



MEETING MINUTES

Multidisciplinary Advisory Committee
1625 N. Market Blvd. – 1st Floor Hearing Room
Sacramento, California

9:00 a.m. Tuesday, April 19, 2016

1. Call to Order- Establishment of a Quorum

Multidisciplinary Advisory Committee (MDC) Chair, Dr. Jon Klingborg called the meeting to order at 9:08 a.m. Veterinary Medical Board Executive Officer, Annemarie Del Mugnaio called roll; eight members of the MDC were present and thus a quorum was established. Jennifer Loredo was absent.

2. Introductions

Members Present

Jon Klingborg, DVM
Allan Drusys, DVM
William Grant, DVM
Diana Woodward Hagle, Public Member
David Johnson, RVT
Kristi Pawlowski, RVT
Jeff Pollard, DVM
Richard Sullivan, DVM, Board Liaison

Staff Present

Elizabeth Coronel, Enforcement Analyst
Annemarie Del Mugnaio, Executive Officer
Nina Galang, Administrative Program Coordinator
Kurt Heppler, Legal Counsel
Candace Raney, Enforcement Manager
Bryce Penny, DCA Webcast
Diann Sokoloff, Supervising Deputy Attorney General

Guest Present

Kathy Bowler, Veterinary Medical Board
Jonathan Burke, Department of Consumer Affairs
Nancy Ehrlich, RVT, California Registered Veterinary Technician Association
Valerie Fenstermaker, California Veterinary Medical Association
Mark Nunez, DVM, Veterinary Medical Board
John Pascoe, DVM, University of California, Davis
Ken Pawlowski, California Veterinary Medical Association
Cindy Savy, RVT, Sacramento Valley Veterinary Medical Association
Dan Segna, DVM, California Veterinary Medical Association
Leah Shufelt, RVT, California Veterinary Medical Association
Cheryl Waterhouse, DVM, Veterinary Medical Board

3. Review and Approval of January 19, 2016 Meeting Minutes

The MDC made minor changes to Page 2, 5, and 6 of the proposed meeting minutes.

- Dr. Allan Drusys motioned and Dr. William Grant seconded the motion to approve the amended January 19, 2016 meeting minutes. The motion carried 8-0.

4. Update on the Complaint Process Audit Task Force – Report from the Expert Witness Review Subcommittee

Dr. William Grant updated the MDC regarding the audits performed by him and Dr. Pollard. Dr. Grant indicated that a meeting will be scheduled with Enforcement Manager, Candace Raney, and Ms. Del Mugnaio to review the next steps and for further case audits. Reviews will occur twice a year based on ebbs and flows of the volume of cases. This is an area that has proved to be beneficial for consistency in assessing expert review and application of standard of care.

Dr. Pollard updated the Subcommittee on work that he and Diana Woodward Hagle have been doing related to reviewing Expert Witness Guidelines and training. Expert Witness training is scheduled for May 4-5, 2016 in Sacramento, CA.

Adding more than two members to the Subcommittee would require discussions to be held in an open meeting; therefore, the MDC will keep the Subcommittee to two members.

Kristi Pawlowski inquired whether MDC and Board members may attend the Expert Witness training. Ms. Del Mugnaio confirmed that it is permissible, as long as there are no more than four members of the Board or MDC attending to avoid establishing a quorum.

Diana Woodward-Hagle suggested that the staff should provide a thorough overview of the complaint process and the Subcommittee should focus on the expert review part of the process.

Ms. Del Mugnaio suggested that the Subcommittee examine the quality and consistency in which the experts are applying the Practice Act. The MDC could consider creating a Subcommittee or panel to interview those who are interested in becoming an expert witness. The review may include developing questions for interviews and looking at expert witness writing samples. Expert witnesses need to understand Disciplinary Guidelines.

Enforcement Manager, Candace Raney, noted that the Board currently has 13 experts, with one application pending, and the Board is continuously recruiting. Ms. Del Mugnaio suggested that the Board does not currently interview the potential experts, but it may be a step that is added in the future.

Dr. Drusys suggested adding a communication skills assessment to the review process, in order to assess if the expert witness is able to communicate clearly to those not familiar with veterinary terminology.

