	Barry Abrams(Garcia, Antonio)	12
Blue	4y.o. B. f (CA) by Vronsky - Nikkissilverjet (Unusual Heat) Bred in California by Barry Abrams	Alex Canchari	\$25,000
4	Gary or Cecil Barber Hot pink, black circle 'BB' on back, black cap Faith Hope Love	John Sadler(L. Benavidez)	5/2
Yellow	4y.o. Dk B/ Br. f (FL) by Chapel Royal - Defrills (Defrere) Bred in Florida by Sharon Biamonte & Al Milano	Victor Espinoza	\$25,000
5	Saavedra or Ziegler White, white 'S' in red diamond on back, red bars and cuffs on sleeves, white cap Sweetest Secret	Anthony K. Saavedra	10
Green	5y.o. Ch. m (CA) by Sea of Secrets - Point Break (Summing) Bred in California by Ballena Vista Farm	Alex Solis	\$25,000
6	Lucky Charm Stable Navy blue, gold "MMARR" on back, gold sleeves and cap Doctor Glynis	Victor Garcia	7/2
Black	4y.o. B. f (CA) by Tribal Rule - Mark Set Go (Marquetry) Bred in California by Nick Alexander	Rafael Bejarano	\$25,000
7	Devyn, Lynda & Mike Weeks Black, green chevron, black chevrons on green sleeves, black cap Acateoryfivestorm	Dan Blacker	5
Orange	5y.o. Gr/ro. m (KY) by Songandaprayer - Maria's Storm (Maria's Mon) Bred in Kentucky by Extern Developments	Fernando Perez	\$25,000
8	Arslanian or Bederian or Kamberian, Et Al Red, blue hoops, blue stripe on orange sleeves, orange cap Mahalo Princess	Richard Baltas	6
Pink	6y.o. Dk B/ Br. m (CA) by Tribal Rule - I'm a Lil Princess (Lil Tyler) Bred in California by Don Reqq & Rita Reqq	Joseph Talamo	\$25,000
9	Desert Sun Stables Black, gold "Desert Sun" emblem, gold arrows on sleeves, black cap Nero's Pleasure	John Sadler(L. Benavidez)	8
Turquoise	5y.o. Dk B/ Br. m (KY) by Pleasantly Perfect - While Rome Burns (Overskate) Bred in Kentucky by William S. Farish, Jr.	Drayden Van Dyke	\$25,000
10	Benjamin C. Warren White, black 'W' on back, black bars on sleeves, black and white cap Warren's Gussie	Jorge Gutierrez(E. Galindo)	6
Purple	6y.o. B. m (CA) by Doc Gus - Adrian (Theatrical (IRE)) Bred in California by Benjamin C. Warren	Edwin Maldonado	\$25,000

L denotes Lasix. denotes horses using lasix that did not in their last start. denotes California bred. - Denotes Golden State Series eligible. Morning Line Odds are prepared prior to scratch time. 01/04/2015 Race 6



Mark Bet Slips South Track
 \$1 Exacta / \$1 Trifecta / \$2 Rolling Double
 \$1 Rolling Pick Three (Races 7-8-9)
 \$1 Superfecta (.10 Min.)



7th

Approx. Post 3:38PM

Win	Place	Show

CLAIMING \$12,500. PURSE \$16,000. FOR FOUR YEAR OLDS AND UPWARD WHICH HAVE NEVER WON TWO RACES. Weight, 123 Lbs Claiming Price \$12,500. **One Mile.**

Track Record: Ruhlmann 118 lbs. 4 y.o. 3-5-89 1:33.40

P.P.1	Bobby Grayson <i>Grey, blue script 'BG' on back, grey stars on blue sleeves, blue and grey cap</i>	Owner(M. Valenzuela, Jr.)	8
1	Ebony Gold	L 123	Alex Canchari
Red	5y.o. B. g (KY) by E Dubai - Bella Signora (Giant's Causeway) Bred in Kentucky by International Equities Holding, Inc.		\$12,500
P.P.2	Carlos Robles <i>Green with white "E/S" on back, white cuff on sleeves, green cap</i>	Jerry Wallace	15
2	Ballard Ruler	L 123	Santiago Gonzalez
White	5y.o. Dk B/ Br. g (CA) by Tribal Rule - Miss Ballard (Bertrando) Bred in California by Herman Sarkowsky		\$12,500
P.P.3	Branch or Gramer or S. Pycz, Et Al <i>Blue, yellow "B" in circle frame on back, blue cap</i>	Mark Glatt	6
3	Unusual Lover	L 123	Tyler Baze
Blue	5y.o. Dk B/ Br. g (CA) by Unusual Heat - Lover Come Back (Dynaformer) Bred in California by Liberty Road Stables		\$12,500
P.P.4	Altamira Racing Stable <i>Silver and red halves, black sash, silver sleeve, red sleeve, black collar and cuffs, red cap</i>	Peter Miller	2
4	Rainbow North	L 123	Edwin Maldonado
Yellow	4y.o. B. g (CA) by North Light (IRE) - P. T. Squirt (Pentellicus) Bred in California by Madera Thoroughbreds		\$12,500
	Wonetta Eickerman	Gary Eickerman	
5	Perfect Envoy		SCRATCHED
Green			
P.P.5	702 Farms <i>Navy blue, bronze horsehead and 'SANTA ANITA PARK' on back, navy cuffs on tan sleeves, navy and tan cap</i>	Angela Aquino	6
6	Midnight Mayhem	L 123	Elvis Trujillo
Black	4y.o. Dk B/ Br. g (WA) by Matly G - Magarita Midnight (Slewddledo) Bred in Washington by Jean M. G. Welch		\$12,500
P.P.6	Bobby Grayson <i>Grey, blue script 'BG' on back, grey stars on blue sleeves, blue and grey cap</i>	Owner(M. Valenzuela, Jr.)	12
7	Cut to Run	L 116 ⁷	Gonzalo Nicolas
Orange	4y.o. Dk B/ Br. g (CA) by Decarchy - Charm N Broad (Mr. Broad Blade) Bred in California by Richard Allen Kritzski & Ed Delaney		\$12,500
P.P.7	Higbee & Patterson <i>White, brown fox head on back, brown cap</i>	Alfredo Marquez	4
8	Cole Cole	L 123	Martin Pedroza
Pink	5y.o. Dk B/ Br. g (KY) by Exchange Rate - Beautiful Lil (Aplitude) Bred in Kentucky by Cannon Thoroughbreds, LLC		\$12,500
P.P.8	Lucas Downs, Ltd. <i>Royal blue, lime green stripes, royal blue bar on lime green sleeves, royal blue cap</i>	Jeff Mullins	5/2
9	Stolen Property	L 123	Fernando Perez
Turquoise	4y.o. Ch. g (KY) by Cowboy Cal - Thresholdofhope (At the Threshold) Bred in Kentucky by John O'Meara		\$12,500

L denotes Lasix. denotes horses using lasix that did not in their last start. denotes California bred.

- Denotes Golden State Series eligible.

• Equipment Change: Rainbow North, Cut to Run will race with Blinkers On

• Unusual Lover - has been gelded since last start.

Morning Line Odds are prepared prior to scratch time.

01/04/2015 Race 7



Mark Bet Slips South Track

\$1 Exacta / \$1 Trifecta

\$2 Rolling Double/ \$1 Superfecta (.10 Min.)



8th

Approx. Post 4:09PM

The 48th Running of
Monrovia Stakes (Grade II)

\$200,000 Guaranteed

Win	Place	Show

STAKES FOR FILLIES AND MARES FOUR YEARS OLD AND UPWARD. By subscription of \$100 each to accompany the nomination closed Friday, December 26, 2014 with 24 or by supplementary nomination of \$4,000 at time of entry. \$3,000 additional to start with \$200,000 guaranteed of which \$120,000 to the winner, \$40,000 to second, \$24,000 to third, \$12,000 to fourth and \$4,000 to fifth. 123 lbs. Non-winners of a Grade I or Grade II stake since July 4, 2014 allowed 3 lbs. Non-winners of a Grade I or Grade II stake OR Two Grade III stakes since January 4, 2014, allowed 5 lbs. Horses with the highest earnings at time of entry have preference after allowances. A trophy will be presented to the winning owner. **About Six And One Half Furlongs. (Hillside Turf Course)(Rail at 8 Feet)**

Track Record: Eddie's First 117 lbs. 3 y.o. 5-11-14 1:10.73

	Wesley A. Ward <i>Black, gold 'W' hoop and bar on sleeves, gold and black cap</i>	Owner(Heap, B.)	12
1	Shrinking Violet	L 118	Kent Desormeaux
Red	5y.o. Ch. m (KY) by Congaree - Lets Get Cozzy (Cozzene) Bred in Kentucky by Ashbrittle Stud		
	Ice Wine Stable <i>Burgundy and light blue diamonds, burgundy sleeves, light blue hoops, burgundy cap</i>	Wesley A. Ward(Heap, B.)	15
2	To My Valentine (FR)	L 118	Fernando Perez
White	5y.o. Ch. m (FR) by Dyhim Diamond (IRE) - Lisselan Firefly (IRE) (Monashee Mountain) Bred in France by S.A.R.L. Haras De Bouquetot		
	Rio De Janeiro, LLC <i>Navy and orange check, white sleeves, navy and orange cap</i>	Richard Mandellera (Vega)	15
3	Barata (BRZ)	L 118	Tago Pereira
Blue	6y.o. m (FR) by Consistent (IRE) - Ultrasonic (FR) (Message) (Alto) (BRZ) Bred in Brazil by Paulo Dos Santos		
	Devereaux or Gross <i>Green, purple hoop, green and purple checked sleeves, green and purple cap</i>	Carla Gaines	4
4	Heat Trap	L 118	Victor Espinoza
Yellow	6y.o. Ch. m (CA) by Unusual Heat - Trapunto (Deposit Ticket) Bred in California by Scott Gross & Mark Devereaux		
	Brackpool or Ossip or Riltvo <i>Rust, white panels, white stripes on sleeves, white stripes on rust cap</i>	Carla Gaines	5
5	Gender Agenda (GB)	L 118	Tyler Baze
Green	4y.o. B. f (GB) by Holy Roman Emperor (IRE) - Friendlier (GB) (Zafonic) Bred in Great Britain by Middle Park Stud Ltd		
	Ten Broeck Farm <i>Chartreuse, green blocks, white stripes on sleeves, chartreuse and white cap</i>	Simon Callaghan	20
6	Warm Breeze	L 118	Kieren Fallon
Black	5y.o. B. m (KY) by Street Sense - Cry Me a River (Gilded Time) Bred in Kentucky by Brent Harris, Beth Harris & Darley		
	Glen Hill Farm <i>Black, orange and white yoke, black 'LHL' on front, gold cap</i>	Thomas F. Proctor(A. Dollase)	6
7	Wishing Gate	L 118	Gary Stevens
Orange	5y.o. B. m (FL) by Indian Charlie - Rich in Spirit (Repriced) Bred in Florida by Glen Hill Farm		
	Glen Hill Farm <i>Black, orange and white yoke, black 'LHL' on front, gold cap</i>	Thomas F. Proctor(A. Dollase)	9/2
8	Biorhythm	L 118	Drayden Van Dyke
Pink	5y.o. B. m (FL) by Malibu Moon - Mystic Rhythms (Citidancer) Bred in Florida by Peter Vegso Racing Stable		
	Dunne or Reddam Racing LLC <i>White, purple hoop, white bar on purple sleeves, purple cap</i>	Doug O'Neill(L. Mora)	20
9	One More	L 118	Mario Gutierrez
Turquoise	4y.o. B. f (KY) by Holy Bull - See Rock City (Tapit) Bred in Kentucky by Fredericka V. Caldwell & Mitchel Skolnick		
	John C. Oxley <i>Gold, blue blocks, white stripe on gold sleeves, gold cap</i>	Mark E. Casse(Melton, R.)	12
10	Sky Treasure	L 118	Corey Nakatani
Purple	5y.o. Ch. m (KY) by Sky Mesa - Preemptive Attack (Smart Strike) Bred in Kentucky by Edward A. Seltzer		
	Eclipse Thoroughbred Partners <i>Black, light blue sash, light blue polka dots on white sleeves, blue stripe on black cap</i>	Simon Callaghan	8
11	Judy In Disguise (GB)	L 118	Joseph Talamo
Gray	5y.o. B. m (GB) by Elusive City - Tomorrow's World (IRE) (Machiavellian) Bred in Great Britain by Mrs Hugh Maitland-Jones		
	Harris Farms, Inc. <i>Green and white diamonds, white cuffs on green sleeves, green cap</i>	Blake Heap	7/2
12	Velvet Mesquite	L 118	Mike Smith
Lime	5y.o. Dk B/ Br. m (CA) by In Excess (IRE) - Mesquite (Huddle Up) Bred in California by Harris Farms		

L denotes Lasix. © denotes horses using lasix that did not in their last start. denotes California bred.

- Denotes Golden State Series eligible.

Morning Line Odds are prepared prior to scratch time.

01/04/2015 Race 8



Mark Bet Slips South Track
 \$1 Exacta / \$1 Trifecta / \$1 Superfecta (.10 Min.)
 \$1 Super High 5



9th

Approx. Post 4:39PM

Win	Place	Show

MAIDEN CLAIMING \$30,000. PURSE \$23,000. FOR MAIDENS, FILLIES THREE YEARS OLD.Weight, 122 Lbs Claiming Price \$30,000. **One Mile.**

Track Record: Ruhlmann 118 lbs. 4 y.o. 3-5-89 1:33.40

P.P.1	Reddam Racing, LLC	B. D. A. Cecil(A. Holloway)	12
1	Who Is Lido	L 122	Mario Gutierrez
Red	3y.o. B. f (CA) by Square Eddie - Dinner At Lido's (Sword Dance (IRE)) Bred in California by Reddam Racing LLC		\$30,000
P.P.2	Twilight Racing, LLC	Kristin Mulhall	12
2	Zippinaroundtown	L 122	Alex Canchari
White	3y.o. Dk B/ Br. f (CA) by Roman Commander - Hurricane Whiz (Wild Rush) Bred in California by Kristin Mulhall		\$30,000
P.P.3	Tommy Town Thoroughbreds, LLC	Steven Miyadi	4
3	Won't Be Shaken	L 122	Rafael Bejarano
Blue	3y.o. B. f (CA) by Whatsthescript (IRE) - Lexie Miss (Forestry) Bred in California by Tommy Town Thoroughbreds, LLC		\$30,000
P.P.4	Donald R. Dizney	R. B. Hess, Jr.(G. Morales)	10
4	Albany Candy	L 122	Aaron Gryder
Yellow	3y.o. B. f (FL) by Candy Ride (ARG) - Albany House (Gulch) Bred in Florida by Donald R. Dizney		\$30,000
P.P.5	J K Racing Stable, LLC	Thomas F. Proctor(A. Dollase)	6
5	Caymus Kat	L 117 ⁵	Drayden Van Dyke
Green	3y.o. B. f (CA) by Square Eddie - Local Color (Capote) Bred in California by Vessels Stallion Farm LLC		\$30,000
P.P.6	Gem Inc.	David Hofmans(B. Fabbri)	5/2
6	Miz Graycee	L 122	Martin Pedroza
Black	3y.o. Gr/ro. f (KY) by Mizzen Mast - Deputie's Notebook (Notebook) Bred in Kentucky by Lantern Hill Farm LLC		\$30,000
P.P.7	Dream Walkin' Farms, Inc.	Ted H. West	4
7	Honey Nugget	L 122	Fernando Perez
Orange	3y.o. B. f (KY) by Super Saver - What a Girl Needs (Dixieland Band) Bred in Kentucky by Nursery Place		\$30,000
P.P.8	Fidel Torres	Rafael DeLeon	50
8	Desert Peach	L 115 ⁷	Brayan Pena
Pink	3y.o. B. f (CA) by Desert Code - Slew's Wager (Valid Wager) Bred in California by Astles Farms, Inc.		\$30,000
P.P.9	Sandy Weinstock Farm or Kameoka, Tan, Et Al	David Bernstein	7/2
9	Lady Danger	L 122	Kent Desormeaux
Turquoise	3y.o. Dk B/ Br. f (KY) by Desert Party - Sher Win Forest (Forest Camp) Bred in Kentucky by Charles H. Deters		\$30,000
P.P.10	Barrantes, Meza, Vasquez, Et Al	Francis Meza	12
10	Is This Georgia	L 115 ⁷	Gonzalo Nicolas
Purple	3y.o. Ch. f (CA) by Calkins Road - Bruin Ballet (Royal Academy) Bred in California by Ruben Vasquez		\$30,000

ALSO ELIGIBLES - Horses below may run if any late scratches occur.

A E	B Cattle Patrol	Horacio Pineda (I. Valdez)	6
P.P.11	Mama's Mash	L 122	Felipe Valdez
Gray	3y.o. B. f (CA) by Papa Gem's Train Master (Mudcat) Bred in California by BG Stables		\$30,000
A E	Brewer Racing Stable or Dutko	Mike Puyano(Ayers, R.)	8
P.P.12	Scott Javiera	L 122	Tyler Baze
Lime	3y.o. B. f (CA) by Best Dandy R Lucky Strike (In It for the Money) Bred in California by Ray Saez, Ross Brewer & the Dubs		\$30,000
A E	Elevated Bloodstock, LLC	Robert A. Bean	

13	Starry Cielo		SCRATCHED
Brown			
A E	W. C. Racing, Inc.	Doug O'Neill(L. Mora)	8
P.P.13	Courting Misadventure	L 117 ⁵	Drayden Van Dyke
Maroon	3y.o. Dk B/ Br. f (KY) by Courtship - Shipping Court (Dorset) Bred in Kentucky by Heritage LLC		\$30,000

L denotes Lasix. denotes horses using lasix that did not in their last start. denotes California bred.

- Denotes Golden State Series eligible.

• Equipment Change: Honey Nugget will race with Blinkers On

Morning Line Odds are prepared prior to scratch time.

01/04/2015 Race 9

**Super High Five
 Carryover \$41,273
 Starts Here**

Legislative Changes 2015

1. Veterinary Assistant Controlled Substance Permit

Currently, there is no provision for the cancellation of the Veterinary Assistant Controlled Substance Permit. Both Vets and RVTs have a five-year cancellation provision.

Adopt BPC Section 4836.35:

A person who fails to renew his or her permit within five years after its expiration may not renew it, and it shall not be restored, reissued, or reinstated thereafter, but that person may apply for and obtain a new permit if:

(a) He or she is not subject to denial of registration under Section 480.

(b) No fact, circumstance, or condition exists which, if the permit was issued, would justify its revocation or suspension.

(c) He or she pays all of the fees that would be required of him or her if he or she were applying for the permit for the first time.

Technical Amendment - When new legislation was introduced for the VACSP, the denial of the permit was included with the suspension and revocation process. Denials for licenses, registrations, and permits do not come after the notice of hearing, but before. In fact, the applicant must request a hearing after being denied a license, registration, or permit.

Amend BPC Section 4836.2:

(a) Applications for a veterinary assistant controlled substance permit shall be upon a form furnished by the board.

(b) The fee for filing an application for a veterinary assistant controlled substance permit shall be set by the board in an amount the board determines is reasonably necessary to provide sufficient funds to carry out the purposes of this section, not to exceed one hundred dollars (\$100).

