



**VETERINARY MEDICAL BOARD
MULTIDISCIPLINARY ADVISORY COMMITTEE
MEETING MINUTES
October 15, 2024**

In accordance with Government Code section 11122.5, the Multidisciplinary Advisory Committee (Committee) of the Veterinary Medical Board (Board) met in-person with additional public participation available via teleconference/WebEx Event on **Tuesday, October 15, 2024**, with the following location available for Committee and public member participation:

Department of Consumer Affairs
1625 North Market Boulevard, Hearing Room
Sacramento, CA 95834

Webcast Link: <https://youtu.be/T5iSuhTAbKk>

10:00 a.m., Tuesday, October 15, 2024

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

Committee Chair, Richard Sullivan, Doctor of Veterinary Medicine (DVM), called the meeting to order at 9:59 a.m. Executive Officer (EO), Jessica Sieferman, called roll, and all nine members of the Committee were present; a quorum was established.

Members Present

Richard Sullivan, DVM, Chair
Marie Ussery, Registered Veterinary Technician (RVT), Vice Chair
Kathy Bowler
Jeni Goedken, DVM
Barrie Grant, DVM, Board Liaison
Mark Nunez, DVM
Kristi Pawlowski, RVT, Board Liaison
Leah Shufelt, RVT
Cheryl Waterhouse, DVM

Staff Present

Jessica Sieferman, EO
Matt McKinney, Deputy EO
Alicia Hernandez, Administrative and Licensing Manager
Patty Rodriguez, Enforcement Manager

Ashley Sanchez, Enforcement Manager
Justin Sotelo, Policy Specialist
Rob Stephanopoulos, Enforcement Manager
Jeff Olguin, Administration Analyst
David Bouilly, Moderator, Department of Consumer Affairs (DCA), Strategic Organizational Leadership and Individual Development (SOLID)
Alex Cristescu, Television Specialist, DCA, Office of Public Affairs
Elizabeth Dietzen-Olsen, Regulations Counsel, Attorney III, DCA, Legal Affairs Division
Melissa Gear, Deputy Director, DCA, Board and Bureau Relations
Tara Welch, Board Counsel, Attorney IV, DCA, Legal Affairs Division

Guest Presenters

Amy Farmer, Senior Director of Mobility, American Association of Veterinary State Boards (AAVSB)
Todd Von Deak, Executive Director, Association of Veterinary Technician Educators (AVTE)

Guests Present

Karen Atlas, President, Animal Physical Therapy Coalition (APTC)
Dan Baxter, Executive Director, California Veterinary Medical Association (CVMA)
Carrie Calay
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association (CaRVTA)
Heidi Lincer, Chief, DCA, Office of Professional Examination Services (OPES)
Bonnie Lutz, Esq., Klinedinst
Michael Manno, DVM, Equine Veterinarian
Grant Miller, DVM, Director of Regulatory Affairs, CVMA
Jim Penrod, Chief EO, AAVSB
Jeff Pollard, DVM

2. Public Comment on Items Not on the Agenda

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

3. Review and Approval of July 23, 2024 Committee Meeting Minutes

The Committee had no changes to the [July 23, 2024 meeting minutes](#).

Motion: Dr. Sullivan requested a motion. Barrie Grant, DVM, moved and Kristi Pawlowski, RVT, seconded a motion to approve the July 23, 2024 meeting minutes.

Public Comment: Dr. Sullivan requested public comment on the motion. There were no public comments made on the motion.

Roll Call Vote: Dr. Sullivan called for the vote on the motion. Ms. Sieferman took a roll call vote on the motion. The motion carried 8-0-1 with Dr. Waterhouse abstaining.

Members	Vote			
	Yea	Nay	Abstain	Absent
Richard Sullivan, DVM, Chair	X			
Marie Ussery, RVT, Vice Chair	X			
Kathy Bowler	X			
Jeni Goedken, DVM	X			
Barrie Grant, DVM	X			
Mark Nunez, DVM	X			
Kristi Pawlowski, RVT	X			
Leah Shufelt, RVT	X			
Cheryl Waterhouse, DVM			X	

4. [Presentation on Association of Veterinary Technician Educators \(AVTE\) Project Overview: “Understanding the Current State of the VTNE, Including Factors Influencing Pass Rates: A Multi-Year Analysis”](#)—
Todd Von Deak, AVTE, Executive Director

Ms. Sieferman and Mr. Von Deak presented the [meeting materials](#) into the record.

