



**MEETING MINUTES
VETERINARY MEDICAL BOARD**

January 18-19, 2017

1747 N. Market Blvd. – 1st Floor Hearing Room
Sacramento, California

10:00 a.m. Wednesday, January 18, 2017

1. Call to Order - Establishment of a Quorum

Dr. Cheryl Waterhouse called the Veterinary Medical Board (Board) meeting to order at 10:08 a.m. Executive Officer, Annemarie Del Mugnaio, called roll; seven members of the Board were present and thus a quorum was established. Lee Heller was absent.

2. Introductions

Board Members Present

Cheryl Waterhouse, DVM, President
Richard Sullivan, DVM, Vice President
Kathy Bowler, Public Member
Jennifer Loreda, RVT
Judie Mancuso, Public Member
Jaymie Noland, DVM
Mark Nunez, DVM

Staff Present

Christy Bell, Associate Enforcement Analyst
Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board
Nina Galang, Administrative Program Coordinator
Kurt Heppler, Legal Counsel
Ethan Mathes, Administrative Program Manager
Candace Raney, Enforcement Manager
Diann Sokoloff, Supervising Deputy Attorney General
Cesar Victoria, DCA Webcast

Guests Present

Jonathan Burke, Department of Consumer Affairs
Nancy Ehrlich, California Registered Veterinary Technicians Association
Valerie Fenstermaker, California Veterinary Medical Association
Erica Hughes, State Humane Association of California
Jon Klingborg, DVM, Multidisciplinary Advisory Committee
Bonnie Lutz
Grant Miller, California Veterinary Medical Association
Matt Nishimine, Department of Consumer Affairs
John Pascoe, University of California, Davis
Cindy Savely, Sacramento Valley Veterinary Technician Association
Leah Schufelt, California Veterinary Medical Association

Marshall Scott, California Veterinary Medical Association
Ken Pawlowski, California Veterinary Medical Association

3. Review and Approval of October 19-20, 2016 Meeting Minutes

- Kathy Bowler moved and Dr. Richard Sullivan seconded the motion to adopt the October 19-20, 2016 meeting minutes as amended. The motion carried 7-0.

4. Swearing in of New Board President, Cheryl Waterhouse, DVM

Dr. Waterhouse thanked Dr. Mark Nunez for his hard work as Board president and presented him with a plaque.

5. Proposed Regulations

A. Status of Pending Regulations

Ms. Del Mugnaio noted that a Retired Annuitant (RA) will be hired to assist with regulations.

B. Discuss and Consider Amendments to the Disciplinary Guidelines - Section 2006 of Title 16 of the California Code of Regulations

Since the Disciplinary Guidelines were adopted at a previous meeting, staff identified areas needing further clarification; thus, the proposed changes up for discussion were staff recommendations, as well as suggestions from Ms. Heller.

Associate Enforcement Analyst, Christy Bell, reviewed the Disciplinary Guidelines memo. Ms. Bell noted that substances like Nyquil or Listerine may show up as an alcoholic substance in a drug screening and would be considered a violation. Respondents are notified of this and would simply need to provide a doctor's note in order for it be cleared with the Board. Ms. Bell added that there are more advanced testing capabilities that can determine if there have been large amounts of alcohol consumed in the prior weeks.

Ms. Del Mugnaio reviewed Ms. Heller's changes.

Enforcement Manager, Candace Raney, clarified that the staff's preference is for the respondent to do an in-person initial probation interview. A phone interview can be accommodated if there are extenuating circumstances.

Legal Counsel, Kurt Heppler, clarified that if an individual is practicing outside of California without a license in that state, the other state would make the determination if there is a criminal act.

Judie Mancuso expressed interest in retaining a copy of the probationer's licenses in other states in their file. Ms. Mancuso also requested that staff utilize video interviews with probationers residing outside of California. Ms. Del Mugnaio clarified that Board staff will determine what method is best to carry out the interview process.

The Board made minor grammatical corrections to the Guidelines.

The Board clarified that "dangerous drugs" are defined within the Veterinary Practice Act and the Pharmacy Practice Act.

