

**VETERINARY MEDICAL BOARD
MEETING MINUTES
October 21-22, 2021**

In accordance with Government Code section 11133, the Veterinary Medical Board (Board) met via teleconference/WebEx Events with no physical public locations on **Thursday, October 21, and Friday, October 22, 2021.**

9:00 a.m., Thursday, October 21, 2021

Webcast Links:

Day 1, Part 1: <https://www.youtube.com/watch?v=l8Bz19FrFlg>

Day1, Part 2: <https://www.youtube.com/watch?v=noeMQg9DdW8>

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

Webcast: [00:00:35](#)

Dr. Mark Nunez called the Board meeting to order at 9:00 a.m. Executive Officer Jessica Sieferman called roll; six members of the Board were present, and a quorum was established. Ms. Judy Ki was absent. Dr. Maria Preciosa S. Solacito joined the meeting at 9:04 a.m.

Board Members Present

Mark Nunez, Doctor of Veterinary Medicine (DVM), President
Kathy Bowler, Public Member, Vice President
Christina Bradbury, DVM
Jennifer Loreda, Registered Veterinary Technician (RVT)
Jaymie Noland, DVM
Dianne Prado, Public Member
Maria Preciosa S. Solacito, DVM (*arrived at 9:04 a.m.*)

Staff Present

Jessica Sieferman, Executive Officer
Timothy Rodda, Administration/Licensing Manager
Patty Rodriguez, Inspection Program Manager
Rob Stephanopoulos, Enforcement Manager
Nellie Forget, Enforcement Analyst
Fredy Olea Gaspar, Enforcement Analyst
Kimberly Gorski, Enforcement Analyst
Jennifer Lee, Hospital Inspections Program Analyst
Terry Perry, Enforcement Technician
Tara Reasoner, Enforcement Analyst
Robert Rouch, Enforcement Analyst

Justin Sotelo, Lead Administrative & Policy Analyst
Daniel Strike, Enforcement Analyst
Jennifer Tarrant, Enforcement Analyst
Karen Halbo, Regulatory Counsel, Attorney III, Department of Consumer Affairs (DCA),
Legal Affairs Division (LAD)
Tara Welch, Board Counsel, Attorney III, DCA, LAD

Guests Present

Cynthia Alvarez, California Animal Rehabilitation
Karen Atlas, PT, MPT, President, California Association of Animal Physical Therapists
(CCAPT)/Animal Physical Therapy Coalition (APTC)
Mandy Ayers, Student Liaison, University of California, Davis (UC Davis)
Daniel Baxter, Executive Director, California Veterinary Medical Association (CVMA)
Richard Bennett, DVM, Banfield Pet Hospital
Loren Breen, Policy Manager, Animal Policy Group (APG)
Katherine Buff, RVT
Michelle Cave, Public Information Officer, DCA, Office of Public Affairs (OPA)
Megan Clifton, Director of Accreditation and Regulatory Affairs, Platt College
Rachel Cole
Jacque Comstock-Brown
Karen Denvir, Supervising Deputy Attorney General (DAG) and Board Liaison, Office of
the Attorney General (OAG), Department of Justice
Laressa Dimalanta, RVT
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association
(CaRVTA)
Stella Gerson, Center for Public Interest Law
Adrian Gross, Hospital Manager, California Animal Rehabilitation
Kristen Hagler, RVT
Trina Hazzah, DVM, President/Co-Founder, Veterinary Cannabis Society (VCS)
Anita Levy Hudson, RVT, CaRVTA
Aubrey Jacobson, Legislative Analyst, DCA, Division of Legislative Affairs
Kristina Junghans, Student Liaison, Western University
Tom Jurach, Co-Moderator, DCA, SOLID
Bonnie Lutz, Esq., Klinedinst
Edie Marshall, DVM, California Department of Food and Agriculture
Brianna Miller, Manager, DCA, Board and Bureau Relations
Grant Miller, DVM, CVMA
Annette Miranda, RVT, Carrington College
Ashley Morgan, American Veterinary Medical Association (AVMA)
Erin Norwood, Partner, Norwood Associates, LLC
Cheryl Olsen, Instructor, Platt College
John Pascoe, DVM, UC Davis
Ken Pawlowski, DVM, Insight Veterinary Wellness Center
Kristi Pawlowski, RVT, Chair, Multidisciplinary Advisory Committee (MDC)
Bryce Penney, Television Specialist, DCA, OPA
Leslie Phillips, RVT

Jeff Pollard, DVM
Gabby Reynaga, Norwood Associates, LLC
Dianne Sequoia, DVM, MDC
Fyza Shaikh
Trisha St. Claire, Moderator, DCA, SOLID
Marie Ussery, RVT
Monica Vargas, Deputy Director, DCA, OPA
Kristy Veltri, RVT
Jessica Waldman, DVM
Jami Waldrop, TheraPaws
Scott Young, Director, Legislative and Regulatory Affairs, APG

Dr. Nunez wished attendees a happy National RVT Week and welcomed the Board's two new student liaisons.

2. *Public Comment on Items Not on the Agenda

Due to technical issues, the Board moved to [Agenda Item 3](#) and then returned to Agenda Item 2.

Webcast: [00:12:56](#)

The Board received public comment on this item.

[Dr. Trina Hazzah](#) asked the Board to consider creating a new agenda item for the next meeting regarding California veterinarians being permitted to recommend hemp-derived cannabis products. She noted that she was a veterinary oncologist and co-founder and president of VCS, which is the first and only U.S. based non-profit organization dedicated to the safe and effective use of medical cannabis for animals. She explained that VCS has several key veterinarians from across the country who have collaborated to write numerous position statements on both the state and federal level to help protect veterinary professionals and pets as well. She added they were also lucky enough to hold a seat on the U.S. Hemp Round Table, which provides a broad reaching platform to advance their advocacy efforts. Dr. Hazzah stated that Governor Gavin Newsom recently signed Assembly Bill (AB) 45 into law, which allows for the inclusion of hemp and cannabinoids in food, beverages, dietary supplements, cosmetics, and even pet food. As a result, she explained there are going to be many hemp-derived CBD products that will enter the market legally in California. She added that, more than ever, consumers will need their veterinarians to actually recommend dosing and specific products. She stated that, recently, Nevada passed AB 101 and became the first state to authorize veterinarians to recommend and administer CBD. She explained that California veterinarians and consumers will absolutely benefit from similar direction. She added that, on behalf VCS, she asked the Board add this item to the next meeting agenda.