Discussion: The Committee reviewed the meeting materials and discussed the following:

- **Psychometrician Involvement:** The Committee inquired if a psychometrician was involved in the examination development process and suggested that a psychometrician might be helpful in developing the questions.
- **Availability of Research Results:** The Committee inquired when the research results would be available. Mr. Von Deak informed the Committee that results are expected by August 2025 during the AVTE’s Annual Conference.
- **Mid-Level Veterinary Practitioner License and Expanded Scope of Practice for RVTs:** The Committee noted that Colorado was pursuing legislation to create a mid-level veterinary practitioner license. In addition, many other jurisdictions were seeking to expand the scope of practice for RVTs. The Committee inquired to how the tasks would be evaluated when RVTs, who were not necessarily tested on the newer tasks on any license examination, to determine the RVT’s ability to perform the tasks. Mr. Von Deak responded that

the AVTE would look at ways for students to succeed on the examination, and it would be able to respond to this inquiry in the future.

- **Success Rates of Part Time vs. Full Time Students:** The Committee inquired if the AVTE will compare the variables of part time versus full time students and their success rates. The Committee noted many potential RVTs are working while in school. Mr. Von Deak responded he anticipates that it will be included in the analysis of the data.
- **VTNE Results of the Previous 3 to 5 Years:** The Committee inquired if the AAVSB has agreed to provide the AVTE with the pass results of the previous three to five years. The Committee also noted that the longer period (five years) would cost more but provide better results. Mr. Von Deak responded that the AVTE and the AAVSB have been in conversation and collaboration in how each entity can work with one another.
- **Projected Costs:** The Committee inquired if the AVTE was funding the survey and if there were any other sources of funding. Mr. Von Deak responded that the AVTE is financially invested in the costs. The AVTE is discussing and anticipates receiving additional funding for the project.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

5. **[Presentation on American Association of Veterinary State Board \(AAVSB\) Veterinary Technician National Examination \(VTNE\) Occupational Analysis Overview—Amy Farmer, AAVSB, Senior Director of Mobility](#)**

Ms. Sieferman provided the Committee with background information on the VTNE Occupational Analysis. She noted that the VTNE is intended to test minimum competency for entry level RVTs.

Ms. Farmer provided the Committee with the presentation from the [meeting materials](#).

Discussion: The presentation focused on the following items:

- **Test Takers Rebound to Pre-COVID-19 Levels:** The total number of test takers are back to pre-COVID-19 levels.
- **Validity of the VTNE:** The validity and reliability of the examination is supported by a job analysis study, examination development activities (i.e., item writing training, item writing review, and examination review meetings), standard setting study, and test statistics.

- **Multimodal Examination Delivery:** The AAVSB is working with the examination vendor, PSI Services LLC, to transition to multimodal examination delivery, which includes live remote proctoring.
- **Assessment Life Cycle:** The examination is based on rigorous development, including the practices and principles outlined in the standards for educational and psychological testing and examination development cycle.
- **Job Analysis Study:** The latest job analysis study was last conducted in 2023 and are conducted every 5–7 years.
- **VTNE Committee Composition and Recruitment:** The AAVSB is looking to expand its diversity on the VTNE Committee to include individuals from multiple veterinary disciplines. It encourages younger, newer practitioners, and non-educator individuals to apply as part of the VTNE Committee. The AAVSB is limited to who it can select based on the individuals who apply and the postings are advertised through its Leadership Development Committee.

The Committee encouraged the AAVSB to also advertise to individuals who do not have education and only have on-the-job [practical] experience.

Ms. Sieferman noted that the Board is willing to work with the AAVSB by providing outreach material to its California licensee population. As part of the AAVSB's Executive Director Advisory Committee, she suggested that there is an opportunity to encourage states to share information to their licensee population on how to apply.

Ms. Sieferman inquired if there were term limits on the positions since the positions appeared to be filled. Ms. Farmer responded that each position serves a 3-year staggered term. Ms. Farmer noted the positions will change in January 2025, and the VTNE Committee will lose one large animal specialist and one retired educator.

- **Item Development:** PSI psychometricians and test developers provide the training and procedures to Item Writer Subject Matter Experts (SMEs) for how to write effective items, how to use the platform for secure submission of the items, and how to review the submitted items. Item Reviewers ensure the items are accurate, current, fair, and meaningful. The Item Reviewers also verify the examination content outline classification, identifying that the reference is correct, and the cognitive level of each examination. Every item has to be referenced to the approved reference list and reviewed by multiple individuals.

The Committee thanked the AAVSB for keeping the resources up to date. Ms. Farmer noted the reference list is available on the AAVSB's website.

- **New Delivery Method:** The current system requires individual forms of the examination to be administered to applicants. The Linear on the Fly Testing (LOFT) system will provide dynamic questions based on the domain and content distribution. As a result, no two applicants will take the same examination, and it is expected to enhance examination security. The LOFT system will be launched in May 2025.
- **Standard Setting:** The Standard Setting is used to determine the cut score and how a minimally competent practitioner would answer each question. Item ratings are established. Each SME completes the test. The SMEs discuss the ratings, especially the answers that were answered incorrectly, modify the ratings, and independently rate each question. The cut score is then based on the average of each SME's score.