Ms. Del Mugnaio confirmed that the reference to the term “actions” in Section 4883(j) and 4839.5 is used appropriately. It allows for both formal discipline and citation and fine.

Regarding Ms. Heller’s comment on the term “violation” being used in section 4836.5; 4837, Dr. Nunez recommended taking no action since it does not affect the disciplinary process.

The Board agreed to strike the note at the bottom of section 4836.5; 4837 since it does not affect the intent of the Disciplinary Guidelines.

The Board agreed to add “veterinary” to specify the type of business, firm, partnership, or corporation in Optional Terms and Conditions of Probation #7, No New Ownership.

Mr. Heppler expressed confusion regarding the value of the section titled “Factors to Consider When Deciding Whether to Hold or Non-Adopt a Stipulated Settlement or Proposed Decision.” Ms. Del Mugnaio clarified that if the Board decides to remove the section, it would need to be justified in the rulemaking process.

Ms. Raney confirmed that daily contact is part of the drug testing contractual agreement. Daily contact by means of phone or login means every day, including weekends and holidays.

Bonnie Lutz commented that “suspension from work” under Optional Terms and Conditions of Probation #17, Submit to Drug Testing, is vague. Mr. Heppler agreed and suggested change the language to reflect a “cease practice order.”

Ms. Bell clarified that the drug testing company that the Board contracts with provides a list of prohibited substances when the individual enrolls in the program. Ms. Bell noted that she will follow-up to ensure that this is being done.

- Dr. Mark Nunez moved and Judie Mancuso seconded the motion to adopt the proposed changes as amended, direct Legal to perform an expedited review, and if there are no substantial changes as determined by the Executive Officer, move forward with the rulemaking process, otherwise the language would be brought back to the next Board meeting for consideration. The motion carried 7-0.

6. Review and Discuss Request from the City of Los Angeles for a Guarantee Letter Regarding an Exemption from Licensure for Veterinarians Providing Care and Treatment to Animals Participating in the 2024 Olympic and Paralympic Games.

Ms. Del Mugnaio reviewed the City of Los Angeles letter requesting a guarantee regarding temporary licensure for veterinarians to treat animal athletes during the 2024 Olympic and Paralympic Games, in the event that the Games are held in Los Angeles.

Ms. Del Mugnaio clarified that temporary licensure is dependent on the Board receiving the veterinarian’s Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN), which could take several months for the veterinarian to obtain. Depending on when the veterinarian arrives, licensure may not be a viable option.

Exemption language from the California Medical Board was provided to the Board as a potential model if the Board wishes to pursue a statutory change.

Mr. Heppler opined that guaranteeing temporary licensure for an event seems problematic.

Jennifer Loreda shared her concern that she would like to ensure that foreign veterinarians act in a manner consistent with our country's ethics.

Dr. Richard Sullivan suggested asking the Los Angeles legislators to carry a bill.

Dr. Waterhouse suggested supporting the bid and then working on creating an exemption through a statutory change.

Ms. Del Mugnaio added that she will check with the Physical Therapy Board and the Dental Board to determine how they are handling the situation. She also suggested that the Board direct her and Mr. Heppler to craft a letter in response to the request.

- Dr. Richard Sullivan moved and Dr. Jaymie Noland seconded the motion to direct legal counsel to work with the Executive Officer to draft a letter conceptually supporting the request for eligibility of foreign veterinarians to work on athlete's animals during the 2024 Olympic and Paralympic Games in Los Angeles. The motion carried 7-0.

7. Update on Registered Veterinary Technician School Reporting Pursuant to Section 2064 of Title 16 of the California Code of Regulations

During the initial review of the California American Veterinary Medical Association (AVMA) accredited veterinary technician program applications, Ethan Mathes updated that the programs were generally in compliance, but some applications were lacking verification documentation.

Mr. Mathes noted that the disclosure of pass rates and transferability of credits was not always found to be readily available and some information was outdated.

Ms. Del Mugnaio clarified that "non-compliant" means that the documentation that Board staff has received is insufficient or is it not clear in terms of student disclosures. Mr. Mathes noted that he will work with the schools on improving disclosure statements and data and offering suggestions on how to meet standards. He added that letters will go out in the next couple of weeks letting schools know whether they are compliant, and schools will be given 30-60 days to get up to date.

