



TELECONFERENCE MEETING MINUTES Veterinary Medical Board

The Veterinary Medical Board met via teleconference on
Thursday, September 12, 2019, at the following locations:

Department of Consumer Affairs 1747 N. Market Blvd. 1st Floor, Pearl Room Sacramento, CA 95834	The Spay Neuter Project of Los Angeles 3612 11th Ave. 1st Floor, Conference Room Los Angeles, CA 90018	Waterhouse Animal Hospital 1115 E. Champlain Dr. Fresno, CA 93720
VCA Miller-Robertson Animal Hospital 8807 Melrose Ave. West Hollywood, CA 90069	Cal Poly State University 1 Grand Ave Building 10, Room 141 San Luis Obispo, CA 93407	Mt. San Antonio College 1100 N Grand Ave Building 80, Room 2301 O Walnut, CA 91789

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

Dr. Jaymie Noland called the Veterinary Medical Board (Board) meeting to order at 1:09 p.m. Executive Officer, Ms. Jessica Sieferman, called roll; six members of the Board were present, and a quorum was established. Dr. Noland advised that her location at Cal Poly State University was moved from Room 123 to Room 141 and appropriate signage was posted alerting the public of the change in room number. Ms. Alana Yanez was absent. Dr. Christina Bradbury was absent at the time of roll call but joined the meeting at the Department of Consumer Affairs, 1747 N. Market Blvd. location at 1:23 p.m.

2. Introductions

Members Present

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

Staff Present

Jessica Sieferman, Executive Officer
Patty Rodriguez, Hospital Inspection Program Manager
Robert Stephanopoulos, Enforcement Manager

Amanda Drummond, Administrative Program Analyst
Wendy Garske, Enforcement Analyst
Virginia Gerard, Enforcement Analyst
Kimberly Gorski, Enforcement Analyst
Terry Perry, Enforcement Technician
Sidney Villareal, Probation Monitor
Tara Welch, Legal Counsel
Karen Denvir, Board Liaison and Deputy Attorney General, Office of the Attorney General

Guests Present

Jeff Atlas
Paul Hansbury, Lovingly and Legally Grown
Susan Tibbon, Lovingly and Legally Grown
Jill Tucker, California Animal Welfare Association (Cal Animals)
Leslie Sklena, Director of Veterinary Services, Woods Humane Society

3. Public Comment on Items Not on the Agenda

Public comment was received from Paul Hansbury and Susan Tibbon of Lovingly and Legally Grown, sponsors of Senate Bill (SB) 627 (Galgiani, 2019). They provided a brief overview of the bill and updates since the July Board meeting, including that SB 627 is now a two-year bill and the proposed amendments have been accepted. Additionally, Mr. Hansbury and Ms. Tibbon stressed that cannabis for animals should not be available in adult use recreational facilities; medicinal cannabis for treatment of animals should not be sold as recreational use.

Jill Tucker of Cal Animals asked the Board whether there was anything on the table to address the 25% of animal shelters that do not provide veterinary medical services but need to vaccinate animals. Ms. Siefertman clarified that the only reference to animal shelters in the sunset report is in the pending regulations section in reference to the minimum standards for animal shelters.

4. Discussion and Possible Action on Draft 2020 Sunset Review Report

Due to time constraints, the Board limited this discussion of the draft 2020 Sunset Review Report to policy decisions, including updates to prior issues and new issues, as the remainder of the report was factually driven. The Board was advised that any other concerns with the report could be emailed to Ms. Siefertman and would be notated in the draft version to be included in the October meeting.

Section 11 – Board Action and Response to Prior Sunset Issues

- Issue #1: The Board discussed adding to the 2019 update the continued problems and delays with BreEZe, as well as the information related to the additional fixes that are still necessary to resolve BreEZe problems.
- Issue #2: The Board discussed expanding upon the 2019 updates to include that the Board analyzed the American Veterinary Medical Association (AVMA) accreditation, changed

RVT tasks and duties, eliminated the California RVT examination, expanded restricted RVT duties, created a pathway for foreign RVT applicants to obtain licensure, and information on the Board's pending rulemaking files regarding RVT tasks and changes to California Code of Regulations (CCR), title 16, section 2036.