The Committee inquired to how many Standard Settings Groups are utilized and how often does the AAVSB do the Standard Settings. Ms. Farmer responded that one Standard Setting Group is utilized to perform each job analysis every three years.

The Committee also inquired to how much of the examination is dedicated to specific groups (i.e., small animal, large animal, etc.) that is maintained. Ms. Farmer responded that it is all determined through the job analysis. The content is divided by percentages and the examination is not all large or small animal focused.

- **Score Reports:** Candidates have their score on the computer screen as soon as they complete the examination, and the score is available in their AAVSB portal for a year after their scores have been imported. In addition, official score reports are available through a secure online report portal for jurisdictions to access for licensure. The AAVSB and PSI have upgraded their Application Programming Interface (API) that provides an expedited score report that is going to allow jurisdictions to receive the score reports within days. The current system takes 6–8 weeks. Since California participates in the AAVSB's Veterinary Information Verifying Agency (VIVA) database exchange, the Board will receive daily score reports via the API. There is also an appeals process for applicants to allow for fair testing opportunities for test takers.
- **Data Forensics and Web Crawling:** Data forensics is utilized to look for questions being answered beyond the standard deviation (i.e., answered questions too fast or taking longer to answer a question). Web crawling is used to see if examination content has been posted to the Internet.
- **Pass Rate:** Of the 9,227 applicants who have taken the VTNE, the pass rate is 55% for all applicants and 64% for first-time applicants. It was noted that the 64% first-time applicant pass rate is not for recent graduates but includes

individuals who may have practical experience in a veterinary setting but recently applied for a license.

- **Early Testing While in School:** Ms. Sieferman thanked the AAVSB for the change in policy by allowing students who are still in school to take the VTNE three months prior to graduation. AAVSB's limited data indicated individuals who were in school scored significantly better compared to individuals not in school.
- **Additional Retest Opportunities:** The AAVSB added a fourth examination opportunity for applicants to retest after 60 days. Ms. Sieferman thanked the AAVSB for adding the additional opportunities. She noted this change could allow for a faster opportunity for individuals to enter the workforce as RVTs.
- **Statistics for Program Directors:** Program Directors will be provided a breakdown of the performance of individuals who are within one year of graduation versus individuals who have been out of school for more than a year.
- **RVT Animal Health Care Tasks:** The Committee inquired, and Ms. Farmer confirmed, that the AAVSB Committee takes some of the animal health care tasks lists of jurisdictional practice acts into consideration when developing the examination.
- **Tracking Large Animal and Small Animal Practitioners:** The Committee inquired if the AAVSB tracks individuals going into large animal or small animal practice. Ms. Farmer responded it is not something the AAVSB tracks.

Public Comment: Dr. Sullivan requested public comment on this item. The following public comment was made on this item:

- [Nancy Ehrlich](#), RVT, CaRVTA, inquired if there was a contact address for potential RVTs who want to serve on the AAVSB Committee.

Response to Public Comment: Ms. Farmer stated that the requests could be made to Channing Benson at cbenson@aavsb.org who will send a link to the volunteer application.

6. Update, Discussion, and Potential Recommendation from the RVT Subcommittee—*Leah Shufelt, RVT, and Kristi Pawlowski, RVT*

- A. [Proposed Legislation to Amend Sections 4836.2, 4839, 4841.5, 4875, 4875.1, 4875.2, 4883, 4885, 4886, 4901.2, and 4902, Repeal Sections 4837, 4841.4, 4842, 4845.5, 4876, and 4881, and Add Section 4882 to the](#)**

[Business and Professions Code \(BPC\) Regarding Registration and Permit Applications and Disciplinary Actions](#)

Ms. Shufelt presented the [meeting materials](#) into the record.

Discussion: The Committee reviewed the meeting materials, discussed the legislative proposal, and received public comment on each section of the proposal as follows:

[Amend BPC Section 4836.2](#)

- Other than the addition of “certificate” to subsection (b), the Committee had no objections to the proposed amendments to BPC section 4836.2. However, it did inquire on the topic below.

[BPC Section 4836.2, Subsection \(a\)](#)

- **Addition of Abbreviated “VACSP”:** Dr. Sullivan inquired if the abbreviation “(VACSP)” should be added to subsection (a) since the abbreviated form is used subsequently.

Board Counsel, Tara Welch, responded that it is not a term defined in the Veterinary Medicine Practice Act (Practice Act). She stated it is notated as “[VACSP]” in the meeting materials as an ease of reference. Jessica Siefertman, EO, noted in the legislative proposal, the brackets indicating “[VACSP]” will not be included.