8. Review and Discuss Reciprocity Issues and License Eligibility for Veterinary Applicants Who Possess Work Experience in a Foreign Territory; Potential Revisions to Existing Reciprocity Statute (Business and Professions Code section 4848(b)(1))

Mr. Heppler reviewed the language and noted that the Board must decide if it wishes to make a statutory revision to clarify that an applicant practice clinical medicine in another U.S. state, Canadian province, or U.S. territory for purposes of veterinary reciprocity eligibility. Dr. Sullivan noted this concept was the intent of existing statutory language.

Ms. Loreda added that there are issues regarding where an applicant's experience is earned since not all country's standard of practice are created equal.

Dr. Sullivan expressed opposition towards changing the language, unless to clarify the intent.

- Dr. Mark Nunez moved and Judie Mancuso seconded the motion to seek a legislative bill to clarify the intent of BPC Section 4848(b)(1) to add “in another state, Canadian province, or United States territory” after “clinical veterinary medicine.”. The motion carried 7-0.

Dr. Waterhouse suggested exempting Board certified veterinarians from the required clinical experience and clarified that Board certification would substitute for a “minimum of two years and completed a minimum of 2,944 hours of clinical practice.”

Ms. Del Mugnaio suggested adding “or holds a Board certification” after “2,944 hours of clinical practice” in BPC section 4848(b)(1).

Dr. Sullivan opined that the changes being discussed were not in line with the intent of reciprocity. The intent of reciprocity is clinical practice equivalency.

Mr. Heppler identified three requirements of BPC section 4848(b)(1), 1) hold a license, 2) a minimum of two years of clinical practice, and 3) a minimum of 2,944 hours of clinical practice. Dr. Sullivan clarified that the 2,944 hours was intended to mean that the two years includes full-time practice equaling a minimum of 2,944 hours.

Nancy Ehrlich recalled a Federal Trade Commission (FTC) ruling regarding not allowing “Board certification” to be restricted to only AVMA accredited schools. Mr. Heppler confirmed that it will be part of the research.

- Dr. Mark Nunez moved and Kathy Bowler seconded the motion to refer the issue of veterinary reciprocity eligibility for Board certified veterinarians to the Multidisciplinary Advisory Committee. The motion carried 7-0.

9. Discuss Proposed Changes to Section ~~2030.3(e)~~ 2032.1(e) of Title 16 of the California Code of Regulations regarding Telemedicine and Review American Veterinary Medical Association (AVMA) Proposed Guidelines

The Board was unable to discuss this item during the allotted amount of time; therefore, it will be placed on the agenda for discussion at a future Board meeting.

10. Multidisciplinary Advisory Committee Report – Dr. Jon Klingborg

A. Review and Consideration of Multidisciplinary Advisory Committee Items and Recommendations

Dr. Jon Klingborg summarized the Multidisciplinary Advisory Committee’s (MDC) discussion from its meeting on January 17, 2017.

The Complaint Process Audit Subcommittee continues to review cases approximately 1-2 times a year and the evaluation process is ongoing. The subcommittee discussed the process by which a consultant reviews a case and then if there is a deviation of the standard of care that warrants further review, the case would be sent to an expert witness. The Subcommittee addressed the need for ongoing training of new and existing expert witnesses.

The Registered Veterinary Technician (RVT) Extended Duty Subcommittee received a list from the California Registered Veterinary Technicians Association (CaRVTA) of tasks that veterinary assistants may be excluded from in private facilities. The MDC recommended creating a working

group to discuss duties beyond those included in the existing list of RVT specific tasks that should be limited only to RVTs.

- Judie Mancuso moved and Jennifer Loreda seconded the motion to direct the MDC to consider the list of exclusions for veterinary assistants in private facilities, and hold a public hearing to obtain public comment, and report back to the Board if there are any changes. The motion carried 7-0.

Additionally, the MDC requested guidance from the Board to determine what burden of proof or evidence should be considered with each public comment and request for action or whether the MDC should develop a screening mechanism for deciding to pursue new change requests due to access, harm or consumer protection.