- Issue #3: The Board discussed adding the topics included in issue number two to the 2019 updates under this issue as well, including the complete cost-benefit analysis of the RVT exam to determine reasonable and equitable fees. The Board also discussed including the rationale for unapproving the California RVT examination.
- Issues #4 and 5: The Board expressed no concerns with these issues.
- Issue #6: The Board discussed adding the current status of the drug compounding regulatory package to the 2019 update.
- Issue #7: The Board expressed no concerns with issue #7.
- Issue #8: The Board discussed including in the 2019 update the Board approved regulatory proposals for RVT emergency care and duties of a supervising veterinarian. The regulatory proposal for RVT emergency care will amend CCR section 2069 and will authorize RVTs to provide lifesaving treatment in emergency situations. The regulatory proposal for duties of a supervising veterinarian will amend CCR section 2035 and will modify the tasks a supervising veterinarian is authorized to delegate to an RVT or veterinary assistant.
- Issue #9: The Board discussed adding the California Department of Food and Agriculture (CDFA) presentation from the July 2019 Board meeting to the 2019 updates as an attachment. Additionally, the Board also requested to include in the 2019 update that effective July 1, 2018, there is a mandatory requirement where veterinarians must complete one hour of continuing education (CE) regarding the use of medically important antimicrobial drugs and include this information on the license renewal applications.
- Issue #10: The Board discussed including in the 2019 status update the need for additional staff to implement SB 1480 (Hill, Chapter 571, Statutes of 2018) and to emphasize the increase in complaint-driven inspections. Additionally, the Board discussed including how the Board adopted regulatory changes for minimum standards for alternate premises. Ms. Kathy Bowler requested to add to the update the number of registered premises subject to the premises inspection requirement to demonstrate the need for more staff, and Dr. Mark Nunez requested to add to the update the Board's work

on minimum standards regulations that will result in premises inspection efficiencies for different types of veterinary practices and help the Board meet its 20% inspection goal.

- The Board expressed no concerns with issue #11.

Section 12 – New Issues

- **Corporate Practice of Veterinary Medicine:** The Board discussed corporate practice as a potential new issue for the Board. The Board decided to not include a legislative request regarding this issue at this time. The Board also made minor edits to the text in this issue.
- **Funding for Animal Cannabis Research:** The Board agreed to include this as a new issue in the Sunset Review Report but not include a potential legislative request for this new issue. The Board clarified that they are not requesting new funding but would like a carveout for already appropriated funding to go to veterinary research in cannabis. The Board also added that they would continue to work with the authors of SB 627 to secure funding for veterinary cannabis research.
- **Premises Registration and Managing Licensee:** The Board agreed to include this as a new issue and clarified that this is how they would obtain oversight over non-licensed owners of veterinary premises. The Board agreed to review potential language at the October meeting and would pursue a legislative request via a sunset bill. Dr. Noland stated that the draft language needs to be clear that the applicant is the owner for purposes of the premises registration and not the owner of the land or property (e.g., owner of a strip mall).
- **Unlicensed Practice Categorized as “Excepted Practices”:** The Board agreed to include this as a new issue in the Sunset Review Report and discussed researching information regarding complaints and to include statistics and further information, particularly on complaints being closed as non-jurisdictional. The Board decided against pursuing a potential legislative request for this new issue. The Board would include this issue in the strategic action plan. Additionally, the Board made minor edits to the text to clarify the issue relates to companion animals, animal sanctuaries, and animal rescue groups, but not livestock.
- **Reciprocity License Clinical Practice Hours:** The Board agreed to include this as a new issue and pursue a legislative request via a sunset bill. The Board will review other health boards statutes and regulations regarding how they process reciprocity licensure and potential language at the October meeting.