Due to technical issues, Nancy Ehrlich, RVT, CaRVTA, was not able to provide comment.

[Anita Levy Hudson](#), RVT, CaRVTA, noted she was trying to assist Ms. Ehrlich with her comment. Ms. Hudson stated CaRVTA is hearing there is a great demand for RVTs to assist owners with treatments prescribed by their veterinarian, particularly now with the pandemic. She explained there are RVTs who want to provide that service. She noted, the question arises whether RVTs can perform prescribed treatments while being paid without being directly supervised by that prescribing veterinarian. She added Ms. Ehrlich noted that Business and Professions Code section 4827 exempts anyone assisting an owner for no fee, which implies that if they were paid, they would not be exempt. She added it is not clear on whether paying an RVT to perform these prescribed treatments means they must be supervised. She stated they would appreciate an opinion, and whether any change in statute or regulation is required.

[Dr. Jeff Pollard](#) stated he has followed the cannabis topic closely since 2019 when, as the MDC Chair, they wrote guidelines. He noted they were based on legislation, AB 2215, that permits California veterinarians to discuss cannabis products. He added that was followed by two unsuccessful bills, Senate Bill (SB) 627 and AB 384, which would have permitted veterinarians to recommend. He added that, while California was the first state to recognize cannabis in veterinary medicine, Nevada, with AB 101, currently has the most progressive law regarding hemp-derived products. He noted Dr. Hazzah also referenced AB 45, which presents a unique opportunity for consumers and veterinarians to utilize hemp-derived cannabis products in a safer and more effective manner. He explained that AB 45 has testing, labeling, and licensing requirements for these products. He stated he supported Dr. Hazzah's request to establish an agenda item so stakeholders can discuss the topic at a future meeting.

Karen Atlas, CCAPT/APTC was asked to provide her comment under Agenda Item 8 or 11.D., as it pertained to those topics.

Kristen Hagler, RVT, also noted she would provide her comment under Agenda Item 11.D.

It was noted that Agenda Item 4 would be presented at 1:30 p.m., so the Board moved to [Agenda Item 5](#).

3. *Review and Approval of Board Meeting Minutes

A. July 22-23, 2021

[Meeting Materials](#)

Webcast: [00:06:26](#)

The Board reviewed the July 22-23, 2021 meeting minutes.

Dr. Jaymie Noland noted a typo on the first line of page 20 and requested the reference to “Mr. Prado” be changed to “Ms. Prado.”

- [Motion](#): Ms. Kathy Bowler moved and Dr. Christina Bradbury seconded the motion to approve the July 22-23, 2021 meeting minutes, as amended. [Vote](#): The motion carried 7-0.

There were no public comments made on the motion.

The Board moved back to [Agenda Item 2](#).

4. *Report and Update from Department of Consumer Affairs (DCA)

Agenda Item 4 was moved to 1:30 p.m.

Webcast: [00:00:47](#)

Brianna Miller, Manager with DCA Board and Bureau Relations, provided a report and update from DCA.

There were no public comments made on this item.

The Board moved to [Agenda Item 9](#).

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

Webcast: [00:22:06](#)

Dr. Nunez asked Ms. Pawlowski to present the MDC Report.

A. Overview of October 20, 2021 MDC Meeting

[Meeting Materials](#)

Webcast: [00:22:39](#)

Ms. Pawlowski provided background information and updates regarding the veterinary premises inspection checklist and inspection process improvements and the Complaint Process Audit Subcommittee.

Ms. Pawlowski provided her [final MDC Chair remarks](#) to the Board. Board members thanked Ms. Pawlowski for her exemplary dedication, professionalism, and service to the MDC and Board.

B. Recommendations Regarding Veterinary Premises Inspection Checklist and Business and Professions Code (BPC) Section 4809.7 Regarding Inspection Percentage Mandate

[Meeting Materials](#)

Webcast: [00:43:50](#)

Ms. Sieferman explained the Board could discuss the Inspections Subcommittee recommendations that were approved by the MDC. Ms. Pawlowski explained the two MDC recommendations before the Board for discussion and possible action.

- **Motion:** Ms. Kathy Bowler moved and Dr. Maria Preciosa S. Solacito seconded a motion to, at this time, not reduce or otherwise limit the number of items on the veterinary premises inspection checklist. **Vote:** The motion carried 7-0.

The Board received public comment on the motion.

[Bonnie Lutz](#), Esq., Klinedinst, congratulated Ms. Pawlowski and stated she did a wonderful job on the MDC. Additionally, Ms. Lutz recommended that the Board consider not shortening the number of items that are looked at during inspections. She explained she has defended numerous veterinarians with inspection issues, and she has personally provided documentation of the compliance after an inspection. She added, over and over, her clients have told her they were inspected and they believed only minor issues resulted from the inspection. However, she explained that, in looking at inspection reports, the issues were not minor. She added, even if the Board makes it clear that it is only doing partial inspections, she did not think veterinarians would understand. She encouraged the Board to do full inspections every time. She noted she agreed with Dr. Bradbury that doing shortened inspections would not necessarily free up additional time so that more inspections can be done.

