

## TELECONFERENCE MEETING MINUTES VETERINARY MEDICAL BOARD

Pursuant to Governor Gavin Newsom's Executive Order [N-29-20](#), issued on March 17, 2020, the Veterinary Medical Board (Board) met via teleconference/WebEx Events with no physical public locations on **Thursday, July 23, and July 24, 2020.**

**9:00 a.m., Thursday, July 23, 2020**

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

Dr. Jaymie Noland called the Board meeting to order at 9:00 a.m. Executive Officer Jessica Sieferman called roll; eight members of the Board were present, and a quorum was established.

#### Board Members Present

Jaymie Noland, Doctor of Veterinary Medicine (DVM), President  
Kathy Bowler, Public Member, Vice President  
Christina Bradbury, DVM  
Jennifer Loreda, Registered Veterinary Technician (RVT)  
Mark Nunez, DVM  
Dianne Prado, Public Member  
Cheryl Waterhouse, DVM  
Alana Yanez, Public Member

#### Staff Present

Jessica Sieferman, Executive Officer  
Timothy Rodda, Administration/Licensing Manager  
Patty Rodriguez, Hospital Inspection Program Manager  
Robert Stephanopoulos, Enforcement Manager  
Virginia Gerard, Probation Monitor  
Terry Perry, Enforcement Technician  
Justin Sotelo, Lead Administrative & Policy Analyst  
Karen Halbo, Regulatory Counsel, Department of Consumer Affairs (DCA)  
Tara Welch, Board Counsel, DCA

#### Guests Present

Kenn Altine, Chief Executive Officer, Sacramento Society for the Prevention of Cruelty to Animals (Sacramento SPCA)  
Michelle Angus, DCA, Legal Affairs Division  
Loren Breen, Animal Policy Group  
Chris Chung  
Malcolm Clark  
Brian Cronin, Chief of Animal Care and Control, San Bernardino County  
Bikram Dhaliwal, DCA, Budget Office  
Ryan Dowling, International Longshore and Warehouse Union (ILWU)  
Nancy Ehrlich, RVT, California Veterinary Technicians Association (CaRVTA)  
Jennifer Fearing, President, Fearless Advocacy, Inc.  
Valerie Fenstermaker, California Veterinary Medical Association (CVMA)

Carrie Holmes, Deputy Director of Board and Bureau Relations, DCA  
Anita Levy Hudson, RVT, CaRVTA  
Kate Hurley, DVM, Director, University of California, Davis (UC Davis), Koret Shelter Medicine Program  
Lane Johnson, DVM  
Katy (no last name provided)  
Brandy Kuentzel, San Francisco SPCA  
Karen Lange, Lobbyist, CalAnimals; California Animal Welfare Association (CAWA)  
Grant Miller, DVM, CVMA  
John Pascoe, DVM, UC Davis  
Kristi Pawlowski, RVT, Board Multidisciplinary Advisory Committee (MDC)  
Ryan Perez, Business Analytics Manager, DCA  
Jamie Peyton, DVM  
Susan Riggs, American Society for the Prevention of Cruelty to Animals (ASPCA)  
Melanie Sadek, Executive Director, Valley Humane Society  
Kenny Sanders  
Cindy Savely, Sacramento Valley Veterinary Technician Association (SVVTA)  
Leah Shufelt, RVT, MDC  
Carl Sonne, Senior Assistant Attorney General, Office of the Attorney General, Department of Justice (DOJ)  
Richard Sullivan, DVM, MDC  
Jill Tucker, CEO, CAWA  
Cesar Victoria, Television Specialist, DCA  
Nicole Wordelman, Legislative Advocate, Precision Advocacy  
Scott Young

## **2. Introductions**

*There were no introductions.*

## **3. Public Comment on Items Not on the Agenda**

Chris Chung indicated that he wanted to file a complaint with the Board. He stated that he was sure the Board was aware of the backlog with staff. He explained that he has been dealing with a complaint he filed with the Board, as a result of his animal passing away due to being given 44 units of insulin prescribed by a veterinarian. He stated that this was the result of the veterinarian making an error with the dog's weight. He explained that he filed his complaint over two years ago and that he has been told the same thing over and over again – there is a severe backlog, and his complaint will be processed in the order it was received. Mr. Chung stated that he did not understand why there is such a severe backlog. He added that he is frustrated because he asked for help to protect consumers, and the veterinarian is still providing services years later. He stated that he wants to see veterinarians held to professional standards and cases to be reviewed more quickly so that consumers and animals are protected.

Nancy Ehrlich, RVT, CaRVTA, indicated that she wanted to bring an issue to the Board's attention that she had mentioned before – that foreign graduate RVTs have no way of becoming licensed in California at this time. She discussed an excellent candidate who was the graduate of a four-year RVT program in England. She stated that she does not understand why the Board is reluctant to act on Business and Professions Code Section (BPC) 4841.5, subdivision (b), which gives the Board the authority to determine equivalent education. She explained that it would be no different than looking at an alternate route application, and that it would be simpler

than looking at an alternate route application. She asked the Board to reconsider looking at foreign graduate applications, particularly people who come from English speaking countries.

Katy (no last name provided) indicated that she has been in the industry for about 10 years and has worked in specialty practice. She stated that she was bringing the issue of staffing to patient ratio to the Board's attention. She explained that hospitals have cut down their staff hours, but they are still seeing many patients. She stated they are so busy with the influx of patients and that it is unreasonable. She noted they are turning away patients because they are at capacity. She asked if the Board could set a standard for staffing to patient ratios, so that technical staff are not affected and patients are not denied the quality care they need.

Ryan Dowling, of ILWU, indicated they represent workers along the West Coast. He stated that he wanted to echo the previous comments and noted that understaffing is an issue in the industry. He read written comments from staff who shared specific issues and experiences due to understaffing. He asked if the Board could set standards for general and specialty practices, as employers seem to prioritize the volume of patients coming through the door over workers and quality of care.

#### **4. Review and Approval of Board Meeting Minutes**

##### **A. January 30-31, 2020**

The Board reviewed the January 30-31, 2020 meeting minutes.

Ms. Kathy Bowler asked if there was a staff response to Dr. Pascoe's comments (page 2) at the January 30, 2020 Board meeting. Ms. Siefertman indicated the Board could approve the minutes with the caveat that staff would confirm whether there was a response and add additional information to the minutes, if necessary.

- Dr. Mark Nunez moved and Ms. Kathy Bowler seconded the motion to approve the January 30-31, 2020 meeting minutes, with the caveat that staff would confirm whether there was a response to Dr. Pascoe's comments and add additional information to the minutes, if necessary. The motion carried 7-0-1, with Ms. Jennifer Loreda abstaining.

*Staff confirmed there was no response to Dr. Pascoe's comments at the January 30, 2020 Board meeting. Therefore, the minutes were not amended.*

##### **B. April 23, 2020**

The Board reviewed the April 23, 2020 meeting minutes.

- Dr. Mark Nunez moved and Ms. Kathy Bowler seconded the motion to approve the April 23, 2020 meeting minutes. The motion carried 8-0.

##### **C. May 14, 2020**

The Board reviewed the May 14, 2020 meeting minutes and made a minor change to page 9 (struck "to be appropriate" from Ms. Bowler's statement due to redundancy).

- Dr. Mark Nunez moved and Dr. Jaymie Noland seconded the motion to approve the May 14, 2020 meeting minutes, as amended. The motion carried 7-0-1, with Dr. Christina Bradbury abstaining.