The Board discussed the need to be proactive in protecting consumers and animal patients from harm, rather than being reactive to complaints. In some instances, harm is being underreported (e.g. rodeo injuries) and protection should be provided regardless of the lack of complaints.

The Board expressed support for creating a set of guidelines for pursuing new issues.

Ms. Del Mugnaio clarified that it is not within the Board's role to pursue issues such as emerging tasks which expand the scope of practice. The Board's role is to respond to a verifiable risk or threat.

Mr. Heppler reminded the Board that if more than two Board or MDC members meet, the meeting must be duly noticed to the public. He also added that guidelines are not enforceable unless incorporated and adopted by regulation. Ms. Del Mugnaio clarified that the guidelines would simply be a method for assessing risk.

Ms. Lutz commented that the Board appears to be discussing a standard of care determination. Ms. Lutz expressed that it is inappropriate and beyond the scope of the Board's authority. The Board clarified that they would not be preventing someone from being able to make a request to the Board or MDC, it would only be used to evaluate the value of the request and if it is appropriate to pursue.

- Dr. Richard Sullivan moved and Jennifer Loreda seconded the motion for the Veterinary Medical Board president to form a working group to respond to the Multidisciplinary Advisory Committee's request to discuss methods of evaluating requests for Board action taking into account potential risks, threats, or tasks and develop guidelines. The motion carried 6-1. Judie Mancuso opposed the motion.

The Board later agreed to reconsider the motion to form the working group as it creates unnecessary bureaucracy.

- Dr. Richard Sullivan moved and Jennifer Loreda seconded the motion to rescind the motion to form a working group to respond to the MDC's request. The motion carried 6-1. Dr. Mark Nunez opposed the motion.

Mr. Heppler clarified that the MDC will keep the item as part of the agenda at a future MDC meeting.

Dr. Klingborg reviewed the amendment to California Code of Regulations (CCR) section 2069, Emergency Animal Care, to adopt a new item #9.

The Board discussed waiting until the next public meeting to obtain a more comprehensive analysis from legal or Board members and provide more opportunity for Board members and the public to comment on the proposed amendments to CCR section 2069. Ms. Del Mugnaio reminded the Board that the intent is to have the MDC hold a robust discussion before bringing proposed language before the Board, in effort to eliminate duplicative discussion. The Board may vote to adopt the proposed regulations based on the analysis done by the MDC. Once the proposed regulations have been noticed, the public is given 45 days to submit comments.

- Judie Mancuso moved and Kathy Bowler seconded the motion to adopt proposed amendments to CCR section 2069, prepare the initial rulemaking documents to submit to the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency, and in the absence of adverse comments, commence with the rulemaking process. The motion carried 7-0.

Dr. Klingborg reviewed part 2 of Item #6 on his handout regarding authorizing RVTs to transport controlled substances for purposes of administering drugs in emergency situations.

Allyne Moon, CaRVTA, expressed support for the proposed changes.

- Judie Mancuso moved and Jennifer Loreda seconded the motion to direct the MDC to research statutory changes to Penal Code section 597.1 or BPC section 4840 regarding authorizing RVTs to transport controlled substances for the purposes of administering drugs in emergency situations. The motion carried 7-0.

Dr. Klingborg reviewed Item #7 of his handout regarding proposed regulatory changes to CCR section 2027.5 regarding an alternate route for DVM graduates to practice as RVTs.

Dr. Nunez expressed concern with not enforcing the proposed requirements retroactively.

- Dr. Richard Sullivan moved and Dr. Jaymie Noland seconded the motion to direct staff and legal to perform a comprehensive analysis of the proposed regulations regarding veterinarian graduates to qualify to temporarily practice as RVTs. The motion carried 7-0.

Dr. Klingborg reviewed Item #8 regarding minimum standards and protocols for shelter medicine. Dr. Klingborg noted that the MDC recommended that the State Humane Association of California (SHAC) and CaRVTA form a working group to look the various issues surrounding shelter medicine, levels of supervision, sedation/anesthesia, etc. and bring their research back to the MDC.