(c) The board may ~~deny~~, suspend, or revoke the controlled substance permit of a veterinary assistant after notice and hearing for any cause provided in this subdivision. The proceedings under this section shall be conducted in accordance with the provisions for administrative adjudication in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The board may **deny**, revoke or suspend a veterinary assistant controlled substance permit for any of the following reasons:

(1) The employment of fraud, misrepresentation, or deception in obtaining a veterinary assistant controlled substance permit.

(2) Chronic inebriety or habitual use of controlled substances.

(3) The veterinary assistant to whom the permit is issued has been convicted of a state or federal felony controlled substance violation.

(4) Violating or attempts to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, or of the regulations adopted under this chapter.

(d) The board shall not issue a veterinary assistant controlled substance permit to any applicant with a state or federal felony controlled substance conviction.

(e) (1) As part of the application for a veterinary assistant controlled substance permit, the applicant shall submit to the Department of Justice fingerprint images and related information, as required by the Department of Justice for all veterinary assistant applicants, for the purposes of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests and information as to the existence and content of a record of state or federal arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal.

(2) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information that it receives pursuant to this section. The Department of Justice shall review any information returned to it from the Federal Bureau of Investigation and compile and disseminate a response to the board summarizing that information.

(3) The Department of Justice shall provide a state or federal level response to the board pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(4) The Department of Justice shall charge a reasonable fee sufficient to cover the cost of processing the request described in this subdivision.

(f) The board shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for persons described in paragraph (1) of subdivision (e).

(g) This section shall become operative on July 1, 2015.

2. Premise Registration – Effect of Failure to Renew Within Five Years

Currently there is no provision for the premise registration to cancel after 5 yrs. Premise registrations are left in a delinquent status indefinitely and remain on the Board's records. The retention of electronic records for delinquent premise registrations is a resource issue for the Board as there is a "per record" cost for maintaining electronic data.

Adopt BPC 4853.7

A premise registration which is not renewed within five years after its expiration may not be renewed, and shall not be restored, reissued, or reinstated thereafter, but an application for a new premise registration may be submitted and obtained if:

(a) No fact, circumstance, or condition exists which, if the premise registration was issued, would justify its revocation or suspension.

(b) All of the fees that would be required for the initial premise registration are paid at the time of application.

3. Petition for Reinstatement or Modification of Penalty; Hearing

The petition language below shown in strikethrough appears to be an oversight. The current language would suggest that a licensee must be under some form of criminal probation or under sentencing for a criminal offense. The suggested text shown below strengthens the Board's petition process and is similar to other healing arts language.

Amend BPC Section 4887:

A person whose license or registration has been revoked or who has been placed on probation may petition the board for reinstatement or modification of penalty including modification or termination of probation after a period of not less than one year has elapsed from the effective date of the decision ordering the disciplinary action *or if the order of the board or any portion of it is stayed by the board itself or by the superior court, from the date the disciplinary action is actually implemented in its entirety, or for a veterinarian whose initial license application is subject to a disciplinary decision, from the date the initial license was issued.* The petition shall state such facts as may be required by the board.

The petition shall be accompanied by at least two verified recommendations from veterinarians licensed by the board who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed. The petition shall be heard by the board. The board may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities since the license or registration was in good standing, and the petitioner's rehabilitation efforts, general reputation for truth, and professional ability. *The petitioner shall at all times have the burden of proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.* The hearing may be continued from time to time as the board finds necessary.

The board reinstating the license or registration or modifying a penalty may impose such terms and conditions as it determines necessary. To reinstate a revoked license or registration or to otherwise reduce a penalty or modify probation shall require a vote of five of the members of the board.

No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole, or subject to an order of registration pursuant to Section 290 of the Penal Code. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.

Except in those cases where the petitioner has been disciplined pursuant to Section 822, the board may in its discretion deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.

~~The petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or~~

~~parole. The board may deny without a hearing or argument any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.~~

(Amended by Stats. 2010, Ch. 538, Sec. 20. Effective January 1, 2011.)

4. Denial, Revocation, or Suspension of License or Registration; Grounds

Including the italics language below will enable Board staff to offer a probationary license to an applicant who would otherwise be denied due to prior criminal acts or substantially related acts that would present a consumer protection risk without appropriate monitoring. Currently, the Board has this flexibility with RVTs in BPC Section 4845 (reference below). The administrative process of issuing a probationary license would save the Board and the applicant, time and expense preparing for, and proceeding with a hearing. The offer of the probationary license does not preclude the applicant from moving forward with a hearing to argue for a free and clear license. All APA rights are still afforded the applicant.

Amend BPC Section 4883:

The board may deny, revoke, *issue subject to terms and conditions*, or suspend a license or registration or assess a fine as provided in Section 4875 for any of the following:

- (a) Conviction of a crime substantially related to the qualifications, functions, or duties of veterinary medicine, surgery, or dentistry, in which case the record of the conviction shall be conclusive evidence.
- (b) For having professional connection with, or lending the licensee's or registrant's name to, any illegal practitioner of veterinary medicine and the various branches thereof.
- (c) Violation or attempting to violate, directly or indirectly, any of the provisions of this chapter.
- (d) Fraud or dishonesty in applying, treating, or reporting on tuberculin or other biological tests.
- (e) Employment of anyone but a veterinarian licensed in the state to demonstrate the use of biologics in the treatment of animals.
- (f) False or misleading advertising.
- (g) Unprofessional conduct, that includes, but is not limited to, the following:
 - (1) Conviction of a charge of violating any federal statutes or rules or any statute or rule of this state regulating dangerous drugs or controlled substances. The record of the conviction is conclusive evidence thereof. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order the license or registration to be suspended or revoked, or assess a fine, or decline to issue a license or registration, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4, 1210.1, or 3063.1 of the Penal Code allowing the person to withdraw his or

her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(2) (A) The use of or prescribing for or administering to himself or herself, any controlled substance.

(B) The use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages to the extent, or in any manner as to be dangerous or injurious to a person licensed or registered under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person so licensed or registered to conduct with safety the practice authorized by the license or registration.

(C) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section or any combination thereof, and the record of the conviction is conclusive evidence.

A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order the license or registration to be suspended or revoked or assess a fine, or may decline to issue a license or registration, when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under Section 1203.4, 1210.1, or 3063.1 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(3) A violation of any federal statute, rule, or regulation or any of the statutes, rules, or regulations of this state regulating dangerous drugs or controlled substances.

(h) Failure to keep the licensee's or registrant's premises and all equipment therein in a clean and sanitary condition.

(i) Fraud, deception, negligence, or incompetence in the practice of veterinary medicine.

(j) Aiding or abetting in any acts that are in violation of any of the provisions of this chapter.

(k) The employment of fraud, misrepresentation, or deception in obtaining the license or registration.

(l) The revocation, suspension, or other discipline by another state or territory of a license, certificate, or registration to practice veterinary medicine or as a veterinary technician in that state or territory.

(m) Cruelty to animals, conviction on a charge of cruelty to animals, or both.

(n) Disciplinary action taken by any public agency in any state or territory for any act substantially related to the practice of veterinary medicine or the practice of a veterinary technician.

(o) Violation, or the assisting or abetting violation, of any regulations adopted by the board pursuant to this chapter.

(Amended by Stats. 2009, Ch. 80, Sec. 14. Effective January 1, 2010.)

[Reference to Similar RVT Provisions

BPC Section 4845]:

(a) Notwithstanding any other provision of law, the board may, in its sole discretion, issue a probationary registration to an applicant subject to terms and conditions deemed appropriate by the board, including, but not limited to, the following:

- (1) Continuing medical, psychiatric, or psychological treatment.
- (2) Ongoing participation in a specified rehabilitation program.
- (3) Abstention from the use of alcohol or drugs.
- (4) Compliance with all provisions of this chapter.

(b) (1) Notwithstanding any other provision of law, and for purposes of this section, when deciding whether to issue a probationary registration, the board shall request that an applicant with a dismissed conviction provide proof of that dismissal and shall give special consideration to applicants whose convictions have been dismissed pursuant to Section 1203.4 or 1203.4a of the Penal Code.

(2) The board shall also take into account and consider any other reasonable documents or individual character references provided by the applicant that may serve as evidence of rehabilitation as deemed appropriate by the board.

(c) The board may modify or terminate the terms and conditions imposed on the probationary registration upon receipt of a petition from the applicant or registrant.

(d) For purposes of issuing a probationary license to qualified new applicants, the board shall develop standard terms of probation that shall include, but not be limited to, the following:

- (1) A three-year limit on the individual probationary registration.
- (2) A process to obtain a standard registration for applicants who were issued a probationary registration.
- (3) Supervision requirements.
- (4) Compliance and quarterly reporting requirements.

(Added by Stats. 2008, Ch. 675, Sec. 5. Effective January 1, 2009.)

Introduced by Senator HillDecember 1, 2014

An act to add Chapter 4.5 (commencing with Section 14400) to Division 7 of, and to add and repeal Section 14404 of, the Food and Agricultural Code, relating to livestock.

LEGISLATIVE COUNSEL'S DIGEST

SB 27, as introduced, Hill. Livestock: use of antibiotics.

Existing law regulates the distribution and use of livestock drugs, as defined, by the Secretary of Food and Agriculture. Existing law also requires a person to obtain a license from the secretary to manufacture, sell, distribute, or store commercial feed, including commercial feed containing drugs.

This bill would prohibit the administration of medically important antimicrobial drugs, as defined, to livestock unless prescribed by a veterinarian pursuant to a veterinarian-client-patient relationship, as specified. The bill would make it unlawful to administer a medically important antimicrobial drug to livestock solely to cause an increased rate of weight gain or improved feed efficiency. The bill would also require the Department of Food and Agriculture to develop a program to track the use of medically important antimicrobial drugs in livestock and to track antibiotic-resistant bacteria and patterns of emerging resistance, and would also require the department, until March 1, 2020, to submit an annual report summarizing that data to the Legislature. The bill would also require the department to adopt regulations to promote the judicious use of medically important antimicrobial drugs in livestock, as specified.

Because a violation of the bill's provisions would be misdemeanor, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 4.5 (commencing with Section 14400)
2 is added to Division 7 of the Food and Agricultural Code, to read:

3
4 CHAPTER 4.5. LIVESTOCK: USE OF ANTIBIOTICS

5
6 14400. For purposes of this chapter, the following definitions
7 apply:

8 (a) “Medically important antimicrobial drug” means an
9 antimicrobial drug listed in Appendix A of the federal Food and
10 Drug Administration’s Guidance for Industry #152, including
11 critically important, highly important, and important antimicrobial
12 drugs, as that appendix may be amended.

13 (b) “Livestock” has the same meaning as in Section 14205.

14 14401. A medically important antimicrobial drug shall not be
15 administered to livestock unless prescribed by a veterinarian
16 pursuant to a veterinarian-client-patient relationship that meets the
17 requirements of Section 2032.1 of Title 16 of the California Code
18 of Regulations.

19 14402. It is unlawful to administer a medically important
20 antimicrobial drug to livestock solely to cause an increased rate
21 of weight gain or improved feed efficiency.

22 14403. The department shall develop a program to track the
23 use of medically important antimicrobial drugs in livestock and
24 to track antibiotic-resistant bacteria and patterns of emerging
25 resistance. The program shall include reporting on the
26 administration of each medically important antimicrobial drug that
27 includes all of the following:

- 28 (a) The type of drug used.
- 29 (b) The number of livestock on which the drug was used.
- 30 (c) The species of the livestock.

- 1 (d) The duration of the administration of the drug.
- 2 (e) The purpose for which the drug was administered.
- 3 (f) The type of disease or infection that was treated.

4 14404. (a) On or before March 1 of each year, the department
5 shall submit a report to the Legislature that summarizes the data
6 collected pursuant to Section 14403 for the prior year.

7 (b) (1) A report submitted pursuant to subdivision (a) shall be
8 submitted in compliance with Section 9795 of the Government
9 Code.

10 (2) Pursuant to Section 10231.5 of the Government Code, this
11 section is repealed on March 1, 2020.

12 14405. (a) The department shall adopt regulations to promote
13 the judicious use of medically important antimicrobial drugs in
14 livestock to ensure that each animal gets the maximum benefit
15 from the drug and help preserve the life-saving potential of the
16 drugs in the future. The regulations shall include antibiotic
17 stewardship guidelines that include rules on the proper use of
18 medically important antimicrobial drugs for disease prevention.

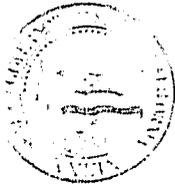
19 (b) For purposes of this section, “antibiotic stewardship” is a
20 commitment to do both of the following:

21 (1) To use medically important antimicrobial drugs only when
22 necessary to treat, and, in some cases, prevent, disease.

23 (2) To choose the appropriate medically important antimicrobial
24 drug, and to administer the drug correctly each time.

25 14406. A violation of the provisions of this chapter is a
26 misdemeanor punishable by imprisonment in county jail not
27 exceeding six months, a fine not exceeding one thousand dollars
28 (\$1,000), or by both the fine and imprisonment.

29 SEC. 2. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.



OFFICE OF THE GOVERNOR

SEP 29 2014

To the Members of the California State Senate:

I am returning Senate Bill 835 without my signature.

The Centers for Disease Control and Prevention estimates conservatively that at least two million illnesses and 23,000 deaths are caused by antibiotic-resistant bacteria in the United States each year. Scientists around the world are warning that we are over-using these life-saving medicines in both human medicine and to raise animals.

SB 835 would codify a voluntary Federal Drug Administration standard that phases-out antibiotic use for growth promotion. Codifying these standards is unnecessary since most major animal producers have already pledged to go beyond the FDA standard.

More needs to be done to understand and reduce our reliance on antibiotics.

To that end, I am directing the Department of Food and Agriculture to work with the Legislature to find new and effective ways to reduce the unnecessary antibiotics used for livestock and poultry.

Sincerely,


Edmund G. Brown Jr.

VETERINARY MEDICAL BOARD 2015 STRATEGIC PLAN DEVELOPMENT ROADMAP

Average Time to Complete Each Phase



VMB Strategic Plan Schedule



Task		Due Date
Preliminary Meeting	SOLID works with VMB to gather information about the unit and discuss the strategic planning process.	Jan 7
Determine stakeholders	VMB to determine stakeholders and provide SOLID with contact lists	Jan 16
Survey Stakeholders	SOLID will use an online survey at surveymonkey.com to obtain input from VMB stakeholders. VMB to send message (SOLID will provide email text and instructions with a link to this survey) to stakeholders	Open Jan 20-Feb 20
Board Member Interviews & Chair Dr. Grant	SOLID will send VMB a draft of the email invitation to be sent to Board members in preparation for the individual phone interviews or focus group.	1 week to complete a 1 hour phone interview with each Board member (can be concurrent with stakeholder survey) Jan 12-23 2wks
Management Team Interviews	SOLID will send VMB a draft of the email invitation to be sent to management team in preparation for the individual phone interviews or focus group. Candace 1-2pm Ethan 2-3pm Annemarie 3-4pm	Jan 26
Staff Focus Group	SOLID will facilitate a four hour meeting with your Board staff to discuss internal and external program challenges and opportunities as well as gather their views on the Board's strategic focus for the upcoming plan. Ethan and Candace will let me know after they check staff availability.	4 hours (the week after management team interviews) Feb 3,5, or 6
Compile Results for Review	Upon completion of interviews and surveys, SOLID will compile and analyze the data and produce a trends document outlining the Board's strengths, trends, challenges and recommendations to use with our presentation materials. This material will be sent to you for review and approval. The final Environmental Scan will be discussed during the strategic planning session.	2 weeks Feb 26-March 11
Draft environmental scan	SOLID will email you soft copies of our handouts for the planning session or can bring handouts to the meeting.	2 weeks to review Due Mar 12
Planning Session	SOLID will facilitate the strategic plan development session with Board members and staff. Through discussion our purpose is to highlight recent accomplishments of the Board, review the trends identified from the surveys, interviews and focus groups, and establish goals and objectives for the new plan.	1 - 2 days Tentative! April 1-2
Update Strategic Plan	SOLID will use the information gathered at the planning session to update the Board's strategic plan. A comprehensive draft will be sent to you for review by the target due date.	2 weeks
Adopt Strategic Plan	Strategic plan is adopted.	1 day
Action Planning Session	SOLID will facilitate a meeting with Board staff to create an action plan to guide completion of strategic objectives by establishing due dates, identifying major tasks, and assigning responsible parties.	May 5 10am-5pm To be confirmed by Annemarie

Mathes, Ethan@DCA

From: [REDACTED]
Sent: Tuesday, December 30, 2014 12:51 PM
To: DelMugnaio, Annemarie@DCA
Subject: Fwd: SHARK's 2014 Year End Video

December 30, 2014

Annemarie Del Mugnaio
STATE VETERINARY MEDICAL BOARD
Sacramento

Hello, Annemarie -

I trust this finds you well, and enjoying the Holidays.

I thought that you and Dr. Tom Kendall and other board members might appreciate the enclosed alert and video from SHARK. The California Rodeo/Salinas is featured in the video, about 1 minute and 55 seconds from the beginning.

As you're likely aware, the Animal Legal Defense Fund recently filed a lawsuit on behalf of Steve Hindi and SHARK against the California Rodeo and Dr. Tim Eastman regarding what they see as severe under-reporting of animal injuries at this rodeo, as required by Penal Code 596.7 (which I sponsored back in 1999). According to Dr. Eastman, the Monterey County SPCA is in agreement with his assessment of animal injuries at this rodeo.

In my opinion, there's a crying need for ON SITE veterinary care at ALL rodeos and charreadas held in California (a reported 800 of the latter). The "on call" vet option allowed by 596.7 simply is not working. The law should be EITHER an on-site veterinarian, OR an on-site RVT, with a licensed vet on call. Seems the very least we owe these animals, yes? And the CVMA should be leading the way. It should be noted that rodeos always have ambulances and paramedics on-site to tend to injured cowboys, as well they should. Surely the unwilling four-legged participants deserve equal consideration. Conscience demands it.

Any comments would be appreciated.

Happy New Year to one and all.

Kind regards,

Eric Mills, coordinator
ACTION FOR ANIMALS
Oakland

----- Original Message -----

From:
"SHowing Animals Respect and Kindness" <info@sharkonline.org>

Applicable Rodeo Law:

California Penal Code §596.7(d)(1): Any animal that is injured during the course of, or as a result of, any rodeo event shall receive immediate examination and appropriate treatment by the attending veterinarian or shall begin receiving examination and appropriate treatment by a veterinarian licensed to practice in this state within one hour of the determination of the injury requiring veterinary treatment.

Business and Professions 4830.8: (a) An attending or on-call veterinarian at a rodeo event shall, pursuant to Section 596.7 of the Penal Code, report to the board any animal injury at the event requiring veterinary treatment within 48 hours of the conclusion of the rodeo. (b) A veterinarian, other than a veterinarian identified in subdivision (a), shall report to the board within seven days of rendering treatment to an animal for an injury that the veterinarian knows occurred at a rodeo event. (c) A report submitted pursuant to this section shall include the title, location, and date of the rodeo event, the name of the attending veterinarian at the event, the name of the reporting veterinarian, the type of animal, and a brief description of the injury suffered by the animal. The board shall post a form on its Internet Web site to be used by veterinarians for purposes of submitting this report. (d) For purposes of this section, "rodeo" has the same meaning set forth in Section 596.7 of the Penal Code.



