

Veterinary Medical Board

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MEETING MINUTES
Veterinary Medical Board
Embassy Suites Anaheim
400 N. State College Boulevard
Orange, California

9:00 a.m. Tuesday, October 21, 2014

I. Call to Order - Establishment of a Quorum

Dr. Tom Kendall called the Veterinary Medical Board (Board) meeting to order at 9:10 a.m. Annemarie Del Mugnaio, Executive Officer, called roll; seven members of the Board were present and thus a quorum was established.

Board Members Present

Tom Kendall, DVM, President

Mark Nunez, DVM

Richard Sullivan, DVM

Cheryl Waterhouse, DVM

Jennifer Loreda, RVT

Kathy Bowler, Public Member

Elsa Flores, Public Member

Judie Mancuso, Public Member

Staff Present

Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board

Rebecca Bon, Legal Counsel

Diann Sokoloff, SDAG, Board Liaison

Ethan Mathes, Administrative Program Manager

Candace Raney, Enforcement Program Manager

Bryce Penney, DCA Web Cast

Guests Present

Al Aldrete, DVM, Veterinary Allied Staff Education

Jeff Backus, California Registered Veterinary Technician Association

Nancy Bassali, Center for Public Interest Law

Jeff Beasca, California University of Management Sciences

Kellie Boiston, California Association of Animal Physical Therapists

Nancy Ehrlich, California Registered Veterinary Technician Association

Valarie Fenstermaker, California Veterinary Medical Association

Bill Grant, DVM, Multidisciplinary Advisory Committee

Alec Henderson, RVT, Veterinary Allied Staff Education

Awet Kidane, Director, Department of Consumer Affairs

David Park, California University of Management Sciences

Kristi Pawlowski, California Veterinary Medical Association

Carol Schumacher, RVT

Dan Segna, DVM, California Veterinary Medical Association

Jim Weisenberg, Diversion Evaluation Committee

II. Introductions

III. Ceremonial Swearing In of New Veterinary Medical Board Members

Jennifer Loreda, RVT and Kathy Bowler were sworn in as Board members by Executive Officer Annemarie Del Mugnaio.

IV. Approval of July 22-23, 2014 Meeting Minutes

- Judie Mancuso motioned and Dr. Cheryl Waterhouse seconded the motion to approve the April 24-25, 2012 Meeting Minutes. The motion carried 7-0.

V. Executive Officer & Staff Reports

A. Administrative/Budget

Ms. Del Mugnaio updated that all new staff are required to be hired by the end of the year, Board staff has established a social media presence on Twitter and Facebook, the veterinary hospital inspection program anticipates there will be more than 500 premise inspections in the coming Fiscal Year, and that there will be stakeholder meeting for the new veterinary assistant controlled substances permit program next year.

Ms. Del Mugnaio added the California Registered Veterinary Technician Association letter was forwarded to the Governor requesting a registered veterinary technician proclamation; however, the Governor's office indicated they don't initiate such proclamations. Expert witness training will take place in November and the Board's budget is currently healthy in part due to salary savings from vacant staff positions.

B. Enforcement

C. Licensing/Examination

Ms. Del Mugnaio updated on enforcement case timelines and that the timelines include both Attorney General and Office of Administrative Law delays which cannot be controlled by Board staff. Candace Raney noted there are areas Board staff can reduce its timelines including complaint intake as a notable contributing factor for reducing enforcement case timelines.

D. Department of Consumer Affairs BreEZe Update- Awet Kidane, Director, Department of Consumer Affairs

Department of Consumer Affairs Director, Awet Kidane, gave an overview of the BreEZe program progress. There were many lessons learned from the initial participating board's releases and those experiences have been incorporated into subsequent releases. These lessons will help those subsequent boards have an improved experience with their BreEZe database project. The design of the Board's system is nearing completion; following design Board staff with work on user acceptance testing of the system. Due to the increasing complexity of the project and delays due to that complexity, which involved additional staff time, overall costs of the project have also increased.

VI. Board Chair Report - Dr. Tom Kendall

A. American Association of Veterinary State Boards Update

Dr. Kendall reported the American Association of Veterinary State Boards (AAVSB) presentation on animal dentistry is online. The AASVB also discussed the model practice act and telemedicine at their annual meeting.

VII. Discuss Need for Regulations Regarding Anesthesia-Free Dental Cleaning (BPC Section 4826(d))

A. AAVSB Panel Discussion – September 12, 2014

Dr. Cheryl Waterhouse presented on the need for regulation of animal dental care. The Board reviewed Nevada's recently adopted animal dental care laws and discussed the prescriptive nature of those laws and the need to further regulate animal dental care in California.

The Board noted there is a demand for anesthesia free dental care in California and the Board could do more to educate consumers. Dr. Mark Nunez offered that he would research case law and outreach efforts and report back to the Board.