**D. June 4, 2020**

The Board reviewed the June 4, 2020 meeting minutes.

- Ms. Kathy Bowler moved and Dr. Cheryl Waterhouse seconded the motion to approve the June 4, 2020 meeting minutes. The motion carried 7-0-1, with Ms. Jennifer Loredo abstaining.

**E. July 2, 2020**

The Board reviewed the July 2, 2020 meeting minutes.

- Dr. Mark Nunez moved and Ms. Kathy Bowler seconded the motion to approve the July 2, 2020 meeting minutes. The motion carried 7-0-1, with Ms. Alana Yanez abstaining.

**5. Report and Update from Department of Consumer Affairs**

Ms. Carrie Holmes, Deputy Director for DCA's Board and Bureau Relations, provided a report and update to the Board. She indicated that she was just appointed by Governor Gavin Newsom and began her new position on June 1, 2020. She noted that she recently came from the Senate, where she was the Legislative Director for Senator Jim Beall. Prior to that, she shared that she was an Assistant Deputy Secretary for the Secretary of State's Office. She stated that she has always been passionate about consumer protection, and was therefore happy to now be at DCA. She explained that she was part of a new leadership team: in January, Lourdes Castro Ramirez was appointed as Secretary of the Business, Consumer Services and Housing Agency (Agency); in March, Jennifer Simoes was appointed as Deputy Director of DCA's Legislative Affairs Division; and, in April, Christine Lally was appointed as Chief Deputy Director of DCA's Executive Division.

Ms. Holmes stated that COVID-19 has altered the way DCA does business and the way it will do business in the future. She explained that DCA temporarily closed all offices to the public in March in response to state and local stay at home orders. She added that DCA and all boards and bureaus have implemented telework plans and have required physical distancing for those employees who cannot telework. She stated that licensing and enforcement functions at the boards and bureaus are continuing to take place, although many functions are done remotely. She reported that after following a risk assessment and implementation of a COVID-19 prevention plan, DCA offices reopened to the public on June 15, 2020. She noted the Board had a few staff working on contact tracing and thanked the Board for that.

Ms. Holmes shared that she was impressed to hear the Board, in addition to continuing basic functions, was working towards better service and efficiency by working with DCA's Organizational Improvement Office (OIO) to look at licensing, enforcement, and inspections processes. She reiterated that Director Kim Kirchmeyer is committed to improving regulation processes and timelines. She added that now that Ms. Kirchmeyer has more of her team in place, she will be able to devote even more time to this priority. She explained that the DCA Regulations Unit was created to directly assist boards and bureaus with regulation packages.

She also stated that DCA developed an online system called Cherwell to electronically manage and track regulation packages and streamline review. She stated the Cherwell testing with the pilot cohort has been completed, and there will be regular check-ins with the pilot group to get feedback, which will be evaluated to determine the next stages of the rollout plan.

Ms. Holmes also reported that DCA has been busy issuing waivers needed to maintain the license workforce during COVID-19. She shared that, to date, DCA has issued 36 waivers ranging from continuing education, telehealth requirements, and licensure reinstatements. She asked that the Board look at the existing waivers and changes that have affected the Board and licensees and think about what might be helpful to keep in the long run. She explained that DCA is looking at identifying areas where changes could be made on an ongoing basis.

She concluded that she looks forward to getting to know the Board and its programs better. She added that if the Board had any questions or needed anything to not hesitate to reach out. She thanked the Board for inviting her to the meeting.

Dr. Noland welcomed and thanked Ms. Holmes for joining the meeting

Dr. Nunez congratulated Ms. Holmes for her appointment. He asked if there was a timeline for how long staff will be involved with contact tracing. Ms. Siefertman stated that she was told it would be for six to nine months.

**6. Review, Discussion, and Possible Action of Multidisciplinary Advisory Committee (MDC) Report – Kristi Pawlowski, RVT, Vice Chair, MDC**

**A. Overview of July 22, 2020 MDC Meeting**

Ms. Pawlowski reported on the July 22, 2020 MDC meeting. She stated the MDC discussed the tiered premises registration, which had also been discussed at the previous meeting. She reported that a survey was developed and sent to the Board's managing licensee (MGL) email list. The MDC hopes to get a representation back from over 3,000 emails that the Board has on file. She explained that their hope is to gather enough data to better evaluate what type of tiered structure for premises permits can generate \$1 million, which would help reduce some of the RVT licensing fees. She added that, by October, they will know whether they will need to continue the survey or consider other avenues of gathering data, including sending the survey through the premises permit renewals in May.

Ms. Pawlowski then reported on future MDC agenda items discussed, which included: continuation of cannabis guidelines; continuation of the complaint audit process with more defined purpose; telemedicine; dental radiography; nurse initiative monitoring; approving RVT applicants from other countries (specifically those who have graduated from four-year colleges); the number of premises an MGL can hold; and the VCPR (i.e., is it the relationship between the hospital or the veterinarian?; follow up care; how it relates to telemedicine; can the VCPR be transferred among veterinarians at a hospital?).

Dr. Nunez agreed that all of the future agenda items mentioned are important to address. Regarding the VCPR, Dr. Nunez clarified that there are provisions for the VCPR to be extended to other veterinarians in the practice. However, he stated that with more and more telemedicine happening now, the Board should look at whether the VCPR can be transferred virtually, when a veterinarian is not physically present at the hospital. He explained that a lot of practices are now utilizing phone services that allow clients to call a hospital after hours and talk to a veterinarian,

who may not be part of the practice. He stated that this is an important topic that needs to be discussed.

Regarding RVT applicants from other countries, Dr. Nunez asked if this was more of a national issue. Ms. Sieferman stated that with regard to Ms. Ehrlich's point, the statute allows the Board to approve what they deem is equivalent; and the Board would be able to write regulations to deem other education and experience equivalent. She stated that she believes that is what Ms. Ehrlich is requesting the MDC or Board to do.

Dr. Bradbury stated that in reviewing the regulations, it seems like the path for foreign RVT applicants may already exist. Ms. Sieferman indicated the Board may want to seek further clarification from Ms. Ehrlich and that the MDC could also further research to determine if additional changes need to be made. Ms. Pawlowski agreed that the MDC needs to make sure that the regulations clearly allow the Board to accept these applicants.

Ms. Bowler stated that, on behalf of the Board, she wanted to thank Jeff Pollard, DVM, for all of the great work he has done. She also thanked Ms. Pawlowski.

Ms. Pawlowski acknowledged that Dr. Pollard has done an incredible amount of work and thanked him for chairing the MDC.

Ms. Sieferman indicated that Ms. Pawlowski was elected as the new Chair of the MDC and Kevin Lazarcheff, DVM, was elected as the new Vice-Chair.

Dr. Noland echoed Ms. Pawlowski's statements, indicated how grateful the Board is for Dr. Pollard's leadership, and welcomed Ms. Pawlowski and Dr. Lazarcheff to their new roles on the MDC.

Ms. Ehrlich clarified her suggestion regarding foreign graduate RVTs. She clarified that the Board currently has the authority under BPC section 4841.5 to determine equivalent education from a two-year approved RVT school. She explained that because of this statute, the Board created the alternate route. However, she stated that a foreign graduate RVT does not qualify for the alternate route because of the requirement of 4,416 hours of work under the supervision of a licensed California veterinarian. Ms. Ehrlich again encouraged the Board to review the possibility of using the statutory authority to recognize foreign graduates.

Dr. Noland thanked Ms. Pawlowski for her report.