STATISTICS FOR RODEO INJURY REPORTS

Fiscal Year	Rodeo Injury Report
7/1/2014 - 6/30/2015	1
7/1/2013 - 6/30/2014	3
7/1/2012 - 6/30/2013	6
7/1/2011 - 6/30/2012	4
7/1/2010 - 6/30/2011	4
7/1/2009 - 6/30/2010	2
7/1/2008 - 6/30/2009	0
7/1/2007 - 6/30/2008	6
7/1/2006 - 6/30/2007	2
7/1/2005 - 6/30/2006	0
7/1/2004 - 6/30/2005	2
7/1/2003 - 6/30/2004	7
7/1/2002 - 6/30/2003	1
Total	38

CURRENT SUNSET REVIEW ISSUES

Veterinary Medical Board

Responses

4/18/2013

The following are unresolved issues pertaining to the Board, or areas of concern for the Committee to consider, along with background information concerning the particular issue. There are also recommendations the Committee staff have made regarding particular issues or problem areas which need to be addressed. The VMB and other interested parties, including the professions, have been provided with this Background Paper and can respond to the issues presented and the recommendations of staff.

BUDGETARY ISSUES

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ISSUE #1: (LACK OF NECESSARY STAFF.) The VMB currently has inadequate staffing and this continues to hamper the Board's productivity.

Background: According to the Board, in order to fulfill its mission, the Board must have a workforce consistent with the workload resulting from its mandates. However, the largest challenge of the Board has been the consistent refusal of any BCPs it has submitted over the years and the necessary position authority to effectively fulfill its responsibilities in regulating the veterinary profession and protecting consumers.

Since the last Sunset Review in 2004, the Board has had a significant increase in workload as more veterinarians have become licensed, more RVTs registered and more veterinary premises in need of inspections. As indicated, the Board's enforcement costs, duties and tasks continue to grow, backlogs continue to increase and the volume of workload per staff member is becoming increasingly impossible to handle.

The Board believes that increasing its enforcement staffing is imperative. The Board recently submitted an analysis to this Committee which shows that with the recent fee increase there will be additional revenue to support an additional 5.0 permanent staff positions and that even with the additional positions, the Board's fund condition will be healthy through FY 2017-2018.

Staff Recommendation: *Since current staffing levels of the Board are insufficient to maintain the ongoing workload and responsibilities of the Board and will result in continuous backlogs of enforcement cases and possible delays in licensure, the Board should be provided with the additional staffing it is requesting and which the Board has sufficient funds to support. Also, before any new requirements or responsibilities are placed on the Board, there should be sufficient staffing to cover this additional workload in addition to the staffing already requested by the Board.*

2013 Board Response: The Board agrees with this recommendation. The Board has a history of being short staffed, especially during the past six to eight years. Although its staff has done a heroic job of trying to stay current in processing applications and consumer complaints, delays and backlogs have occurred and the overall workload has increased dramatically. Without adequate staffing in enforcement public safety could be compromised, consumer remedies delayed, animals harmed and negligent and/or incompetent licensees continuing to practice without restrictions.

The Board has identified three main causes of the enforcement workload backlogs:

- 1) the increase in the licensee population,
- 2) five years of furloughs, hiring restrictions and budget cuts, and
- 3) the increase in the actual workload with no increase in staff.

The Board has analyzed its fund condition to assure that it can increase its staffing and recently submitted a Fund Condition analysis to the Sunset Committee. With the fee increase that was implemented in March 2012 there is adequate revenue to support an additional 5.0 permanent staff positions and even with the additional positions, the Board's fund condition is healthy through FY 2017-2018.

The fee increase is generating approximately \$455,000 in additional revenue in 2013-14 over the Governor's budget projections. This fee increase was implemented for the specific purpose of funding additional positions and was supported by the profession.

BOARD AND COMMITTEE RESPONSIBILITIES

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ISSUE #2: (ADDRESSING RVT ISSUES.) It does not appear as if the MDC is addressing some of the more important issues as it pertains to the RVT profession or both the Board and MDC are delaying action in addressing these issues.

Background: According to those representing the RVT profession, there has been several issues which either the MDC or the Board have not addressed or have delayed action in resolving. Examples given were (1) regulations to define the parameters for a student exemption allowing them to perform restricted RVT job tasks; (2) a regulation to clarify the Board's authority over RVT schools which took two and half years to go to public hearing after approved by the Board; (3) the transitioning from using the state RVT examination to using a national RVT exam.

A little history regarding the RVT profession and RVT committees, and RVT input on Board matters, may be appropriate at this point. In 1975, the profession of Animal Health Technician (AHT) was created by the Legislature in response to the desire by the veterinary profession to have a well-trained and reliable work force. The AHT Examining Committee (AHTEC) was created as an independent committee with a separate budget to assist the Board with issues related to the new profession. In 1994, the title "Animal Health Technician" was changed to RVT and the committee was called the RVTEC. In 1998, the original independent RVTEC was sunsetted, and a new committee of the Board, the RVTC, was created. The Legislature gave the new committee the statutory authority to advise the Board on issues pertaining to the practice of RVTs, assist the Board with RVT examinations, CE and approval of RVT schools. The Legislature also specifically stated in the law that its intent was that the Board would give specific consideration to the recommendations of the RVTC. In 2004, the JLSRC was concerned that the RVTC had no independent authority over issues within its jurisdiction, e.g., examinations, eligibility categories, establishing criteria for and approving RVT school programs. In 2006, the duties of the RVTC were expanded to include assisting the Board in developing regulations to define procedures for citations and fines. In 2010, the Legislature added an RVT to the Board for the first time, increasing the Board composition to a total of 8 members: 4 veterinarians, 1 RVT and 3 public members. At the same time the RVTC was allowed to sunset upon appointment of the RVT. The newly created MDC also had the following make-up of members: 4 veterinarians, 2 RVTs and 1 public member.

The RVT committee has basically gone from an autonomous, semi-autonomous to a non-existent committee. However, it appears that both veterinarians and RVTs believed that both representation on the

Board by an RVT and providing for RVTs on the MDC would allow for issues regarding the RVT profession to be adequately addressed. It appears, however, that this may not be the case. The Board seemed to realize this oversight at its September 5, 2012 meeting as it discussed the role of its committees and a structure for the committees that might be best to address the issues of the Board. It appears that one of the problems may be that the Board has no direct input during MDC meetings, or has not given clear direction to the MDC to address important issues brought before the Board or that must be resolved. The Board has also allowed RVT matters to be splintered between different subcommittees. There is one RVT subcommittee of the Board made up of two board members and another subcommittee of the MDC made up of one RVT and one veterinarian. Section 4809.8 of the Business and Professions Code was clear that the role of the MDC was to assist, advise, and make recommendations for the implementation of rules and regulations necessary for the proper administration and enforcement of the Veterinary Medicine Practice Act and to assist the Board in its examination, licensure, and registration programs. The MDC was intended to be inclusive of all issues regarding the veterinarian profession, and the Board must do the same.

Staff Recommendation: *To assure the Board had direct input and oversight of matters related to the MDC, there should be one veterinarian member of the Board that sits on the MDC, and the RVT member of the Board should also sit on the MDC. They would not act as a liaison to the MDC but rather voting members of the MDC. The Board should eliminate its RVT subcommittee and the MDC RVT subcommittee and deal with RVT issues directly and not delay implementation of important RVT matters. Section 4832 of the Business and Professions Code of 2005 should be reinstated and revised to assure that the Board will give specific consideration to the recommendations of the MDC regarding RVT matters.*

2013 Board Response: The Board is aware of the need to efficiently address all issues before it, including those pertaining to RVTs. The Board supports reinstating Section 4832(b) of the Business and Professions Code to assure that the Board and its MDC will give special consideration to RVT matters. However, the root of the problem outlined above relates back to Issue #1, Lack of Necessary Staff. It is not just RVT issues that have been delayed, but issues across the profession.

The MDC was originally created in 2009 to be a three-year committee with a sunset date of 2012 that addressed specific enforcement issues, e.g., minimum standards, hospitals inspections, and the citation and fine program. RVT issues were not given to the MDC because the RVT Committee was still functioning and RVT issues went to that committee.

In June 2011, the Legislature sunsetted the RVT Committee and recreated the MDC as a permanent advisory committee to the Board to assist the Board in addressing issues of the profession including issues specific to RVTs. At that time the MDC was still completing the issues of its original enforcement issues mandate and although it was not able to take on new issues at that time, it did form a two member subcommittee specifically to handle RVT issues.

There was testimony at the Sunset hearing that the Board has “done nothing” on RVT issues since the RVT Committee was sunsetted on July 1, 2011. That is not accurate. The action items from the last RVT Committee meeting were as follows:

- 1) Follow up on the Radiation Safety Guide – *this has been completed.*
- 2) Post the RVT Mandatory CE FAQs on the Board’s web site, mail to all RVTs, and include in a newsletter – *the FAQs are posted on the Board’s web site, it was determined that it was not*

necessary to mail out the info because the two associations got the word out with links to the web site, and there is an article in the Board's next newsletter about the upcoming mandatory CE for RVTs becoming effective July 2013.

- 3) Develop Title Protection regulations for "veterinary technicians" – *a public task force meeting was held in August 2011 and at that point it was determined that regulations were not necessary.*
- 4) Develop regulations for the level of supervision in the exemption for students in approved RVT programs to perform the RVT job tasks while still in school – *the RVTC made a recommendation that the level of supervision be "immediate" meaning that the student and supervisor are in the physical presence of each other. The Board approved going forward with these regulations, but they were delayed due to the Board's overall staffing issues. A public task force was held in March 2013 and two more are scheduled in 2013 to address these regulations.*

One other issue that was delayed was proposed regulations to further define the Board's authority over two-year RVT programs accredited by the American Veterinary Medical Association. This delay was directly related to the Board's staffing issues. The proposed regulations were on the Board's January 2013 agenda for discussion and were adopted and moved forward for staff to prepare a notice of public hearing.

At its January 2013 meeting, the Board asked its two-member RVT subcommittee to hold at least one task force meeting to discuss the transition to the national exam and to solicit public input on the RVT student exemption and regulating RVT alternate route programs. It was decided that the two subcommittees should work together as a task force in conjunction with the MDC meetings. The RVT Task Force held a public meeting on Tuesday, March 12, 2013 specific to RVT issues and has scheduled another public meeting for June 11, 2013 with an option for a third meeting on November 12, 2013.

The Board takes its job of consumer protection seriously along with the issues of the profession as a whole including veterinary technology. The MDC was recreated in 2011 and as of today, has not yet existed as a permanent committee for even two years. The Board believes that the MDC is a committee that is very effective in addressing issues of the profession including specific RVT issues within its current configuration. The Board has direct input on RVT issues through the RVT Board member and the Board member liaison to the MDC. The Board is not aware of any RVT issues that are not being addressed.

ISSUE #3: (RESPONSE TO ISSUES AND RECOMMENDATIONS OF THE JLSRC.)

The Board has been slow to respond to issues and recommendations raised by the JLSRC in 2004 and other matters presented before the Board.

Background: The Board has been slow to deal with the issues and recommendations made by the JLSRC during its sunset review in 2004, and other issues which may have been brought before the Board over the past 8 years. The following are some examples:

- Transitioning to the RVT National Examination.
- Appropriate oversight of RVT schools.
- Allowing students to perform limited RVT job tasks.
- Providing information to consumers about the use (or misuse) of specialty titles of veterinarians.
- Making its Diversion Program self-supporting.

- Only recently planning to increase the number of inspections of veterinary premises.
- Only recently putting forth regulations to increase its fine authority.
- Only recently updating its Disciplinary Guidelines.
- Posting Disciplinary Actions taken by the Board on its Website.
- Only recently putting forth regulations to deal with illegal animal dentistry.
- Adoption of Uniform Substance Abuse Standards for its Diversion Program.
- Adoption of CPEI SB 1111 regulations similar to other health related boards.
- Lack of a consumer satisfaction survey.

Staff Recommendation: *The Board should explain to the Committee why some of the important matters which the Board was directed to deal with back in 2004 by the JLSRC, and other matters brought before the Board over the past 8 years by DCA and others, have taken such a long time to resolve or implement. The Board needs to move ahead expeditiously to implement these necessary changes.*

2013 Board Response:

Some of these issues are related to process and some are due to staffing issues that we have already mentioned.

- Transitioning to the RVT National Examination. Although it may appear that the transition to the Veterinary Technician National Examination is slow, the law stated that the transition was to be implemented upon availability of the computerized examination on or after January 1, 2011 and we are now on track to transition in January 2014. The national exam was converted to a computerized exam in 2011 and one of the transition delays was waiting for verification that the new format was functioning properly and that the national exam vendor could accommodate the large influx of candidates that would result because of the Board's use of the exam. In addition, a transition such as this involves many steps including a job occupational analysis through the Department of Consumer Affairs (DCA), Office of Professional Exam Services (OPES), contract processing/issues, and development and implementation of regulations. Also, the Board now has representation on both the national exam committee through the American Association of Veterinary State Boards' (AAVSB) and the actual board of the AAVSB.
- Appropriate oversight of RVT schools. The AVMA schools regulations were started in July 2010 during the implementation employee furloughs and hiring restrictions. The Board already has oversight authority over all RVT schools in California. The initiation and implementation of the regulations to clarify the Board's existing authority over all RVT schools and programs began in July 2010, but moving forward with the rulemaking process was delayed due to staffing and furlough issues. Despite its staffing shortages; in 2011, the Board sent a letter to all schools in California notifying them of the Board's existing authority over all RVT schools and programs in California and providing them with a draft copy of the proposed regulations. In January 2103, the Board revisited the regulations for oversight of RVT schools and moved it forward for public hearing. Staff is currently preparing to publish a notice of public hearing for these proposed regulations for July 2013.
- Allowing students to perform limited RVT job tasks. The statute allowing students in their final year of clinical study to perform RVT job tasks is in place and effective. The discussion of the level of supervision under which these students can perform these tasks was discussed in March 2013 and is on the agenda for further discussion and development of regulations at the June 2013 meeting of the Board's RVT Taskforce. In the absence of regulations to define this specific supervision, the existing definitions of supervision can be applied so there is no delay in applying this provision.
- Providing information to consumers about the use (or misuse) of specialty titles of veterinarians. The VMB researched this issue and the consensus was that the Board could not move forward

because of potential restraint of trade issues. However, the Board did post the guidelines on advertising for specialty titles on the web site for purposes of transparency and consumer information. No further action is anticipated.

- Making its Diversion Program self-supporting. The Board increased the fee for its program in March 2012 to a level that was not quite self-supporting. The contract negotiations for a vendor to run this program are in progress and under a new contract the fees could change. The Board is willing to take another look at fees once there is a new contract in place.
- Only recently planning to increase the number of inspections of veterinary premises. It is not accurate that the Board “only recently” planned to increase the number of hospital inspections. Since the last sunset review in 2004, the Board has faithfully submitted budget change proposals for additional funding and personnel for its inspection program and the requests have been denied due to a budget imbalance in the Board’s fund or because the requests didn’t meet the administration’s budget criteria for increasing staff.

In 2005, the Board began a five year project to increase fees to correct the imbalance and identified three required steps,

- 1) increase fees to the current statutory maximum;
- 2) increase the statutory maximum and
- 3) increase actual fees again to a level consistent with the need for funding consistent with the BCP requests for positions and funding.

The first step was completed in October 2007 when the fees were increased to the current statutory maximum. In 2010, the statutory maximums were increased for the first time since 1992. In 2011, the Board increased its fees to a level necessary to support its need for additional position based on increased workload; however, due to the poor economic situation in California in 2011, the Board was required to delay implementation of its fee increase until March 2012 in order to have the regulation approved.

In 2006-2007, after struggling to recruit inspectors due to the extensive State contract requirements, the Board worked with DCA to simplify the process to acquire inspectors and widened the recruitment pool by including RVTs. In 2008, despite the Governor’s Executive Order S-09-08 which resulted in the termination of Inspection Coordinator for three months, the Board was able to inspect over 200 veterinary hospitals in 2008-09. In 2009-2010, the Board overhauled the training of inspectors. In 2010-11, the Board improved the inspector application process and increased ongoing training efforts. In May 2011 the Board submitted budget change proposals (BCP) to increase inspections and adequately fund program and was denied by the Department of Finance. In April 2012, submitted budget concept papers to DCA and Consumer Services Agency to increase inspections and fund program and once again proposal was denied. In July 2012, the Board recruited an addition five veterinarian inspectors.

Budget constraints, state-wide staffing limitations and state economic policies have hampered the Board’s ability to increase the number of hospital inspections in the past eight years. Despite its limitations, the Board has made improvements to the program and continues to make efforts to increase inspections.

- Only recently putting forth regulations to increase its fine authority. The Board identified the need to review its citation and fine authority and update its regulations in 2009 and referred the issue to the newly formed Multidisciplinary Committee (MDC) along with the minimum standards of practice and hospital inspection standards. Although the regulations themselves were just voted on by the Board in January 2013, there was over a year of discussions and public input before those regulations could be put forward. In January 2013 the Board adopted the proposed regulations and

directed staff to move forward with preparing a notice of public hearing as soon as possible (considering the other Board proposed regulations slated for hearing).

- Only recently updating its Disciplinary Guidelines. The Board did not just update its guidelines, it took on the project of totally redoing them to insure that the language was plain English and the criteria used to determine penalties were accurate and clearly stated. The process began at the Board's retreat in 2009 and then resumed in 2011 with discussion at several Board meetings into 2012. The proposed rulemaking file is currently being reviewed by the Department of Finance and it is anticipated that it will be forwarded on to the Office of Administrative Law by April 26, 2013.
- Posting Disciplinary Actions taken by the Board on its Website. The Board has always posted notification of its disciplinary actions on its web site and published it in its newsletter. Staffing shortage and other pressing needs involving enforcement caused a cessation of the newsletter and posting the enforcement information on the web from 2004 through 2007 although the enforcement notification was still being posted on the License Lookup portion of the Board's website. Since 2010, the Board was able to obtain scanning equipment and has been posting the actual public documents online so that when a person looks up a veterinarian or registered veterinary technician, they can also download the actual documents if there has been any action against the license.
- Only recently putting forth regulations to deal with illegal animal dentistry. The Board is in the process of making amendments to CCR Section 2037 to address the illegal animal dentistry issues. The process is a lengthy one given that as a result of the initial notice of public comment the Board received and had to respond to over 22,000 comments protesting the changes to Section 2037. In addition, the Board has had to do several 15-day notices and received many more additional comments. Ultimately, the file was disapproved by the Office of Administrative Law and the Board is working with the attorney assigned to the rulemaking file to make the required changes to the file so it can be resubmitted sometime in late May 2013. The Board believes that the proposed changes to the law are clarifying in nature and has also been working with local District Attorneys under existing law on cases involving unlicensed animal dentistry and has been successful in obtaining three convictions in the last year.
- Adoption of Uniform Substance Abuse Standards for its Diversion Program. The Board participated in the committee discussions regarding the Uniform Standards and was willing to move forward with regulations on the issues but was hampered both by a lack of staff and also by a lack of clarity from the DCA on exactly what was required to be adopted. The DCA issued a memo in 2012 outlining the parameters under which boards should move forward with adopting regulations and the Board moved forward. The proposed regulations have been adopted and are in the pipeline for a notice of public hearing.
- Adoption of CPEI SB 1111 regulations similar to other health related boards. The issue of the CPEI regulations is currently being researched by the Board's enforcement committee and there is an agenda item for discussion of the item on the Board's agenda for April 23, 2013.
- Lack of a consumer satisfaction survey. The Board utilized its own customer satisfaction paper and pencil survey tool up until 2010 when it was discontinued due to staffing and workload issues. The Board does not use the DCA customer satisfaction surveys per se; however, it has used the DCA survey questions to develop its own electronic survey tool it plans to implement its own survey following the Board's conversion to BreEZe, DCA's new database system as a part of Phase 2. The original implementation date for Phase 2 of the BreEZe project was February 2013; however, the transition date has been moved back to at least February 2014 and possibly later.