[BPC Section 4836.2, Subsection \(b\)](#)

- **Non-Canadian Foreign Education:** During the Committee’s discussion of BPC section 4836.2, subsection (b), Dr. Grant inquired if the language could include instances where highly trained individuals came from a foreign country other than Canada.

Ms. Siefertman responded that the proposed text aligns with the language for veterinarians. She stated in the prior Sunset Review, the Board was considering including additional countries in the future, but it would require review of the education requirement for both veterinarians and RVTs. She noted individuals with foreign education would not meet the education requirement for licensure in California since they did not earn a degree from an [AVMA] accredited program or come through another acceptable pathway.

- **Out-of-State VACSPs:** Dr. Waterhouse inquired if other states issue VACSPs.

Ms. Sieferman responded that not to her knowledge but she would ask the AAVSB if there are other states that issue VACSPs.

- **Future Proof Language:** Dr. Waterhouse inquired if the proposed language was to emulate the veterinarian language and not necessarily to claim other states have VACSPs.

Ms. Sieferman confirmed Dr. Waterhouse’s understanding and stated the language would cover any state issuing a VACSP, including states adding VACSPs in the future.

- **Practice of Veterinary Medicine:** Dr. Waterhouse inquired about the proposed language “permit to practice veterinary medicine.” She felt only veterinarians practice veterinary medicine and suggested additional language to state “within their scope of veterinary practice.”

Ms. Sieferman and Ms. Pawlowski noted that the language covers the scope of practice permitted for this license type.

To address Dr. Waterhouse’s concerns, Ms. Welch, suggested “...practice of veterinary medicine *or the delegated duties thereunder.*”

Dr. Waterhouse initially accepted the recommendation, but then suggested “...permit to practice *the delegated duties of* veterinary medicine.”

Ms. Pawlowski, Ms. Sieferman, and Committee Member, Jeni Goedken, DVM, stated the current language was written to cover all licensed veterinary professions, which would cover instances where an individual is applying for veterinary licensure in California but may have a different veterinary license type in another U.S. or Canadian jurisdiction. Dr. Goedken noted that by keeping the language broad, it will capture VACSP scope of practice changes.

Ms. Welch noted the language would apply to an individual in another state or Canadian province who may be licensed as a veterinarian in that area but are unsuccessful at passing the California examination; the individual could practice in California as a VACSP holder. The Board would need to know whether the VACSP applicant is licensed in another state, potentially if there is discipline in that state. Ms. Welch recommended keeping the original proposed language.

Jessica Sieferman suggested and Committee Member, Kathy Bowler, agreed to keeping the original proposed language.

- **Addition of “Permit” and “Certificate”:** Ms. Bowler inquired if the word “permit” was chosen due to other states, provinces, or territories using that

term instead of “license.” Ms. Sieferman confirmed Ms. Bowler’s understanding and the license type varies among jurisdictions.

Ms. Welch inquired if the word “certificate” needed to be included in the proposed language. She noted that there may be states that use the term “certificate” instead of license, registration, or permit. Ms. Sieferman and Ms. Welch briefly discussed changing it throughout the rest of the statutory language but deferred that additional change for a later time.

Public Comment: Dr. Sullivan requested public comment on this item. The following public comment was made on this item:

- [Bonnie Lutz](#), Esq., Klinedinst, provided the following comments:

“Probationary Permit” vs. “Placed on Probation”

Ms. Lutz stated that regarding BPC section 4836.2, the bold text “[Note: “Probationary” permit covered under BPC section 4845 amendment],” there is a difference between “probationary period” and “on probation.” She had overriding concerns about the entire change; she did not know if the Board wanted to put VACSP holders and RVTs on probation, which require probation monitors and specific terms that are different than the Board’s probationary terms. She claimed it opens up a whole nest of issues that may not have been looked at, and she was concerned that there was no definition of “probationary permit” in the newly proposed language. To her, “probationary permit” would mean the VACSP permit would be issued but because the individual had a previous conduct issue, the person would be on probation. She stated it is different than the Board taking disciplinary action against a permit holder and placing the individual on probation for conduct occurring after the VACSP was issued. She stated the disciplinary process would be similar to the process for veterinarians who get into trouble while licensed. She emphasized the processes that lead to each one is completely different.

Suggested Adding “Certificate” to Veterinary License Types

Ms. Lutz advocated for the addition of the word “certificate” to BPC section 4836.2, new subsection (b), because there are veterinary technicians in the United States who are Certified Veterinary Technicians (CVTs), Licensed Veterinary Technicians (LVTs), or RVTs.

Response to Public Comment: The Committee made the following responses to public comment:

Adding “Certificate” Veterinary License Types

- Dr. Sullivan agreed with Ms. Lutz and recommended including “certificate” to BPC section 4836.2, subdivision (b).

