



## MEMORANDUM

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| <b>DATE</b>    | May 14, 2020  |
| <b>TO</b>      | Veterinary Medical Board  |
| <b>FROM</b>    | Jessica Siefertman, Executive Officer                                     |
| <b>SUBJECT</b> | <b>Agenda Item 7. Update and Discussion on Board Response to COVID-19</b> |

While California continues to navigate the uncertainty of COVID-19 and limit its spread, the Veterinary Medical Board (Board) is committed to supporting its licensees, applicants, and consumers throughout the course of this pandemic and providing continuity of service at all times. The Board is closely monitoring the COVID-19 situation, coordinating with the state and local governments, and working with its partners to protect the health of Californians.

In early March, the Board began receiving a significant number of inquiries from license applicants, licensees, and stakeholders regarding the impacts of COVID-19. Below is a breakdown of the known impacts and brief summaries of how the Board has (and continues to) respond. Requested Board actions are highlighted in yellow for easy identification.

### **Internal Board Operations**

By mid-March, most Board staff were working remotely. The Board's office closed to the public on March 20 and remains closed. The Board's receptionist remains in the office to answer phones and open mail. A manager is also in the office during the Board's hours of operation. The Board has hired and onboarded new team members since the beginning of this pandemic, and has conducted most training using screen sharing technology and telephone and video conferencing. While there was an initial learning curve for staff transitioning to working remotely, managers anticipate a potential increase to staff productivity.

### **Live Scan Services**

Many Live Scan locations began closing in early March. This led to increased inquiries from applicants and licensees trying to submit fingerprints to meet licensing and renewal requirements. In response, the Department of Justice (DOJ) began issuing a weekly list of confirmed locations providing fingerprinting services. The Board posts those updated Live Scan site lists on its website and sends weekly emails to its subscribers. The updated lists are emailed to the California Veterinary Medical Association (CVMA) and California veterinary schools for additional distribution to their members and students.

In addition, DOJ began implementing a new fingerprint capture method for Live Scan sites called "FLATS on APPS" to reduce the amount of time and physical contact between the applicant and the Live Scan operator while continuing to provide fingerprint-based background

checks to California citizens in need of employment, licensing or certification. FLATS on APPS is a fingerprint capture method that allows the Live Scan device to submit flat impressions of an applicant's fingerprints rather than rolled impressions.

The Board has disseminated to its email subscribers this information, as well as DOJ's [Best Practices for Live Scan Sites During the COVID-19 Outbreak](#).

### **Continuing Education Events**

Numerous licensees are unable to satisfy continuing education requirements due to the cancellation of courses, resulting in their inability to satisfy licensing renewal requirements. The inability to renew their licenses would prevent these licensees from providing necessary assistance to the public.

On March 30, 2020, Governor Gavin Newsom issued [Executive Order N-39-20](#), which authorized the Director of the Department of Consumer Affairs (DCA) to waive any licensing renewal requirements in Division 2 of the Business and Professions Code and any accompanying regulations. Accordingly, on March 31, 2020, the DCA Director issued a temporary [Order Waiving License Renewal Requirements](#) for the boards listed in [Division 2 of the Business and Professions Code](#). The Director's [Order Waiving License Renewal Requirements](#) applies to individuals whose active licenses expire between March 31, 2020, and June 30, 2020. Licensees must satisfy any waived renewal requirements within six months of that Order, unless further extended.

In addition, cancellations of CVMA's July Pacific Veterinary Conference and the American Veterinary Medical Association's (AVMA) July/August Convention will likely impact licensees beyond June 30, 2020. DCA has stated that if the Governor's declared emergency continues, they will be looking at extending the issued waiver orders.

### **Examination Sites**

#### **AAVSB Closures**

The American Association of Veterinary State Boards (AAVSB) administers the Veterinary Technician National Examination (VTNE) to veterinary technician registration (RVT) candidates. In response to the delays caused by the VTNE testing site closures, AAVSB extended the examination window for the VTNE through June 30, 2020.

#### **PSI Closures**

PSI administers the California State Board Examination (CSBE) to veterinarian license candidates. The Board was notified on March 19, 2020, that PSI was temporarily closing testing centers nationwide. Please see the message from the PSI CEO related to these closures [here](#). The Board notified all stakeholders by posting the information on the Board's website and emailing the Board's subscribers. The Board has been working diligently with the Office of Professional Examination Services (OPES), testing vendors, and California veterinary schools to resolve COVID-19 related examination delays.