#### **7. \*Interviews, Discussion, and Possible Appointment to Fill Vacant Veterinarian and Registered Veterinary Technician (RVT) MDC Positions**

*The Board conducted interviews to fill two vacant positions on the MDC - one veterinarian position and one RVT position. Prior to the meeting, the Board's Executive Committee conducted preliminary interviews and selected the following candidates for the Board's consideration:*

- Anita Levy Hudson, RVT, Registration No. [7353](#)
- Leah Shufelt, RVT, Registration No. [6284](#)
- Lane Johnson, DVM, License No. [7228](#)
- Jamie Peyton, DVM, License No. [17492](#)

*At the conclusion of the interviews, the following motions and appointments were made:*

- Dr. Cheryl Waterhouse moved and Ms. Alana Yanez seconded a motion to reappoint Ms. Leah Shufelt to the MDC to fill the RVT position. The motion carried 8-0.
- Dr. Cheryl Waterhouse moved and Dr. Christina Bradbury seconded a motion to appoint Dr. Jamie Peyton to the MDC to fill the veterinarian position. The motion carried 7-0. (Ms. Alana Yanez was absent for the vote)

## **8. Update, Discussion, and Possible Action on 2019-2020 Legislation**

### **A. Assembly Bill (AB) 2028 (Aguiar-Curry, 2020) State agencies: meetings**

Ms. Sieferman reported that AB 2028 was amended on July 8, 2020. She explained that this was the legislation that requires that board meeting materials be posted to websites no later than 48 hours prior to a meeting. She stated the Board took an oppose, unless amended position on the bill. However, she explained that shortly after that, the bill was amended again and addressed only one of the Board's concerns related to requiring that all materials stay up indefinitely – that was struck from the bill. She stated the remaining concerns, however, are still present. She indicated that she spoke with the staffer of the bill and explained the concerns that the Board had. The individual indicated they would take the concerns back to the sponsor of the bill, the nursing association. Ms. Sieferman added the staffer explained their main goal is to make sure that the public has access to all of the information the Board members have when making decisions. Ms. Sieferman stated that she explained that sometimes the Board is given materials from the public or other state agencies within that 48 hours or during the Board meeting. She explained that another consideration would be to post those materials 48 hours following the board meeting, so the public still has access to the materials and a board would not be prohibited from discussing these materials. Ms. Sieferman also mentioned that they are continuing to look at Americans with Disabilities compliance issues.

Ms. Sieferman stated that she does not know if the Board's suggested amendments will be accepted, but that she would continue to provide the Board with updates on the bill.

Dr. Noland asked Ms. Sieferman if she was aware of any other boards taking positions on this bill. Ms. Sieferman stated that the Board of Behavioral Sciences originally took a position, but then took a neutral position. She added that she was not aware of any other boards taking a position on this bill.

### **B. Senate Bill (SB) SB 627 (Galqiani, 2019) Cannabis and cannabis products: medicinal use on an animal: veterinary medicine**

Ms. Sieferman reported that this bill had not moved, had not been amended, and a hearing date had not been set. She added that staff will continue to monitor the bill and provide updates to the Board.

### **C. SB 1115 (Wilk, 2020) Commercial blood banks for animals: animal blood donors**

Ms. Sieferman reported that the Board submitted its letter of concern to the author's office and the sponsor. She stated that she had been working with Judie Mancuso to address the concerns that the Board had raised. She explained the bill was taken off of the legislative

committee hearing calendar, so there had been discussion about the bill being dead this year. However, she stated that the author's office is still trying to get a hearing set for the bill. She added that she will continue to provide updates to the Board, as they are available.

**D. SB 1347 (Galgiani, 2020) Veterinary medicine: authorized care and registration**

Ms. Sieferman shared proposed amendments to the bill that could be published by the time of the upcoming hearing. She explained that the proposed amendments added some intent language to look at the oversight of shelters during the Board's next Sunset Review and also addressed concerns related to first aid and training.

Ms. Dianne Prado reiterated her support for SB 1347. She discussed the importance of this bill with regard to rural shelters.

Ms. Loredo indicated that she has been the most vocal about this bill. She stated that the bill is not in the best interest of animals and staff and that it was not written by the people who do the hands-on work. She stated that she cannot support this bill and that she has seen many horror stories. She added that all animals deserve proper care. She explained that rural communities need help, but this bill is not the solution.

Ms. Bowler stated that she understood both sides of this legislation, but the recent heated rhetoric had troubled her. She indicated that both sides have had the best intentions. She also stated that she appreciated some of the recent amendments to the legislation. She added that she also wants to do the best for animals.

Dr. Bradbury asked if the existing language was passed, what recourse would a consumer have if there was a problem at a shelter. Ms. Sieferman explained that cities and counties do not have authority over the Board's Practice Act; further, the legislation is providing an exception to license requirements, so the Board would not be able to do anything if the provisions were not followed.

Board Counsel Tara Welch explained the difference between the latest proposed amendments shown to the Board versus CVMA's proposed amendments.

Dr. Waterhouse stated that she was still in agreement with Ms. Loredo and that she was disappointed that the CVMA amendments were ignored. She added that perhaps a greatly reduced or free modified premises permit might help the situation. She also asked if the proposed training was for the facility as a whole or for each individual.

Dr. Nunez indicated that he felt the Board needed to work with what is in front of them, and to address oversight and recourse.

Dr. Bradbury stated that she wanted it to be known that the Board is not trying to control things for the sake of controlling things, but instead is trying to protect consumers, animals, and staff. She added that a free modified premises permit might be a good solution. She also stated that she agreed with Dr. Nunez that it would be in everyone's best interest if we could bridge the gap between both sides.

Jennifer Fearing, on behalf of the San Diego Humane Society and Best Friends Animal Society, stated that many shelters are unable to hire or find a veterinarian who is willing to accept the professional liability of maintaining a premises permit for their facility. She added that many



shelters face several obstacles. She urged the Board to drop its oppose, unless amended position and work with stakeholders to advocate for resources.

Ms. Ehrlich indicated that she was very surprised that no one has mentioned RVTs. She stated there needs to be an amendment that says that proper training means a person is an RVT or has this training.

Ken Altine, CEO of the Sacramento SPCA, stated that his primary concern is with small counties that cannot find a veterinarian who is willing to accept the liability.

Melanie Sadek, Executive Director of Valley Humane Society, stated that California public shelters are experiencing significant budget cuts due to COVID-19-related challenges, and it is uncertain how long this will last. She added that SB 1347 codifies existing shelter practices. She asked the Board to consider pulling its opposition and support SB 1347, as written.

Valerie Fenstermaker, CVMA, stated they remain strongly opposed to the bill and that it is a step backwards for shelter animals in California. She added that there is no inspection or enforcement authority by the Board. She also stated that CVMA worked hard on the proposed amendments, and they were rejected.

Brian Cronin, Chief of Animal Care and Control, San Bernardino County, stated that while the CVMA amendments appear to provide greater protection for animals, many jurisdictions would be required to reduce services. He also added that euthanasia will increase, which goes against the Governor's intent. He requested that the Board support SB 1347 in its current form.

Dr. Kate Hurley, Director of the UC Davis Koret Shelter Medicine Program, shared that she was part of the original group that created the FAQ on the Board's website. She stated that she felt the FAQ did an elegant and effective job of addressing the dilemma that there are shelters that are unable to retain veterinary services. She added that she felt SB 1347 would codify the FAQ that has served us well for over a decade.