LICENSING AND REGISTRATION

ISSUE #4: (ACCESS TO CONTROLLED SUBSTANCES.) Should veterinary assistants be required to obtain a permit from the Board so that they may be allowed to have access to controlled substances under the supervision of a veterinarian?

Background: For many years the RVTs and veterinarian assistants who assisted veterinarians in practice were allowed to administer drugs under indirect supervision of a veterinarian, by the veterinarian's order, control, and full professional responsibility. However, in 2007, the Board's legal counsel questioned the language in existing law regarding who can administer drugs to animals in a veterinary practice setting. The CVMA disagreed with the Board's interpretation of the law and subsequently sought a Legislative Counsel (LC) opinion. The LC opinion confirmed CVMA's position and it further validated current practice as it pertains to federal drug laws.

In 2007, CVMA carried SB 969 to make the statutory changes necessary to clarify those persons who could provide controlled substances in a veterinary office or clinic and under what level of supervision. This measure was signed into law, but contained a sunset provision. The purpose for the sunset provision was to assure that there were no problems of complaints received by the Board regarding the access to controlled substances by veterinary assistants. The sunset provision was extended to January 1, 2013, pursuant to SB 943 of 2011. During the interim, the DCA, CVMA, the Board and representatives from the RVT community met to determine if other changes were necessary in the law to assure that veterinary assistants who had access to controlled substances had appropriate oversight and had no criminal history. Discussions centered around the requirement for the fingerprinting of veterinary assistants who would have access to controlled substances within the veterinary facility. However, the Department of Justice (DOJ) indicated that they would be unable to provide criminal background information on veterinarian assistants to the Board unless they were under the authority of the Board. Therefore, the Board would have to at least require veterinary assistants to obtain a permit from the Board to be allowed access to controlled substances so that the Board could then request fingerprints of the veterinarian assistant that would be provided to DOJ. The Board could then be provided with the criminal background information from DOJ before they granted a permit.

Staff Recommendation: *The Board should be required to establish a permitting process for veterinary assistants who will have access to controlled substances, both under direct and indirect supervision of a veterinarian, so that the Board can require fingerprints of veterinarian assistants and obtain criminal history information from DOJ. The requirement for a permit should begin by 2014. However, the Board should be provided adequate staffing to implement this new program to be paid from fees collected pursuant to the permit requirement.*

2013 Board Response: The Board supports protecting the public from the possibility of diversion of controlled substances. However, in considering the impact of implementation of a new permitting program that could add 16,000 to 32,000 new licensees, the Board has reservations. The original intent was to allow RVT's and VT's to administer drugs, including controlled substances under supervision of a licensed veterinarian with the supervision being the controlling factor. In order to reduce the number of lay persons

requiring certification for purposes of fingerprinting, the Board recommends that the requirement for fingerprinting be a general limitation to persons who have access to the primary storage unit for controlled substances. It is estimated that this would reduce the number of lay persons that would be required to be certified and/or fingerprinted to approximately 6,000 to 10,000.

While the Board supports continued discussion on this topic, there is a very real departmental-wide barrier to any new programs. The Department of Consumer Affairs is in the midst of a major transition to a new database system. BreZE. The first phase of boards is expected to transition in spring or summer 2013, phase two possibly in early 2014 and the third and final phase sometime in late 2014 or early 2015. There is a lockdown currently on any changes to the existing legacy system and to the new system until all the boards in all three phases have been transitioned.

Therefore, barring any unforeseen circumstances, best case scenario would be that a new program could possibly be developed in 2015 and implemented in 2016. So if the Committee is recommending such a new program, the Board is requesting that the Committee consider the department-wide barrier to implementing any new program before at least 2016.

INSPECTION OF VETERINARY PREMISES

ISSUE #5: (INSPECT MORE VETERINARY PREMISES.) It is unknown the extent to which the Board has been able to inspect veterinary premises over the past 8 years. In 2004, only 13% of veterinary facilities on average were inspected each year.

Background: California Code of Regulations Section 2030 sets the minimum standards for fixed veterinary premises where veterinary medicine is practiced, as well as all instruments, apparatus, and apparel used in connection with those practices. The method the Board has selected to enforce such standards is premise inspections. During the sunset review of the Board in 2004, the Board inspected an average of 300 registered veterinary facilities that were selected from a master list, and an average of 31 facilities in response to complaints it received. The vast majority of these inspections were unannounced. From 1996 to 2003 the Board had completed 2,616 inspections, including 211 complaint-related ones. The average rate for annual routine hospital inspections during those years was 13 percent, with a slight improvement during 2001/02 to 18 percent and 16 percent in 2002/03.

In its report to the JLSRC at the time, the Board indicated that all new veterinary premises are were inspected within the first six to 12 months of operation and that its goal was to have all premises inspected within a five-year period.

The Board further indicated to the JLSRC at the time that when it “randomly” selects premises to inspect, it eliminates from selection those premises with the most recent inspection dates. Thus, it appears that once facilities are inspected, they enjoy “safe harbors” from random inspections for an extended period of time, perhaps as long as six or more years. To accomplish these inspections, the Board contracted with private veterinarians who hold current California licenses and have at least five years of clinical practice experience. However, the Board was at the time considering expanding the pool of prospective inspectors to include RVTs as well.

The Committee did not receive any current information regarding the Board's inspection program of veterinary premises. The Board only indicated that it hired three new inspectors for the 2012/13 fiscal year to begin in September 2012, with a goal of increasing the actual number of inspections each year to 500, or 16%. The Board also changed the method of hiring inspectors from the Request for Proposal process to establishing a pool of qualified experts and hiring via the streamlined contract process implemented by DCA last year. This has greatly improved the pool of qualified applicants.

Staff Recommendation: *The Board should update the Committee on its inspection program for the past 8 years and indicate if it has adequate staff to increase the number of actual inspections and what percentage of veterinary premises does it believe it will be able to inspect on an annual basis.*

2013 Board Response: The Board's inspection program is one area in which the Board is underfunded and understaffed. The Board is only funded for enough inspectors to perform 242 inspections annually. The Board is preparing a budget change proposal for 2014-15 to add staffing and funding to increase the number of hospitals inspected annually. If granted the request would allow the Board to inspect each veterinary premise once every 5 years and each newly registered premise within the first 6 months of registration.

With approximately 3,400 registered premises in California, new hospitals may go without an inspection and existing hospitals can only be inspected once every 12-14 years. This timeframe is not adequate to monitor the minimum standards of practice and ensure that health and safety standards are being met in California's veterinary hospitals. The Board has attempted to increase its funding for hospital inspections through budget change proposals over the last five years and has been denied.

To meet the goal of inspecting every five (5) years the Board would need to increase routine inspections to a minimum of 620 a year which requires additional staff and inspectors. Since the last sunset review in 2004, the Board has faithfully submitted budget change proposals for additional funding and personnel for its inspection program and the requests were all denied due to a budget imbalance in the Board's fund.

As state above, in 2005, the Board began a five year project to increase fees to correct the imbalance and identified three required steps,

- 1) increase fees to the current statutory maximum;
- 2) increase the statutory maximum and
- 3) increase actual fees again to a level consistent with the need for funding consistent with the BCP requests for positions and funding.

The first step was completed in October 2007 when the fees were increased to the existing statutory maximum. In 2010, the statutory maximums were increased for the first time since 1992. In 2011, the Board increased its fees to a level necessary to support its need for additional position based on increased workload; however, due to the poor economic situation in California in 2011, the Board was required to delay implementation of its fee increase until March 2012 in order to have the regulation approved.

In 2006-2007, after struggling to recruit inspectors due to the extensive State contract requirements, the Board worked with DCA to simplify the process to acquire inspectors and widened the recruitment pool by including RVTs. In 2008, despite the Governor's Executive Order S-09-08 which resulted in the

termination of Inspection Coordinator for three months, the Board was able to inspect over 200 veterinary hospitals in 2008-09. In 2009-2010, the Board overhauled the training of inspectors. In 2010-11, the Board improved the inspector application process and increased ongoing training efforts. In May 2011 the Board submitted budget change proposals (BCP) to increase inspections and adequately fund program and was denied by the Department of Finance. In April 2012, submitted budget concept papers to DCA and Consumer Services Agency to increase inspections and fund program and once again proposal was denied. In July 2012, the Board recruited an addition five veterinarian inspectors.

Budget constraints, state-wide staffing limitations and state economic policies have hampered the Board's ability to increase the number of hospital inspections in the past eight years. Despite its limitations, the Board has made improvements to the program and continues to make efforts to increase inspections.

ISSUE #6: (PRIORITIZE FACILITIES AND PREMISES TO BE INSPECTED.) Should the Board be involved in inspecting humane society facilities, shelters and other type of nonprofit animal rescue or adoption centers?

Background: It has come to the attention of the Committee that the Board may be inspecting non-veterinarian premises, including 501(c)(3) animal rescue groups, and providing an "inspection report" and possibly issuing citations and fines. This may not be a reasonable use of resources for the Board especially in light of the problems it is having maintaining its own inspection program over those facilities and hospitals that provide direct veterinary services. There may be some confusion in the law regarding the Board's jurisdiction over these types of "premises" and that should be clarified. There does not appear to be any need for the Board to be involved in inspecting nonprofit animal rescue or adoption centers unless of course the Board has probable cause to believe that such facility is involved in unlicensed activity. However, the Board should only pursue action based on unlicensed activity, not pursuant to its inspection authority. The scope of Board authority over humane society facilities needs to be clarified so that resources are not being expended on low-priority activities while higher priorities are suffering. Local jurisdictions, either pursuant to health and safety violations or complaints received, may be able to deal with these other entities more directly.

Staff Recommendation: *The Committee believes that existing law should be clarified so that the Board is not inspecting these non-veterinarian premises so that it can better target their use of scarce enforcement (inspection) resources and staff. The Board should provide justification for its continued inspection of humane society facilities and animal shelters. Unless the Board has evidence of unlicensed activity within nonprofit facilities, it should immediately cease any further action which is related to its inspection authority.*

2013 Board Response: The Board does not inspect humane society facilities, animal shelters, or other types of animal rescue or adoption centers. However, consistent with its consumer protection mandate, the Board does have authority to investigate allegations of unlicensed activity, diversion of drugs, and animal cruelty. The Board works with DCA investigators and with local authorities to investigate consumer complaints regarding such unlicensed activities no matter where those activities are taking place.

ENFORCEMENT

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ISSUE #7: (DISCIPLINARY CASES STILL TAKING ON AVERAGE THREE YEARS OR MORE.) Will the Board be able to meet the CPEI goal of reducing the average disciplinary case timeframe from three years or more, to 12-18 months?

Background: As earlier indicated, in 2009, the DCA took the initiative to evaluate the needs of the board's staffing levels and put forth a new program titled the "Consumer Protection Enforcement Initiative" (CPEI) to overhaul the enforcement process of healing arts boards. According to the DCA, the CPEI was a systematic approach designed to address three specific areas: Legislative Changes, Staffing and Information Technology Resources, and Administrative Improvements. The CPEI proposed to streamline and standardize the complaint intake/analysis, reorganize investigative resources, and, once fully implemented, the DCA expected the healing arts boards to reduce the average enforcement completion timeline to between 12-18 months by FY 2012/13. The DCA requested an increase of 106.8 authorized positions and \$12,690,000 (special funds) in FY 2010-11 and 138.5 positions and \$14,103,000 in FY 2011-12 and ongoing to specified healing arts boards for purposes of funding the CPEI. As part of CPEI, the Board requested 7.1 first year and 8.1 ongoing staff positions. The Board received approval for only 1.0 special non-sworn investigator position. In 2010 and 2011, the position was reduced to .70 due to the Governor's Workforce Cap Reduction and Salary Savings Elimination plans leaving the Board with .30 of a non-sworn investigator position. [The Board is still trying to fill this position.] Under the CPEI, this Board never really had an opportunity to utilize any additional staffing to improve its enforcement program. There was an expectation that with additional staffing the average enforcement completion timeframes (from intake, investigation of the case and prosecution of the case by the AG resulting in formal discipline) could be reduced. The implementation of the CPEI and the additional staff provided improved performance levels of some boards, but not this Board. As indicated by the Board, there is now a backlog of complaints of one year and the Board is unable to meet its performance measures for the handling of disciplinary cases. Due to the volume of workload and lack of staffing, the Board has redirected staff to address the highest priority caseload. These inadequacies, according to the Board, stifle the Board's progress to achieve its intended performance measures. The goal set for the Board, and all boards under CPEI, was 12 to 18 months to complete the entire enforcement process for cases resulting in formal discipline. In 2011/2012, it took nearly three years (36 months) or more to complete a disciplinary action against a licensee by the Board. Other reasons why the Board is unable to meet its performance measures and goal of 12 to 18 months to complete disciplinary action, is because it has to rely on the Division of Investigation (DOI) to investigate the case, on the Attorney General's Office (AG) to file an accusation and prosecute the case, and on the Office of Administrative Law (OAL) to schedule an Administrative Law Judge (ALJ) to hear the case. According to the Board, an investigation by DOI can take anywhere from 6 to 18 months. Once the case is transferred to the AG, it can take 6 months to a year to file an accusation and another year to have the case heard before an ALJ. These timelines are outside the Board's control, but add greatly to the overall length of time it takes from receipt of a complaint to ultimate resolution. [It should be noted the DOI has markedly improved in its investigation of cases. Most cases are completed within about a 6 month period on average. However, the AG's Office and the OAL were never made partners in the CPEI effort by DCA to reduce timeframes in the handling of cases. The timeframes for disciplinary cases handled by the AG have not changed significantly over the past years and OAL is now backlogged with cases and it is taking up to one year to schedule a case to be heard.]

Staff Recommendation: *It is obvious unless there is buy-in from the other agencies (the DOI, AG and the OAL), which the Board must depend on, the goal of CPEI will never be realized. The Board has at least improved on part of the process it had control of, the processing of complaints and forwarding*

them to investigation, but still hasn't met its performance measure of 10 days for handling a complaint. This is due primarily, however, to inadequate staffing levels of the Board. As was indicated in Issue #1, the Board must receive adequate staffing so that it can more quickly process disciplinary cases. The bigger issue of dealing with delays by DOI, the AG and the OAL is something that is going to have to be addressed by the Legislature, DCA and these other agencies.

2013 Board Response: The Board is moving forward with trying to implement as many of the CPEI provisions as possible and has referred the issue to its Enforcement Committee for research and commendations. The Board concurs with the Committee that reducing processing times for enforcement cases is impossible without additional personnel resources and funding.

ISSUE #8: (REPORTING SUBSTANCE ABUSE) Should a veterinarian or RVT be required to report instances in which they believe a fellow practitioner is involved with drug or alcohol abuse during their practice?

Background: The Board has indicated that it is discussing requirements similar to the mandatory reporting requirements for animal cruelty, under Section 4830.5 of the Business and Professions Code, if a fellow practitioner suspects drug or alcohol abuse. There would be an obligation to report to the Board. There are a number of health care boards under the DCA that require health care facilities to report health care practitioners who have been fired or suspended for harming a patient or other serious misconduct such as substance abuse. Currently, employers of vocational nurses, psychiatric technicians, pharmacists and respiratory care therapists are required to report to the respective boards the suspension or termination for cause of these health care practitioners. The Medical Board, Board of Podiatric Medicine, Board of Behavioral Sciences, Board of Psychology and the Dental Board also have more extensive reporting requirements for peer review bodies and hospitals which are specified in Section 805 et seq. of the B&P Code. The Board of Pharmacy also requires its licensed pharmacies to report their own employees (pharmacists or pharmacy technicians) if there is evidence of theft, diversion or misuse of drugs and they are terminated from employment for any of those reasons.

Staff Recommendation: *The Board should consider a reporting requirement for veterinarians, RVTs and veterinarian assistants to report to the Board any instances in which someone working at a veterinarian facility may be abusing drugs or alcohol during their practice. There should also be immunity from civil liability for anyone who reports such substance abuse to the Board.*

2013 Board Response: The Board is considering this proposal but it is at the very beginning stages of discussion. The Board recognizes the logistical challenges with such reporting in labor contracts, hiring agreements and a general lack of knowledge about the signs of chemical addiction that could be a barrier to accurate reporting. While there are mandatory reporting requirements for things such as animal cruelty and dog fighting, it is expected that veterinarians would have a general knowledge about such animal issues. There is not the same expectation for general knowledge of chemical addiction in humans or the signs of impairment so these factors need to be considered prior to supporting any mandatory reporting requirement in veterinary medicine.

PUBLIC NOTIFICATION

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ISSUE #9: (POST BOARD CONTACT INFORMATION.) Should veterinary premises be required to post contact information for the Board?

Background: The Board has indicated that the Board is discussing requiring a sign in every veterinary premise that notifies consumers of the Board's contact information if the consumer has a complaint.

Staff Recommendation: *The Board should require that veterinary premises post a sign that notifies consumers of contact information for the Board if they wish to file a complaint regarding a veterinarian, RVT or veterinarian assistant.*

2013 Board Response: The Board supports the staff recommendation.

ISSUE #10: (USE OF NAME TAGS.) Should veterinarians, RVTs and veterinarian assistants be required to wear name tags?

Background: The RVTs indicate that in 2010 the Legislature gave RVTs title protection. However, they argue, that without mandatory name tags for the veterinary profession, the public has no way of knowing with whom they are dealing in a veterinary facility. The RVTs further indicate that by most estimates, there are at least two unlicensed veterinarian assistants for every RVT. Since many veterinary personnel wear similar clothing, unless a staff member is wearing a name tag, the public cannot distinguish between unlicensed veterinarian assistants and RVTs and even veterinarians. "The public has a right to know who is treating their animals."

Staff Recommendation: *The Board should consider whether the use of name tags is necessary to identify the individual practitioner within a veterinary facility.*

2013 Board Response: The Board has had on-going discussions on mandating name tags in a veterinary hospital and the Board will continue to research the pros and cons of such a requirement.

CONTINUATION OF THE VETERINARY MEDICAL BOARD

ISSUE #11: (CONSUMER SATISFACTION WITH THE BOARD IS UNKNOWN.) Should the Board immediately start using a consumer satisfaction survey?

Background: The Board has indicated it utilized its own customer satisfaction paper and pencil survey tool up until 2010 when it was discontinued due to staffing and workload issues. The Board does not use the DCA customer satisfaction surveys per se; however, it is developing an electronic survey tool based on questions in the DCA survey and plans to implement its own survey following the Board's conversion to BreZe, DCA's new database system.

Staff Recommendation: *The Board should immediately upon the implementation of the BreZe system start using a consumer satisfaction survey to determine if future changes may be necessary in its handling of consumer complaints and the way the public should be dealt with by the Board and its staff.*

2013 Board Response: The Board agrees with the committee recommendation and will start using an electronic consumer satisfaction survey for complaints as soon as it is feasible after implementation of BreZE.