On April 10, 2020, PSI agreed to open five sites in California to CSBE candidates at limited capacity (maximum of eight candidates testing at a time on Tuesdays and Thursdays). Shortly thereafter, seven additional PSI sites were opened. In addition, 15 PSI locations nationwide were opened. In April, 119 candidates were able to take the CSBE. PSI opened additional owned and operated sites on Friday, May 1, 2020. From May 1 through May 10, 32 additional candidates were able to take the CSBE, and 76 candidates are scheduled to test later in May.

CSBE testing availability continues to be a very fluid process as states, cities, and counties determine whether they will be open for business. PSI anticipates the reopening of approximately 75% of their owned and operated network. The sites will be operating at 50% seat capacity due to social distancing requirements. Their third-party sites will come online over the next few weeks. To find a complete list of sites and anticipated opening dates, please click [here](#). PSI will be updating the list to reflect the latest status of these test centers and encourages candidates to check back regularly.

#### Prometric Closures

Prometric administers the examination for the North American Veterinary Licensing Examination (NAVLE). The International Council for Veterinary Assessment (ICVA) announced that the Prometric Testing Centers were also closing at the same time as PSI.

Prometric has deemed the ICVA an [essential program](#). As such, Prometric began reopening various testing sites nationwide on May 1. According to their website, "Prometric's goal is to continue to open sites when and where it is safe to do so in accordance with all local, state and federal regulations. Please note that the open status of these sites is contingent on numerous factors or guidelines." For a complete list of opened testing sites, please click [here](#). Prometric updates its list daily to reflect any changes in status.

#### Fourth Year Students

The Board recognizes the inherent anxiety fourth-year veterinary college students and recent graduates experience during normal circumstances. Studying for the CSBE and meeting the remaining requirements to become a California licensed veterinarian and start their careers can be stressful, but the COVID-19 impacts has undoubtedly increased student anxiety.

Board staff and the California veterinary schools have been in regular communication to assist students as timely as possible. In addition, the Board launched a student information page specifically for fourth-year veterinary college students and graduates to provide the most updated information regarding their ability to become a California licensed veterinarian. [This](#) page can easily be found on the Board's website next to the Board's Processing Timelines.

#### Electronic Transcripts

To streamline the licensing process for new graduates, Board staff worked with Western University and UC Davis to develop a method for transcripts to be electronically transferred to Board staff through DCA's secure portal. It typically takes up to two weeks for mailing and processing through DCA's mail room to the Board. The time for mailing and processing is eliminated when transcripts are uploaded to the secure portal. It also reduces the amount of mail processed by the Board's receptionist, allowing her to concentrate on incoming calls.

#### California Temporary License Curriculum (CaTLC)

The CaTLC is required to be completed for out-of-state licensees to become licensed in California (Business and Professions Code (BPC) section [4848\(b\)\(5\)](#)) and is only offered twice a year; Western University offers the course in the Spring in Southern California, and CVMA offers it in the Fall in Northern California. The Board issues temporary licenses to out-of-state applicants for one year while they wait to complete the CaTLC (BPC section [4848\(c\)](#)). Specific requirements for the curriculum are outlined in California Code of Regulations (CCR) section [2021.3](#), and include the requirement that the curriculum be presented "face-to-face."

Due to the stay at home orders issued throughout the state, the Western University, College of Veterinary Medicine postponed its CaTLC, which was scheduled for March 18-20, 2020. With the cancellation of the March 18-20, 2020 CaTLC, many temporary licenses were going to expire through no fault of the temporary licensees. BPC section 4848, subdivision (e), allows the Board to extend the expiration date of a temporary license “for not more than one year for reasons of health, military service, or undue hardship.” The statute mandates that temporary licensees apply “on a form provided by the board.” However, no such form existed. Board staff worked quickly with legal counsel to create the form and distributed it to those impacted.

Western University is attempting to reschedule the course; however, it remains uncertain when they will be able to provide the curriculum in its current form. Western University requested the ability to provide the curriculum via a video platform, but they are unable to do so due to the “face-to-face” requirement outlined in CCR section 2021.3, subsection (a).