Brandy Kuentzel, San Francisco SPCA, stated that they support SB 1347 and that a premises-like approach does not address the issue. She stated they respectfully request the Board pull its opposition.

Susan Riggs, ASPCA, indicated that she was speaking in support of SB 1347. She stated that she wanted to echo the previous comments and urged the Board to drop its opposition and work with the sponsor, in the spirit of collaboration, to find a win-win solution and to avoid unintended consequences.

Dr. Richard Sullivan, former Board member and current member of the MDC, stated that CVMA's proposed amendments provide the avenue to get beyond this and work with the smaller communities in getting the oversight that protects the public.

Dr. Noland thanked all members of the public for providing their comments and opinions. She also stated that she appreciated the intent behind the bill and that the parties need to continue to work together to come up with alternatives or compromises that protect the public, but also enable shelters to do the very best they can do.

Dr. Nunez asked if a new motion was required if the Board maintained its previous position (oppose, unless amended). Ms. Sieferman indicated that another motion would not be required if that were the case.

Dr. Waterhouse indicated that the Board has come a long way, and there still is a middle ground that both sides can be happy with; it just needs more work.

Dr. Bradbury asked if it would be more useful to support the bill, if amended, so that it would open up dialogue even more. Dr. Waterhouse stated that if you take a support, if amended position, all they see is support.

Dr. Noland thanked members of the public again for being present and stated that the Board strongly supports the idea of continuing a dialogue and working together to find a compromise that is helpful to everyone. But she added that, ultimately, the Board needs to look at this issue from a consumer protection standpoint.

## **9. Update, Discussion, and Possible Action on Proposed Regulations**

### **A. Status Update on Pending Regulations**

Justin Sotelo provided a status update on the Board's pending regulations. He indicated that the update included changes in the status of rulemaking packages since January 2020. He reported the Board currently has 19 rulemaking packages that are pending the regulatory process; 10 packages are in various stages of the initial or final phase of the process, and nine are pending Board approval or further development from staff before submission. Mr. Sotelo provided a specific update on each package, discussing all steps that had occurred since January 2020.

Dr. Nunez asked how Cherwell will assist the Board. Mr. Sotelo indicated that Cherwell is currently in the pilot phase and that the Board has not been able to utilize the program yet. However, he explained that Cherwell will allow for better communication between the various offices that review and work on the packages.

Ms. Sieferman stated that she believed Cherwell would be available in a matter of months. She added that it will really help the Board with tracking packages and providing future reports to the Board. She also indicated that working with the Regulations Unit and the Board's dedicated Regulatory Counsel will help a lot as well.

Ms. Welch also clarified that Cherwell will be where all of the regulatory documents are maintained. Additionally, she stated that staff will no longer have to prepare physical binders for the rulemaking packages and have to route them through the various offices at DCA. She added that Cherwell will also help the Board know where the packages are in the review process. She also mentioned there will be version control with the documents, and everyone will have direct access to the most recent versions of documents.

Dr. Bradbury indicated that the status update documents were easier to follow and thanked Mr. Sotelo for his work.

### **B. Section 2036, Article 4, Division 20, Title 16 of the CCR Regarding Animal Health Care Tasks for RVT**

Mr. Sotelo stated that the Board was being provided with Modified Text for consideration and approval. He indicated the RVT Job Tasks rulemaking package was moving through the review process, and the 45-day comment period ended on July 20, 2020. However, he explained that Modified Text would be required to align language with the Drug Compounding regulatory language that was approved by the Board in January 2020.

Ms. Welch explained that the drug compounding revisions from January addressed the new FDA guidance that tweaked the ability of RVTs to compound drugs. She stated that under that FDA guidance, it specifically states that RVTs should only be able to compound drugs as long as they are not the bulk substances. More specifically, she explained that CCR section 2090, subsection (b) would limit compounding from bulk substances to be performed by RVTs only under the direct supervision of a veterinarian. She stated the RVT Job Tasks language needs to reflect that limitation. She concluded that the two rulemaking packages were being conformed, as they make their way through the review process.

- Dr. Mark Nunez moved and Dr. Cheryl Waterhouse seconded a motion to approve the proposed modified text for a 15-day comment period and, if there are no adverse comments received during that 15-day public comment period, delegate to the Executive Officer the authority to adopt the proposed regulatory changes, as modified, and also delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file. The motion carried 7-0 (Ms. Alana Yanez was absent for the vote).

**C. Section 2068.5, Article 6, Division 20, Title 16 of the CCR Regarding RVT Practical Experience and Education as Equivalent Curriculum**

Ms. Siefertman stated that the proposed modified language before the Board for consideration was for CCR section 2068.5. She explained the original package had already been approved by the Board and had been through the initial review phase with DCA and was approved to submit for public comment. However, she stated there were a couple of modifications that she felt were necessary for the Board to consider. She explained that instead of noticing the language for 45 days, bringing it back to the Board, and then noticing it for another 15 days, she thought this would be less confusing to the public. She explained that there was one minor readjustment to the language due to a request from Agency for clarity. She went on to explain the more substantive changes to be considered by the Board; she stated they were related to experience and education that an RVT applicant must complete for alternate route. She explained that currently, the experience and education is only good for five years and essentially expires. Additionally, she stated that the education cannot be completed in less than 24 months. Ms. Siefertman explained the five-year requirement was put in place to ensure the RVT applicant has current education and experience. She stated, however, this is a unique requirement and not something that is done for veterinarian applicants – their education and experience does not expire. She indicated that she would like the Board to reconsider whether this is necessary for consumer protection. She also stated the 24-month requirement does not apply to any other applicants and that today, it is possible for students to complete the necessary education in less than 24 months. Ms. Siefertman also explained that the expiration of education and experience was also a burden on staff because they have to constantly go back and re-evaluate applicants when education and experience expires.

Ms. Loreda stated that she agreed with the modifications, as they remove restrictions and barriers to licensure. She thanked Ms. Siefertman for providing these proposed modifications.

Ms. Bowler inquired about the reference to the California veterinary technician examination in the regulations given that fact that California no longer requires it. Ms. Welch stated that she recommended that the language remain in the regulations because the statute references the examination and this provides the Board the ability to reinstate the state exam if at some point in the future it is necessary again.

Dr. Waterhouse asked if perhaps a different time limit should be considered, as opposed to no time limit. Ms. Loreda stated that she believed there should be no time limit. She explained that things do change with regard to education, but the hands-on skills can come back to you and do not go away.

Dr. Nunez stated that he agreed with eliminating the 24-month requirement; however, he felt there should be some sort of time limit for education and clinical experience. He then stated that if education and experience was that old, then an applicant may have trouble passing the licensing exam.

Ms. Sieferman also pointed out that education and experience for RVT applicants who completed an accredited program does not expire.

Dr. Nunez then clarified that if the exam is testing for competency, he was OK with the proposed modifications.

- Ms. Kathy Bowler moved and Ms. Loreda seconded a motion to approve the proposed regulatory changes, direct the Executive Officer to take all steps necessary to initiate the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified. The motion carried 7-0 (Ms. Alana Yanez was absent for the vote).

Ms. Ehrlich indicated that, on behalf of CaRVTA, they supported the proposed changes to the regulations, as written.