Ms. Sieferman asked if the word “Certificate” should be added to each proposed section, and the Committee agreed.

“Probationary Permit” vs. “Placed on Probation”

- Dr. Sullivan noted the “probationary permit” is currently allowed.
- Committee Member, Mark Nunez, DVM, asked Ms. Lutz if her point was not to allow VACSP holders to go on probation. He understood the difference between “probationary license” and being “placed on probation,” but asked Ms. Lutz to clarify her concerns.

Public Comment:

“Probationary Permit” vs. “Placed on Probation”

- [Bonnie Lutz](#), Esq., Klinedinst, responded she understood that the intent was to consolidate all the statutes. However, she had a problem with placing VACSP [holders] on probation. She thought it would open up extra work for Board staff. She stated before, the Board has the ability to revoke, suspend, issue a fine, or issue a citation to a VACSP [holder]. She said the changes would enlarge the issue by setting the same disciplinary process for VACSP [holders] as veterinarians, which would include being placed on probation, having a settlement, having a hearing, etc. She thought it would be a lot for the Board’s staff. She asked if the intent was to put VACSP [holders] on probation and have to monitor them in the same way as veterinarians on probation. She reiterated it was different than a probationary license. She understood that the Board’s intent was to consolidate the discipline into one statute. However, she claimed VACSP [holders] and RVTs do not have [professional liability] insurance, which will be a nightmare for VACSP [holders] and RVTs to manage Board actions. She asked if the Board wants to be in a situation where it places RVTs and VACSP [holders] on probation. She inquired about the responsible party, whether it was the VACSP holder and RVT, or if it was the supervising veterinarian. She understood the Board could revoke, suspend, issue a fine, or issue a citation, but the proposed changes enlarge the disciplinary system for VACSP [holders] that is the same for veterinarians.

Response to Public Comment: The Committee made the following responses to public comment:

- **Current Board Authority for VACSP Holders and RVTs Subject to Probation:** Dr. Goedken asked for clarification whether the Board places

VACSP [holders] on probation. Ms. Sieferman responded that the Board can issue a probationary VACSP. RVTs can be placed on probation under [BPC section] 4883 or issued a probationary registration.

- **Veterinarian Managing Licensee Requirement for VACSP Holders:** Dr. Goedken noted VACSPs were only issued once a veterinarian signs off as the VACSP holder's supervisor. Ms. Sieferman confirmed that there needed to be an association between the veterinarian and VACSP holder before the veterinary assistant could perform the duties allowed for VACSPs.
- **No Veterinarian Managing Licensee Requirement for RVTs:** Dr. Goedken stated, and Ms. Sieferman confirmed, that there is no requirement for RVTs to have a veterinarian managing licensee.
- **Probationary Permit for VACSP Holders:** Dr. Goedken thought Ms. Lutz's concerns were about the Board offering a "probationary permit" that are not offered now.

Ms. Sieferman noted that "probationary permits," while very rare, are currently issued by the Board based on the Board's *Disciplinary Guidelines*, and it offers an alternative to a license denial.

Dr. Nunez noted that a VACSP holder does not have the rigorous requirements for licensure as a veterinarian, and he inquired if the Committee would want to place VACSP holder probationers through the same process as veterinarian probationers.

Dr. Sullivan noted that VACSP holders who do not want to go through the probationary process will lose their permit. He added all veterinary licensees will be going through the same process and each license type will have the same due process.

Ms. Sieferman added that if the Board does not add the ability to place a VACSP holder on probation, the Board would deny the permit.

Ms. Bowler believed the Board should have the ability to provide VACSP holders with probationary permits. She noted the probation monitoring process is expensive and time consuming, and she inquired if the Board could manage taking on VACSP holders on probation.

Ms. Sieferman acknowledge the high costs of probation. She noted that the Committee had previously researched having potentially separate *Disciplinary Guidelines* for RVTs, and the Board is contemplating having separate *Disciplinary Guidelines* for each veterinary profession. She provide the Committee with the following scenario:

- The VACSP holder has a substance abuse issue, and the Board takes action.
 - The VACSP applicant is offered a probationary license.
 - The VACSP applicant does not accept the offer.
 - The VACSP applicant appeals the offer and requests a hearing.
 - The VACSP applicant goes to hearing but does not get a VACSP because there is no probationary permit option.
- **Notice of Enforcement Action(s) Shared with the Supervisor of a VACSP Holder or RVT:** Dr. Goedken inquired if the supervisor was informed if there were action was taken against a VACSP holder.

Ms. Sieferman noted the Board does not reach out to the veterinarian, either for VACSP holders or RVTs, but enforcement actions are public information.