The Board only has authority to extend temporary licenses for up to one year, and the CaTLC must be completed for permanent veterinarian licensure.

To address the inability of temporary licensees to obtain face-to-face CaTLC, the Board may wish to consider requesting a temporary waiver of the “face-to-face” requirement in CCR section 2021.3, subdivision (a), to allow the CaTLC to be presented via video platform. By allowing temporary licensees the ability to complete the CaTLC requirements by video, these temporary licensees would have the ability to complete the permanent licensure requirements within the statutory timeframe and provide increased access of consumers and their animals to fully licensed veterinarians.

Under [Executive Order N-39-20](#), the DCA director recently waved similar “face-to-face” requirements for other licensed professions (see list of waivers [here](#)).

- **Action Requested:**

Please discuss whether “face-to-face” presentation of the CaTLC is necessary in light of the current pandemic and consider directing the Board’s Executive Officer to submit a request to the DCA Director to temporarily waive the “face-to-face” requirement of presenting CaTLC in CCR section 2021.3, subsection (a).

### **Practice Related Questions During COVID-19**

The Board does not provide legal advice on veterinary practice or standard of care issues. However, due to the significant amount of inquiry from stakeholders seeking guidance during this time, the Board wanted to provide licensees and the public with helpful resources. To provide pertinent information in an expeditious manner, the Board began sharing third-party resources on the Board’s website and disseminating the information to the Board’s email subscribers.<sup>1</sup> The Board has shared the following links:

- [COVID-19: What Veterinarians Need to Know](#), AVMA
- [COVID-19 Updates](#), CVMA
- [Guidance Relating to Non-Discrimination in Medical Treatment for Novel Coronavirus 2019 \(COVID-19\)](#), California Department of Public Health (CDPH)

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<sup>1</sup> Since the Board has no control over the content or subsequent revisions of the information in those resources, the Board uses a standard disclaimer to make clear the Board is not endorsing the information contained therein. Accordingly, the disclaimers are not intended to advise the public that the Board disagrees with any interpretations of the law by those third-parties.

- [COVID-19 Guidance for Veterinary Practices](#), CDPH

The Board also posted the following statement regarding essential vs. non-essential services:

#### Essential versus Non-Essential Services

On March 19, 2020, Governor Newsom issued Executive Order N-33-20. This Executive Order provided a stay at home order for the citizens of California, except as needed to maintain continuity of operations of the federal critical infrastructure sectors. The Executive Order referred to the Cybersecurity & Infrastructure Security Agency, which provides guidance regarding the identification of essential critical infrastructure workers. Please utilize this document when determining whether your business provides **essential or non-essential services and whether you should remain open**. [That document can be found here](#).

#### **State Funds, Board Budget Change Proposals (BCPs), and Immediate Cost Savings**

Due to the COVID-19 crisis, the state anticipates a severe drop in economic activity resulting in a significant decrease in state revenues, necessitating the need for immediate action.

On March 24, the Department of Finance (DOF) issued [Budget Letter 20-08](#), which revised previously released processes for the approval of budget change requests. Due to the COVID-19 crisis, DOF reevaluated all budget changes within the context of a “workload budget” as defined in Government Code section 13308.05. Budget changes being reevaluated include all proposed Spring Finance Letter requests, potential adjustments for the May Revision, and BCPs previously approved and incorporated in the Governor’s Budget.

In response, the Board was asked to explore possible alternatives to the Board’s current BCP for 6.0 enforcement positions. As members know, the current BCP was already cut back to limited term positions (as that was all the Board’s Fund could support at the time), and our enforcement team has already made substantive process changes in order to be as efficient as possible with existing resources. Regardless of the efficiencies, the sheer volume of disciplinary cases remains unmanageable. As such, no alternatives to the BCP were provided to DOF. The Board will not know if the BCPs will be re-approved until the May revise is published on May 14, 2020.

On April 30, 2020, DOF issued [Budget Letter 20-11](#) that directs all agencies and departments under the direct authority of the Governor to take immediate action to reduce current year expenditures. Immediate actions include halting the purchase of any new goods or services unless necessary to combat COVID-19 or to support teleworking.