- **Motion:** Ms. Kathy Bowler moved and Dr. Maria Preciosa S. Solacito seconded a motion to direct the Inspections Subcommittee to monitor the progress of the Inspection and Enforcement Units merger, inspection process improvements, and mobile app implementation for 12 months and bring data-driven recommendations back to the Board regarding the 20 percent inspection mandate. **Vote:** The motion carried 7-0.

There were no public comments made on the motion.

6. Interviews, Discussion, and Possible Appointment to Fill Vacant MDC RVT Member Position

[Meeting Materials](#)

Webcast: [00:55:54](#)

The Board conducted interviews to fill the RVT member position on the MDC. Prior to the meeting, the Board's Executive Committee selected the following top four candidates for the Board's consideration:

- Katherine Buff, RVT, Registration No. [5846](#)
- Laressa Dimalanta, RVT, Registration No. [4962](#)
- Leslie Phillips, RVT, Registration No. [11185](#)
- Marie Ussery, RVT, Registration No. [11871](#)

Dianne Prado nominated Ms. Buff for the RVT member position on the MDC.

- [Motion](#): Ms. Dianne Prado moved and Ms. Jennifer Loreda seconded a motion to nominate Ms. Katherine Buff to fill the RVT member position on the MDC, effective upon approval by the Board. [Vote](#): The motion failed on a vote of 3-4, with Drs. Christina Bradbury, Maria Preciosa S. Solacito, Jaymie Noland, and Mark Nunez voting no.

There were no public comments made on the motion.

Dr. Noland nominated Ms. Ussery for the RVT member position on the MDC.

- [Motion](#): Dr. Jaymie Noland moved and Dr. Christina Bradbury seconded a motion to nominate Ms. Marie Ussery to fill the RVT member position on the MDC, effective upon approval by the Board. [Vote](#): The motion carried 7-0.

The Board received public comment on the motion.

[Ms. Hudson](#) stated she was glad to see there were so many applicants for the MDC RVT member position. She reminded the Board there are many individuals who get their license through the alternate route, but who also follow up with other points of education, including AVMA programs. She thanked the Board for holding the interviews in public, so individuals can listen and participate.

7. Update, Discussion, and Possible Action Regarding Board Approval of RVT Colleges and Postsecondary Institutions

[Meeting Materials](#)

Webcast: [02:39:29](#)

Ms. Siefertman presented the agenda item. She stated the Board was requested to direct the MDC to research and evaluate the issue of Board approval of RVT colleges and postsecondary institutions further and submit recommendations to the Board for consideration.

- [Motion](#): Ms. Kathy Bowler moved and Ms. Jennifer Loredo seconded a motion to direct the MDC to research and evaluate the issue of Board approval of RVT colleges and institutions and submit recommendations to the Board for consideration. [Vote](#): The motion carried 7-0.

There were no public comments made on the motion.

8. Access to Veterinary Care Committee Report – Jaymie Noland, DVM, and Dianne Prado

[Meeting Materials](#)

Webcast: [02:44:42](#)

Dr. Noland provided the Access to Veterinary Care Committee Report. She noted she felt the Committee needed more direction from the Board, as to what the Committee's charge is and where the Board fits into this issue. She noted that if they were to gather more data, it would be nice to have the help of the MDC.

The Board received public comment on this item.

Due to technical issues, Ms. Ehrlich was not able to provide comment.

[Ms. Atlas](#) stated she was the president of the APTC and their coalition represents DVMs, physical therapists (PTs), RVTs and consumers who are like-minded in their approach to increase safe access to properly trained and licensed PTs. She noted they are very encouraged that an access to care task force was created so the facts can be realized that the issue truly is a crisis in California. She added their coalition took the opportunity to submit a document for consideration and spoke at public comment during the Access to Veterinary Care Task Force meeting on October 12, 2021. She noted they educated the Task Force on the realities of the access to rehabilitation crisis, as it relates specifically to animal physical rehabilitation (APR).

Ms. Atlas stated some have tried to convince the Board that access to rehabilitation care is not an issue by comparing the relatively low number of ophthalmologists, cardiologists, or dermatologists practicing in California compared to APR therapists. She explained that comparing different specialties does not provide a reasonable understanding of the issue and crisis at hand. She added the realities of animals not getting the rehabilitative care they need have been identified time and time again. She noted they once again submitted letters from DVMs and consumers from various areas around the state to help demonstrate the dire need.

Ms. Atlas stated the regulation before the Board, under Agenda Item 11.D., fails to meet the stated objective, and, if enacted, will be directly responsible for unnecessarily closing the doors of legitimately practicing physical rehabilitation clinics today. She added this will, in turn, further reduce access to care for animals across California. She

noted the Board opined, and they agree, the only way to solve this issue is through a proper legislative remedy. She explained other states have worked to solve this issue through swift changes in their legislation and it has worked well to improve the access care.

Ms. Atlas stated, in 2018, a legislative bill, AB 3013, would have done a nice job in alleviating this problem, but the Board opposed it and unfortunately based their opposition largely on misinformation they were given. She explained consumers cannot get the care and choice they want and need. She added, their coalition has submitted a petition with thousands of signatures and that DVMs are not able to inter-professionally collaborate with qualified PTs, as they have been asking for.

She added they will continue their quest to increase consumer access to rehabilitation services and hope that the Board will come to understand this truly is a crisis. She noted the good news is that the resolution is not insurmountable, and it can reasonably, adequately, and safely be addressed in legislation.

Ms. Atlas stated the Board will be asked to consider the final proposed regulatory language, as it relates to APR later that day. She added they implore the Board to put a hold on all animal rehabilitation language, which again, if enacted, will reduce access even further, until a proper legislative solution is put into place. She added, by putting a hold of the language, it would at least serve to not make the access to care issue even worse during these times of crisis.

[Ms. Hudson](#) provided comment on behalf of Ms. Ehrlich. She noted Ms. Ehrlich was trying to bring up her original comment regarding RVTs providing some care for pets at home under the supervision of a veterinarian as an aspect to consider when discussing access to care (especially right now in the time of the pandemic). She explained, with everyone being booked out so far, it seems this is maybe more pertinent now than ever.