**D. Section 2010, Article 2, Division 20, Title 16 of the CCR Regarding Application After Failing an Examination**

Ms. Sieferman stated that this regulatory proposal for the Board's consideration pertained to CCR section 2010. She explained that, right now, if an applicant fails an examination, they must reapply and pay an application fee again. However, she stated that once an applicant is deemed eligible to sit for an examination, that eligibility does not expire. She stated that staff does not feel it is necessary for an applicant who fails an exam to have to reapply and submit a fee, if their eligibility has not expired. She also explained that this creates additional work for staff.

Ms. Bowler asked if this pertained to both veterinarian and RVT applicants. Ms. Sieferman indicated that it applied to both types of applicants.

Ms. Loreda stated that she agreed with this proposal as well, especially if it removes an extra step for applicants.

Dr. Waterhouse asked how this would affect the Board's budget. Ms. Sieferman stated that she did not have the numbers readily available, but she did not believe it would be a high number. She also explained the focus should be on removing barriers, as long as it does not impact consumer protection. Dr. Waterhouse stated that she was in favor of this, but was just curious how it might impact the Board's budget.

Dr. Bradbury stated that the proposal made sense.

- Ms. Jennifer Loreda moved and Dr. Christina Bradbury seconded a motion to approve the proposed regulatory changes, direct the Executive Officer to take all steps necessary to initiate the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified. The motion carried 7-0 (Ms. Alana Yanez was not present for the vote).

Ms. Ehrlich indicated that, on behalf of CaRVTA, they strongly support the proposal.

**E. Section 2068.7, Article 6, Division 20, Title 16 of the CCR Regarding Limited Term RVT Examination Eligibility Window**

Ms. Sieferman stated that this item was a clean-up proposal and would repeal regulatory language that became inoperative on January 1, 2010. She explained that because this would be a nonsubstance change and would not have any regulatory effect, the Board could repeal the language through the CCR section 100 process.

- Ms. Kathy Bowler moved and Dr. Mark Nunez seconded a motion to repeal CCR section 2068.7 and direct the Executive Officer to take all steps necessary to initiate the section 100 rulemaking process, make any technical or non-substantive changes to the rulemaking package, and adopt the proposed regulatory changes. The motion carried 7-0 (Ms. Alana Yanez was absent for the vote).

**10. Board President Report – Jaymie Noland, DVM**

Dr. Noland commented on a busy first half of the year, and the Board had met six times, to date. She also stated that she, Ms. Bowler, and Ms. Sieferman have spoken every few weeks, if not more frequently. She added that they had also interviewed quite a few candidates for the MDC vacancies. She stated that most of their meetings dealt with necessary changes, legislative issues, etc.

Dr. Noland also reported that she and Ms. Sieferman met on July 14, 2020, with the CVMA Antibiotic Usage and Stewardship Committee. She stated that Annette Jones was present, along with Dennis Wilson and his group. She added that it was a very good meeting. She stated that it is also a step in the right direction to meet occasionally with the California Department of Food and Agriculture because they share some mission statements with the Board. She indicated that she was pleased that they reached out to the Board.

Dr. Noland also reported that the Board would be evaluating the Executive Officer during closed session on the next day. She indicated that she was looking forward to it and shared that she has been impressed with Ms. Sieferman's work ethic, which has been remarkable. She added that Board staff has also been working very diligently. She added there had also been two

Board of Governor meetings recently, and members from CVMA spoke very highly of Ms. Siefertman and her team. She added that the Board is very appreciative of the work Ms. Siefertman and her team have done.

Ms. Bowler also thanked Ms. Siefertman and staff for the monthly updates and indicated the updates were very helpful in that they provide information on everything that is going on.

Dr. Noland stated that she appreciated how much and how hard Ms. Siefertman has been working, along with staff, during these difficult times. Dr. Noland also thanked everyone else for working hard and being committed to participating in six Board meetings this year.

#### **11. Registered Veterinary Technician Report – Jennifer Loredo, RVT**

Ms. Loredo reported that the issue of fees was brought up at the MDC meeting, and indicated the Committee is exploring other ways to lower RVT fees. She also commented on the Board reports, which indicated that there were over 400 new RVT applications and over 430 Veterinary Assistant Controlled Substances Permit (VACSP) applications. She noted the current licensee population was 15,000 veterinarians, 9,600 RVTs, and 7,000 VACSPs. She stated that it looks like the license numbers are going up and she was happy that the profession is growing. She noted that due to the pandemic, she did not have any updates on the American Association of Veterinary State Boards (AAVSB) PAVE program. She also commented on Ms. Ehrlich's recommendation regarding RVT foreign graduates and indicated the Board might want to explore reviewing equivalent education. She noted that the Veterinary Nurse Initiative and title protection were still big topics in the RVT world. Ms. Loredo also commented on the large number of guests that have participated in the recent Board meetings. She stated that she would like the Board to explore the possibility of continuing virtual meetings in the future, as it is easier for individuals to participate and it increases attendance.

Anita Levy Hudson, RVT, stated that it is great that the Board is having increased participation with meetings. She asked if the Board could release more information regarding the number of participants at Board meetings. Ms. Siefertman noted that the information is available in the Board meeting minutes to compare the number of participants at recent meetings versus past meetings.

Dr. Noland noted that everyone is impressed with the increase in participation at Board meetings, which is welcomed.

#### **12. National Association Involvement Reports – Kathy Bowler and Mark Nunez, DVM**

##### **a. International Council for Veterinary Assessment**

Ms. Bowler reported that the June 2020 International Council for Veterinary Assessment (ICVA) meeting was postponed and rescheduled for August 28-29, 2020, and would be held via Zoom. She also noted the in-person AAVSB annual conference had been cancelled. She also reported the Spring exam window had been extended for the North American Veterinary Licensing Examination (NAVLE). She explained that April exams had been postponed to June, and now exams have been extended through September. She also stated that the Fall exam window will go from September until the end of the year to accommodate more candidates. Ms. Bowler also commended ICVA staff for being nimble and working with students and the colleges. She also reported that a self-assessment test, which is typically purchased by students, was now being offered for free by the ICVA. Ms. Bowler also commented on the NAVLE pass rates and noted

the numbers may appear skewed because scores are being released monthly, and the pass rates do not account for the entire exam window. Ms. Bowler also reported that she is serving on a Governance Standing Committee, which reviews the ICVA board and its governance.

**b. American Association of Veterinary State Boards Member and Program Services Think Tank**

Dr. Nunez reported that he was recently appointed to the Program Services Think Tank Ad Hoc Committee of the AAVSB. He explained the purpose of the Committee is to review existing and proposed programs that are provided by AAVSB and ICVA to member boards. He noted that a lot of surveys are sent out to get an idea of what the member boards need. As an example, he stated that they recently sent out a survey to find out how many boards are publishing newsletters. He reported that 32 boards responded to that survey, and it showed that 11 boards publish a newsletter and 21 do not. He stated the survey also showed that the newsletters varied in frequency from four times a year to every two years and the target audiences are generally licensees, but some target the public as well. He added the Board responded that it intends to launch an online newsletter this year.

Dr. Nunez also reported that AAVSB compared the job tasks of RVTs and veterinary technologists and determined there are not a lot of differences. Additionally, he stated they are looking at whether AAVSB would support a veterinary technologist master's degree program, which might provide more or specialized opportunities for veterinary technologists. He also explained that this topic was brought up in light of the idea of expanding the scope of practice for RVTs. He noted that no conclusions have been reached at this point with regard to these issues.

Dr. Nunez reported that they also discussed corporate ownership of veterinary practices and noted that California is normally at the forefront of this issue. He also stated that AAVSB had an impressive list of COVID-19-related referral information on what everyone across the country and Canada is doing.