The DOF Budget Letter also enforces the continued cancellation of all non-essential travel and has canceled the annual leave buy-back program for Fiscal Year 2019-20. Additionally, it directs departments to use discretion when filling vacancies and assessing staff needs to focus on filling essential positions. All approved purchases, hiring, and exemptions to this directive must be reported each week to the Governor’s Office, starting May 8, 2020. While all programs under the Department of Consumer Affairs (DCA) are special funded (100% funded by license fees), the DCA programs are still under the Governor’s authority and are directed to find immediate cost savings.

During the last recession in 2008, the state faced a roughly \$40 billion deficit. Special fund programs, whose funds could support it, provided loans to the General Fund. While general

funded programs, such as the Department of Corrections and Rehabilitation, were forced to make massive layoffs, special funded programs were furloughed, and a hiring freeze was implemented.

DOF has now estimated a \$54.3 billion budget deficit due to the COVID-19 economic impact. As such, Board spending will likely be restricted far after the stay at home orders are lifted.

### **Remaining 2020 Board Meetings**

Given the current state of the economy, boards are encouraged to seriously consider the method of board meetings going forward. A Board/MDC meeting in Sacramento costs roughly \$7,000 for travel. A Southern California meeting costs roughly \$15,000 for travel, and a meeting in Fresno is estimated to cost \$11,000 for travel.

Prior to the COVID-19 pandemic, Board staff anticipated holding the July meeting in Southern California and the October meeting at the Fresno Zoo. Given the current circumstances, Board staff highly recommends holding the July meeting via WebEx. The Board may also want to reconsider the October meeting location. The Board should also consider the significant increase in public participation that has occurred during the virtual meetings.

- **Action Requested**

Please discuss/consider how/where the remaining 2020 Board meetings should take place.

### **Office of Administrative Hearings (OAH)**

On March 20, 2020, OAH issued General Orders closing all hearing rooms, except for Interim and Temporary Suspension Order hearings. All other hearings were continued. While the initial General Orders applied through April 16, 2020, hearing locations are now closed “until further notice.”

The following information is taken from OAH's [website](#):

#### **Alert-Impact of COVID-19 on General Jurisdiction Division**

Effective immediately, in response to the pandemic caused by the coronavirus and declared local, state, and federal emergency orders, the following will apply concerning cases in the General Jurisdiction Division of the Office of Administrative Hearings (OAH).

Absent extraordinary circumstances, until further notice, all hearing rooms at OAH facilities are closed and no in-person hearings will take place unless specifically ordered by OAH.

Absent further order or notice from OAH, all presently scheduled hearings, pre-hearing conferences, settlement conferences, mediations, and other calendared events will remain **on calendar**.

OAH will implement technology, when possible, to permit hearings, pre-hearing conferences, settlement conferences, and mediations to be conducted by telephone or by video conference. Any party may file a request with OAH to convert a currently calendared event to telephone or video conference. OAH encourages the parties to meet and confer and attempt to stipulate to telephone or video conference events, and to notify OAH. OAH will notify parties in writing that a scheduled event will proceed by telephone or video conference.

Hearings and other events may be held in-person if: (1) an Administrative Law Judge determines there is a critical need for an in-person event; and (2) the proceeding can be conducted while providing sufficient social distancing and other public health protections to comply with state and local government public health guidelines.

Hearings on Interim and Temporary Suspension Orders will be held by telephone, with any exhibits filed electronically via OAH's Secure e-File system.

Department of Corrections KEYHEA program hearings will be held by telephone. Department of State Hospitals hearings will be held by telephone or video conference.

### **Petition Hearings**

The Board currently has five petition hearings for consideration. If the Board holds the July meeting via virtual means, the Board may want to consider hearing the petitions using OAH's video conferencing capabilities.

- **Action Requested:**

Please discuss whether the Board would like to hold petition hearings through OAH's video conferencing capabilities. If the Board chooses this option, please decide if the Board would like to hold the petition hearings on the second day of the Board meeting or if the Board would like to conduct them on a separate day(s).

### **AAVSB Annual Meeting and Restricted Travel**

As part of the current travel restrictions, the Board is not approved to attend the AAVSB annual meeting in September. AAVSB recently sent a survey to all member boards inquiring about state travel restrictions and ability to attend the annual meeting. Anticipating many states may have travel restrictions, AAVSB is exploring the feasibility of holding the meeting virtually. Board staff will provide updates on this as they are available.