Regarding drug compounding, Dr. Klingborg noted that he plans to meet with Dr. Wiebe of University of California, Davis and the Board of Pharmacy legal counsel and continue discussion on this topic.

Dr. Klingborg reviewed Item #10 regarding providing drug information to clients. The MDC heard Solomon Stupp's concerns and discussed potential language in the Pharmacy Practice Act that may serve as an example for Board language. The MDC formed a subcommittee to distill the information and bring language back at its next meeting for discussion.

There was no action needed on Item #11 regarding the "Induction" of Anesthesia vs. Sedation discussion. The item was tabled for the next MDC's agenda.

Dr. Klingborg noted that the MDC did not have enough time to discuss the minimum standards for spay and neuter clinics. It will be a future priority item to also discuss minimum standards for mobile specialists.

11. Board Chair Report – Dr. Cheryl Waterhouse

Dr. Waterhouse noted that Dr. Sullivan and Ms. Loredo will continue to serve as Board liaisons on the MDC. Dr. Nunez will continue to serve as Chair of the Animal Rehabilitation Task Force.

In November 2016, Dr. Waterhouse attended the Board member training. Dr. Waterhouse reminded the Board that the Department's top strategic plan goal is to eliminate unlicensed activity. She also reminded the Board members that they must take Ethics training each odd numbered year and take online drivers training every four years.

12. Registered Veterinary Technician Report – Jennifer Loredo

Ms. Loredo summarized the RVT-related topics discussed since the last Board meeting. The discussion regarding retroactive fingerprinting of RVTs prior to 2000 had been carried over from the previous meeting. There is still a need to fingerprint licensees who were not fingerprinted at the time of initial application.

The discussion regarding new eligible graduates (Animal Science Bachelor of Science degrees, etc.) has been removed from the list of priority topics, but it is still a possibility that the discussion may be renewed.

Ms. Loredo noted that it has been difficult to find a California RVT representative to serve on the AVMA Committee to discuss RVT issues. Dr. Waterhouse suggested that Ms. Loredo work with SHAC and CaRVTA to get the word out in order to recruit a California representative.

13. Discuss Implementation Issues Regarding the Veterinary Assistant Controlled Substances Permit Program

Since the program implementation in October 2016, Mr. Mathes noted that there have been questions regarding whether or not certain individuals (e.g. euthanasia technicians in an animal shelter) are required to hold a Veterinary Assistant Controlled Substances Permit (VACSP).

Ms. Del Mugnaio noted that the intent of the statute and regulations was to prevent drug diversion. The regulations were not intended to cover students in veterinary training programs who already receive direct supervision by a veterinarian. Individuals that handle and independently administer controlled substances are intended to be covered under the VACSP regulations.

Mr. Mathes pointed out that the regulations specify an "animal hospital setting," or a premises where veterinary medicine is practiced, as the location in which the administration of controlled substances would require a VACSP; however, not all shelters have a premises permit. Ms. Del Mugnaio clarified that if an individual administers controlled substances to an animal patient for a medical necessity, it would be considered the practice of veterinary medicine.

Ms. Mancuso expressed support for requiring all shelter staff to obtain a VACSP as she felt diversion could occur because of receptionist staff.

Ms. Loredo opined that euthanasia technicians do not need a VACSP as they only handle sodium pentobarbital. Dr. Waterhouse argued that the use of sodium pentobarbital could still be abused.

Mr. Heppler suggested directing legal to look at all legislative and regulatory records and provide guidance regarding the intent of the proposed regulatory language.

Ms. Ehrlich shared that as a member of the VACSP task force, it was the intent of the task force to exempt receptionist staff from being required to obtain a VACSP.

Ms. Hughes noted that unlicensed shelter staff have authorization to administer sodium pentobarbital under BPC section 4827.

Ms. Hughes also requested that the Board consider waiving VACSP application and license fees for shelter staff that work in a public animal shelter or a private animal shelter that contract with the city or county to provide care to abandoned animals. Ms. Hughes added that the premises fee is currently being waived for animal control agencies.

Mr. Heppler noted that another regulatory endeavor may be necessary to clear up any questions.