He stated that, in addition to the annual meeting being cancelled, the elections were also cancelled. He shared that last year, he was nominated for the Board of Directors; and was again nominated this year, but that election was cancelled.

**13. Update and Discussion on Office of Attorney General Costs and Process Improvements**

Carl Sonne, Senior Assistant Attorney General of the Licensing Section of the AG's Office, presented this item. Mr. Sonne indicated that he has succeeded Linda Schneider and was appointed to his position in November 2019. He stated that he is responsible for the supervision of approximately 135 deputy attorneys general and paralegals who work on matters from time to time for the Board.

Mr. Sonne indicated that he would provide a presentation on the statistics and metrics that his office has performed in the Licensing Section for all DCA agencies, and then would discuss Board specific information. He explained the information he would be reviewing is contained in a report that the Licensing Section publishes every January. He stated that the reports, which are a result of SB 467 and the Consumer Protection Enforcement Initiative (CPEI), identify how long cases take to go through the administrative process and provide specific timelines for the public and for the Board. He noted that, to date, three annual reports have been produced, which

contain three years of data. He explained that to gather the data, they use their ProLaw Case Management System. He also stated that a set of data points in cases had been developed four or five years ago that identify when a case is referred, the date the case is filed, the date the hearing is set, the date when the hearing is submitted, and the date of resolution. Mr. Sonne reported that they have about 200 users of this system, which includes 135 from the Licensing Section and about 80 from the Health Quality Enforcement. He explained the data gathered is for about 4,000 cases per year just involving Accusation matters for all clients. He stated that the information is put into a database from which they can derive a variety of metrics for each client agency and for all of their work as a whole.

Mr. Sonne reported that between Fiscal Year (FY) 2017/18 and FY 2018/19, referrals decreased, there was a slight increase in rejected matters, further investigations remained about the same, and adjudications increased. He explained when comparing data points between two years, it is difficult and not good practice to try to derive conclusions. He stated that it is their hope that over a period of years, they will be able to identify trends.

Mr. Sonne next shared information specific to the Board. He indicated that Accusations referred to the AG's Office decreased from 45 (FY 2017/18) to 25 (FY 2018/19), a 44% decrease; while matters rejected went from 0 (FY 2017/18) to 3 (FY 2018/19). He noted that the Board has improved the quality of its cases and the documentation that is sent to the AG's Office. With regard to Accusations filed for the Board, he stated the number decreased from 44 (FY 2017/18) to 24 (FY 2018/19), a 45% decrease. He explained that this difference could be a healthy sign, and perhaps a result of the Board carefully monitoring cases and identifying evidence up front that does not warrant filing an Accusation. He added that, in these instances, a citation may be more appropriate. Mr. Sonne went on to discuss additional statistics specific to the Board taken from the annual reports.

Mr. Sonne next discussed conclusions to his presentation. He stated that one of the big messages is by maintaining, watching, and publishing the metrics, they believe trends will be seen over time over time. He explained that his estimation is that it may take about five years before they are able to identify trends from which they can draw a lot of conclusions. He stated that the CPEI goal is to reduce processing time from 36 months to 18 months, from the time of a complaint to adjudication. He added that that is a very challenging goal, but it is one that both the Board and AG's Office is working hard on, and they have seen significant progress. He shared that the Board's enforcement program, as it exists now, is very robust and carefully considers all of its cases. He stated they have been very pleased with the interaction with the Board, and they expect even more improvements in the coming years.

Dr. Noland thanked Mr. Sonne and indicated that all of the information he provided was very helpful.

## **14. Executive Management Reports**

### **A. Administration**

Tim Rodda discussed the Board's expenditure reports and mentioned that the Board now has known costs for investigations for the upcoming two years because they are fixed. He mentioned that Budget Analyst Bikram Dhaliwal would be speaking more about the Board's fund condition.



Mr. Dhaliwal first discussed the Expenditure Projection report and explained the report included the most recent expenditure projections through fiscal month 11, or May. He mentioned that they are projecting the Board to revert 8.8 percent of its budget, which translates into \$496,296, which is quite significant. He explained that most of the savings were due to the AG, in-state travel, and personnel services expenses not being as high as appropriated. He stated that this will help the Board's fund. He also added that additional cost savings has occurred as a result of the Board relying less on the Division of Investigation (DOI) and utilizing its own in-house inspection program more. Mr. Dhaliwal also explained the emergency fee increase helped the Board's fund for FY 2019/20 and FY 2020/21. He added that in October, they will have final numbers from FY 2019/20, which will show a better picture of the fund condition. In summary, Mr. Dhaliwal stated that, from a Budget Office perspective, the fund looks healthy.

Mr. Rodda discussed complaints received with regard to the Board's responsiveness to communications from the public. He explained that these have been identified as issues not just due to staffing, but also due to all of the different avenues of communication available to the public. He added the Board has five different email accounts and five different telephone lines that have to be checked by various staff in the respective units. He stated that due to staff turnover, there has been some confusion with regard to who is checking email accounts and voicemail boxes.

Mr. Rodda reported that the Board is making forward progress with its regulations and complimented Mr. Sotelo on his work on the regulations.

He stated that the Diversion Evaluation Committee had a virtual meeting in July and the next meeting is scheduled for October.

Mr. Rodda next discussed strategic planning goals under Administration. He stated that one goal was to update the Board's website to make it more user friendly. He added the Board is also working on instructional videos and FAQs to help candidates and licensees find the information they need. He stated that the Board is also working with OIO to map its processes and will be developing staff manuals based on those improvements.

## **B. Examination**

Mr. Rodda indicated the Board does examination development through DCA's Office of Professional Examination Services (OPES); however, the process was impacted again due to COVID-19, as in-person workshops could not be conducted. He explained that some work has been able to be completed through virtual meetings, and that will continue in the coming months. He stated that OPES will be presenting the results of the Linkage Study at the next Board meeting.

With regard to RVT school statistics, Mr. Rodda indicated that staff has been reaching out to AAVSB and working on obtaining the necessary information to hold schools accountable to the Board's regulations. Mr. Rodda also discussed the Veterinary Technician National Examination (VTNE), California State Board Examination (CSBE), and North American Veterinary Licensing Examination (NAVLE) statistics available in the report. He also added that staff is working to get examination scores imported directly into the Board's systems. He explained that this would really save on staff time and processing times for applicants, as it would eliminate manual processes that staff currently does.

Mr. Rodda also indicated that the Board has a goal of simplifying and making the processes more efficient for all candidates.

Ms. Loreda commented that she was surprised that the VTNE pass rate is still at 57%. She explained that she knows it goes down at the beginning of the year and tends to rise every time they change the examination.

Ms. Bowler commented on the high pass rates for the NAVLE for Nov/Dec 2019 and Apr-June 2020. She asked if staff could revisit these statistics and confirm accuracy.

### C. [Licensing](#)

Mr. Rodda reported that the Board filled its last vacant examination position in June.

He also stated that the Board continues to get a lot of phone calls regarding the fingerprinting requirement, as a result of the impacts of COVID-19. He added the Board posts an updated list of active Live Scan facilities on its website every week. He also stated that the Board has recently learned that a lot of Live Scan sites are informing candidates and licensees that social security numbers (SSNs) are not required on the form; however, that causes delays because the Board's system checks for SSNs, date of birth, and name and a match is needed in order to attach a fingerprint result to a candidate or licensee record.