Ms. Del Mugnaio shared that there may be challenges in finding quality experts and expressed that the Board would rather hire a smaller number of quality experts, rather than expand the pool to those less qualified.

Supervising Deputy Attorney General, Diann Sokoloff, added that the rough draft of the Complaint Review Worksheet is incorrect. It should be “and” instead of “or” when it refers to “incompetent” and “negligent.”

5. Update on Minimum Standards for Alternate Premises

Dr. Klingborg noted that the California Veterinary Medical Association (CVMA) Alternate Premises Task Force is ongoing. Dr. Klingborg and Dr. Sullivan are serving on the Task Force as Board liaisons and Ms. Del Mugnaio will be attending as well.

Ms. Hagle expressed challenges in navigating through the Practice Act via the index. Dr. Klingborg noted that the index is a product of the publishers and it is not within our power to change. Dr. Klingborg stated the Board will vote on the final language regarding alternate premises minimum standards.

6. Update on Report for Shelter Medicine Minimum Standards & Protocols

Dr. Drusys noted that he attended a joint meeting of the State Humane Association of California (SHAC) and California Animal Control Directors' Association (CACDA) at the Animal Care Conference. Dr. Drusys added that there was a misunderstanding that the work done by the Task Force was a product of the Board, and not a collective effort. Dr. Drusys suggested that we invite other stakeholders to engage in the discussion, as not to alienate other stakeholder groups from participating.

At the joint meeting of SHAC and CACDA at the Animal Care Conference, Mr. Johnson found that there is great concern in the community that the public was not included in the process to provide input. The public felt that decisions had already been made based on the CVMA Task Force, and as a result, efforts will be made to better involve stakeholders in the discussion.

Ms. Del Mugnaio noted that one major concern that was discussed at the Animal Care Conference was how the ownership of the animal changes within the shelter environment. The second major concern is determining what should be exempt from the Practice Act within the shelter environment, e.g. vaccinations and parasite control, and what level of supervision is appropriate for the animal shelter staff.

Mr. Johnson identified, in his opinion, three different types of "animal shelters": 1) municipal shelters (government entities termed "animal control agency" or "animal shelter"), 2) humane societies (ownership is relinquished by owner to humane society), and 3) a hybrid model in which humane societies inherit city or county contracts for animal control (non-governmental agency with animal control responsibilities, by contract). Not all shelter types are the same and a decision must be made whether or not it should fall under the purview of the Board and if so, which type of "animal shelters" should require a premises permit.

Dr. Grant added that there are private veterinary hospitals that are taking on sheltering responsibilities, which is another example of a different animal shelter type.

Dr. Drusys suggested doing more research with SHAC and CACDA regarding what types of premises are out there and which ones have premises permits. The findings will then be brought before the MDC and Board for further discussion and to determine if the Practice Act applies. Dr. Drusys also added inviting CACDA and SHAC to the next MDC meeting to participate in the discussion.

Business and Professions Code (BPC) section 4840 is related to BPC section 4840.2 in terms of "written order." Mr. Johnson shared his concern that "direct order," "written order," and "telephone order" can be interpreted as three distinct types of orders. Additionally, Dr. Klingborg noted that BPC section

2034(f) refers to “direct orders” as “written or oral instructions.” The MDC agreed that the various terms used create confusion.

The MDC discussed reaching out to various organizations to collect on the various types of animal shelters that exist and how they operate, and also engage in a discussion with SHAC and CACDA regarding the findings. Following that, Dr. Drusys suggested holding an open forum meeting with all stakeholders including SHAC and CACDA at the October MDC Meeting.

The MDC discussed using the number of impound shelters, number of employees, and whether or not they have a veterinarian and/or Registered Veterinary Technician (RVT) on staff as the basis for the statistical analysis. Additionally, the animal shelter guidelines on the Board’s website could be used as part of the Subcommittee’s discussion. In-person testimony, telephonic testimony and/or presentation slides could be helpful for the October MDC meeting.

Mr. Johnson suggested beginning the research by determining how many premise permits the Board has on file.