ISSUE # 12: (SHOULD THE VETERINARY MEDICAL BOARD BE CONTINUED?) Should the licensing and regulation of the practice of veterinarian medicine be continued and be regulated by the current Board membership?

Background: The health, safety and welfare of consumers are protected by a well-regulated veterinary profession. Although the Board has been slow to implement changes as recommended by the former JLSRC, and other matters presented to the Board for consideration over the past eight years, it appears as if the current Board has shown a strong commitment to improving the Board's overall efficiency and effectiveness and has worked cooperatively with the Legislature and this Committee to bring about necessary changes. It is obvious that there are still important regulations and problems that need to be addressed by this Board, but it seems more than willing to work with the Legislature, the DCA and other professional groups to act more expeditiously to deal with these issues in a timely fashion. The Board should be continued with a four-year extension of its sunset date so that the Committee may review once again if the issues and recommendations in this Paper and others of the Committee have been addressed.

Staff Recommendation: *Recommend that the practice of veterinary medicine continue to be regulated by the current Board members of the Veterinary Medical Board in order to protect the interests of the public and that the Board be reviewed by this Committee once again in four years.*

2013 Board Response: The Board concurs with and appreciates the Committee's recommendation to extend the Board's sunset date by four years.

OVERVIEW GUIDE FOR DISCIPLINARY DECISIONS

Most of the background information provided below is contained in the Department of Consumer Affairs Reference Manual for board members and gives an overview of part of a board's disciplinary process. Certain aspects of this overview were changed by the passage of SB 523 (Kopp, Chapter 938, Statutes of 1995). The changes were in regard to ex parte communications.

Accusation/Statement of Issues

The principal responsibility of a licensing board ~~is are to protect the public. This is accomplished by determining to determine~~ whether a license should be issued and whether a disciplinary action should be taken against a license. The Administrative Procedure Act (Government Code, Sections 11500 through 11528) prescribes the process necessary to deny, suspend, or revoke a license. An action to suspend or revoke a license is initiated by the filing of an Accusation. An action to deny a license is initiated by the filing of a Statement of Issues.

In disciplinary matters, a Deputy Attorney General (DAG) acts as the Board's prosecutor and coordinates all necessary legal proceedings. If a case is referred to the Office of the Attorney General (~~OAG~~) and accepted for prosecution, the DAG assigned the matter will prepare a Statement of Issues or an Accusation. The person against whom the action is filed is called the Rrespondent.

Once drafted, the Statement of Issues or Accusation is forwarded to the Executive Officer (EO) for approval. ~~Except where the preparation of administrative pleadings is voluminous and routine, Board staff will assign a case number and~~ the EO ~~will normally~~ reviews ~~all an~~ Accusations ~~and/or~~ Statement of Issues for accuracy. ~~Board staff will then assign a case number and the EO will sign it~~ the pleading document before returning it to the OAG for service on the Rrespondent.

The document is then served on the Rrespondent. The Rrespondent may contest the charges by filing a Notice of Defense, because the law requires notice an opportunity for a hearing.

The DAG will then schedule a hearing before an Administrative Law Judge (ALJ) from the Office of Administrative Hearings (OAH).

~~Administrative~~ Hearing Process

An aAdministrative hearing is similar to a trial in a civil or criminal court. Both parties have the opportunity to introduce evidence (oral and documentary) and the Rrespondent has a right to confront his or her accusers.

Although a board may sit with ~~the an~~ ALJ and hear the case, most cases are heard solely by the ALJ ~~alone~~ because it is ~~a complex~~ an expensive procedure and may require ~~anywhere~~ from several days to several weeks of time.

In order to take discipline against a license issued by the Board, either a veterinarian or registered veterinary technician, it must be demonstrated by "clear and convincing evidence" that a violation of law or regulation has occurred. The clear and convincing standard is more than the "preponderance of the evidence" standard required for civil trials but less than the "beyond a reasonable doubt" standard for criminal trials.

To sustain a citation against a licensee, the allegations need only be proven to the "preponderance of the evidence" standard.

Proposed Decision

After hearing ~~all the witnesses and arguments and considering the case and considering~~ all of the evidence presented, the ALJ renders a Proposed Decision that contains: 1) findings of fact, 2) a determination of issues, and 3) a proposed penalty (assuming a violation is found). ~~The This~~ Proposed Decision is ~~then~~ submitted to the Board for consideration and a final decision. ~~The Proposed Decision must be acted upon by the Board within 100 days of receipt, or it becomes final by operation of law as proposed by the ALJ.~~

Evidence received from outside the hearing may result in the respondent's constitutional right to due process being violated and subsequent invalidation of the the entire disciplinary action.

In making a decision whether to adopt the Proposed Decision as its own decision, the Board may only consider the Proposed Decision itself, The Board may not consider evidence about the case not contained in the Decision. The Board may consider advice of legal counsel regarding their options, the legal sufficiency of the Proposed Decision, and the law applicable to the case at hand. If a Board member is personally acquainted with the licensee to a degree that it affects their decision-making ability, or the Board member has received evidence about the case not contained in the Proposed Decision, the Board member should recuse him or herself from any discussion about the case and the vote on the matter.

The Board may vote on the Proposed Decision by mail ballot or at a meeting in a closed session. Although a Proposed Decision carries great weight based on the fact that the ALJ was a witness to the evidence presented at the hearing, the actual testimony of the witnesses and the demeanor of those witnesses, the Board is the final decision-maker. The Board should consider the ALJ's narrative explanation in the Decision and how the Disciplinary Guidelines were applied. If the Decision is outside the Disciplinary Guidelines, the ALJ must explain to the satisfaction of the Board, the factors that were proved that caused the ALJ to deviate from the ~~standards~~ guidelines.

Adopting any decision is a serious responsibility of a Board member. When considering a Proposed Decision, the Board's legal counsel is present to respond to questions about the legal parameters of the case and the Board's authority. Board members must take time to fully discuss each case and to seek clarification from legal counsel for any question they may have prior to making a final decision on the case.

~~When considering a Proposed Decision, the A~~ Board has three basic options when considering a Proposed Decision: 1a. adopt the Decision as written, including the proposed penalty, 2b. adopt the Decision and reduce the penalty; or 3c. ~~not adopt~~ reject the Proposed Decision. The Proposed Decision must be voted upon by the board within 100 days of receipt or it becomes final as proposed by the ALJ.

Non-Adopt – Rejecting a Decision

Proposed Decision

A Bboard may choose ~~not to adopt~~ reject a Proposed Decision of an ALJ for many reasons ~~that, which~~ might be grouped generally under the following categories:

- The Bboard finds the penalty or terms of probation inappropriate to the violation(s).
- The Bboard disagrees with the ALJ's determination of the issue(s) in the case.

When a Proposed Decision is not adopted, the Bboard is required to obtain a copy of the transcript of the hearing and documentary evidence unless this requirement is waived by all parties. Each Board member must read the entire transcript and consider only that evidence presented at the hearing. The DAG and the Respondent are entitled to submit oral or written arguments, ~~or oral argument if the~~

~~Board so orders,~~ on the case to the Board. The Board must render its own decision after reading the transcript and arguments within 100 days from the receipt of the transcript

After the decision has been rendered, all parties will be served with the Decision After **Non-Adoption Rejection**.

The Board can elect to return the non-adopted decision to the OAH if it feels that additional evidence is required before the Board can render its decision. In this instance, the case is returned to the OAH and a new hearing date is scheduled. After the new hearing is complete, the ALJ, the same one as before or a new ALJ if the prior one is unavailable, will issue a new Proposed Decision and the Board will consider the Proposed Decision anew.

FACTORS TO CONSIDER WHEN DECIDING WHETHER TO HOLD OR NONADOPT A STIPULATED SETTLEMENT OR PROPOSED DECISION

As a general rule, most stipulated settlements and proposed decisions are well reasoned, consistent with the board's disciplinary guidelines, and may be adopted consistent with sound public policy. If they are not, consider rejecting (or "nonadopting") such decisions. If it is difficult to make that determination, however, stipulated settlements and proposed decisions should be held for closed session discussion.

Consider **nonadopting** a Stipulated Settlement or an ALJ's Proposed Decision in these circumstances:

1. The stipulated settlement or proposed decision does not provide sufficient public protection given the nature of the violations. For example, important terms of probation are missing, the probationary period is too short, probation is not appropriate, or other significant unexplained deviations from your board's disciplinary guidelines.
2. The ALJ made an error in applying the relevant standard of practice for the issues in controversy at the hearing. (Proposed Decision)
3. The ALJ made an error in interpreting law and/or regulations. (Proposed Decision)

Consider **holding** a case for closed session discussion when:

1. You are unsure whether the stipulated settlement or proposed decision protects the public and would like to discuss the merits with other board members.
2. You are unsure about the judge's reasoning and description. (Proposed Decision)
3. If you believe a discussion of the practice issues with licensee members may make it easier for you to make a decision.
4. If you are unsure whether the judge's decision is consistent with the law. (Proposed Decision)
5. After discussion with the assigned board attorney, you still have questions about the case.

Typically, a vote to hold the Proposed Decision for closed session discussion requires a hold vote by two (2) or more board members.

Petition for Reconsideration

A Respondent has a right to ~~and may~~ petition the Board before the effective date of the decision for reconsideration of the Board's decision. The Board may decide to reconsider its decision, which means it would grant Respondent's petition. If the Board needs more time, it may delay the effective date of the decision by ten days for the purposes of deciding whether to reconsider the decision. The Board may decide not to reconsider its decision, which means it would deny Repondent's petition. If the Board takes no action before the effective date of the decision, the petition is deemed denied by operation of law, and the Board no longer has jurisdiction over the matter.

If a Board reconsiders its decision, it would engage in the same process outlined above for Rejecting a Decision, except that there would not be a 100-day deadline for rendering its final decision.

~~If a Board does vote to reconsider its decision, it is equivalent to not adopting a Proposed Decision and the steps listed above apply. If the 30-day time period lapses or the Board does not act on the petition, the request for reconsideration it is deemed to be denied, by operation of law and the Board no longer has jurisdiction over the matter.~~

Eligibility to Petition for Reconsideration is limited to Proposed Decisions. A Petition for Reconsideration is the first step available to a party in contesting a final order. This process is governed by Government Code Section 11521. The agency may order reconsideration of all or part of the case on its own motion or on petition of any party.

The process, generally, is as follows:

- Petition for Reconsideration is submitted to the Board by Respondent.
 - The Executive Officer will issue a 10-day Stay of Decision (Stay of Effective Date of Decision) (sample attached)
 - The Board reviews the Petition to determine if it will issue an Order Granting Reconsideration or Order Denying Reconsideration
- If the Board votes to DENY the Petition for Reconsideration
 - The Decision will remain as issued and will become effective ,
- If the Board votes to GRANT the Petition for Reconsideration, the Decision and Order will NOT become effective
 - The Order Granting Reconsideration will be sent to Respondent and the order will stay the effective date of the Decision indefinitely. (sample attached)
 - The Board will issue an Order Fixing Time for Submission of Written/Oral Argument (sample attached)
 - Only the Board President has the authority to extend the deadline for submission or Written/Oral Argument
 - Board staff will order transcripts from the hearing
 - Upon close of the Fixed Time for Submission of Written/Oral Argument and receipt of hearing transcripts, the petition is sent to the Board for review.
 - Written/Oral Argument (Board may choose to accept either or both)
 - Argument/New Evidence (Board may choose to accept either or both)
 - The matter will be discussed in closed session at the next regularly scheduled board meeting during which the Board can decide to:
 - uphold the original decision
 - Order prepared by DCA Legal Counsel
 - reduce the penalty
 - Order prepared by DCA Legal Counsel
 - remand the matter back to the ALJ for taking and evaluation of further evidence
 - Other options according to Gov Code Section 11517

DEFAULT DECISION

Default Decisions are rare; however, in some cases, the Respondent does not respond to an Accusation by returning the Notice of Defense, fails to return the Notice of Defense in a timely manner, or fails to appear at a scheduled hearing. The Respondent has a legal obligation to respond to an Accusation and to be present at a scheduled hearing. Failure to do so is grounds for imposition of discipline based upon the failure by means of issuance of a Default Decision. In these cases the Board need only demonstrate that it has served the Accusation on the licensee at the licensee's address of record. This is one reason it is imperative that licensees maintain a current address of record with the Board; failure to do so can have very serious consequences if the licensee becomes subject to an Accusation but has an old address of record on file with the Board because the Board has no legal obligation to make any attempt to locate the licensee. Service of an Accusation by first class mail is all that is required to prove proper service.

The result of a Default Decision is nearly always a straight revocation of the license. If the Respondent is also a managing licensee of a premise, the premises permit will automatically cancel by operation of law. If the Accusation was pled against the premises as well as the licensee, the premises permit is revoked along with the license.

Appeal Process – Writ of Administrative Mandamus

A Respondent has the right to ~~request reconsideration and if denied,~~ file a Writ to appeal a disciplinary action imposed by a ~~B~~board by filing a writ of administrative mandamus in a Superior Court. This may include a request by the respondent for a stay or postponement of the board's Decision invoking Disciplinary action. A court has the authority to uphold or set aside a Decision or return the case to the board with specific directions for further consideration.

~~A Decision rendered by a Superior Court can be further appealed to the Court of Appeals and then to the Supreme Court by either the board or the respondent.~~

The Superior Court would render a decision based upon the record. That decision could then be appealed further to the Court of Appeals.

Stipulated Agreement- Stipulation

~~Once an Accusation has been filed, rather than proceeding to a formal hearing, and prior to requesting that the Board consider settlement terms and conditions, the Respondent shall provide mitigating factors and evidence of rehabilitation. Mitigating factors include factors beyond the control of the licensee that existed for a brief period of time but no longer exists that may mitigate the need for certain types of discipline. Evidence of rehabilitation would show that Respondent has taken serious steps to improve behavior and correct actions that led to the need for disciplinary action. The parties may then stipulate (agree) to a determination of the violations charged against the Respondent and to a proposed penalty. Stipulations are negotiated and drafted by the DAG representing the Board and the Respondent and his/her legal counsel. In negotiating a stipulation, the DAG works closely with the Board's EO (or designated Enforcement Program Manager) and utilizes the Board's Disciplinary Guidelines to arrive at a stipulation that is intended to be acceptable to the Board. the parties may stipulate (agree) to a determination of the violations charged against the respondent and to a proposed penalty. Stipulations are negotiated and drafted by the DAG representing the board and the respondent or his/her legal counsel. In negotiating a stipulation, the DAG is encouraged to work closely with the board's EO to arrive at a stipulation that will be acceptable to the board.~~

The stipulation is presented to the Board for its consideration in much the same way that a Proposed Decision is presented. Once a stipulation has been signed by the licensee and his or her counsel, if any, the Board must vote to approve or disapprove the stipulation as a whole. If the Board votes to disapprove a proposed stipulation, it may send back recommendations for inclusion into any future stipulations. In the case of a stipulation, ~~The~~ Board ~~may~~ has more latitude to modify its terms as part of the negotiation process and to look beyond the mere contents of an Accusation, though it ~~must~~ should confine its consideration to information that is relevant to the charges at hand. While there is no time limit within which a stipulation must be considered, any undue delays should be avoided.

PETITION FOR REDUCTION OF PENALTY OR REINSTATEMENT

In petitioning for Reduction of Penalty or Reinstatement under Business and Professions Code Section 4887 and under Government Code Section 11522, the petitioner has the burden of demonstrating that he or she is fit to safely engage in the practice of veterinary medicine within the scope of current law and accepted standards of practice.

A Petition for Reduction of Penalty or Reinstatement may be filed 1 year or more from the effective date of the disciplinary decision.

The process for filing of a Petition for Reduction of Penalty or Reinstatement is as follows:

- Petitioner files the Petition accompanied by all supporting documentation
- The matter is referred to the Division of Investigation for investigation (Petition for Reinstatement)
- The Petition and investigation report is referred to the Office of the Attorney General for assignment to a Deputy Attorney General.
- The matter is set for hearing before the Board in open session at the next regularly scheduled Board meeting.
- The hearing takes place in open session before the Board and an Administrative Law Judge.
- The Board considers and decides the matter in closed session.
- The Decision and Order is served on Respondent via regular and certified mail.

Definitions

Negligence - A departure from the standard of care or practice. It can be an act of omission or commission. Harm or injury is not a necessary component of administrative negligence because we do not seek monetary damages (redress).

Incompetence - A lack of knowledge or ability in discharging professional obligations.

Fraud - An intentional act or omission to deceive or mislead another person by misrepresentation, deceit, or concealment of a material fact.

Deception - Any act or omission that deceives or misleads another person

Both fraud and deception can exist despite truthful statements if the statements made, whether written or oral, have a tendency to mislead or do in fact mislead.



MEMORANDUM

DATE	January 20, 2015
TO	Veterinary Medical Board
FROM	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
SUBJECT	Approval of California Veterinary Technician Schools

Background:

Business and Professions Code (BPC) Section 4843 authorizes the Board to approve all veterinary technician schools or institutions offering training curriculum and establishes certain specified criteria for approved schools or institutions.

California Code of Regulations (CCR) section 2064 et. seq. further specifies Board approved veterinary technician schools may include schools accredited by the American Veterinary Medical Association (AVMA) or schools reviewed and inspected by the Board. CCR section 2065 et. seq specifies Board approved program requirements such as classroom and clinical instruction requirements, facility requirements, program application requirements, school or institution approval processes, school or institution inspection criteria, probationary and withdrawal terms and reporting requirements.

The Board currently accepts schools accredited by the AVMA and approves one California veterinary technician school, San Diego-Mesa College. The Board has not reviewed and inspected a new application for approval of a veterinary technician school in more than ten years (San Diego-Mesa was last inspected in 2006). The Board has a history of inspecting and reviewing veterinary technician schools; however those schools by and large are now AVMA accredited.

At its October 2014 meeting the Board heard from Jeff Beasca and David Park of California University of Management and Sciences (CalUMS) who requested the Board review and approve their veterinary technology program.

Additionally, San Diego-Mesa College is currently a California approved veterinary technology program which has not been inspected in more than four years. In accordance with CCR section 2065.7, approved programs shall be inspected every four years.

Issue:

Staff was tasked to conduct additional research on past Board processes for reviewing, inspecting and approving veterinary technology programs and to recommend an outline for veterinary technology program approval.

The following are required steps and estimated timelines for the review and approval of veterinary technology programs:

- Board and staff recruit and select veterinary technology program evaluation and inspection team – *4 weeks*
- Program evaluation and inspection team review application and application criteria for applicability with existing laws and draft application and inspection documents – *4 weeks*
- Program applies for veterinary technology school approval, including application fee (not to exceed \$300) – *4 weeks*
- Program evaluation and inspection team reviews veterinary technology school application – *2 weeks*
- If application approved, evaluation and inspection schedule site visit with program – *4 weeks*
- Site visit verifies information included on application including, but not limited to, program director, curriculum, supervision, faculty qualifications, facility and equipment, externship facility and requirements, student composition and disclosures – *1 week*
- Program evaluation and inspection team reviews veterinary technology school inspection materials and drafts response and recommendation to veterinary technology program, including site inspection fee (the program pays for the Board's actual costs associated with conducting the onsite inspection, including, but not limited to, the inspection team's travel, food and lodging expenses) – *2 weeks*
- Program evaluation and inspection team submits report to Board for its review and approval.

Upon Board approval, the veterinary technology program is granted two-year provisional approval. Provisional approval may extend an additional two-years for good cause or full approval may be granted.