Mr. Rodda also reported the Board is sending monthly emails to licensees who have opened renewals that do not have fingerprints in the system. He explained that these licensees are notified several times that fingerprinting is required in order for their licenses to stay active.

Mr. Rodda also discussed the statistics for applications received, licenses issued, pending applications, and licensee population.

With regard to accomplishments, Mr. Rodda indicated the Board is working with the ICVA and AAVSB to develop interfaces to streamline the processing of applications and letters of good standing that the Board sends out to other states.

Mr. Rodda also reported the Board worked with Western University and UC Davis to have transcripts and diplomas sent to the Board directly at the time of graduation. He stated that this has improved processing times.

He stated that the Board had also updated an FAQ on the website for students that would be supplemented with videos on the licensure process for the different licenses and permits. He also added the Board's customer satisfaction survey had been updated.

Mr. Rodda also reported that a BreEZe issue was corrected, which was expiring license applications in the system.

With regard to the fingerprint requirement, Ms. Bowler asked if the requirement to match data sets (name, SSN, and date of birth) was a DCA, State of California, or DOJ requirement. Ms. Sieferman clarified that those are the data sets that DOJ needs to match to the Board's record.

Dr. Waterhouse asked what the current processing times are for issuing a veterinarian license. Ms. Sieferman mentioned that in an effort to increase transparency, the Board is now reporting application in-take processing times on its website; however, the Board is working with DCA to

have a more in-depth capture of data and cycle times and to have that information to the Board and on the website by October.

#### **D. Enforcement**

Rob Stephanopoulos reported that, despite the circumstances, Enforcement staff have been doing a great job, and they have been doing daily video conference calls to assist with staff morale. He noted that discipline cycle times rose by 29% over last year, which was attributed to the age of the cases already at the AG's Office, but that staff are keeping close tabs on cases at DOI and the AG's Office. With regard to intake cycle times, he reported the Enforcement team met its performance measure of 10 days, while receiving nearly the same amount of cases as last year. He stated the majority of complaints received continues to be negligence and incompetence complaints. He also noted that the team closed 22% more cases than last year.

Mr. Stephanopoulos also reported that the Board is utilizing the services of DOI less and utilizing the resources from the Board's inspections team more, as it is a lot faster and cheaper.

With regard to accomplishments, Mr. Stephanopoulos noted that the Board is trying to expedite its disciplinary cases to the AG's Office, as discussed earlier, and collaborating more with the AG's Office. He mentioned the Board has also refreshed the expert witness program, which was also discussed during the MDC meeting previously. He noted that the Board had filled all of the existing Enforcement vacancies; however, six additional vacancies would have to be filled as a result of the recent Budget Change Proposal (BCP).

Mr. Stephanopoulos reported the Board has issued nearly double the amount of citations this year compared to last year. He also added that nearly half of the Board's citations this year were issued to unlicensed individuals.

He also reported that the Enforcement team worked with the DCA Office of Information Services (OIS) to create a section on the Board's website to display all public enforcement actions. He stated that this will also display citations issued against unlicensed individuals. He added that the Board would start posting enforcement actions on its website in July.

Mr. Stephanopoulos stated that the Board's enforcement processes are also being mapped by OIO, processes will be streamlined even more, and procedure manuals will be developed.

Mr. Stephanopoulos also reviewed and commented on all Strategic Plan Objectives, and respective updates, that were provided in the report.

#### **E. Probation**

Virginia Gerard reported that, as of July, there were 96 licensees on probation, with one interim suspension order. She noted that 76 of those were veterinarians, 19 were RVTs, and one was a VACSP holder. She stated that there were 29 probationers participating in biological fluid testing, and the Board is investigating 70 complaints against 21 probationers, nine of which have been referred to the AG's Office for Petitions to Revoke Probation. She noted that in May, she began tracking letters that are sent out for non-compliance issues, and since May, 16 letters have been sent out.

Mr. Stephanopoulos discussed the challenges with regard to the probation monitor desk in the past; specifically, he talked about how the number of probationers jumped in FY 2014/15 from

62 to 116, and the number has stayed around that level since then. Additionally, he talked about how much staff turnover there has been at that desk, with four probation monitors in the last three years and over a dozen Board staff touching probation over the last six years. However, despite the challenges, he noted that Ms. Gerard has the Board's best interest in mind, she cares about consumer protection, and she really dissects what is going on when monitoring the probationers.

He noted that realistically, the Board would likely have to pursue a BCP for an additional probation monitor, and the probationers would be split between two probation monitor positions. He also stated they would like to have another office technician, who would handle all of the day to day technical tasks related to probation monitoring.

Mr. Stephanopoulos next discussed the FY 2019/20 accomplishments and FY 2020/21 goals provided in the report.

Mr. Bowler commended Ms. Gerard and Mr. Stephanopoulos for how much and how hard they are working. She also asked what the likelihood and timetable would be for adding the new positions that were discussed. Ms. Siefertman explained that it could be difficult due to COVID-19 and the immediate cost savings that are required as a result of the Governor's executive order. But she stated that mission-critical positions are still getting approved, and she would consider this mission critical. She also stated the Board would not be able to get new positions until next fiscal year. However, she also explained that the additional cost savings the Board has been realizing could assist in obtaining additional staffing sooner.

Dr. Bradbury also commended Ms. Gerard and Mr. Stephanopoulos for their great work.

#### F. \*Hospital Inspection

Patty Rodriguez reported that the Inspection Program's last vacancy was filled by Lisa Chan on May 27, 2020. She noted that Ms. Chan is a licensed Pharmacy Technician, and they are very happy to have her join the team. Ms. Rodriguez also indicated that staff continue to work from home, and they meet virtually on a daily basis. She reported the inspectors continue to go out in the field and conduct complaint-related inspections, as well as probation inspections. She mentioned, as previously stated, that Inspection staff have been working more closely with Enforcement staff, as the Board is not utilizing the services of DOI as much. She stated that staff working from home continue to focus on addressing the backlog. She explained that the more time-consuming work is what goes on after the inspection, with review, correction documents, consulting with the Board's in-house inspection consultant, etc.

Ms. Rodriguez took the opportunity to thank the Board's consultant Dr. James Howard for all of the work he does in supporting all of the Board's programs.

She stated that the program continues to promote the Veterinary Premises Self-Evaluation checklist with every opportunity that comes up, and they encourage MGLs to conduct mock inspections of their facilities.

Ms. Rodriguez stated that usually around this time they are preparing for their annual inspector training, which is usually a two to four-day training session; however, given the circumstances, they are narrowing it down to a one-day virtual session scheduled for next month.

Ms. Rodriguez discussed the new statistical report and indicated that she felt it does a much better job of showing the Board the whole story, along with cycle times. She stated that they have made a dent in the backlog, but it is still significant. She added that even with the three positions that were added, it still is not adequate to address the workload. She stated that this is something they will continue to watch and work on, but, if warranted, they may have to seek additional positions in the future.

She stated that another recent change was to have program analysts work complaint-related inspection cases through the entire process, whether they result in citations or administrative actions, instead of handing the cases back to the Enforcement program after the inspection.

Ms. Rodriguez next discussed the program's accomplishments in FY 2019/20, which included: continuing to educate MGLs and practice managers on the minimum standards and promoting the Self-Evaluation Checklist; maximizing BreEZe utilization and working with OIS to develop process improvements; focusing on probation inspections; and transitioning over to paperless inspections.