- Dr. Richard Sullivan motioned and Dr. William Grant seconded the motion to direct the Subcommittee to gather and analyze all relevant statistics and data with the assistance of staff, and prepare for an open forum with interested parties at the October MDC meeting. The motion carried 8-0.
7. Review and Discuss Veterinary Student Exemption [Duties and Supervision at University Hospitals]; Potential Recommendation to Full Board

Dr. Klingborg explained that there has been some confusion regarding which type of students, schools, and off campus educational programs are covered under the Veterinary Student Exemption, BPC section 4830(a)(5).

Ms. Woodward-Hagle noted that her findings have changed since they were last presented at the October 2015 Board meeting. It appears that students are receiving clinical instruction at off-campus locations. The issue is that the off-campus, clinical program exemptions are intertwined with the statutory and regulatory definitions of animal healthcare tasks within the Veterinary Practice Act. Additionally, animal healthcare tasks are spelled out for third and fourth year veterinary students, but not first and second year students.

Ms. Woodward-Hagle recommended the following changes:

- 1) Direct the off-campus San Diego clinic used to instruct UCD students to be a registered premises
- 2) Define off-campus locations where clinical instruction takes place as “off-campus educational program sites”
- 3) Separately deal with students performing tasks in off-campus settings which are part of their educational program, versus students working or volunteering off-campus
- 4) If the intent is to treat first and second year students in off-campus settings as “veterinary assistants,” say so definitively.
- 5) Consider the proposed framework regarding particular animal health care tasks, and the degree of supervision which veterinary students may perform at off-campus educational settings, to be determined by veterinarians.

Dr. Klingborg identified differences in the California Code of Regulations (CCR) section 2027, compared with BPC section 4830(a)(5). The student described in CCR section 2027 is a junior or senior veterinary student, authorized to perform animal healthcare tasks, not necessarily as part of their

educational program. The student described in BPC section 4830(a)(5) can perform surgery, whether on-campus or off-campus, as part of an educational program.

Ms. Woodward-Hagle expressed support for creating a separate statute(s) dealing with students in the clinical experience.

Dr. Klingborg clarified that BPC 4830(a)(5) addresses AVMA accredited schools instead of only UCD or Western University.

Dr. Sullivan expressed two issues: 1) the need to expand the regulations is unclear and 2) the Board would need to have a contract established with the out-of-state school to be considered an approved program. Dr. Sullivan added that the first priority should be UCD and Western University of Health Sciences students and expressed no issue with surgery, as long as it is attached to an approved part of the veterinary education program, especially where liability is concerned.

Dr. Grant agreed that “diagnosis and treatment” encompasses “surgery.”

Dr. Pascoe, Executive Associate Dean at UCD, noted that the interpretation of BPC section 4830(a)(5) has been an ongoing problem and the issue comes down to surgery. UCD proposed two major changes: 1) not restrict the regulations to UCD and Western University of Health Sciences and 2) any student from an AVMA accredited school in a California practice must have completed foundational training before doing spay or neuter type surgery.

Dr. Pascoe added that, from a specialty college perspective, “direct supervision” is understood to mean that the veterinarian must be in the operating room. Dr. Pascoe also added that the San Diego site is considered a part of UCD and is not considered as “off-campus” by UCD, even though it is physically located in a different area.

Ms. Woodward-Hagle expressed that it was not clear that one section addresses tasks and the other addresses exemptions. Rather than creating a comprehensive task list, Dr. Pascoe suggested framing the language to be like BPC section 4830(a)(5) and should be crafted as all-encompassing “umbrella” language over all educational activity since UCD and Western University have different educational approaches.

Dr. Pascoe clarified his understanding that in order to be promoted to fourth year, a student doing an externship would have to have completed all pre-clinical training. The only way that the student would be covered under the University’s general liability insurance would be for a formal contractual agreement to exist between the university and the premises. Dr. Sullivan clarified his understanding that if a contract is in place, the student would fall under the exemption of BPC section 4830(a)(5).

Ms. Del Mugnaio expressed that there may be some discomfort if the language opens it up to all AVMA accredited programs. If students are coming from out-of-state from universities where externships are not part of the curriculum, it may not be covered under the University’s general liability insurance and would have no authority to practice unless they are under some provision of the code. Opening up the language in BPC section 4830(a)(5) to include all AVMA accredited programs would provide an exemption beyond UCD and Western University students. There is no assurance that those students operating in California under an externship are under the curriculum of their (out-of-state) University.