VIII. Overview and Discussion Regarding the Board's Diversion Program – James L. Weisenberg, Diversion Evaluation Committee Chair

James Weisenberg spoke on his experience with substance abuse and provided an overview of the Diversion Evaluation Committee (DEC). The DEC program is currently self-referral but will begin accepting participants through the enforcement program's stipulated settlements.

The Board discussed the cost of the diversion program and whether insurance is an option for participants in lieu of the Board paying for their participation. Ms. Del Mugnaio added all other healing art programs pay in some form or another for participation in their diversion program and suggested that the Board should consider the overall benefit of the program.

IX. Proposed Regulations

A. Status of Pending Regulations

Ms. Del Mugnaio updated on pending regulations and reported Dr. Richard Sullivan will amend currently proposed animal rehabilitation regulatory language for the Board to review at their next meeting.

B. Review and Possible Approval of Uniform Standards for Substance Abusing Licensees/Disciplinary Guidelines (BPC Sections 315-315.4)

The Board reviewed the proposed Uniform Standards language and made various minor amendments.

- Dr. Mark Nunez motioned and Dr. Cheryl Waterhouse seconded the motion to approve the proposed uniform standards for substance abusing licensees/Disciplinary Guidelines regulatory language. The motion carried 8-0.

C. Review and Possible Approval of Consumer Protection Enforcement Initiative (CPEI)

Ms. Del Mugnaio updated on amendments to the proposed CPEI language made at the July Board meeting and reviewed all other proposed sections of the regulations.

- Dr. Mark Nunez motioned and Judi Mancuso seconded the motion to approve the proposed Consumer Protection Enforcement Initiative regulatory language. The motion carried 8-0.

X. 2014 Legislation Report

- A. AB 1437 – Mullin – Medically Important Antimicrobials: Nontherapeutic Use
- B. SB 835 – Hill – Food Producing Animals: Medically Important Antimicrobial Drugs.
- C. AB 1810 – Maienschein – Deposits for Keeping: Abandoned Animals
- D. AB 1809 – Maienschein – Dogs: Health Certificates
- E. AB 2058 – Wilk – Open Meetings
- F. SB 1243 – Lieu – Sunset Extension Bill
- G. SB 1323 – Lieu – Specialized license plates: Pet Lover's License Plate Program
- H. AB 1758 – Patterson – Proration of Initial License Fees
- I. AB 186 – Maienschein – Military spouses: temporary licenses

Ms. Del Mugnaio reported SB 1323 provided a one-time transfer of funds to the Pet Lover's License Plate Program and that there may be an additional legislative bill to allow for the continuous appropriation of funds.

AB 186 was approved by the Governor for the issuance of a temporary veterinary license to a military spouse or domestic partner; the Board currently has a process in place review and license these applicants.

Judie Mancuso suggested using the Board's social media to update on changes to the law in AB 1810 as well as any other new laws that pertain to veterinary medicine. Dr. Richard Sullivan noted SB 1243 created Board authority for the enforcement of certain unlicensed activity, it provided an operative date for the veterinary assistant controlled substances program, and mandated the Board address issues from its recent Sunset Review.

XI. Discuss Board Approval Process for California Veterinary Technician Schools

A. California University of Management and Sciences

Jeff Beasca of the California University of Management and Sciences (CalUMS) requested the Board review and approve his registered veterinary technology program. He noted CalUMS is accredited by the Accrediting Council for Independent Colleges and Schools and that they currently have students enrolled in the program. David Park of CalUMS added the program did not apply for American Veterinary Medical Association (AVMA) because it does not meet AVMA accreditation criteria at this time and accreditation takes up to four years for approval.

Ms. Del Mugnaio noted the Board is not an accreditation body but has approved veterinary technology programs in its past. The Board would need to determine the availability of appropriate staff resources in order to resurrect the veterinary technology approval program. Students in the CalUMS program may also qualify for examination using the existing alternate route eligibility pathway in lieu of Board program approval or AVMA accreditation. Dr. Sullivan added that due to the lack of a current veterinary technology approval program and staffing challenges the Board may not be able to approve the CalUMS program in a timely manner.

Ms. Del Mugnaio offered that staff would do additional research on Board requirements, authority to approve veterinary technology programs, and the timeline and cost for Board program approval process. Staff will contact CalUMS with update on the Board discussion and approval process.

Dr. Kendall noted previously approved California veterinary technology programs have largely gotten AVMA accreditation due to regulatory changes that allowed for California acceptance of AVMA accredited schools. Dr. Sullivan suggested staff look into re-inspection of existing California approved veterinary technology programs.

XII. Discuss Continuing Education Programs Approval Proposal

Ms. Del Mugnaio reported the Animal Policy Group (APG) is requesting Board approval of its continuing education programs. The Board has the authority to review and approve continuing education. Ethan Mathes clarified the APG was not requesting statutory approval, but approval through the existing regulatory process.

The Board discussed the efficacy of offering blanket approval to multiple providers when the AVMA Registry of Approved Continuing Education has an existing approval process and also whether the Board should initiate a continuing education approval program.