She next discussed FY 2020/21 goals, which included: increasing the number of inspections to comply with the statutory mandate; collaborating with professional organizations to circulate the Self-Evaluation Checklist to all veterinary premises; designing minimum standard attestation for new premises; retaining experienced and dedicated inspectors by equipping them with tools and technology; utilizing the cite and fine authority to address minimum standards violations; developing additional educational tools to further educate MGLs and their staff; continuing to evaluate the Post-Inspection Survey to improve feedback; and training inspection analysts as they begin to review and prepare cases for disciplinary action.

Dr. Waterhouse asked how the Board was doing with meeting the 20% mandate for inspections. Ms. Sieferman stated that the Board is nowhere near meeting the mandate. However, she explained that she felt 20% was a very lofty goal, especially since the Board has never met that mandate. She suggested that, over the next year, the Board should continue to collect statistical data and then use it as a tool to go back to the Legislature and ask what a reasonable mandate would be and how the Board would be able to get the necessary funding.

#### G. \*Outreach

Ms. Sieferman provided a re-cap on all of the FY 2019/20 accomplishments under Outreach. She noted that all of the Executive Management Reports referenced applicable Strategic Plan Objectives from the Draft Strategic Plan that was provided to the Board in January. She reported that the Board was able to revamp all of its customer satisfaction surveys. She explained the new surveys were for enforcement, licensing, and a general survey, and they are available through SurveyMonkey. She added the surveys were launched recently, they are available via staff email signature blocks, and they will be sent out periodically to stakeholders.

Ms. Sieferman also reported that the Board has increased timely updates on its website and has sent out email blasts whenever there are updates. She added that there has also been an increased social media presence, and anything that is sent out through the email blast is posted on the website and on social media. She stated that she feels like all of this has really improved the Board's communication with stakeholders.

With regard to FY 2020/21 goals, Ms. Sieferman stated that the Board will: work with DCA OIS to improve the Board's website; develop, re-implement, and circulate an electronic newsletter;

create and share “How to” videos for applicants, licensees, and consumers; create a recruitment video for subject matter experts; and create short “Who we are” videos to post on social media.

Dr. Nunez asked if Board members were needed to be in the videos. Ms. Sieferman replied that Board members would be needed. Dr. Bradbury, Dr. Nunez, and Ms. Bowler expressed interest in assisting.

Ms. Bowler commented on all of the Executive Management Reports and indicated that she appreciated seeing all of the references to the Strategic Plan Objectives.

Dr. Waterhouse indicated that all of the mentioned goals were great ideas.

#### **15. \*Future Agenda Items and Next Meeting Dates**

Ms. Sieferman reported that the last Board meeting of the year was scheduled for October 22-23, 2020, and the meeting calendar for 2021 had not been set yet. She suggested that if Board members like the January, April, July, and October schedule, perhaps the Board could meet on the last Thursday and Friday of those months. She stated that she could send the specific dates to the Board members to determine their availability.

Ms. Sieferman noted that at the October meeting: OPES would be providing a presentation on their Occupational Analysis and Linkage Study for the veterinarian national and state exams; the Board would be finalizing the Strategic Plan; there will be a petition hearing; there will be four regulations to review; and the Board will elect 2021 officers.

*The meeting concluded with this item on July 24, 2020.*

#### **16. Recess until July 24, 2020, at 9:00 a.m.**

*The meeting was recessed at 5:43 p.m.*

**9:00 a.m., Friday, July 24, 2020**

#### **17. Reconvene - Establishment of a Quorum**

Dr. Jaymie Noland called the meeting to order at 9:00 a.m. Ms. Jessica Sieferman called roll; seven members of the Board were present, and a quorum was established. Ms. Dianne Prado was absent.

##### **Members Present**

Jaymie Noland, DVM, President  
Kathy Bowler, Public Member, Vice President  
Christina Bradbury, DVM (*arrived at 9:07 a.m.*)  
Jennifer Loreda, RVT  
Mark Nunez, DVM  
Cheryl Waterhouse, DVM  
Alana Yanez, Public Member

##### **Staff Present**

Jessica Sieferman, Executive Officer

Timothy Rodda, Administration/Licensing Manager  
Patty Rodriguez, Inspections Manager  
Rob Stephanopoulos, Enforcement Manager  
Virginia Gerard, Probation Monitor  
Justin Sotelo, Lead Administrative & Policy Analyst  
Tara Welch, Board Counsel, DCA

Guests Present

Anahita Crawford, Deputy Attorney General (DAG), Office of the Attorney General, DOJ  
Amy Frazee, DVM, Petitioner  
Sean Gavin, Administrative Law Judge (ALJ), Office of Administrative Hearings  
Elaine Gawlik, Petitioner  
Sofia Guerra  
Heidi Holtz  
Nicole Le, Chief, Office of Human Resources, DCA  
Ann Leitz, Court Reporter  
Ryan Perez, Business Analytics Manager, DCA  
Cesar Victoria, Television Specialist, DCA  
Negin Yamini, Attorney

**18. Special Order of Business**

Dr. Noland turned the meeting over to ALJ Sean Gavin.

**A. Petition for Reinstatement – Elaine Gawlik, Revoked Veterinarian License No. VET 10507**

ALJ Gavin presided over the petition for reinstatement. DAG Anahita Crawford updated and presented the case against Ms. Elaine Gawlik. Ms. Gawlik and her legal counsel, Negin Yamini, presented her petition for reinstatement. Ms. Gawlik answered questions from the DAG and members of the Board. ALJ Gavin closed the hearing.

**B. Petition for Termination of Probation – Amy Frazee, DVM, License No. VET 23590**

ALJ Gavin presided over the petition for termination of probation. DAG Crawford updated and presented the case against Amy Frazee, DVM. Dr. Frazee represented herself and presented her petition for termination of probation. Dr. Frazee answered questions from the DAG and members of the Board. ALJ Gavin closed the hearing.

*Open session recessed at 2:08 p.m.*

**19. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session to Deliberate and Vote on the Above Petitions and Disciplinary Matters, Including Stipulations and Proposed Decisions**

*Closed session convened at 2:10 p.m.*

Petition for Reinstatement – Elaine Gawlik, Revoked Veterinarian License No. VET 10507

The Board adopted a motion to grant in part and deny in part the petition and issue the veterinarian license, revoke, stay revocation, and place the license on three-years' probation with terms and conditions.

Petition for Termination of Probation – Amy Frazee, DVM, License No. VET 23590

The Board adopted a motion to grant in part and deny in part the petition and continue the current probation with revised terms and conditions.

In the Matter of the First Amended Accusation Against Carlos R. Lopez, DVM; and Carlos R. Lopez, DVM, Owner of Brookhurst Animal Medical Center, Inc.

The Board adopted a motion to adopt the Stipulated Settlement and Disciplinary Order.

*Closed session recessed at 4:03 p.m.*

**20. Pursuant to Government Code Section 11126(a)(1), the Board Will Meet in Closed Session to Discuss the Executive Officer Evaluation**

*Closed session reconvened at 4:11 p.m.*

The Board met in closed session to discuss the Executive Officer evaluation.

*Closed session adjourned at 4:47 p.m.*

**21. Adjournment Upon Conclusion of Business – Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.**

*Open session reconvened at 4:57 p.m.*

*\*The Board continued next with Agenda Item 14.G (Executive Management Reports - Outreach) in order to complete business from the previous day.*

Dr. Noland [adjourned](#) the meeting at 5:48 p.m.

*\*Agenda items for this meeting were taken out of order. The order of business conducted herein follows the publicly noticed Board meeting Agenda.*