Ms. Moon expressed support for requiring Animal Control Officers to obtain a VACSP and requested that the permit fee is waived for municipal agencies.

Ms. Del Mugnaio clarified the request to waive any fees is decided by the Board, not legal counsel. Mr. Heppler suggested placing the request as a separate agenda item at a future meeting.

- Dr. Mark Nunez moved and Jennifer Loredo seconded the motion to direct to Legal staff prepare an opinion on Veterinary Assistant Controlled Substances Permit issues brought forward by staff and to bring back to Veterinary Medical Board. The motion carried 7-0.

14. Review Revenue and Expenditure Reports and Discuss Need for a Fee Increase of Initial License and Renewal Fees; Potential Action

Mr. Mathes identified an ongoing structural imbalance within the Board's Fund. A few contributing factors include: increase in staffing, increase in interdepartmental and intradepartmental expenditures, and an increase in Office of Attorney General (OAG) expenses.

Ms. Del Mugnaio noted that Board staff are working on a contract to examine the Board's fee structure, which will go out for bid shortly. The Fund Conditions in the packet are representative of the Board's fund today using four different scenarios, which includes examples with and without anticipated revenue from the VACSP program.

Ms. Del Mugnaio explained that Board staff would like to see the third party fee audit outcome before making any potential fee increase recommendations. However, if Board revenue does not increase, the Board may have to discontinue providing some types of services affecting its mandate of public protection.

The audit will cost between \$25-50,000 and will include a review of the California Veterinary Technician Examination cost basis.

Budget Analyst, Matt Nishimine, noted that the Board's fund is healthy until 2020 and suggested that this is a good time to consider evaluating the fee structure. Proposing a regulatory change to the fees would take approximately 18 months to effectuate. Increasing funding caps through the statutory process would take approximately two years.

Dr. Waterhouse noted that the third party vendor has worked with the Department of Consumer Affairs in the past and are familiar with evaluating board licensing fees. Ms. Del Mugnaio added that the vendor will evaluate how much additional funding the Board will need to retain a 3-10 month statutory reserve .

The fee audit is specific to the Board and cannot be combined with other board audits within the Department of Consumer Affairs (DCA).

15. Executive Officer & Staff Reports

A. Administrative/Budget

Mr. Mathes reviewed the expenditure report as compared to the Board's appropriation. Due to a substantial increase in OAG and Office of Administrative Hearings (OAH) costs, the Board has received approval to temporarily augment its OAG and OAH line items. Ms. Del Mugnaio clarified that there is budgetary authority to request an appropriation increase for Enforcement-related line items only. The request must include a history of overspending.

Mr. Mathes added that there is a Budget Change Proposal (BCP) being developed to update the OAG and OAH line items to reflect more accurate expenditures. The proposed BCP amendments would take effect next Fiscal Year (FY).

Mr. Mathes clarified that the increased appropriation of the two line items was not reflected in the fund conditions.

B. Enforcement

Ms. Raney noted that an Expert Witness Roundtable was held in November 2016. The location for the next meeting is anticipated to be in Northern California, but a date has not been set yet.

In regard to the implementation of the VACSP, Enforcement has yet to see what type of workload it will receive based on the new program. There have been approximately 50 out of 977 applications that required a second review.

Ms. Raney noted that in December 2017, Sean Gerson, was taken into custody by Federal authorities for unlicensed activities.

In response to the Board's motion in October 2016, Enforcement staff submitted a legislative proposal to stagger terms for petitions.

The Probation Monitor is currently monitoring 200 probationers with a number of probationers successfully completing the process, and others who were subsequently disciplined for repeated acts of non-compliance.

Board Members can anticipate two mail votes between the January and April Board meetings.

Regarding staffing, Enforcement is recruiting to fill a vacancy in the Complaint Unit, as well as working to hire an RA to provide additional assistance.

C. Licensing/Examination- Report from Office of Professional Examination Services regarding the Veterinary Law Examination Study

Kamilah Holloway, Office of Professional Examination Services (OPES), gave a presentation on the VLE and California State Board (CSB) Examination comparison study.