[Dr. Miller](#) thanked the Board for its report and for its comments. He stated the CVMA was convening its access to care task force that coming week, and Dr. Noland would be attending. He added they are very much looking forward to working on the topic, and he believed there is room for the Board to address some issues in relation to access to care. He noted Dr. Noland had already identified some of those issues, and Dr. Solacito has a tremendous amount of experience in that regard.

Dr. Miller also pointed out that in Dr. Nunez's roadmap of access to care, and in listening to the earlier comments, he believed there was a little bit of a misinterpretation as to what the access to care issue is. He noted a lot of people are tying access to care to the number of veterinarians that are in this state, or lack thereof. He explained, while access to care has something to do with that, it has very little to do with it in the grand scheme of the overall topic.

He explained you can put a veterinarian on every corner in every city in California; however, 25 percent of the pet owning population cannot afford to walk into that

veterinarian's office. He further explained, within that 25 percent, 80 percent of those individuals cite monetary reasons as their number one constraint. He added smaller proportions cite transportation issues and language and cultural barriers.

Dr. Miller stated he wanted to make sure the Board was clear, going forward, while some veterinarians can be added by reducing limits to licensure, it will not help people who need veterinarians and cannot afford to walk into a veterinary practice. He added he also wanted to point out the American Physical Therapy Association's national strategic plan to expand animals into their scope of practice has nothing to do with access to care; it has to do with them wanting to work on animals. He noted this is not an issue of people not being able to find rehabilitation services for their animals, this is an issue of people not having enough money to get the basic care services they need, such as vaccinations and basic health care. He stated the issues need to be separated out because access to care has nothing to do with PTs wanting to work on animals.

After additional Board discussion, Dr. Noland stated the Task Force can press on gathering more general information, but will then come up with some specific information they would like the MDC to gather. She added that more data directly associated with California would be helpful for potential legislative efforts in the future. Ms. Prado agreed that they could move forward.

The Board moved to [Agenda Item 4](#).

9. Discussion and Possible Action Regarding Pharmacies Requiring National Provider Identifier (NPI) and Drug Enforcement Administration (DEA) Numbers to Fill Veterinary Prescriptions

[Meeting Materials](#)

Webcast: [00:07:28](#)

Ms. Sieferman presented this agenda item and provided background information. She noted that after staff has gathered more information, they will work on an educational campaign with DCA.

The Board received public comment on this item.

[Dr. Miller](#) stated CVMA really appreciated the Board reaching out and talking to them about this issue. He explained CVMA has likely tried to do something about this issue in the past. He thanked the Board for collaborating. He added this was a huge example of something the Board can do to improve access to veterinary care. He noted Ms. Sieferman and Dr. Nunez, in a short amount of time, have been able to break down more barriers, with regard to the NPI number issue, than CVMA has done in several years. He added this represents the power of the Board. He explained CVMA does not have that kind of foothold with a lot of these authorities. He also added this was a great

example of something the Board is already doing to improve access to care for millions of pets, potentially.

[Ms. Hudson](#) thanked Ms. Sieferman and Dr. Nunez for their work. She added she could not express how much gratitude would come from RVTs who have had to deal with this situation. She noted she was very excited about the progress that has been made on the issue, and it will be one less thing for veterinary and pharmacy staff to deal with. She also clarified that people are not necessarily seeking cheaper prices for prescriptions from an outside pharmacy, but she believed hospitals are required to give hand-written prescriptions, and clients have the choice on where they want to go. She again expressed her gratitude and noted that CaRVTA would be happy to provide any support, if needed.

10. Update, Discussion, and Possible Action on 2021 Legislation

[Meeting Materials](#)

A. Assembly Bill (AB) 1282 (Bloom, 2021) Veterinary medicine: blood banks for animals

Webcast: [00:23:04](#)

Ms. Sieferman reported that AB 1282 was signed by Governor Newsom and will be enacted on January 1, 2022. She added staff is working with DCA on what will be required for implementation. She noted additional updates would be provided to the Board as they become available.

- [Motion](#): Dr. Christina Bradbury moved and Ms. Kathy Bowler seconded a motion to have the MDC begin investigating best practices for community blood bank blood collection as it relates to veterinarians. [Vote](#): The motion carried 7-0.

There were no public comments made on the motion.

B. AB 1535 (Committee on Business and Professions, 2021) Veterinary Medical Board: application and examination: discipline and citation

Webcast: [00:24:32](#)

Ms. Sieferman reported that AB 1535 was also signed by Governor Newsom and will be enacted on January 1, 2022.

- [Motion](#): Ms. Kathy Bowler moved and Dr. Christina Bradbury seconded a motion to direct Board staff to pursue legislation for the next legislative session to enact the new telehealth definitions that the Board approved in July 2021. [Vote](#): The motion carried 7-0.

There were no public comments made on the motion.

C. Senate Bill (SB) 344 (Hertzberg, 2021) Homeless shelters grants: pets and veterinary services

Webcast: [00:31:18](#)

Ms. Sieferman reported this bill did not pass, primarily due to the associated costs.

There were no public comments made on this item.

D. SB 731 (Durazo, 2021) Criminal records: relief

Webcast: [00:31:35](#)

Ms. Sieferman reported this bill did not pass.

There were no public comments made on this item.

11. Update, Discussion, and Possible Action on Proposed Regulations

A. Status Update on Pending Regulations

[Meeting Materials](#)

Webcast: [00:37:36](#)

Justin Sotelo, Lead Administrative & Policy Analyst, presented a status update on pending regulations.

The Board received public comment on this item.

[Ms. Hudson](#) inquired about the status of the RVT Education regulatory package. Mr. Sotelo responded that the Uniform Standards for Substance-Abusing Licensees and RVT Education packages were next in the queue of packages to be processed.