Once approved, programs are required to annually report certain specified information regarding any changes to their program.

Action(s) Requested

Review and consider California University of Management and Sciences request for veterinary technology program approval and direct staff as appropriate.

Attachment(s):

- BPC Section 4846 and CCR section 2064 et. seq.
- Letter to California University of Management and Sciences dated January 5, 2015.

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 2. HEALING ARTS

CHAPTER 11. Veterinary Medicine

ARTICLE 2.5. Registered Veterinary Technicians

§ 4842.5.

The amount of fees prescribed by this article is that fixed by the following schedule:

...

(g) The fee for filing an application for approval of a school or institution offering a curriculum for training registered veterinary technicians pursuant to Section 4843 shall be set by the board at an amount not to exceed three hundred dollars (\$300). The school or institution shall also pay for the actual costs of an onsite inspection conducted by the board pursuant to Section 2065.6 of Title 16 of the California Code of Regulations, including, but not limited to, the travel, food, and lodging expenses incurred by an inspection team sent by the board.

...

4843.

The board shall approve all schools or institutions offering a curriculum for training registered veterinary technicians. Application forms for schools requesting approval shall be furnished by the board. Approval by the board shall be for a two-year period. Reapplication for approval by the board shall be made at the end of the expiration date.

Title 16. Professional and Vocational Regulations

Division 20. Veterinary Medical Board

Article 6. Registered Veterinary Technicians

§ 2064. Approval of Schools Accredited by the American Veterinary Medical Association.

All schools or degree programs accredited by the American Veterinary Medical Association (AVMA) shall be deemed by the board to have met the minimum requirements of section 2065(a), (b), (d), and (e). Such schools and degree programs shall also be exempt from the initial inspection requirements of section 2065.7(a). Re-approval inspections shall be at the discretion of the board. All other requirements of section 2065, and all other sections applicable to schools or degree programs seeking board approval, continue to apply and must be demonstrated in the school's or degree program's application for board approval. Nothing in this section shall be construed to prohibit the board from disapproving or withdrawing approval from any school or degree program not complying with the requirements of this division or of any

provision of the Veterinary Medicine Practice Act. Approval under this section shall automatically terminate upon loss of accreditation by the AVMA.

§ 2065. Minimum Requirements for Approved Schools or Degree Programs.

Schools or degree programs seeking approval from the board shall meet all of the following minimum requirements:

(a) The curriculum shall consist of:

- (1) a minimum of 600 hours of classroom instruction,
- (2) a minimum of 200 hours of clinical instruction, and
- (3) an externship consisting of at least 200 hours.

(b) The curriculum shall cover applicable safety training in all coursework. Coursework shall include the following:

- (1) Principles of anatomy and physiology,
- (2) Biology and chemistry,
- (3) Applied mathematics,
- (4) Orientation to the vocation of veterinary technology,
- (5) Ethics and jurisprudence in veterinary medicine including applicable regulatory requirements,
- (6) Anesthetic nursing and monitoring including anesthetic evaluation, induction, and maintenance. It shall also include care and use of anesthetic and monitoring equipment,
- (7) Animal husbandry, including restraint, species and breed identification, sex determination and sanitation,
- (8) Animal nutrition and feeding,
- (9) Client communication,
- (10) Dental care of companion and laboratory animals including prophylaxis and extractions,
- (11) Diseases and nursing management of companion, food, and laboratory animals including zoonoses,
- (12) Emergency and critical care nursing,
- (13) Laboratory procedures to include clinical biochemistry, cytology, hematology, immunology, basic microbiology, parasitology, and urine analysis testing,

(14) Imaging to include radiography, basic endoscopy, ultrasound principles, and radiation safety principles,

(15) Medical terminology,

(16) Medical office management including medical record keeping and drug control,

(17) Basic necropsy techniques including specimen collection and handling,

(18) Pharmacology, and

(19) Surgical nursing and assisting including instrumentation, suturing, bandaging and splinting.

(c) Each student shall be supervised during the externship or clinical rotation by a veterinarian or registered veterinary technician who is located at the site of the externship or clinical rotation. The school or degree program shall have a written agreement with the site that specifies the expectations and responsibility of the parties. A staff member of the school or degree program shall visit the site prior to beginning the externship or clinical rotation relationship and at least once annually following the initial inspection.

(d) The library facilities of the school or degree program must be adequate for the conducting of the educational program.

(e) The physical plant and equipment used for instruction in the academic teaching shall be adequate for the purposes intended.

(f)(1) The faculty shall include a California licensed veterinarian employed by the school or degree program as an advisor, administrator, or instructor. Instructors shall include, but need not be limited to a California registered veterinary technician. If there is any change in the faculty, the board must be immediately notified.

(2) Instructors shall be knowledgeable, current, skillful, and possess at least two years of experience in performing or teaching in the specialized area in which they are teaching. Each instructor shall have or currently be receiving training in current teaching methods. The school or degree program shall effectively evaluate the teaching ability of each instructor.

(3) The school or degree program shall have a director who meets the requirements of subdivision (f)(2) and who shall hold a current active California license as a veterinarian or registration as an RVT. The director shall have a minimum of three years experience as a veterinarian or RVT. This shall include one year of experience in teaching, administration, or clinical supervision or a combination thereof within the last five years. The director shall have completed or be receiving course work in administration.

(4) In the absence of a director, the school or degree program may appoint an interim director. The interim director shall meet the requirements of (f)(3), except that the interim director may have applied for, but not yet have received licensure or registration. The school or degree program shall not have an interim director for a period exceeding eighteen months.

(g) The number of students enrolled shall be at a ratio to the number of faculty and size of the facilities which is not detrimental to the quality of education. When animal patients are used as part of the curriculum the ratio shall be adequate to protect the health and safety of the animal patients and the students, taking into consideration the species of animal being treated.

(h) All students admitted shall possess a high school diploma or its equivalent.

(i) The school or degree program shall be part of an institution that is approved by the Department of Consumer Affairs, Bureau for Private Postsecondary Education, or its successor agency, or accredited by a regional or national accrediting agency recognized by the United States Department of Education.

(j) Every school or degree program shall be in compliance with the laws regulating the practice of veterinary medicine and the regulations adopted pursuant thereto.

(k) Any instruction covered under subsection (a)(3) shall be in a facility that is in compliance with registration requirements of Business and Professions Code section 4853.

(l) The schools or degree programs shall provide each prospective student, prior to enrollment, with literature which discloses the school's or degree program's pass rate for first time candidates and the state average pass rate for first time candidates on the board's registered veterinary technician examination during the two-year period immediately preceding the student's proposed enrollment and a description of the requirements for registration as a registered veterinary technician.

(m) The schools or degree programs shall provide each prospective veterinary technology student prior to enrollment written information regarding transferability of the units they receive in the courses that they take and shall post the information at all times in a conspicuous location at its facility so that there is ample opportunity for the veterinary technology students to read the information.

§ 2065.5. School or Degree Program Approval.

(a) A school or degree program seeking board approval of its registered veterinary technician curriculum and facilities shall submit an application to the board on a form provided by the board.

(b) When the application for approval or re-approval of a registered veterinary technician curriculum includes an onsite inspection by the board or its designee, the school or degree program shall pay for the board's actual costs associated with conducting the onsite inspection, including, but not limited to, the inspection team's travel, food and lodging expenses.

§ 2065.6. School and Degree Program Approval Process.

The following procedures shall be applicable to a school or degree program applying to the board for initial approval of its registered veterinary technician curriculum in accordance with section 2065 of these rules:

(a) The board shall conduct a qualitative review and assessment of the school's or degree program's registered veterinary technician curriculum through a comprehensive onsite review process, performed by an inspection team impaneled by the board for that purpose.

(b) After reviewing the inspection team's evaluation report and recommendations, the board shall take one of the following actions:

(1) Grant provisional approval for a period not to exceed two years. An additional two-year provisional approval may be granted by the board for good cause.

(2) Disapprove the application.

(c) For a school or degree program that does not have AVMA accreditation, but offers a registered veterinary technician curriculum in accordance with section 2065, the board shall not grant full approval until the curriculum has been in operation under provisional approval for at least two years and the board has determined that the curriculum is in full compliance with the provisions of section 2065.

(d) For a school or degree program that has AVMA accreditation, if the board grants approval, it shall be full approval.

(e) For a school or degree program that has provisional or probationary AVMA accreditation, the board shall grant provisional approval on the same terms as all other schools or degree programs until such time as the AVMA grants full accreditation, at which time the board may grant the school or degree program full approval subject to compliance with section 2064.

§ 2065.7. Inspections.

(a) Where either provisional or full approval has been granted, the board shall conduct subsequent inspections every 4 years, notwithstanding other provisions of this section.

(b) The board may conduct an on-site inspection of a school or degree program which offers a registered veterinary technician curriculum in accordance with section 2065 where:

(1) It believes the school or degree program has substantially deviated from the standards for approval,

(2) For a period of two years the approved school's or degree program's yearly average pass rate on the registration examination falls below 10 percentage points of the state average pass rate for first time candidates for the registered veterinary technician examination.

(3) There has been change of director in charge of the curriculum for training registered veterinary technicians.

(c) Schools and degree programs accredited by the American Veterinary Medical Association shall be exempt from the initial inspection. Inspections conducted for re-approval of such schools or degree programs shall be at the discretion of the board.

§ 2065.8. Probationary Approval.

(a) The board may place an institution on probation for a prescribed period of time not to exceed 2 years, in the following circumstances:

(1) The board determines that an approved program is not maintaining the standards for approval required by the board.

(2) For a period of two years the approved program's yearly average pass rate for the first time candidates who have taken the registration examination falls below 10 percentage points of the state average pass rate for first time candidates who have taken the registered veterinary technician examination during the same time period.

(3) The use of false or misleading advertising.

(4) Aiding or abetting in any acts that are in violation of any of the provisions of this chapter.

(b) During the period of probation, the institution shall be subject to special monitoring. The conditions for probation may include the submission of periodic reports as prescribed by the board and special visits by authorized representatives of the board to determine progress toward total compliance.

(c) The board may extend the probationary period for good cause.

(d) The institution shall notify in writing all current and prospective students and employees of the probationary status.

§ 2065.8.1. Withdrawal of Approval.

The board may withdraw its approval of any school or institution in the following circumstances:

(a) The employment of fraud, misrepresentation, or deception in obtaining approval.

(b) If, at the end of a probationary period, the institution has not eliminated the cause or causes for its probation to the satisfaction of the board.

(c) The board determines that the institution has engaged in activities that are a danger to the health and safety of its students, staff, or animals.

§ 2065.8.2. Procedures for Probation or Withdrawal of Approval.

Prior to taking any action to place a school or institution on probation or withdrawing of the board's approval, the board shall provide the school or institution due notice and an opportunity to be heard.

§ 2065.8.3. Director Notification.

(a) Every approved program shall be required to notify the board in writing of the departure of the director or interim director within 15 working days, and shall notify the board in writing of the appointment of any director or interim director within 15 working days.

§ 2065.9. Reporting.

Every school shall be required to submit to the board within sixty (60) days after the close of the school's fiscal year a current course catalog with a letter outlining the following:

- (1) Any courses added/deleted or significantly changed from the previous year's curriculum;
- (2) Any changes in faculty, administration, or governing body; and
- (3) Any major change in the school's facility.



Veterinary Medical Board

1747 N. Market Boulevard, Suite 230, Sacramento, CA 95834
Telephone: 916-515-5220 Fax: 916-928-6849 | www.vmb.ca.gov



January 5, 2015

David J. Park, Ph.D.
President
California University of Management and Sciences
721 N. Euclid St.
Anaheim, CA 92801

RE: Request for Approval of the Associate of Science Degree Program in Veterinary Technology

Dear Dr. Park,

The California Veterinary Medical Board is in the process of impaneling an inspection team which would be charged with reviewing the curriculum of the Associate of Science in Veterinary Technology Program at California University of Management and Sciences (CalUMS). The inspection team will provide a recommendation to the Board whether the program meets the requirements in California Code of Regulations Sections 2065 through 2065.9 (enclosed).

California Code of Regulations Section 2065(i) requires an institution offering Registered Veterinary Technician training to be approved by the BPPE or accredited by a regionally or nationally accrediting agency in order to qualify for Board approval. Please be advised that there are other provisions enforced by the BPPE that require an approved institution to seek approval for each of its degree granting programs under the parent institution.

Please be prepared to provide the Board inspection team with information and records regarding the following: the number of students currently enrolled in the Associate of Science in Veterinary Technology Program, the date of enrollment and the prospective date of graduation of the students currently enrolled, and the student enrollment and/or admissions agreement forms.

Please contact me directly, should you have any questions regarding the above.

Respectfully,

Annemarie Del Mugnaio, Executive Officer
California Veterinary Medical Board

Enclosure

- *Board review and approval* - Board review and approval requires the creation of a Board continuing education program approval process

If the Board makes a determination to approve a continuing education provider(s) the Board would require a continuing education provider to comply with the following in accordance with CCR section 2085.5:

- Submit an application to the Board (Form # VMB/CE/2 dated 11/1/01) with payment of the appropriate fees; or
- Provide to each course participant a mechanism for evaluating the individual courses;
- Submit written documentation as to the procedures and protocols it will use to comply with the provisions of the Board's continuing education regulations found in Article 9, Division 20, Title 16, CCR.

Pursuant to BPC Section 4846.5, the board may impose an application fee, not to exceed two hundred dollars (\$200) biennially.

Pursuant to CCR section 2085.5, upon approval as a continuing education provider the Board issues a provider approval number that expires on the last day of the twenty-fourth month after the approval issue date.

Depending on staff resources, continuing education provider approval could take several months as staff ramps up the program and develops the application process and an approval methodology.

Action(s) Requested

Review and consider Animal Policy Group request for continuing education program approval and direct staff as appropriate.

Attachment(s):

- BPC Section 4846.5 and Article 9, Division 20, Title 16, CCR – Continuing Education - Veterinarian.
- Animal Policy Group letters dated August and September 2014 and October 2014 email letter attachment.

**BUSINESS AND PROFESSIONS CODE
DIVISION 2. HEALING ARTS**

**CHAPTER 11. Veterinary Medicine
ARTICLE 3. Issuance of Licenses**

4846.5.

(a) Except as provided in this section, the board shall issue renewal licenses only to those applicants that have completed a minimum of 36 hours of continuing education in the preceding two years.

(b) (1) Notwithstanding any other provision of law, continuing education hours shall be earned by attending courses relevant to veterinary medicine and sponsored or cosponsored by any of the following:

(A) American Veterinary Medical Association (AVMA) accredited veterinary medical colleges.

(B) Accredited colleges or universities offering programs relevant to veterinary medicine.

(C) The American Veterinary Medical Association.

(D) American Veterinary Medical Association recognized specialty or affiliated allied groups.

(E) American Veterinary Medical Association's affiliated state veterinary medical associations.

(F) Nonprofit annual conferences established in conjunction with state veterinary medical associations.

(G) Educational organizations affiliated with the American Veterinary Medical Association or its state affiliated veterinary medical associations.

(H) Local veterinary medical associations affiliated with the California Veterinary Medical Association.

(I) Federal, state, or local government agencies.

(J) Providers accredited by the Accreditation Council for Continuing Medical Education (ACCME) or approved by the American Medical Association (AMA), providers recognized by the American Dental Association Continuing Education Recognition Program (ADA CERP), and AMA or ADA affiliated state, local, and specialty organizations.

(2) Continuing education credits shall be granted to those veterinarians taking self-study courses, which may include, but are not limited to, reading journals, viewing video recordings, or listening to audio recordings. The taking of these courses shall be limited to no more than six hours biennially.

(3) The board may approve other continuing veterinary medical education providers not specified in paragraph (1).

(A) The board has the authority to recognize national continuing education approval bodies for the purpose of approving continuing education providers not specified in paragraph (1).

(B) Applicants seeking continuing education provider approval shall have the option of applying to the board or to a board-recognized national approval body.

(4) For good cause, the board may adopt an order specifying, on a prospective basis, that a provider of continuing veterinary medical education authorized pursuant to paragraph (1) or (3) is no longer an acceptable provider.

(5) Continuing education hours earned by attending courses sponsored or cosponsored by those entities listed in paragraph (1) between January 1, 2000, and January 1, 2001, shall be credited toward a veterinarian's continuing education requirement under this section.

(c) Every person renewing his or her license issued pursuant to Section 4846.4 or any person applying for relicensure or for reinstatement of his or her license to active status, shall submit proof of compliance with this section to the board certifying that he or she is in compliance with this section. Any false statement submitted pursuant to this section shall be a violation subject to Section 4831.

(d) This section shall not apply to a veterinarian's first license renewal. This section shall apply only to second and subsequent license renewals granted on or after January 1, 2002.

(e) The board shall have the right to audit the records of all applicants to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a period of four years and shall make these records available to the board for auditing purposes upon request. If the board, during this audit, questions whether any course reported by the veterinarian satisfies the continuing education requirement, the veterinarian shall provide information to the board concerning the content of the course; the name of its sponsor and cosponsor, if any; and specify the specific curricula that was of benefit to the veterinarian.

(f) A veterinarian desiring an inactive license or to restore an inactive license under Section 701 shall submit an application on a form provided by the board. In order to restore an inactive license to active status, the veterinarian shall have completed a minimum of 36 hours of continuing education within the last two years preceding application. The inactive license status of a veterinarian shall not deprive the board of its authority to institute or continue a disciplinary action against a licensee.

(g) Knowing misrepresentation of compliance with this article by a veterinarian constitutes unprofessional conduct and grounds for disciplinary action or for the issuance of a citation and the imposition of a civil penalty pursuant to Section 4883.

(h) The board, in its discretion, may exempt from the continuing education requirement any veterinarian who for reasons of health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted on a form provided by the board.

(i) The administration of this section may be funded through professional license and continuing education provider fees. The fees related to the administration of this section shall not exceed the costs of administering the corresponding provisions of this section.

(j) For those continuing education providers not listed in paragraph (1) of subdivision (b), the board or its recognized national approval agent shall establish criteria by which a provider of continuing education shall be approved. The board shall initially review and approve these criteria and may review the criteria as needed. The board or its recognized agent shall monitor, maintain, and manage related records and data. The board may impose an application fee, not to exceed two hundred dollars (\$200) biennially, for continuing education providers not listed in paragraph (1) of subdivision (b).

Title 16. Professional and Vocational Regulations

Division 20. Veterinary Medical Board

Article 9. Continuing Education: Veterinarian

§ 2085.5. Approved Providers.

(a) A continuing education provider shall apply to the Board or the Board recognized national continuing education approval body for approval as a provider.

(b) A continuing education provider shall be issued a continuing education provider number and may represent itself as a California approved provider of continuing education courses for veterinarians, upon satisfactory completion of the provider requirements of the Board. Providers applying for approval must meet the following requirements:

(1)(A) Submit an application to the Board (Form # VMB/CE/2 dated 11/1/01) with payment of the appropriate fees; or

(B) Submit an application (AAVSB National Registry of Approved CE (RACE) Provider Application, in effect as of 8/1/01), to the Board recognized national continuing education approval body, with payment of the appropriate fees;

(2) Provide to each course participant a mechanism for evaluating the individual courses;

(3) Submit written documentation as to the procedures and protocols it will use to comply with the provisions of the Board's continuing education regulations found in Article 9, Division 20, Title 16, CCR.