The comparison study included the following: 1) California Veterinarian Licensure Examination Program Protocol, 2) Occupational Analysis, 3) The California State Board Veterinarian Examination Content Outline, 4) VLE/CSB Comparison Study Process, and 5) Comparison Study Outcomes (including Options/OPES recommendation).

Ms. Holloway reviewed a detailed outline of the VLE and explained how the VLE and CSB overlap in content. It was determined that the CSB can cover what is tested for in the VLE.

Ms. Holloway identified three options: 1) Continue to administer the current form of the VLE, 2) Continue to administer the VLE using new examination forms yearly to eliminate overexposure of examination materials, and 3) Discontinue administration of the VLE for all candidates for licensure who have completed the national examination, the CSB examination, and a Board-approved veterinary training program.

As part of the VLE comparison study, two new examination forms have been completed.

Ms. Del Mugnaio added that there is a financial impact to eliminating the VLE and clarified that it would not require staff cuts since no positions are directly linked to the examination. Revenue data can be pulled to determine how much the Board would potentially be losing.

The Board must determine if it would like to pursue a statutory amendment to eliminate the VLE. The item will be on a future agenda to discuss.

Mr. Mathes shared that Board staff have received approximately 2,000 VACSP applications and have issued approximately 400 VACSPs. The application processing time is about 6-8 weeks due to the high volume of applications coming in during the last three months. Ninety-three percent of the VACSP applications have been coming in online through BreEZe, which is easier for staff to process.

There is an ongoing RVT Occupational Analysis (OA) being conducted for the Board. Findings will not be reported to the Board until approximately July 2017 when staff has had an opportunity to compare the results of the California RVT OA with the National RVT OA.

Ms. Moon expressed disappointment regarding the pass rate for the California Veterinary Technician Law Examination (CVTLE) dropped from 94 percent to 62 percent. Mr. Mathes clarified that the Candidate Information Bulletin instructs the applicant to check the PSI website for the most up-to-date information.

D. Hospital Inspection

Hospital Inspection Manager, Patty Rodriguez, is working to fill a staff vacancy within the unit. She also commended Emily Groves for her work in the Premises and Inspection Program.

Regarding Minimum Standards, Ms. Rodriguez and h Ms. Del Mugnaio will discuss updates to the Hospital Inspection Checklist with the Board's in-house consultants as areas of the checklist require more clarity. The goal of the Hospital Inspectors has been to present the standards as consistently as possible.

Ms. Del Mugnaio shared that it can be problematic when there is only one Drug Enforcement Administration (DEA) license associated with the premises where multiple veterinarians dispense controlled substances under that single license. Staff has discussed hospital/clinic registrations or group practice registrations where an entity has authority to dispense controlled substances and each practitioner may be listed by suffix.

Dr. Nunez suggested adding the item under future agenda items.

Finally, Ms. Rodriguez added that premises inspection ride-alongs are ongoing and statistically, the Board is on track to meet its 20% inspection goal for this FY.

16. Agenda Items and Next Meeting Dates – February 2, 2017 – Animal Rehabilitation Task Force Meeting (Sacramento); April 19-20, 2017 (Oakland); July 26-27, 2017 (Sacramento/Southern California); October 18-19, 2017 (Fresno)

A. Agenda Items for Next Meeting

The following is a list of agenda items to be discussed at the April 2017 Board meeting:

- Legislative Report
- Telemedicine
- CCR section 2027.5 – Proposed Language and Legal Opinion
- Follow-up on VACSP Program Implementation Questions
- Review and Consider Developing a Statutory Change to Eliminate VLE
- Follow-up on Proposed Changes to Disciplinary Guidelines
- Fee Audit Recommendations
- Facility DEA Licenses.

Ms. Del Mugnaio noted that the next meeting dates are April 19-20, 2017 (Oakland), July 26-27, 2017 (Sacramento/Southern California), and October 18-19, 2017 (Fresno).

Ms. Del Mugnaio clarified that she will work with legal counsel on the response to the City of Los Angeles regarding the 2024 Olympics and Paralympics.