Dr. Pascoe expressed support with opening up BPC section 4830(a)(5) to AVMA accredited schools as long as the student coming from out-of-state is under direct supervision while performing surgery.

Dr. Grant noted that BPC section 4830(a)(5) is differentiated from CCR section 2027 in that it includes the language “as part of their educational experience.” Ms. Del Mugnaio clarified that if it is part of their curriculum and it is performed under direct supervision as part of their AVMA accredited University program, it will fall under the proposed exemption.

Dr. Drusys identified AVMA accreditation as an issue in question and added that foreign graduates would have no legal opportunities to perform the same duties.

Mr. Heppler interpreted BPC section 4830(a)(5) as a blanket exemption and CCR section 2027 is an authorization of what you can do. It is up to the Board to make sure that there is clarity through regulations.

Dr. Sullivan expressed concern regarding not having control over out-of-state schools, only the clinician or the practice. He expressed support only if there is a concrete benefit to adding AVMA accredited schools to the language.

Dr. Klingborg confirmed that the intent of CCR section 2027 was to expand the language so that it limits junior and senior students to only perform RVT tasks if they are not in an educational program, but rather working a part time job.

Dr. Pascoe clarified that clubs are not considered part of the veterinary program and from a liability perspective, are considered independent of the school. Students are prohibited from doing more than what is part of the educational program. Dr. Klingborg inquired whether students are qualified as students while they are on break. Dr. Pascoe confirmed that a student is a student from the time of admission until graduation.

Dr. Klingborg identified four main points of the discussion:

- 1) Should AVMA accredited schools be added?
- 2) Should surgery be added?
- 3) Should the phrase “provided the student has satisfactorily completed training and the activities as part of the formal curriculum of the veterinary program” be added?
- 4) Should the phrase “provided such off campus training is an approved part of the veterinary student’s educational program” be added?

Dr. Sullivan expressed support for adding “surgery,” but not under the current definition of “direct supervision.” The MDC agreed to add “immediate supervision” as the fifth point of discussion.

Dr. Klingborg requested feedback from the MDC on each of the five points identified.

The MDC agreed that all AVMA accredited schools should be added.

Dr. Klingborg decided to skip the “surgery” and “immediate supervision” points since they are related.

Ms. Del Mugnaio clarified that you cannot hold a veterinarian responsible for completing the training because they are not the program, they are only responsible for providing supervision.

Mr. Heppler clarified that BPC section 4830 is not about “sites,” it is about the program.

Dr. Klingborg referenced that the proposed RVT student exemption language used for their final year of study as follows: “individuals who have, in the opinion of program instructors, have knowledge and familiarity with RVT animal health care tasks and have completed a sufficient portion of the classroom and clinical instruction set forth in subsections...”

Mr. Johnson recommended mimicking the language in CCR section 2035, Duties of Supervising Veterinarians over RVTs, to develop language of the duties of supervising veterinarians over students.

Supervising Deputy Attorney General, Diann Sokoloff, warned against using the word “sufficient” because it is subjective and cannot be measured. Dr. Klingborg suggested striking language.

The MDC discussed whether the responsibility should fall on the University or the person engaged in direct supervision.

Dr. Klingborg suggested striking the word “completed” with regard to the proposed RVT language.

Dr. Dan Segna noted that past conversations regarding this topic limited the language to only third and fourth year students, instead of specifying UCD, Western University and AVMA accredited schools.

Dr. Mark Nunez spoke in favor of keeping the language regarding completing the training as a matter of consistency with the RVT student exemption regulatory language.

Mr. Johnson noted that “treatment” is used in RVT job task descriptions and therefore, is not necessarily interpreted as “surgery.” Dr. Klingborg agrees with adding “surgery.”

Dr. Grant recommended removing “satisfactorily completed” and keeping the following proposed RVT language: “participate in diagnosis, treatment, and surgery as part of their educational experience provided the student has training in these activities as part of the formal curriculum of the veterinary program.” Ms. Pawlowski suggested placing “diagnosis and treatment” under direct supervision and “surgery” under immediate supervision.