(c) A continuing education provider approval number issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired continuing education provider approval number, the provider shall, on or before the expiration date of the approval number, apply for renewal to the accreditation agency and pay the two-year renewal fee. A continuing education provider approval number that is not renewed by the expiration date may not be renewed, restored, reinstated, or reissued thereafter, but the provider may apply for a new approval.

(d) Approved provider status is non-transferable. Approved providers shall inform the approving agency in writing no later than 30 days after any changes in their courses, organizational structure and/or person(s) responsible for continuing education program, including name and address changes.

Executive Summary

Proposal for Institution of Pre-Approved CE for NAVC, WVC, CVC, and AAHA on Same Basis as AVMA and State VMA's

Veterinary Continuing Education (CE) programs and credits are regulated by state boards of veterinary medicine by delegation from legislatures under state veterinary practice acts. Changes to CE governance do not require approval by state legislatures, only administratively by state veterinary boards. Veterinarians in each state submit CE credit forms to their state veterinary boards for approval and processing to meet annual and bi-annual CE requirements.

State veterinary boards participate in a national trade organization, American Association of Veterinary State Boards (AAVSB), headquartered in Kansas City and led by executive director Robyn Kendrick. AAVSB owns and operates the RACE program for CE approval, as well as other national veterinary service/standards programs, including the Veterinary Technician National Exam (VTNE). CE programs from certain providers, but not others as described below, are required to receive RACE approval for which an application fee is paid per course/instructor.

How state boards across the country regulate CE is fundamental to our proposal, and summarized below (an explanatory chart for all 50 states is attached as Exhibit A):

- **42** states pre-approve AVMA-related CE. “Pre-approved” means that veterinarians may submit courses for credit and it is not required that the offering organization, in this case AVMA, submit the programs and instructors for approval previously by the state board or RACE.
- **40** states pre-approve RACE-approved CE programs. However, RACE approval by AAVSB is a procedure that costs money and time for the offering organization and is program-specific. This is a costly expense,

- administrative burden and source of delay for major organizations such as NAVC, WVC, CVC and AAHA.
- **35** states pre-approve state veterinary medical association (VMA) CE programs without RACE approval.
 - **21** states pre-approve AAHA-related CE programs without RACE pre-approval. Only **2** states pre-approve NAVC-related CE programs, **9** states pre-approve WVC-related CE programs, and **5** states pre-approve CVC-related CE programs.

The net effect of the status quo is that the largest providers nationally of veterinary CE (NAVC, WVC, CVC, AAHA) are discriminated against and treated differently in most jurisdictions than CE provided by AVMA and State VMA's. The latter groups do not have to submit courses and instructors to RACE for approval, or for approval by state boards in most states. By contrast, NAVC, WVC, CVC, and AAHA are required to undergo the expense and staff time of submitting each course and instructor to RACE.

This disparate treatment may be the result of oversight or historical lack of attention, but cannot be justified and should not be maintained going forward. NAVC, WVC, CVC and AAHA should be placed on the same footing as CE providers like AVMA and State VMA's. Such a change will not harm the latter institutions, and will benefit veterinarians across the country, who have come to rely heavily on NAVC, WVC, CVC and AAHA to meet their CE needs.

Even a cursory look (see Exhibit C) at the speakers delivering curriculum of NAVC, WVC, CVC and AAHA when compared with AVMA and State VMA's, demonstrates that there is no qualitative difference among the institutions or programs. All provide high quality CE for veterinarians and vet techs, taught by well-credentialed speakers. All have come to be relied upon by veterinary practitioners around the country, and all should be treated the same for CE accreditation purposes. There is no benefit to the profession or

public in increasing the costs and expenses for NAVC, WVC, CVC and AAHA to provide CE they already are providing for veterinarians in the United States. Exhibit C admittedly is a lengthy document, but makes it easy to discern that all six-program providers deploy high quality instructors for similar courses.

NAVC, WVC, CVC and AAHA are proceeding with a three-stage effort to correct this situation:

1. Present issue and proposal to industry and profession leaders for discussion and support;
2. Present proposal to AAVSB at its annual meeting in September to gain understanding and support; and
3. Submit administrative rule requests to the states grandfathering AVMA and State VMA's so that the governing rules for CE administration include NAVC, WVC, CVC, and AAHA on the same basis.

This proposal levels the playing field and makes it easier and more affordable for the largest national CE providers to meet the needs of America's veterinarians. NAVC, WVC, CVC and AAHA operate at the highest levels alongside AVMA and State VMA's and adoption of this proposal by the AAVSB and state veterinary boards will be an important step forward.

Please direct any questions or comments to:

Mark L. Cushing

mark.cushing@tonkon.com

971-344-1347

www.animalpolicygroup.com

ANIMAL
POLICY | GROUP

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September 16, 2014

Via Email & Hardcopy

Tom Kendall, DVM, President
California Veterinary Medical Board
1747 N. Market Boulevard Suite 230
Sacramento, California 95834-2987

Re: Proposed Amendment to Continuing Education Rule

Dear Mr. Kendall:

I am following up on my letter dated August 19, 2014, with the request regarding NAVC, Western Veterinary Conference and CVC.

We have been retained by a fourth client, the American Animal Hospital Association (AAHA), who wishes to be placed equally among other organizations on similar standing for veterinary continuing education.

I have attached a newly revised proposed amendment to your administrative rule (Article 3, Section 4846.5, with Article 9, 208.5 for reference).

I would appreciate the opportunity to speak with you about our request at your next convenience. My schedule next week is quite flexible; please let me know your availability.

Page 2

Thank you again for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark L. Cushing". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark L. Cushing

MLC/akm

**VETERINARY MEDICAL BOARD
MANDATORY CONTINUING EDUCATION REGULATIONS**

Article 9. Continuing Education

2085.5 Approved Providers.

(a) A continuing education provider shall apply to the Board or the Board recognized national continuing education approval body for approval as a provider.

(b) A continuing education provider shall be issued a continuing education provider number and may represent itself as a California approved provider of continuing education courses for veterinarians, upon satisfactory completion of the provider requirements of the Board. Providers applying for approval must meet the following requirements:

(1) (A) Submit an application to the Board (Form # VMB/CE/2 dated 11/1/01) with payment of the appropriate fees; or

(B) Submit an application (AAVSB National Registry of Approved CE (RACE) Provider Application, in effect as of 8/1/01), to the Board recognized national continuing education approval body, with payment of the appropriate fees;

(2) Provide to each course participant a mechanism for evaluating the individual courses;

(3) Submit written documentation as to the procedures and protocols it will use to comply with the provisions of the Board's continuing education regulations found in Article 9, Division 20, Title 16, CCR.

(c) A continuing education provider approval number issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired continuing education provider approval number, the provider shall, on or before the expiration date of the approval number, apply for renewal to the accreditation agency and pay the two-year renewal fee. A continuing education provider approval number that is not renewed by the expiration date may not be renewed, restored, reinstated, or reissued thereafter, but the provider may apply for a new approval.

(d) Approved provider status is non-transferable. Approved providers shall inform the approving agency in writing no later than 30 days after any changes in their courses, organizational structure and/or person(s) responsible for continuing education program, including name and address changes.

Note: Authority Cited: Sections 4808 and 4846.5, Business and Professions Code. Reference: Section 4846.5, Business and Professions Code.

BUSINESS AND PROFESSIONS CODE [BPC]

DIVISION 2. HEALING ARTS

CHAPTER 11. VETERINARY MEDICINE

Article 3. Issuance of Licenses

Section 4846.5.

- (a) Except as provided in this section, the board shall issue renewal licenses only to those applicants that have completed a minimum of 36 hours of continuing education in the preceding two years.
- (b) (1) Notwithstanding any other provision of law, continuing education hours shall be earned by attending courses relevant to veterinary medicine and sponsored or cosponsored by any of the following:
- (A) American Veterinary Medical Association (AVMA) accredited veterinary medical colleges.
 - (B) Accredited colleges or universities offering programs relevant to veterinary medicine.
 - (C) The American Veterinary Medical Association.
 - (D) American Veterinary Medical Association recognized specialty or affiliated allied groups.
 - (E) American Veterinary Medical Association's affiliated state veterinary medical associations.
 - (F) Nonprofit annual conferences established in conjunction with state veterinary medical associations.
 - (G) Educational organizations affiliated with the American Veterinary Medical Association or its state affiliated veterinary medical associations.
 - (H) Local veterinary medical associations affiliated with the California Veterinary Medical Association.
 - (I) NAVC, Western Veterinary Conference, CVC or AAHA
 - (J) Federal, state, or local government agencies.
 - (K) Providers accredited by the Accreditation Council for Continuing Medical Education (ACCME) or approved by the American Medical Association (AMA), providers recognized by the American Dental Association Continuing Education Recognition Program (ADA CERP), and AMA or ADA affiliated state, local, and specialty organizations.

ANIMAL POLICY | GROUP

Mark L. Cushing
Admitted to practice in Oregon

RECEIVED

AUG 25 2014

VMB / RVTC

August 19, 2014

 TONKON TORP LLP
ATTORNEYS

1600 Pioneer Tower
888 SW Fifth Avenue
Portland, Oregon 97204

503.802.2046
503.972.3746
mark.cushing@tonkon.com

Via Email & Hardcopy

Tom Kendall, DVM, President
California Veterinary Medical Board
1747 N. Market Boulevard Suite 230
Sacramento, California 95834-2987

Re: Proposed Amendment to Continuing Education Rule

Dear Mr. Kendall:

We represent the three largest national providers of Continuing Education for Veterinarians: NAVC, Western Veterinary Conference and CVC. NAVC hosts its annual CE conference each January in Orlando plus providing additional CE throughout the year. Western Veterinary Conference hosts its annual CE conference each February in Las Vegas plus providing additional CE throughout the year. CVC hosts three conferences in Washington, DC, Kansas City and San Diego.

I have attached proposed amendments to your administrative rule (Article 3, Section 4846.5, with Article 9, 208.5 for reference) placing these three organizations on similar standing to other large, trusted Veterinary CE providers. We would request that these proposed amendments be placed on the agenda for your Board at its earliest convenience. I would be pleased to discuss these with

Page 2

you, so let me know by email or phone when I may have that opportunity. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark L. Cushing". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark L. Cushing

MLC/akm

BUSINESS AND PROFESSIONS CODE [BPC]
DIVISION 2. HEALING ARTS
CHAPTER 11. VETERINARY MEDICINE
Article 3. Issuance of Licenses
Section 4846.5.

(a) Except as provided in this section, the board shall issue renewal licenses only to those applicants that have completed a minimum of 36 hours of continuing education in the preceding two years.

(b) (1) Notwithstanding any other provision of law, continuing education hours shall be earned by attending courses relevant to veterinary medicine and sponsored or cosponsored by any of the following:

(A) American Veterinary Medical Association (AVMA) accredited veterinary medical colleges.

(B) Accredited colleges or universities offering programs relevant to veterinary medicine.

(C) The American Veterinary Medical Association.

(D) American Veterinary Medical Association recognized specialty or affiliated allied groups.

(E) American Veterinary Medical Association's affiliated state veterinary medical associations.

(F) Nonprofit annual conferences established in conjunction with state veterinary medical associations.

(G) Educational organizations affiliated with the American Veterinary Medical Association or its state affiliated veterinary medical associations.

(H) Local veterinary medical associations affiliated with the California Veterinary Medical Association.

(I) NAVC, Western Veterinary Conference or CVC.

(J) Federal, state, or local government agencies.

(K) Providers accredited by the Accreditation Council for Continuing Medical Education (ACCME) or approved by the American Medical Association (AMA), providers recognized by the American Dental Association Continuing Education Recognition Program (ADA CERP), and AMA or ADA affiliated state, local, and specialty organizations.

**VETERINARY MEDICAL BOARD
MANDATORY CONTINUING EDUCATION REGULATIONS**

Article 9. Continuing Education

2085.5 Approved Providers.

(a) A continuing education provider shall apply to the Board or the Board recognized national continuing education approval body for approval as a provider.

(b) A continuing education provider shall be issued a continuing education provider number and may represent itself as a California approved provider of continuing education courses for veterinarians, upon satisfactory completion of the provider requirements of the Board. Providers applying for approval must meet the following requirements:

(1) (A) Submit an application to the Board (Form # VMB/CE/2 dated 11/1/01) with payment of the appropriate fees; or

(B) Submit an application (AAVSB National Registry of Approved CE (RACE) Provider Application, in effect as of 8/1/01), to the Board recognized national continuing education approval body, with payment of the appropriate fees;

(2) Provide to each course participant a mechanism for evaluating the individual courses;

(3) Submit written documentation as to the procedures and protocols it will use to comply with the provisions of the Board's continuing education regulations found in Article 9, Division 20, Title 16, CCR.

(c) A continuing education provider approval number issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired continuing education provider approval number, the provider shall, on or before the expiration date of the approval number, apply for renewal to the accreditation agency and pay the two-year renewal fee. A continuing education provider approval number that is not renewed by the expiration date may not be renewed, restored, reinstated, or reissued thereafter, but the provider may apply for a new approval.

(d) Approved provider status is non-transferable. Approved providers shall inform the approving agency in writing no later than 30 days after any changes in their courses, organizational structure and/or person(s) responsible for continuing education program, including name and address changes.

Note: Authority Cited: Sections 4808 and 4846.5, Business and Professions Code. Reference: Section 4846.5, Business and Professions Code.

Executive Officer's Report

Prepared by Annemarie Del Mugnaio

January 2015

Staffing

The VMB is almost at full capacity! Between October 2014 and January 2015, the VMB hired and “on-boarded” 10 new staff. We now have 22 staff and 2 consultants working for the Board.

Enforcement Program Staff:

- Enforcement Program Manager
- 2 FT Senior Analysts (AGPAs) Administrative Disciplinary Unit
- FT Probation Monitor
- 2 FT Complaint Investigations Analysts (including a Lead AGPA)
- FT Citation and Fine Program Coordinator
- 2 PT & 1 FT – Unit Support Technicians
- *FT Receptionist (Office Technician) – Vacant*

Administrative/Licensing Program Staff:

- Admin/Licensing Manager
- FT Senior Analyst (AGPA) – Regulations, Legislation, Admin Unit Lead, Special Projects
- 2 FT Licensing Analysts
- 2 FT Admin Support Analysts – Personnel Liaison/ RVT Exam Development/ Board Support/ Contracts and Invoicing
- 3 FT Program Techs – Licensing and Admin Support
- *FT Receptionist (Office Technician) – Vacant*

Hospital Inspection Program Staff:

- FT Senior Program Analyst (AGPA) – Program Coordinator
- FT Program Support Technician – Inspection Tracking/ Contracts and Invoices.
- *FT Program Analyst (SSA) – Vacant – Currently Recruiting*

Expert Witnesses Training for Disciplinary Case Review

The VMB held its Expert Witness Training on November 6, 2014 in Oakland at the Office of the Attorney General for approximately 10 experts. Diann Sokoloff, VMB DAG Liaison provided the training and two VMB members were present, Dr. Sullivan and Kathy Bowler. The training was highly informative for all present and provided a good foundation for our experts in terms of reviewing cases, writing expert reports, and providing testimony at disciplinary hearings.

Inspection Program

- 315 routine inspections have been initiated and assigned to the Inspection Team.
- Approximately 213 routine inspections have been performed (September 2014-December 31, 2014)
- 12 complaint-related inspections have been performed, including 3 probation-related inspections.
- An additional 285 routine inspections will be assigned during the second-half of the fiscal year.
- There are 19 complaint-related inspections pending (not yet assigned), including 4 probation-related inspections.
- On average, Inspectors are assigned 6 inspections per month.

- Inspections cost for the first-half of the fiscal year: approximately \$56, 000* - Projected inspection expenditures for remaining fiscal year; 285 routine & 19 complaint-related: \$81,000* = \$137,000 Total for FY14/15
- DEA Webcast Training is scheduled for January 14, 2015 at the VMB office. DEA Supervising Diversion Investigator will be conducting training based on topics selected by VMB Inspectors and Consultants. In an effort to reduce costs, the meeting will be webcast, allowing participation by the inspection team in various locations throughout the state.
- The Supervising Health Physicist from the Inspection, Compliance & Enforcement Section of the Radiologic Health Branch has asked the Board to present at their inspection training meeting. The Board's consultants will be participating in training session scheduled for May.

Publications/Outreach:

Need topics for our Facebook Page and Twitter Accounts! Please submit your ideas or topics for posting. Board staff will be generating a list of ideas for both the social media accounts and the VMB Newsletter for discussion at the April 21-22, 2015 meeting.

Meetings/Outreach:

National Board of Veterinary Medical Examiners (NBVME). I will be attending the NBVME meeting in San Diego, January 23-24, 2015 and to participate in discussions regarding the National North American Veterinary Licensing Examination (NAVLE). Items to be discussed include examination performance, statistical data reporting, contractual issues, and examination development .

CVMA Board of Director's Meeting. Ethan Mathes, Licensing/Administrative Program Manager, will be attending the January 23, 2015 CVMA Board of Governors meeting in Sacramento on my behalf. Ethan will provide the VMB Report and be available to answer questions regarding professional and regulatory topics before the Board.

Central CA CVMA- February 10, 2015. Dr. Charlene Hagus reached out to me late-summer of 2014 to request my presence at the Central CA CVMA meeting on February 10, 2015. Dr. Hagus expressed interest in discussing Board regulatory issues and other pertinent topics of interest before the group.

Law and Professional Ethics – Western University February 25, 2015. I will be providing a presentation on licensing laws and professional ethics to 1st-year veterinary students at Western University. Last year, both Dr. Kendall and Dr. Waterhouse joined me in the presentation and provided the students with ethical dilemmas they've encountered throughout their veterinary careers. Their insight was incredibly valuable to the students and I am soliciting interest for professional VMB members to join me for this year's Western presentation!

VMB Topics of Interest 2015:

Sunset Review. The VMB will be preparing its 2015 Sunset Review Supplemental Report this year and therefore, we must be focused on showing progress in our core mission, that is licensing, enforcement, and hospital inspection. I will be providing more detail regarding the focus of our report during the January 20-21, 2015 meeting.

Budget Change Proposals (BCP)2015. The VMB was fortunate to receive funding and the authority to hire 12.5 new staff in 2014, however, 6.5 of the new staff are temporary, that is Limited Term, which means they were allocated to the VMB for a period of 2 years. The positions are slated to expire June 30, 2016 unless the VMB can re-establish (justify) the on-going operational workload and need. Ethan will be leading the project to write the BCP during Spring/Summer 2015.