Dr. Goedken was concerned that there was no framework for the Board to notify the supervisors about disciplinary action taken against a VACSP holder under their supervision. She noted the responsibility is on the veterinarian managing licensee to check the status of their VACSP holders.

Ms. Sieferman recommended that all veterinarian managing licensees routinely check the license status of the licensees who they oversee.

Dr. Nunez noted that as the Medical Director of his veterinary premises, he checks the license status of his employees once a year.

Dr. Waterhouse noted that she oversees VACSP holders. She stated she is in a contract with each VACSP holder, and that it may be several months before she checks the license status of her staff. She believed that the Board should notify her if one of her VACSP holders has an enforcement action.

Ms. Sieferman stated there is no requirement [in the *Practice Act*] for a veterinarian managing licensee to have a contract with the VACSP holder, but the veterinarian managing licensee does have to associate with the VACSP holder. She reiterated that all enforcement actions are available on the Board's website, and a veterinarian managing licensee is not informed of enforcement actions taken on other license types (i.e., other veterinarians and RVTs) unless the individual checks the Board's website.

Ms. Pawlowski agreed with Ms. Sieferman that it is not a contract, and it is a relationship between the veterinarian and the VACSP holder, similar to an employment agreement.

Ms. Welch appreciated the desire for the supervising veterinarians to have information about disciplinary action taken against the individuals they supervise. She cautioned against a statutory change that would require the Board to send out notice to the supervising veterinarian. She noted it would add costs to the Board, staff time, and there may be difficulty notifying the supervising veterinarian everywhere the [RVT or VACSP holder] is practicing because the address of record or mailing address for the [VACSP holder or RVT] is not the location where the individual is practicing, and some individuals may work at multiple veterinary premises locations.

Ms. Welch noted Matt McKinney, the Board's Deputy EO, reminded her that a Standard Term and Condition in the Board's *Disciplinary Guidelines* requires respondents to provide notice to their employer(s) and employees of the Board's disciplinary order. The employer(s) then have to submit acknowledgement to the Board.

Public Comment: Dr. Sullivan requested public comment on this item. The following public comment was made on this item:

- [Bonnie Lutz](#), Esq., Klinedinst, stated she has never had a VACSP [holder] with a probationary permit. She asked if a VACSP [holder] who is given a probationary permit is provided the same terms and conditions as a vet[erinarian], including quarterly reports and the other conditions.

Response to Public Comment:

- Ms. Sieferman confirmed they have the same terms according to the *Disciplinary Guidelines*, which was why the Board asked the Committee to look at potential separate *Disciplinary Guidelines* for RVTs and VACSP holders.

Public Comment:

- [Bonnie Lutz](#), Esq., Klinedinst, inquired if everything in the standard terms applies to a VACSP [holder] who is given a probationary permit.

Response to Public Comment:

- Ms. Sieferman confirmed Ms. Lutz's understanding.

Repeal BPC Section 4837

- The Committee had no objections or changes to the proposed repeal of BPC section 4837. However, it did have an inquiry to the language addressed below.

BPC Section 4836.2, Subsection (c)

- **Chronic Inebriety or Habitual Use of Controlled Substances:** Dr. Nunez inquired why subsection (c) was removed. Ms. Siefertman referred to the notation in the [meeting materials](#) and noted that the language is duplicative as the violation would fall under the [BPC section 4883\(g\)\(2\)\(A\)](#).

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

[Amend BPC Section 4839](#)

- The Committee had no objections or changes to the proposed amendments to BPC section 4839.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made.

Repeal BPC Section 4841.4

- The Committee had no objections or changes to the proposed repeal of BPC section 4841.4.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

[Amend BPC Section 4841.5](#)

- Other than the addition of “certificate” to subsection (c), the Committee had no objections or changes to the proposed amendments to BPC section 4841.5. However, it did inquire about the topics below.
- **No Expiration of Education:** Dr. Nunez inquired if there was discussion regarding when the applicant earned their degree. Ms. Siefertman responded that there is no expiration date of education.
- **Length of Veterinary Technician Program:** Dr. Waterhouse inquired about the “...at minimum, a two-year curriculum...” language in subsection (a)(4)(A). She thought there were 18-month veterinary technician programs.

Ms. Siefertman noted that the language in that same sentence includes “...or the equivalent thereof, as determined by the board,” and the Board has a regulation that determines what the equivalences are for the Board, which would cover the 18 month equivalent.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

Repeal BPC Section 4842

- The Committee had no objections or changes to the proposed repeal of BPC section 4842.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

Repeal BPC Section 4845.5

- The Committee had no objections or changes to the proposed repeal of BPC section 4845.5.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

Amend BPC Section 4875

- The Committee had no objections or changes to the proposed amendments to BPC section 4875.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

Amend BPC Section 4875.1

- The Committee had no objections or changes to the proposed amendments to BPC section 4875.1.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

Amend BPC Section 4875.2

- The Committee had no objections or changes to the proposed amendments to BPC section 4875.2. However, it did have an inquiry on the topic below.
- **Citation to an Unlicensed Person:** Ms. Bowler asked about the definition of a citation to an unlicensed person.