- **Diversion Evaluation Committee Composition:** The Board clarified that this proposal would allow the Diversion Evaluation Committee (DEC) member to be suspended in a private setting, and not in a public meeting. The Board agreed to include this as a new issue and pursue a legislative request via a sunset bill.
- **Program Costs vs. Diversion Program Registration Fees:** The Board agreed to include this as a new issue and pursue a legislative request via a sunset bill.
- **Abandoned Applications:** The Board agreed to include this as a new issue and pursue a legislative request via a sunset bill. The Board agreed to review potential language at the October meeting.
- **Change of Applicant Address:** The Board agreed to include this as a new issue and pursue a legislative request via a sunset bill.
- **Veterinarians Claiming to be “Specialists”:** Dr. Bradbury provided a brief overview of this topic including her experience with general practitioners claiming to be specialists without being board certified.

It was clarified that this was not about limiting licensure, but about false advertisement and consumer protection. The Board discussed reviewing the Medical Board of California’s statutes and regulations and bringing potential language to the October meeting. The Board also discussed sending this to the MDC for further research. The Board agreed to include this as a new issue and pursue a legislative request via a sunset bill.

- Dr. Cheryl Waterhouse moved to keep this issue as an emerging issue and refer it to the Board’s Multidisciplinary Advisory Committee (MDC) for review. There was no second to the motion, which was withdrawn.
- **CURES:** Dr. Waterhouse provided an overview of the topic, including an instance where a client and a patient were using similar drugs and the animal patient’s medication was denied at the pharmacy due to similar prescriptions. However, due to the inability of CURES allowing veterinarians being able to communicate with other physicians, Dr. Waterhouse was unable to assist her client further. It was clarified by legal counsel that this would have been an issue that the client should have followed up with the pharmacy and their physician, as it is a HIPPA issue; if the Board pursues a legislative mandate in CURES, that may remove all the veterinarian exemptions previously requested. The Board ultimately decided to strike this as a potential issue and not pursue a legislative fix.
- **Drug Compounding:** The Board discussed drug compounding, and a legislative change may need to be implemented to provide exemptions for veterinarians from recent changes

to the United States Pharmacopeia (USP). The Board agreed to include this as a new issue and pursue a legislative request via a sunset bill.

5. Update, Discussion, and Possible Action Regarding Uniform Standards for Substance-Abusing Licensees and Sections 2006 through 2006.57 of Article 1 of Division 20 of Title 16 of the California Code of Regulations

Ms. Bowler provided an overview of the Uniform Standards for Substance Abuse and the work that she and Dr. Nunez had done over the last several months. In October of 2014, the Board chose option 3 as the trigger for the uniform standards, and the Board determined to proceed with that option. Ms. Bonnie Lutz had some questions and proposed language for the uniform standards, and those have been addressed in the language here. Dr. Nunez also added that this language is similar to other boards' uniform standards for clarity purposes.

Ms. Karen Denvir advised that many other boards are proceeding with option 1 as the trigger because it allows for more flexibility and is more cost effective. The presumption trigger, option 1, would still allow for mitigating factors and the respondent to rebut the presumption. The Board previously supported option 3, as they felt this option would provide more flexibility for the respondent as well as providing opportunity to proceed through the hearing process which would give the Board better coverage if this decision was challenged in court. Option three would require more of a process, especially for RVTs, veterinary assistant controlled substance permit holders (VACSPs), and applicants who are unfamiliar with administrative practice and may be unaware that they are eligible to rebut a conviction. With the administrative process the complainant would have to request a finding of the substance abuse issue in the pleading and both the respondent and the administrative law judge (ALJ) would both be on notice that there must be evidence to support that finding, which would provide the respondent opportunity to challenge finding at that point.

After much discussion, the Board identified that they would like to proceed with option 1 and would need to review the Medical Board of California's Uniform Standards, as they are also utilizing option 1 as their trigger and determine if the proposed language conforms to the new trigger. The new language will be brought to the October meeting for the Board's consideration and review.

6. Adjournment

The meeting adjourned at 5:06 p.m.