B. Section 2006, Article 1, Division 20, Title 16 of the California Code of Regulations (CCR) Regarding Disciplinary Guidelines

[Meeting Materials](#)

Webcast: [00:53:45](#)

Mr. Sotelo presented this agenda item. He provided the Board with updates on the regulatory package since the last Board meeting. He further explained, during DCA's final review of the package, a concern was raised regarding the proposed modifications

to the Disciplinary Guidelines (Standard Term No. 10 – Tolling of Probation). More specifically, there was a concern about the automatic cancellation of a license, without a hearing, for the probation violation of non-practice in California for two years. He stated the issue was raised due to a case involving the Medical Board of California in which the court held that automatic cancellation of a license, without a hearing, is not a reasonable condition of probation.

Mr. Sotelo explained, to address the concern, Board staff consulted with Regulatory Counsel and Board Counsel to draft a Third Modified Text of the Disciplinary Guidelines. He further explained it was recommended the language be revised to make the two-year non-practice condition a violation of probation and, if that condition was violated, the Executive Officer could enforce the terms and conditions of probation by filing a Petition to Revoke Probation, which would afford the probationer due process and a hearing. Mr. Sotelo presented the new revisions to the language to the Board for review.

Mr. Sotelo stated, if approved by the Board, the Third Modified Text would be immediately noticed on October 21, 2021. He added once the 15-day public comment period closed, staff would prepare the final rulemaking file for final DCA, Business, Consumer Services and Housing Agency (Agency), and Office of Administrative Law (OAL) review.

- **Motion:** Ms. Kathy Bowler moved and Dr. Jaymie Noland seconded a motion to approve the proposed Third Modified Text to amend CCR, title 16, section 2006, and the Veterinary Medical Board Disciplinary Guidelines therein incorporated by reference, and direct staff to take all steps necessary to complete the rulemaking process, including preparing the Third Modified Text for an additional 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 make any technical or non-substantive changes to the proposed regulations that may be required in completing the rulemaking file and adopt the proposed regulatory changes. **Vote:** The motion carried 7-0.

There were no public comments made on the motion.

C. Sections 2006-2006.56, Article 1, Division 20, Title 16, of the CCR Regarding Uniform Standards for Substance-Abusing Licensees

[Meeting Materials](#)

This agenda item was tabled until the January 2022 Board meeting.

D. Section 2038.5, Article 4, Division 20, Title 16 of the CCR Regarding Animal Physical Rehabilitation

[Meeting Materials](#)

Webcast: [01:05:18](#)

Mr. Sotelo presented this agenda item. He noted the long history of the issue was provided in the cover memo, which also included a link to the historical documents of this item. He next reported the final rulemaking package was approved by the DCA Director on April 17, 2021, by Agency on May 13, 2021, and submitted to OAL on June 9, 2021. He stated the Board's approval of the final proposed regulatory language would be required in order for OAL to conclude their review of the final rulemaking file.

Mr. Sotelo also reported, in late July 2021, Board staff received questions from OAL regarding a few of the provisions in the proposed language. However, he noted after consulting with Board Counsel, the Board's responses satisfied OAL's questions, but that OAL recommended minor, non-substantive revisions to the regulatory language to clarify the veterinarian supervision under which an RVT may perform APR. Mr. Sotelo presented the recommended revisions to the Board for review.

Mr. Sotelo stated that because adverse comments were received during the 15-day public comment period, and because additional non-substantive revisions to the text were necessary, the Board would need to approve the final proposed regulatory language, which included the Modified Text and the non-substantive revisions noted above in order for OAL to conclude their review of the rulemaking file. He noted the final proposed language was provided in the Order of Adoption attached to the cover memo.

- [Motion](#): Dr. Christina Bradbury moved and Ms. Kathy Bowler seconded a motion to approve the final proposed regulatory language to add section 2038.5 to article 4 of division 20 of title 16 of the CCR, direct staff to take all steps necessary to complete the rulemaking process, and delegate to the Executive Officer the authority to make any technical or non-substantive changes to the proposed regulations that may be required in completing the rulemaking file and adopt the proposed regulatory changes. [Vote](#): The motion carried 6-0-1, with Dr. Mark Nunez abstaining.

The Board received public comment on the motion.

[Adrian Gross](#), Hospital Manager for California Animal Rehabilitation, stated their facility practices APR, which is supervised directly by veterinarians. He stated he was in support of the regulatory language because he has personally seen multiple situations where, if there was not a veterinarian on site, it could have possibly or likely resulted in the loss of life of a pet. Secondly, he noted medication management is a huge part of rehabilitation with pets in this state. He explained that to force a consumer to go to multiple facilities in order to get their medication management and their physical therapy, he felt, is a disservice, and it is also an unnecessary financial burden when, if there is a veterinarian supervising, it can all be taken care of in the same appointment.

[Dr. Jessica Waldman](#) stated she was a rehabilitation veterinarian. She noted she has been practicing only APR in California for 15 years. She added she served on the initial task force on this topic 15 years ago, as well as the secondary task force. She explained she has been an active listener and participant in all of the topics related to this. She stated she wanted to, most importantly, advocate for the pets. She added it is her job as a veterinarian and that is the oath she took many years ago.

Dr. Waldman noted she has personally diagnosed seizures, infections, bleeding, tumors in the abdomen, and had to deal with those situations right there and then during animal physical therapy. She explained the pets they see are not stable, they are post-operative pets that have infections, and they are geriatric pets that have endocrine disease and heart failure. She noted, as a veterinarian, they are expected to look at these little, subtle signs on the physical exam to know when a pet is in danger; a regular person, as much as they care about pets, is not able to do this. She stated, most importantly, if you want to protect the consumers, protect the pets.