Ms. Siefertman noted the language for citation to unlicensed persons is current law, and it is used in unlicensed practice cases, for which the Board can issue a citation up to \$5,000 to an individual. The Board also has the

authority to shut down phone numbers used in the unlicensed practice. If the unlicensed individual continues to violate the *Practice Act*, the Board has the authority to go to the Office of the Attorney General (OAG) and file an injunction; she noted that process is very costly and time consuming.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

Repeal BPC Section 4876

- The Committee had no objections or changes to the proposed repeal of BPC section 4876.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

Repeal BPC Section 4881

- The Committee had no objections or changes to the proposed repeal of BPC section 4881.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

Adopt BPC Section 4882

- The Committee had no objections or changes to the proposed addition of BPC section 4882.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

Amend BPC Section 4883

- The Committee had no objections or changes to the proposed amendments to BPC section 4883. However, it did request that the following subsection be reviewed at a future date:

BPC Section 4883, Subsection (e)

- **Non-Veterinarians Demonstrating the Use Biologics on Animals:** Dr. Waterhouse inquired into the meaning of subsection (e), which states “Employment of anyone but a veterinarian licensed in the state to *demonstrate the use of biologics* in the treatment of animals.” She inquired if the subsection had new meaning based on current veterinary practice. Dr. Nunez agreed that the wording was an issue.

Ms. Sieferman and Dr. Sullivan noted it is existing law. Ms. Sieferman noted that the Board and Committee could look into the issue of the subsection at a future date.

Public Comment: Dr. Sullivan requested public comment on this item. The following public comment was made on this item:

- [Bonnie Lutz](#), Esq., Klinedinst, responded she had an issue with VACSP [holders] being placed on probation in the same way as veterinarians. She inquired if it something the Board wants to do based on the points made by Ms. Bowler, including the fact the Board has had several probation monitors over the years. She stated that RVTs and VACSP [holders] will never have any license defense insurance, which will be extremely expensive for RVTs and VACSP holders to fight any allegations. She noted the costs for probation monitoring of these individuals will be expensive for the Board. She stated that since the VACSP [holders] are so controlled by the supervising veterinarian, if they did something bad enough, the Board should just revoke the [VACSP]. She said if the VACSP [holder] were to do some of the [violations] under [BPC section] 4883, they should have their license taken away. She reiterated her issue with placing VACSP holders on probation. She did not have a problem with a probationary license, if the person came with an infraction, such as a DUI, and had to be placed on a probationary license, which she emphasized is different than being placed on probation.

Response to Public Comment:

- Dr. Sullivan noted that in a Board review of a case where the person already has a permit, and the VACSP holder does something wrong, revocation of the permit is going to be high priority.

Public Comment:

- [Bonnie Lutz](#), Esq., Klinedinst, responded she was looking at the big picture and placing the VACSP holders on probation, which potentially adds a lot of work to the Board, but it also has other repercussions.

Response to Public Comment:

- Ms. Welch stated that on behalf of the Board, all discipline, including discipline against a VACSP holder is reviewed by the Board on a case-by-case basis in accordance with all necessary requirements, including the Administrative Procedures Act and Rehabilitation Criteria. If through that consideration process, the Board determines revocation is necessary, it would be based on all of those criteria and not on the basis of the permit

itself. In addition, the individual can always voluntarily surrender their permit if they believe that the terms of probation are so onerous it no longer justifies maintaining the permit. The type of permit held by the individual will not necessarily impact how the Board reviews potential discipline against the permit.

Amend BPC Section 4885

- The Committee had no objections or changes to the proposed amendments to BPC section 4885.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

Amend BPC Section 4886

- The Committee had no objections or changes to the proposed amendments to BPC section 4886.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

Amend BPC Section 4901.2

- The Committee had no objections or changes to the proposed amendments to BPC section 4901.2.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

Amend BPC Section 4902

- The Committee had no objections or changes to the proposed amendments to BPC section 4902.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

Changes to the Text: The following includes the changes to the meeting materials that were discussed and approved to the following sections (proposed additions are in double underline blue text; proposed deletions are in ~~double red strikethrough text~~):

§ 4836.2.

[...]

- (b) The applicant shall disclose each state, Canadian province, or United States territory in which the applicant currently holds or has ever held a license, registration, [certificate](#), or permit to practice veterinary medicine. License verification, including any disciplinary or enforcement history, shall be confirmed through electronic means or direct submission from each state, Canadian province, or United States territory in which the applicant has identified the applicant holds or has ever held a license to practice veterinary medicine.