The MDC also agreed to keep the last part of the sentence: “provided such off-campus training is an approved part of the veterinary student’s curriculum.”

Under CCR section 2027, graduates are considered unlicensed until they pass their Board exams and can be cited for unlicensed activity. Ms. Ehrlich suggested amending the language to allow third year veterinary students to be eligible to sit for the RVT exam.

Mr. Heppler expressed that CCR section 2027 stands as an exemption for the student, not the graduate. Ms. Del Mugnaio noted that statute authority would need to be amended in order to add a graduate exemption as referenced in CCR section 2027. The MDC suggested removing “graduate” from CCR section 2027.

Dr. Klingborg noted that it is not on the agenda to open up a new pathway for taking the RVT exam and it is best to capture it and discuss it at a future meeting.

Ms. Del Mugnaio reviewed the proposed additions to BPC section 4830(a)(5): AVMA accreditation, direct supervision of treatment and diagnosis, immediate supervision of surgery, “provided the student has training in the activities” (includes all educational programs, not just off-campus program), supervision by a licensed veterinarian in good standing.

- Dr. William Grant motioned and David Johnson seconded the motion to direct staff to craft language in Business and Professions Code section 4830(a)(5) based on discussion and bring back before MDC. The motion passed 8-0.

8. Discussion and Consideration of “Extended Duty” for Registered Veterinary Technicians Regulations; Potential Recommendation to Full Board

Mr. Johnson provided background information on “Extended Duty” for RVTs and clarified that the issue is aimed to address is access to services, not advancing a person or profession within the practice of veterinary medicine. Support was received throughout the community regarding the issue; however, only general concepts were presented.

BPC section 2069 clearly defines some RVT activities, but should be revisited since it has not been updated in several years. Mr. Johnson suggested the castration of male cats, administration of rabies vaccination, issues within the dentistry field, home care services, and tasks within the animal shelter environment as examples of potential “Extended Duty” RVT tasks.

The MDC discussed reaching out to shelters on the issues, identifying who the stakeholders are, inviting various groups to the public MDC meetings and attending outside meetings.

The MDC agreed that consumer protection must be addressed when considering the regulations.

Ms. Pawlowski expressed concerns for the animal’s health since RVT’s have not been trained in surgery. Mr. Johnson clarified that these functions would be performed in shelter environments where the animals are not owner-owned and documented training would be required.

Dr. Klingborg added that he will reconstitute the Task Force since the other member has been unavailable and asked Mr. Johnson to continue serving on the Task Force.

Nancy Ehrlich stated that the California Registered Veterinary Technician Association (CaRVTA) has not taken an official position on the matter, but would be happy to provide an official position. CaRVTA can discuss the matter at their annual meeting will be held on July 23, 2016 at UCD.

9. Update from Sunset Review Hearing

Ms. Del Mugnaio noted that the Sunset Review background paper is the Senate Committee on Business, Professions and Economic Development and Assembly Committee on Business and Professions Joint Legislative (Committee’s) response to the Board’s Supplemental Sunset Review Report. On March 14, 2016, Dr. Nunez, Mr. Johnson, and Ms. Del Mugnaio attended a hearing to testify on behalf of the Board on the issues contained in the background paper. On April 20, 2016, the Board will review the Board’s written response to the Committee’s recommendations.

Ms. Del Mugnaio, Dr. Sullivan, and Valerie Fenstermaker (CVMA), attended a hearing on Senate Bill (SB) 1195. The Bill was found to be unpopular amongst the boards at the Department of Consumer Affairs because it contains the North Carolina provisions on Anti-Trust, which is a highly controversial topic at the moment. The Board will continue to watch the SB 1195.

Ms. Del Mugnaio reviewed the issues and Committee’s recommendations contained within the background paper.

The MDC felt that Issue #2, regarding RVT issues persisting and not being addressed, was misrepresented by CaRVTA. Past MDC and Board meeting minutes show that RVT issues have been discussed and there has been a great track record of addressing these issues.

In order to demonstrate that RVT issues are a priority and provide a level of certainty that the issues are not being forgotten, the MDC expressed support for including a standing RVT agenda item for future meetings.