Dr. Waldman's next comment was regarding access. She explained there are over 120 people, whether they are RVTs, PTs, or veterinarians, in the State of California who are certified in animal rehabilitation. She stated there is actually more access [to animal rehabilitation providers] than there are veterinary ophthalmologists in the State of California. She explained, in terms of access, [the number of animal rehabilitation providers] is at least double the [number] of veterinary ophthalmologists, yet you do not hear human ophthalmologists calling and saying they want to practice on pets without the education to do so.

Dr. Waldman stated she supported the regulatory language, and she was very thankful for the Board and for the consumers in the State of California who believe in protecting their pets as the most important thing.

[Kristen Hagler](#), RVT, stated she was a veterinary technician specialist and one of two veterinary technicians specializing in rehabilitation in California. She noted she participated on the Animal Rehabilitation Task Force for this agenda item and was very familiar with the previous suggested models for the inclusion of the human physical therapist in the practice act. She added she supported the inclusion of supervision levels for PTs in the practice act to include direct supervision by a California licensed veterinarian to maintain the consumer, pet, and team member safety. She noted she has also suggested for the RVTs to be on the premises, as well, when animal rehabilitation is performed. She added that this is also a position of CaRVTA, which was submitted to the Board on April 23, 2020. She stated that this is the same sentiment with many other rehabilitation providers.

Ms. Hagler stated this model helps to solve consumer accessibility issues to veterinary medicine in rehabilitation, maintains the veterinarian-client-patient relationship with the veterinarian who is familiar with the condition, solves those animal emergency concerns should they occur, stops the infringement on certain RVT designated job tasks defined in the practice act, and supports consumer and pet safety. She clarified that physical

rehabilitation is a prescription, and a veterinarian is the only legally acceptable provider to write such a prescription for animals.

Ms. Hagler stated with over 100 combined certifications for rehabilitation with veterinarians, RVTs, and PTs alone, the consumer continues to have many options for rehabilitation services compared to other specialties with smaller numbers. She added that with a veterinarian accessible on the rehabilitation team, immediate access to pain management solutions are available should the need arise. She noted those needs arise almost daily in rehabilitation. She stated they have previously brought these concerns to the attention of the Board from several colleagues across California and the United States.

Ms. Hagler stated the supervision model, including direct supervision of PTs by a veterinarian and RVTs being on the premises, has become increasingly more important during COVID-19. She explained referring a pet back to a primary care provider for medications or diagnostics often results in delayed care because veterinary practices are overwhelmed. She added pets are often unable to be seen for weeks at a time and with immediate access to a veterinarian, the RVT, and PT, it can facilitate the veterinarian adjusting the pet's prescription plan and address the consumer needs in that moment, instead of potentially delaying the care the pet needs.

Ms. Hagler stated she supported the proposed regulations, as written. She thanked everyone for their efforts and time during this long process.

[Ms. Atlas](#) thanked the Board for allowing a comment relating to the decision the Board would make regarding APR regulatory language. Ms. Atlas stated she was the president of the APTC. She noted, just so they do not conflate different physical therapy associations, she wanted to emphasize and remind the Board that they are a coalition that represents DVMs, PTs, RVTs and consumers who are all like-minded in their approach to increase safe access to properly trained and licensed PTs, so more animals can get the care they need and so licensed professionals, both PTs and DVMs, can work more collaboratively in the best interest of their shared patient populations.

Ms. Atlas stated the regulations before the Board, once again, fail to meet the stated objective and, if enacted, will be directly responsible for one of two very undesirable outcomes. She noted they will either, one, unnecessarily close the doors of legitimately practicing physical rehabilitation clinics today or unnecessarily cause a huge increased cost for services by taking away the indirect veterinary supervision option for outpatient clinics providing these services. She explained that both outcomes would be a huge disservice to the consumers and animals of California.

Ms. Atlas stated there is, however, good news to all of this; the issues are not insurmountable, and there are workable solutions. She asked the Board to put a hold on the current regulatory language that is before the Board. She explained, by simply waiting to enact the regulation, the Board would be making the active decision to allow consumers greater access to care, temporarily, during this COVID-19 crisis.

She noted, as previously pointed out, the Board has opined, and APTC agrees, that legislation is the remedy. She added, once legislation is enacted to improve access to properly qualified and licensed PTs to work under the direct or indirect supervision of a veterinarian, then the regulatory language that the Board has crafted would be much more suitable. She noted, if enacted now without a proper legislative remedy, the Board will be worsening the lives of many animals and the people who love them.

Ms. Atlas added other states have solved this issue through swift changes in legislation, and it has worked well to improve access to care and allow licensed professionals to better collaborate. She noted, in 2018, AB 3013 would have done a very nice job in alleviating this problem, but the Board opposed the bill and unfortunately based their opposition largely on misinformation that they were given.

She stated, over the past decade, they have provided factual information for the Board to consider. She noted, in the document sent to Board members and staff ahead of the meeting, they shared some letters from DVMs who have identified that their own association, CVMA, has not been upfront and honest with their membership, as it relates to this continued physical rehabilitation conundrum. She added they urge the Board to put the regulations on hold temporarily, and they hope to work collaboratively on a proper legislative remedy.

Ms. Atlas added, to touch on the medication adjustments, in her practice, she noted the referring veterinarians from other clinics do not actually want them to be adjusting medications with their onsite veterinarians. She noted they want to stay and maintain control of that.

Ms. Atlas reached the three-minute limit for public comment.

E. Sections 2090-2095, Article 11, Division 20, Title 16 of the CCR Regarding Drug Compounding

[Meeting Materials](#)

Webcast: [01:23:47](#)

Regulatory Counsel Karen Halbo presented this agenda item. She reported the Board approved Second Modified Text at its last meeting, which was then noticed for a 15-day public comment period. She noted two written comments were received during the public comment period, and proposed responses to those comments were provided in the cover memo for the Board's review and approval to be included in the Final Statement of Reasons (FSR). She explained further modifications to the regulatory text were not recommended as a result of the latest comments received. Ms. Halbo noted the first comment received was outside the scope of the Second Modified Text, and then she summarized each recommendation from the second comment and the proposed response to each recommendation.