B. Multidisciplinary Advisory Committee Meetings – April 18, 2017; TBD

17. Public Comment on Items Not on the Agenda

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

18. Recess until January 19, 2017, at 9:00 a.m.

9:00 a.m. Thursday, January 19, 2017

19. Reconvene - Establishment of a Quorum

Dr. Waterhouse called the Veterinary Medical Board (Board) meeting to order at 9:05 a.m. Enforcement Manager, Ms. Raney, called roll; seven members of the Board were present and thus a quorum was established. Ms. Heller was absent.

20. Introductions

Board Members Present

Cheryl Waterhouse, DVM, President
Richard Sullivan, DVM, Vice President
Kathy Bowler, Public Member
Jennifer Loredo, RVT
Judie Mancuso, Public Member
Jaymie Noland, DVM
Mark Nunez, DVM

Staff Present

Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board
Nina Galang, Administrative Program Coordinator
Kurt Heppler, Legal Counsel
Ethan Mathes, Administrative Program Manager
Candace Raney, Enforcement Manager
Cesar Victoria, DCA Webcast

Guests Present

Linda Cabatic, Administrative Law Judge
Stanton Lee, Deputy Attorney General
Nicholas Leonard, Attorney
Tiffany Mestas
Kristina Miranda
Lori Pinkerton, Court Reporter
Trinity Reese

21. Petition for Reduction of Penalty – Trinity Reese – 9:00 a.m.

Deputy Attorney General (DAG) Stanton Lee opened the reduction of penalty hearing presenting the case against Trinity Reese.

Ms. Reese approved the contents of the Petitioner's Packet and Administrative Law Judge, Linda Cabatic, marked the packet into evidence as Exhibit #1. DAG Lee reviewed the contents of the Petitioner's Packet.

Ms. Reese represented herself and presented her case for reduction of penalty. Ms. Reese answered questions from the DAG and members of the Board.

ALJ Cabatic closed the hearing.

22. Petition for Reduction of Penalty – Kristina Miranda – 10:00 a.m.

DAG Lee opened the reduction of penalty hearing presenting the case against Kristina Miranda.

Ms. Miranda approved the contents of the Petitioner's Packet and ALJ Cabatic marked the packet into evidence as Exhibit #1. DAG Lee reviewed the contents of the Petitioner's Packet.

Ms. Miranda represented herself and presented her case for reduction of penalty. Ms. Miranda answered questions from the DAG and members of the Board.

ALJ Cabatic closed the hearing.

23. Petition for Reduction of Penalty – Tiffany Mestas – 11:00 a.m.

DAG Lee opened the reduction of penalty hearing presenting the case against Tiffany Mestas.

Ms. Mestas approved the contents of the Petitioner's Packet and ALJ Cabatic marked the packet into evidence as Exhibit #1. DAG Lee reviewed the contents of the Petitioner's Packet.

Counsel for the petitioner, Nicholas Leonard, presented the case for reduction of penalty. Ms. Mestas answered questions from the DAG and members of the Board.

ALJ Cabatic closed the hearing and the Board went into closed session.

CLOSED SESSION

24. The Board met in closed session (pursuant to Government Code Section 11126(c)(3)) to discuss and vote on these matters and on other disciplinary matters, including stipulations and proposed decisions.

Petition for Reduction of Penalty – Trinity Reese

The Board adopted the petition for reduction of penalty.

Petition for Reduction of Penalty – Kristina Miranda

The Board adopted the petition for reduction of penalty with a modification.

Petition for Reduction of Penalty – Tiffany Mestas

The Board adopted the petition for reduction of penalty.

AV 2016 12 – Bloom, Timothy

The Board adopted the stipulated settlement.

D1 2012 13 – Moon, Hong

The Board non-adopted the stipulated settlement and proposed a modification.

AV 2014 4 – Sandhu, Davinder

The Board non-adopted the proposed decision and proposed a modification.

AV 2015 18 – Spence, Christopher

The Board non-adopted the proposed decision and proposed a modification.

25. The Board met in closed session (pursuant to Government Code Section 11126(a)(1)) to update and discuss the Executive Officer Evaluation.

RETURN TO OPEN SESSION

26. Adjournment

The Board adjourned at 2:30 p.m.