Dr. Grant used the accreditation of RVT Schools as an example of an RVT topic that the MDC has spent a great deal of time discussing. Dr. Grant shared that he spoke with the American Veterinary Medical Association (AVMA) regarding what the AVMA Council on Education (COE) requires from RVT schools seeking accreditation and the standards are much more stringent than what is required in California.

The MDC agreed that there is misinformation being presented by CaRVTA regarding the handling of RVT issues and work needs to be done on improving the perception.

The Committee's recommendation for Issue #4, regarding University Licensure, is that university-employed veterinarians should be licensed. Testimony was given from UCD and the Committees agreed to carry the statutory change.

Regarding Issue #5, Delinquent Registration Status, there is currently no provision to cancel a premises permit. As a result, the Committee has agreed to carry statutory language to authorize the cancellation of a premises permit after five years if it is not renewed.

Issue #6, Compounding of Drugs, is now in SB 1195. Ms. Del Mugnaio added that the bill will change and her understanding is that amendments will be made to the current statutory structure to become broader and provide a grant of authority for veterinarians and RVTs under supervision, to compound drugs. The Board and the California Board of Pharmacy will craft regulations to address limitations for veterinarians in compounding drugs.

A Task Force is being created to address Issue #7, Animal Rehabilitation. The Board President will provide an update on the progress at the Board meeting on April 20, 2016.

There is nothing in SB 1195 that speaks to Issue #8, Animal Injuries at Rodeo Events. At the Board meeting on April 20, 2016, the Board will discuss whether or not to accept the Committee's recommendation. Mr. Johnson added that he will look into this as a potential "Extended Duty" for RVTs.

Issue #9, Use of Antimicrobial Drugs, involves SB 27 and SB 361; however, SB 1195 contains a change (originally contained within SB 361) regarding the one hour of continuing education on the judicious use of antimicrobial drugs. Beginning January 1, 2018, veterinarians will be required to take coursework and the Board will begin auditing the completion of the coursework in 2022. The Board has begun working with California Department of Food and Agriculture (CDFA) on establishing stewardship guidelines and best practices. It will likely be a two year adhoc Task Force with the Board of Pharmacy, CDFA and stakeholders in the livestock industry.

Dr. Grant shared that there is a segment on the accredited veterinary course on the judicious use of antimicrobials through the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) that could be utilized. Ms. Del Mugnaio noted that CDFA is aware.

Issue #10, Increased Inspection of Veterinary Premises, will create a budgetary impact as the Board will need to hire more inspectors in order to meet the goal of inspecting 20 percent of all hospitals on an annual basis. The Committee's have asked for more information regarding the Board's current resources and the Committees will then assist the Board in getting the additional resources through the budget process.

With the regards to Issue #11, Formal Discipline, the Committee requested more information on the Board's efforts to reduce the timeframe for taking formal disciplinary action against a licensee. The Board has found that the most advantageous practice has been to set internal benchmarks to hold ourselves to, which helps stay on top of the progress of the case.

The Committee's recommendation for Issue #12, Continuation of the Veterinary Medical Board, was to extend the Board for another four years, which is the maximum length that the Committees may extend a Board.

10. Public Comments on Items Not on the Agenda

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 and 11125.7(a)).

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

11. Agenda Items and Next Meeting Dates – July 19, 2016 (TBD); October 18, 2016 (TBD)

Ms. Del Mugnaio noted that either the July or October 2016 meeting will be held in Southern California.

A. Multidisciplinary Advisory Committee Assignment Priorities

Dr. Klingborg noted that the Animal Dentistry item was removed from the priorities list at the January 19, 2016 MDC meeting, therefore, it is not a future priority.

Dr. Grant suggested bringing forward spay and neuter clinic standards (mobile, fixed premise, etc.) to the Board at the next meeting as a potential MDC assignment priority.

B. Agenda Items for Next Meeting

Ms. Del Mugnaio reviewed the agenda items for the next meeting:

- Expert Witness Training
- Shelter Medicine
- Minimum Standards for Alternate Premises
- Veterinary Student Exemption
- Extended Duties for RVTs
- When DVM Students and Graduates may sit for the exam
- Spay and Neuter Clinic Standards.

12. Adjournment

The MDC adjourned at 3:04 p.m.