- [Motion](#): Ms. Kathy Bowler moved and Dr. Jaymie Noland second a motion to approve the proposed responses to the written comments received during the 15-day public comment period on the Second Modified Text and direct staff to incorporate the responses into the FSR when proceeding with the final rulemaking package. [Vote](#): The motion carried 7-0.

There were no public comments made on the motion.

- [Motion](#): Dr. Christina Bradbury moved and Dr. Maria Preciosa S. Solacito seconded a motion to direct staff to take all steps necessary to complete the Drug Compounding rulemaking process, and delegate to the Executive Officer the authority to make any technical or non-substantive changes to the rulemaking package and adopt the Second Modified Text to add sections 2090, 2091, 2092, 2093, 2094, and 2095 of article 11 to division 20 of title 16 of the California Code of Regulations. [Vote](#): The motion carried 7-0.

There were no public comments made on the motion.

12. Board President Report – Mark Nunez, DVM

Webcast: [01:40:24](#)

Dr. Nunez provided the Board President Report.

There were no public comments made on this item.

13. Registered Veterinary Technician Report – Jennifer Loredo, RVT

Webcast: [01:44:02](#)

Ms. Loredo provided the RVT Report.

The Board received public comment on this item.

[Ms. Hudson](#) thanked Ms. Loredo for the report. She noted Ms. Loredo touched on a lot of topics that CaRVTA is keeping their eye on. She added CaRVTA tries very hard to make sure they have good representation. She also stated the number of RVTs is something they discuss constantly. She explained there seems to be not only an issue with the numbers, but there is also an issue with longevity in the field. She noted some of the feedback she hears, and they are trying to address, is RVTs are not being utilized as much as they could be. Ms. Hudson also added that the cost of RVT education is so high and does not equate to the pay they receive. She noted there were a lot of things they will be discussing in the next year, such as title protection, expanded duties, and educating the public.

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

A. American Association of Veterinary State Boards (AAVSB) Annual Meeting Overview

[Meeting Materials](#)

Webcast: [01:57:03](#)

Dr. Nunez, Ms. Bowler, and Ms. Sieferman provided an overview of the AAVSB Annual Meeting.

Ms. Sieferman also stated AAVSB's legal counsel had made a suggestion regarding the way state boards provide their meeting minutes. She explained they suggested that boards convert their meeting minutes to action-type minutes, as opposed to transcription-type minutes. The Board agreed to doing action minutes for its next meeting and to reevaluate meeting minutes at that time.

B. International Council for Veterinary Assessment

Webcast: [02:23:06](#)

Ms. Bowler provided the International Council for Veterinary Assessment report.

C. AAVSB, Member and Program Services Think Tank

Webcast: [02:24:29](#)

Dr. Nunez provided the AAVSB, Member and Program Think Tank report.

There were no public comments made on Agenda Items 14.A., 14.B. or 14.C.

15. Student Liaison Reports

A. UC Davis Liaison – *Amanda Ayers*

Webcast: [02:28:05](#)

Newly appointed student liaison Amanda Ayers provided the UC Davis Student Liaison report.

There were no public comments made on this item.

B. Western Liaison – *Kristina Junghans*

Webcast: [02:32:51](#)

Newly appointed student liaison Kristina Junghans provided the Western University Student Liaison report.

Board members welcomed the student liaisons and thanked them for their reports.

There were no public comments made on this item.

16. Recess until October 22, 2021, at 9:00 a.m.

The meeting was recessed at 4:27 p.m.

DRAFT

9:00 a.m., Friday, October 22, 2021

Webcast Link:

Day 2: <https://www.youtube.com/watch?v=mhM4A6Zci58>

17. Reconvene - Establishment of a Quorum

Webcast: [00:00:05](#)

Dr. Mark Nunez called the meeting to order at 9:00 a.m. Ms. Jessica Sieferman called roll; five members of the Board were present, and a quorum was established. Ms. Judy Ki and Ms. Dianne Prado were absent. Dr. Jaymie Noland joined the meeting at 9:05 a.m.

Board Members Present

Mark Nunez, DVM, President
Kathy Bowler, Public Member, Vice President
Christina Bradbury, DVM
Jennifer Loreda, RVT
Jaymie Noland, DVM (*arrived at 9:05 a.m.*)
Maria Preciosa S. Solacito, DVM

Staff Present

Jessica Sieferman, Executive Officer
Timothy Rodda, Administration/Licensing Manager
Patty Rodriguez, Inspection Program Manager
Rob Stephanopoulos, Enforcement Manager
Nellie Forget, Enforcement Analyst
Fredy Olea Gaspar, Enforcement Analyst
Kimberly Gorski, Enforcement Analyst
Jennifer Lee, Hospital Inspections Program Analyst
Robert Rouch, Enforcement Analyst
Justin Sotelo, Lead Administrative & Policy Analyst
Daniel Strike, Enforcement Analyst
Jennifer Tarrant, Enforcement Analyst
Tara Welch, Board Counsel, Attorney III, DCA, LAD

Guests Present

Richard Bennett, DVM, Banfield Pet Hospital
Brian Clifford, DCA, Executive Office
Harmony DeFilippo, DCA, Budget Office
Karen Denvir, Supervising DAG and Board Liaison, OAG, Department of Justice
Nancy Ehrlich, RVT, CaRVTA
Anita Levy Hudson, RVT, CaRVTA
Aubrey Jacobson, Legislative Analyst, DCA, Division of Legislative Affairs
Kristina Junghans, Student Liaison, Western University

Tom Jurach, Co-Moderator, DCA, SOLID
Brianna Miller, Manager, DCA, Board and Bureau Relations
Grant Miller, DVM, CVMA
Karen Munoz, Budget Manager, DCA, Budget Office
Bryce Penney, Television Specialist, DCA, OPA
Jeff Pollard, DVM
Dianne Sequoia, DVM, MDC
Trisha St. Claire, Moderator, DCA, SOLID
Marie Ussery, RVT, MDC
Kristy Veltri, Program Director, Platt College

18. Executive Management Reports

A. Administration

[Meeting Materials](#)

Webcast: [00:00:47](#)

Timothy Rodda, Administration/Licensing Manager, provided the first portion of the Administration Report.