VETERINARY MEDICAL BOARD - 0777
BUDGET REPORT
FY 2014-15 EXPENDITURE PROJECTION
Oct-2014

OBJECT DESCRIPTION	FY 2013-14		FY 2014-15				
	ACTUAL EXPENDITURES (MONTH 13)	PRIOR YEAR EXPENDITURES 9/30/2013	BUDGET STONE 2014-15	CURRENT YEAR EXPENDITURES 9/30/2014	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONNEL SERVICES							
Salary & Wages (Staff)	513,801	167,184	1,088,614	175,537	16%	981,739	106,875
Statutory Exempt (EO)	84,989	28,060	81,732	29,476	36%	95,797	(14,065)
Temp Help Reg (Seasonals)	57,280	11,847	33,000	5,753		34,518	(1,518)
BL 12-03 Blanket							0
Temp Help (Exam Proctors)							0
Board Member Per Diem	8,900	2,800	14,108		0%	9,000	5,108
Committee Members (DEC)	2,200	900	10,400			2,000	8,400
Overtime	9,928	3,359		9,282		25,000	(25,000)
Staff Benefits	321,376	98,112	592,223	87,597	15%	423,462	168,761
TOTALS, PERSONNEL SVC	998,474	312,262	1,820,077	307,645	17%	1,571,516	248,561
OPERATING EXPENSE AND EQUIPMENT							
General Expense	29,150	2,741	30,757	12,929	42%	30,000	757
Fingerprint Reports	196	49	6,259	324	5%	500	5,759
Minor Equipment	8,810		22,000	21,018		22,000	0
Printing	17,468	3,942	19,566	5,098	26%	19,566	0
Communication	9,697	1,320	20,909	1,047	5%	10,000	10,909
Postage	34,097	12,357	28,149	9,654	34%	32,000	(3,851)
Insurance			0				0
Travel In State	39,612	6,946	148,423	7,057	5%	45,000	103,423
Travel, Out-of-State			0				0
Training	430		20,297	128	1%	1,000	19,297
Facilities Operations	107,516	89,778	102,456	36,659	36%	112,000	(9,544)
Utilities			0				0
C & P Services - Interdept.	116,000		0	108,342		108,342	(108,342)
C & P Services - External	37,117	33,468	109,889	44,352	40%	44,352	65,537
DEPARTMENTAL SERVICES:							0
Departmental Pro Rata	199,220	110,684	295,085	147,542	50%	295,085	0
Admin/Exec	130,412	64,494	140,769	70,384	50%	140,769	0
Interagency Services			49,915		0%	0	49,915
IA w/ OER	17,406		0	40,573		40,573	(40,573)
DOI-ProRata Internal	4,170	2,068	4,406	2,204	50%	4,406	0
Public Affairs Office	4,819	2,908	4,300	2,150	50%	4,300	0
CCED	4,759	2,474	4,701	2,350	50%	4,701	0
INTERAGENCY SERVICES:							0
Consolidated Data Center	1,070	839	10,535	281	3%	2,500	8,035
DP Maintenance & Supply			4,647	92	2%	750	3,897
Central Admin Svc-ProRata	110,291	27,573	141,779	35,445	25%	141,779	0
EXAM EXPENSES:							0
Exam Supplies			557				557
Exam Freight			0				0
Exam Site Rental			5,399				5,399
C/P Svcs-External Expert Administrative	46,420	46,420	0	51,652		51,652	(51,652)
C/P Svcs-External Expert Examiners			30,699				30,699
C/P Svcs-External Subject Matter	16,694		0	25,670		15,000	(15,000)
ENFORCEMENT:							0
Attorney General	451,008	121,733	460,176	132,328	29%	460,176	0
Office Admin, Hearings	77,225	3,299	59,253	18,628	31%	111,768	(52,515)
Court Reporters	3,885	84	0	979		4,000	(4,000)
Evidence/Witness Fees	176,881	31,767	163,297	18,070	11%	163,297	0
DOI - Investigations	360,240	176,730	622,120	311,060		622,120	0
Major Equipment			66,000			66,000	0
Special Items of Expense			0				0
Other (Vehicle Operations)	24		2,580			750	1,830
TOTALS, OE&E	2,004,617	741,674	2,574,923	1,106,016	43%	2,554,386	20,537
TOTAL EXPENSE	3,003,091	1,053,936	4,395,000	1,413,661	32%	4,125,902	269,098
Sched. Reimb. - External/Private	(3,575)	(490)		(235)			0
Sched. Reimb. - Fingerprints			(11,000)		0%	(11,000)	0
Sched. Reimb. - Other			(15,000)			(15,000)	0
Unsched. Reimb. - Other	(142,931)	(25,460)		(28,630)			0
NET APPROPRIATION	2,856,585	1,027,986	4,369,000	1,384,796	32%	4,099,902	269,098

SURPLUS/(DEFICIT): 6.2%

Veterinary Medical Board
Summary of FY 2014/15 Expenditure by Line Item

Updated 9/26/2014

Line Item	Budget Appropriation	Summary of Expenses
Personal Services:		
Civil Service - Permanent	1,170,346	Board staff and EO's salaries
Civil Service - Temporary	33,000	Wages for temporary help such as a permanent-intermittent employees, students, seasonal employees, etc.
Appointed Per Diem	24,508	Board and Committee members' per-diem
Staff Benefits	592,223	OASDI, Dental, health, retirement, life, vision, Medicare
Salary Savings		Deduction for positions that are not continuously filled
Total Personal Services	1,820,077	
Operating Expenses & Equipment:		
General Expense	30,757	Office supplies, freight
Fingerprint Reports	6,259	Fingerprint expenses – reimbursed by candidate
Minor Equipment	22,000	Equipment less than \$5K per unit
Printing	19,566	Printed forms, office copier, copying service
Communications	20,909	Phones, cellular phones
Postage	28,149	Stamps, DCA and EDD facility mailed postage
In-State Travel	148,423	Board, Committee, and Staff Air, car, bus, taxi, incidentals, service fees
Out-of-State Travel	0	Same as above - out-of-State
Training	20,297	Registration fees, subscriptions
Facilities Operations	102,456	Rent, storage, security
C&P Services External	109,889	Outside DCA contracts - includes: BreZe - \$22k, CURES \$225k, Maximus - \$18k, PSI - \$45k
Examinations:		
<i>Exam materials</i>	557	
<i>Exam site rental</i>	5,399	Facility rental charge for vet exams administration
<i>Expert Examiners (SME)</i>	30,699	Subject matter experts for item writing, review and Angoff workshops VET and RVT
Department Distributed - (DCA Prorata)	449,261	DCA Svcs: Info systems, Administrative Svcs (HR, Accounting, Budgets, etc.), Legal, Publications, Public Affairs
Department Services	49,915	Office of Professional Examination Services
Consolidated Data Centers	10,535	CAS/Teale Data Center
Data Processing	4,647	Data processing supplies and maintenance
Statewide Prorata (Central Admin Services)	141,779	State services pro-rata (DGS, DOF, etc)
Enforcement:		
<i>Attorney General</i>	460,176	Office of the Attorney General/DAG legal services
<i>Office of Admin Hearings</i>	59,253	Office of Administrative Hearings, Admin. Law Judge and court reporter services
<i>Evidence & Witness Fees</i>	163,297	Expert Witness and In-house Consultants enforcement case review
<i>Div of Investigation</i>	622,120	DCA Division of Investigation services
Major Equipment (Replacement/Additional Equipment)	66,000	Equipment more than \$5k per unit
Vehicle Operations	2,580	Leasing & maintenance of State vehicle (CPEI BCP)
Total OE&E	2,574,923	
Total Personal Services (above)	1,820,077	
Totals, Expenditures	4,395,000	
Reimbursements	(26,000)	Fingerprints and Document Sales
Net Total Expenditures	4,369,000	

ENFORCEMENT STATISTICS FISCAL YEAR 2014 - 2015

Veterinary Medical Board

		QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2014 - 2015 TOTAL
COMPLAINTS AND CONVICTIONS						
EM 10/PM 1	Complaints Received	122	124			
EM 10/PM 1	Convictions Received	2	25			
EM 10/PM 2	Average Days to Intake	82	107			
AR91	Closed	158	169			
AR91	Pending	532	571			
<i>Average Days to Intake - Average cycle time from complaint received, to the date the complaint was assigned to an investigator.</i>						

		QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2014 - 2015 TOTAL
INVESTIGATIONS Desk						
EM10	Assigned	182	84			
EM10	Closed	134	117			
EM10	Average Days to Complete	299	252			
EM10	Pending	341	309			
<i>Average Days to Complete Desk Investigations - Average cycle time from complaint receipt to closure of the investigation process.</i>						

ENFORCEMENT STATISTICS FISCAL YEAR 2014 - 2015

Veterinary Medical Board

		QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2014 - 2015 TOTAL
INVESTIGATIONS Sworn						
EM10	Assigned	1	0			
EM10	Closed	12	6			
EM10	Average Days to Complete	432	788			
EM10	Pending	61	52			
<i>Average Days to Complete Sworn Investigations - Average cycle time from complaint receipt to closure of the investigation process.</i>						

		QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2014 - 2015 TOTAL
ALL TYPES OF INVESTIGATIONS						
EM10	Closed Without Discipline	131	121			
EM10/PM3	Cycle Time - No Discipline	271	399			

		QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2014 - 2015 TOTAL
CITATIONS/Cease&Desist						
EM10	Issued	16	2			
EM10	Avg Days to Complete Cite	482	673			
AR95	Cease & Desist Letter	5	0			
<i>Average Days to Issue a Citation - Average cycle time from complaint receipt to the effective date of the citation.</i>						

ENFORCEMENT STATISTICS FISCAL YEAR 2014 - 2015

Veterinary Medical Board

	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	FY 2014 - 2015 TOTAL
ATTORNEY GENERAL CASES					
AR92 details	Initiated / Referred to the AG	7	15		
EM10	Pending at the AG	82	67		
EM10	Statement of Issues Filed	1	8		
EM10	Accusations Filed	2	1		

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2014 - 2015 TOTAL
ATTORNEY GENERAL CASE ACTIONS					
EM10	Closed Without Discipline	13	18		
EM10	Closed With Discipline	10	13		
AR96/Details	Probation	3	13		
AR96/Details	Public Letter of Reprimand	0	0		
AR96/Details	Surrender of License	4	0		
AR96/Details	License Revoked	1	0		
AR95	License Denied (SOI)	0	0		
AR96/Details	W/D, Dismissed, Declined	2	2		
EM10/PM4	Average Days to Close	928	1082		
<i>Average Days to Close a Discipline Case - Average cycle time from complaint receipt to the effective date of the disciplinary order.</i>					

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2014 - 2015 TOTAL
AG CASE/VIOLATION TYPE					
AR96 details	Substance Abuse (A)	0	0		
AR96 details	Unsafe/Unsanitary Cond (E)	2	1		
AR96 details	Aiding or Abetting	0	0		
AR96 details	Incompetence/Gross Negligence (N)	2	6		
AR96 details	Unprofessional Conduct (R)	2	0		
AR96 details	Criminal Conduct/Conv (V)	3	6		
AR96 details	Discipline by Another State	0	0		
AR96 details	Unlicensed Activity (U)	0	0		

AR96 details

Drug Related Offenses (D)	1	0			
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ENFORCEMENT STATISTICS FISCAL YEAR 2014 - 2015

Veterinary Medical Board

	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	FY 2014 - 2015 TOTAL
PROBATION					
New Probation Cases	9	15			
Probation Completed	1	0			
Active Cases	51	66			
Tolled	3	4			
Petition to Revoke	2	4			
Compliance	34	52			
Pending Compliance Issues	18	14			

ENFORCEMENT STATISTICS FISCAL YEAR 2013 - 2014

Veterinary Medical Board

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2013 - 2014 TOTAL
COMPLAINTS AND CONVICTIONS					
Complaints Received	159	122	148	219	571
Convictions Received	11	18	25	30	84
Average Days to Intake	44	129	125	60	90
Closed	8	17	12	12	798
Pending	249	261	94	239	239

Average Days to Intake - Average cycle time from complaint received, to the date the complaint was assigned to an investigator.

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2013 - 2014 TOTAL
INVESTIGATIONS Desk					
Assigned	63	94	324	77	558
Closed	202	143	208	96	649
Average Days to Complete	397	314	271	311	323
Pending	268	209	315	292	292

Average Days to Complete Desk Investigations - Average cycle time from complaint receipt to closure of the investigation process.

ENFORCEMENT STATISTICS FISCAL YEAR 2013 - 2014

Veterinary Medical Board

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2013 - 2014 TOTAL
INVESTIGATIONS Sworn					
Assigned	12	24	9	6	51
Closed	28	17	30	12	87
Average Days to Complete					758
Pending	90	97	76	70	70
<i>Average Days to Complete Sworn Investigations - Average cycle time from complaint receipt to closure of the investigation process.</i>					

ALL TYPES OF INVESTIGATIONS

Closed Without Discipline	212	140	216	96	664
Cycle Time - No Discipline					369

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2013 - 2014 TOTAL
CITATIONS/Cease&Desist					
Issued	44	3	38	12	97
Closed					92
Avg Days to Complete Cite					595
Cease & Desist Letter	17	8	29	1	55
<i>Average Days to Issue a Citation - Average cycle time from complaint receipt to the effective date of the citation.</i>					

ENFORCEMENT STATISTICS FISCAL YEAR 2013 - 2014

Veterinary Medical Board

	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	FY 2013 - 2014 TOTAL
ATTORNEY GENERAL CASES					
Initiated / Referred to the AG	4	15	12	12	43
Pending at the AG	83	86	83	91	91
Statement of Issues Filed	1	0	6	5	12
Accusations Filed	4	3	9	19	35

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2013 - 2014 TOTAL
ATTORNEY GENERAL CASE ACTIONS					
Closed Without Discipline					0
Closed With Discipline					19
Probation					13
Public Letter of Reprimand					0
Surrender of License					1
License Revoked					5
License Denied (SOI)					12
W/D, Dismissed, Declined					9
Average Days to Close					1159*

*Average Days to Close a Discipline Case - Average cycle time from complaint receipt to the effective date of the disciplinary order. *Oldest pending case was referred to the Attorney General on 9/28/11.*

	QTR 1 Jul - Sep	QTR 2 Oct - Dec	QTR 3 Jan - Mar	QTR 4 Apr - Jun	FY 2013 - 2014 TOTAL
AG CASE/VIOLATION TYPE					
Substance Abuse (A)					0
Unsafe/Unsanitary Cond (E)					0
Aiding or Abetting					0
Incompetence/Gross Negligence (N)					8
Unprofessional Conduct (R)					4
Criminal Conduct/Conv (V)					5
Discipline by Another State					1

Unlicensed Activity (U)		1
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ENFORCEMENT STATISTICS FISCAL YEAR 2013 - 2014

Veterinary Medical Board

	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	FY 2013 - 2014 TOTAL
PROBATION					
New Probation Cases	5	1	5	1	12
Probation Completed	0	0	0	1	1
Active Cases					43
Tolled					3
Petition to Revoke					3
Compliance					35
Pending Compliance Issues					8

Cases Closed in the 2013/2014 Fiscal Year		
Substance Abuse Related Cause of Action		
	Veterinarians	Registered Veterinary Technicians
Accusations	2	0
Statement of Issues	0	0
Cases Closed in the 2014/2015 Fiscal Year (as of 12/31/14)		
Substance Abuse Related Cause of Action		
	Veterinarians	Registered Veterinary Technicians
Accusations	4	1
Statement of Issues	3	4

Examination/Licensing Report

Prepared by Ethan Mathes

January 2015

Applications

Applications Received		
	<i>Jan. 2013 - Dec. 2013</i>	<i>Jan. 2014 - Dec. 2014</i>
Veterinarian Apps. Received	577	617
Veterinary Tech. Apps. Received	762	749
Veterinary Premise Apps. Received	133	371

Examinations

CALIFORNIA STATE BOARD EXAMINATION			
November 2013 – April 2014		May 2014 – October 2014	
Candidates	Pass Pct.	Candidates	Pass Pct.
507	87%	283	94%

NORTH AMERICAN VETERINARY LICENSING EXAMINATION			
April 2014		Nov./Dec. 2014	
Candidates	Pass Pct.	Candidates	Pass Pct.
78	65%	TBD	TBD

CALIFORNIA VETERINARY TECHNICIAN EXAMINATION					
Jan. – Feb. 2014		Mar. – Jun. 2014		Jul. – Dec. 2014	
Candidates	Pass Pct.	Candidates	Pass Pct.	Candidates	Pass Pct.
213	73%	125	66%	331	62%

VETERINARY TECHNICIAN NATIONAL EXAMINATION					
Mar./Apr. 2014		Jul./Aug. 2014		Nov./Dec. 2014	
Candidates	Pass Pct.	Candidates	Pass Pct.	Candidates	Pass Pct.
53	70%	279	62%	312	70%

Examination Development and Workshops

Examination Workshops include Item Writing, Item Review, Examination Construction, and Pass Score Setting.

Both California State Board and Veterinary Technician Examination Workshops are complete for the current examination development cycle. Workshops will resume in Spring 2015.

The November 2014 – April 2015 California State Board was the first examination using the most recent veterinary occupational analysis. Due to this factor, the examination was held for eight weeks from release in November for Office of Professional Examination Services psychometricians to review examination performance. Examination scores were release to applicants in early-January.

Licensing

Licensees	
<i>as of December 2014</i>	
Veterinarian Licenses*/**	17,040/11,836
Veterinarian Licenses – California**	9,294
Registered Veterinary Technician Licenses*/**	9,915/6,163
Registered Veterinary Technician Licenses – California**	5,725
Premise Permits**	3,491
Premise Permits – Exempt**	80
<i>*includes delinquent, inactive, and clear licensees; **clear licensees</i>	

Licenses Issued		
<i>as of December 2014</i>		
	<i>Jan. 2013 - Dec. 2013</i>	<i>Jan. 2014 - Dec. 2014</i>
Veterinarian	595	521
Reciprocity	52	46
Intern	29	21
Registered Veterinary Technician	406	442
Premises	123	371

BreEZe

The BreEZe database system consists of two main components, Versa Regulation and Versa Online. Versa Regulation is the back-office component of the BreEZe database system and is utilized for internal processes that guide an initial application through licensure. Versa Online is the front facing component of the BreEZe database system and is used by external customers for online activities such as submitting a complaint, checking the status of a complaint, applying for examination eligibility, applying for licensure, renewing a license, updating an address of record, etc.

It is anticipated approximately 25% of staff will be dedicated to BreEZe database system configuration and testing tasks in the next six to ten months.

Major components of system configuration and testing include:

- *Configuration Interviews* – Staff meets with Iron Data and Accenture personnel to review examination, licensing and enforcement business processes as well as reviews and creates the BreEZe online interface.
- *Data Conversion/Validation* – Staff reviews existing application, licensee, and enforcement databases for data errors and outdated data records as well as reviews data converted from legacy databases to the BreEZe database.
- *Correspondence Conversion* – Staff reviews existing correspondence to be converted to the BreEZe noticing system.
- *License Renewal Conversion* – Staff reviews and updates license renewals to the new BreEZe renewal template.
- *Script Writing and User Acceptance Testing* – Staff outline and test assorted Versa Regulation and Online interfaces and data entry scenarios in order to assess the functionality of the BreEZe database system.

Update [Jan. 2015] – Board staff has completed its Part 2 Profile Report configuration review and approval of the Versa Regulation and Online portion of the BreEZe database project. The Reports

identify the Board's license types and internal processes that guide an initial application through licensure.

Completion of Part 2 activities achieves a significant deliverable of the Licensing, Enforcement and Inspection Profile Reports. With the approval of Part 2, the Profile Reports are handed off to the project vendor for configuration of the Board's specific Versa Regulation and Online interfaces.

Once the vendor configures the Board's specific interfaces, Board staff will begin user acceptance testing in order to test the functionality of the Versa Regulation and Online interface. User acceptance testing is scheduled for Spring to early-Summer 2015.

Publications/Outreach/Social Media

Diversion Program Pamphlet – Board staff finalized the Diversion Program Pamphlet update and redesign. The Pamphlet has been posted to the Board's website which is used as an outreach tool for licensees who have been identified as potential participants in the Board's Diversion Program.