- Dr. Richard Sullivan motioned and Dr. Mark Nunez seconded the motion to table further discussion on continuing education approval until the Animal Policy Group could present to the Board. The motion carried 8-0.

XIII. Multidisciplinary Advisory Committee Report – Dr. William Grant

Dr. Bill Grant updated that the Multidisciplinary Advisory Committee (MDC) discussion at their October 2014 meeting covered registered veterinary technician alternate route program approval, the challenges alternate route students face obtaining the required education, and whether alternate route applicants are acquiring the necessary education in order to be fully prepared veterinary technicians. The MDC was interested in ensuring alternate route programs offer an equivalent education to AVMA schools. The MDC voted to recommend to further research a

process for approving alternate route programs in lieu of offering the existing alternate route pathway to examination eligibility.

Carol Schumacher and Nancy Ehrlich opined that there is no clear evidence indicating the Board should move away from the existing alternate route pathway and that work experience and on the job training is an integral part of the alternate route applicant's eligibility. This work experience and on the job training helps the alternate route applicant's equivalency when compared to an AVMA student's education.

- Dr. Richard Sullivan motioned and Dr. Cheryl Waterhouse seconded the motion to direct the Multidisciplinary Advisory Committee to proceed with their recommendation to research a process for approving alternate route programs in lieu of offering the existing alternate route pathway to examination eligibility. The motion carried 8-0.

Dr. Grant reported the MDC discussed veterinary technician student exemptions, whether the exemption would apply to alternate route students, and final determination of this question should wait until alternate route program approval has been established. The Board agreed that "final year" and level of supervision should be defined for the exemption. The MDC is continuing its discussion on university/faculty licensure, changes to the minimum standards regarding types of veterinary practices, and drug compounding. Ms. Del Mugnaio added that the discussion on drug compounding is important as there is no current law governing the practice in California and that California law would need to be in agreement with federal laws.

XIV. Comments from Public/Outside Agencies/Associations

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

XV. Recess

9:00 a.m. Wednesday, October 22, 2014

XVI. Call to Order - Establishment of a Quorum

Dr. Kendall called the Board meeting to order at 9:10 a.m. Ms. Del Mugnaio, Executive Officer, called roll; eight members of the Board were present and thus a quorum was established.

Board Members Present

Tom Kendall, DVM, President

Mark Nunez, DVM

Richard Sullivan, DVM

Cheryl Waterhouse, DVM

Jennifer Loreda, RVT

Kathy Bowler, Public Member

Elsa Flores, Public Member

Judie Mancuso, Public Member

Staff Present

Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board

Rebecca Bon, Legal Counsel

Diann Sokoloff, SDAG, Board Liaison

Ethan Mathes, Administrative Program Manager

Candace Raney, Enforcement Program Manager

Bryce Penney, DCA Web Cast

Guests Present

Peter Wienstein, Southern California Veterinary Medical Association

XVII. Introductions

XVIII. Election of Officers

Dr. Kendall noted the elected Vice President would take effect immediately and the elected President would take effect on January 1, 2015.

- Dr. Richard Sullivan motioned to nominate Dr. Mark Nunez for Board President. The motion carried 7-0-1 (with Dr. Nunez abstaining).
- Elsa Flores motioned to nominate Judi Mancuso for Board Vice President. The motion failed 4-3.
- Dr. Richard Sullivan motioned to nominate Dr. Cheryl Waterhouse for Board Vice President. The motion carried 5-3.

XIX. Update on Exempt Appointee Salary Increase

Dr. Kendall reported the Board's entire approved increase to the Executive Office salary did not occur. Ms. Del Mugnaio clarified there was an increase, but not to the full amount approved by the Board.

- Judie Mancuso motioned and Dr. Mark Nunez seconded the motion to grant the Executive Officer a five percent salary increase as approved at the Board's July 2014 meeting. The motion carried 8-0.

CLOSED SESSION

XX. Closed Session

IV 2014 8

Board adopted stipulated settlement.

IA 2013 22

Board adopted stipulated settlement.

AV 2013 33

Board adopted stipulated settlement.

AV 2012 16

Board adopted stipulated settlement.

AV 2013 9

Board adopted stipulated settlement.

AV 2013 10

Board adopted stipulated settlement.

AV 2010 28

Board adopted stipulated settlement.

OPEN SESSION

XXI. Agenda Items and Next Meeting Dates – January 20-21, 2015; April 21-22, 2015; July 21-22, 2015; October 20-21, 2015

- A. Agenda Items for Next Meeting
- B. Multidisciplinary Advisory Committee Meetings 2015

Dr. Sullivan suggested moving staff reports to the end of the agenda and asked for a future agenda item on the difference between minimum and community standards of care.

Ms. Del Mugnaio reported the next Board meeting will be in November to hold an enforcement hearing.

Ms. Del Mugnaio confirmed the next meeting agenda will include items covering strategic planning, rodeo reporting, Sunset Review, veterinary technician school approval, and continuing education approval.

XXII. Adjourn

The Board adjourned at 1:15 p.m.