Next, Harmony DeFilippo, DCA Budget Analyst, provided an update regarding the latest Expenditure Projection report and Fund Condition statement.

Karen Munoz, DCA Budget Manager, and Ms. Siefertman addressed questions from Board members.

Mr. Rodda concluded the Administration Report.

There were no public comments made on this item.

B. Examination/Licensing

[Meeting Materials](#)

Webcast: [00:29:49](#)

Mr. Rodda provided the Examination/Licensing Report. He addressed questions from Board members.

There were no public comments made on this item.

C. Enforcement

[Meeting Materials](#)

Webcast: [00:44:40](#)

Patty Rodriguez, Inspection Program Manager, and Rob Stephanopoulos, Enforcement Manager, provided the Enforcement Report.

Karen Denvir, Supervising DAG and Board Liaison, also provided information regarding the cases that OAG receives from the Board.

Ms. Rodriguez and Mr. Stephanopoulos addressed questions from Board members.

Board members thanked enforcement management and staff for their hard work and efforts.

There were no public comments made on this item.

D. Outreach

[Meeting Materials](#)

Webcast: [01:43:34](#)

Ms. Sieferman provided the Outreach Report.

There were no public comments made on this item.

E. Strategic Plan

[Meeting Materials](#)

Webcast: [01:50:52](#)

Ms. Sieferman provided the Strategic Plan Report.

Board members provided comments and questions. Ms. Sieferman addressed questions from Board members.

The Board received public comment on this item.

[Dr. Miller](#) stated he appreciated that Ms. Sieferman was integrally involved with BreEZe. However, he re-emphasized CVMA's concern that, as currently configured, the BreEZe system deters people from reporting illegal veterinary practice. He explained the system does not have a drop down menu that is specific to unlicensed activity. He added, even though the instructions on the BreEZe page tell somebody to submit a complaint under a veterinarian if they are worried about unlicensed practice, nobody does that. He stated he recognized it is going to take a system-wide recalibration of BreEZe to reprogram it.

He asked Ms. Siefertman what the feasibility was of BreEZe being reprogrammed, so there is a specific drop down option for illegal practice or unlicensed activity.

Ms. Siefertman responded she appreciated Dr. Miller bringing the issue to her attention. She explained she brought the issue to the Office of Information Service's (OIS) attention, and it is now on their radar. She further explained when it comes to changing anything enforcement-related, the issue needs to be reviewed by an enforcement user group before it goes to DCA's Change Control Board. She added the system should definitely be improved to make things more clear. However, she noted the Board has also recently received an increased number of reports of unlicensed activity and has also issued an increased number of citations for unlicensed activity.

19. Election of 2022 Board Officers

Webcast: [01:59:26](#)

Dr. Noland nominated Ms. Bowler as the Board's 2022 President. Ms. Bowler accepted the nomination.

- [Motion](#): Dr. Jaymie Noland moved and Dr. Mark Nunez seconded a motion to appoint Ms. Kathy Bowler as the Board's 2022 President. [Vote](#): The motion carried 6-0.

There were no public comments made on the motion.

Ms. Bowler nominated Dr. Bradbury as the Board's 2022 Vice President. Dr. Bradbury accepted the nomination.

- [Motion](#): Ms. Kathy Bowler moved and Dr. Jaymie Noland seconded a motion to appoint Dr. Christina Bradbury as the Board's 2022 Vice President. [Vote](#): The motion carried 6-0.

There were no public comments made on the motion.

20. Future Agenda Items and Next Meeting Dates

- **January 20-21, 2022**
- **April 21-22, 2022**
- **July 21-22, 2022**
- **October 20-21, 2022**

Webcast: [02:04:39](#)

The following future agenda items were noted: the issue of veterinarians recommending and administering cannabis and hemp products; RVTs performing procedures outside of the veterinary premises; and adding an additional RVT member to the Board. It was also noted other items would be referred to the MDC.

Ms. Sieferman stated she would revisit the 2022 meeting dates in an effort to not conflict with the CVMA Board of Governors meetings and accommodate MDC and Board member availability.

There were no public comments made on this item.

21. Recess Open Session

Open Session recessed at 11:26 a.m.

22. Convene Closed Session

Closed Session convened at 11:26 a.m.

23. Pursuant to Government Code Section [11126\(e\)\(1\)](#) and (2)(A), the Board Will Meet in Closed Session to Confer and Receive Advice From Legal Counsel Regarding the Following Matter: *San Francisco Society for the Prevention of Cruelty to Animals, et al. v. Jessica Sieferman*, United States District Court, Case No. 2:21-cv-00786-TLN-KJN

This item was not discussed.

24. Pursuant to Government Code Section [11126\(a\)\(1\)](#), the Board Will Meet in Closed Session to Discuss the Executive Officer Evaluation

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

25. Pursuant to Government Code Section [11126\(c\)\(3\)](#), the Board Will Meet in Closed Session to Deliberate and Vote on Disciplinary Matters, Including Stipulations and Proposed Decisions

In the Matter of the Amended Accusation Against Craig D. Maloney, Respondent – Proposed Decision

The Board adopted the Proposed Decision in its entirety.

26. Adjourn Closed Session

Closed session adjourned at 1:00 p.m.

27. Reconvene Open Session

Open session reconvened at 1:00 p.m.

28. Adjournment – Due to technological limitations, adjournment will not be broadcast

Dr. Nunez adjourned the meeting at 1:01 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.*

DRAFT