[...]

§ 4841.5.

[...]

- (c) The applicant shall disclose each state, Canadian province, or United States territory in which the applicant currently holds or has ever held a license, registration, [certificate](#), or permit to practice veterinary medicine. License verification, including any disciplinary or enforcement history, shall be confirmed through electronic means or direct submission from each state, Canadian province, or United States territory in which the applicant has identified the applicant holds or has ever held a license to practice veterinary medicine.

[...]

Motion: Dr. Sullivan requested a motion. Kristi Pawlowski, RVT, moved and Jeni Goedken, DVM, seconded a motion to recommend to the Board submission to the California State Legislature the attached legislative proposal to amend sections 4836.2, 4839, 4841.5, 4875, 4875.1, 4875.2, 4883, 4885, 4886, 4901.2, and 4902, repeal sections 4837, 4841.4, 4842, 4845.5, 4876, and 4881, and add section 4882 to the BPC, as revised during this meeting as it pertains to certificates issued by other entities, not by the Board, regarding registration and permit applications and disciplinary actions.

Public Comment: Dr. Sullivan requested public comment on the motion. There were no public comments made on the motion.

Roll Call Vote: Dr. Sullivan called for the vote on the motion. Ms. Siefertman took a roll call vote on the motion. The motion carried 9-0.

Members	Vote			
	Yea	Nay	Abstain	Absent
Richard Sullivan, DVM, Chair	X			
Marie Ussery, RVT, Vice Chair	X			
Kathy Bowler	X			
Jeni Goedken, DVM	X			
Barrie Grant, DVM	X			
Mark Nunez, DVM	X			
Kristi Pawlowski, RVT	X			
Leah Shufelt, RVT	X			
Cheryl Waterhouse, DVM	X			

7. **Update and Discussion from the Inspection Subcommittee**—
Jeni Goedken, DVM, and Kristi Pawlowski, RVT

Dr. Goedken presented the [meeting materials](#) into the record.

Ashley Sanchez, Board Enforcement Manager, provided a demonstration of the new Inspection App during the meeting, which included:

- Assigning a new inspection, which then is automatically assigned to an inspector.
- Opening a new inspection.
- Information about the type of veterinary premises (e.g., fixed, mobile, etc.)
- Information about the type of inspection (e.g., routine inspection).
- Checklist for each type of compliance topic (i.e., compliant, non-compliant, and non-applicable) and detail information, including photos and private notes, can be added to each specific issue related to each item.
- Once the Inspector submits the documentation and saves the report, an Inspection Report will generate, and the Board can begin its review.
- The Board will be able to send the Deficiency Report to the veterinarian managing licensee, who can provide proof of correcting the violation(s) via Box, which is typically within 30 days of the Board's notification.
- A Follow-Up Report will be available for Inspectors. The Report can be updated and saved to see if the veterinary premises has corrected the violation(s).
- All data and documentation will be integrated into BreEZe.

Ms. Siefertman informed the Board of the changes from the process over the years, which included mailing documentation between inspections and reviewing hardcopies, to the recent process of having documentation uploaded to a secure storage in Box for review, to the future process of utilizing the Inspection App process, which is expected to launch on November 12, 2024. She noted the new Inspection App is expected to improve processing times without requiring as much manual processing since the data is pulled from BreEZe.

Discussion: The Committee inquired if there would be training for inspectors prior to the launch, and if there was a limit to the number of veterinary staff who can be added to the inspection report.

Ms. Sieferman responded that Board Inspectors will be trained prior to the launch of the Inspection App. She noted that she would research if there was a veterinary staff limitation, and she would provide that information to the Committee.

The Committee inquired about the process if a premises remained out-of-compliance and if it would go back to a Board Consultant. Ms. Sieferman responded a case would be opened and assigned to an analyst with the Board's Enforcement Unit, and it would not go to a Board Consultant.

Dr. Sullivan noted that the Inspection App was a result of a competitive grant from the California Department of Technology (CDT) that Ms. Sieferman won for the Board in conjunction with the California Board of Barbering and Cosmetology.

Public Comment: Dr. Sullivan requested public comment on this item. The following public comment was made on this item:

- [Bonnie Lutz](#), Esq., Klinedinst, thought the Inspection App sounds amazing, and she provided the Board with congratulations. She inquired whether the [veterinary] hospital would receive an initial report of the inspection—good or bad. She stated that after the compliance documentation is sent, neither she nor the licensee ever receive a response. She said it leaves them waiting, and when they do not hear anything bad, then they assume the inspection was okay. She said she rarely receives a response that indicates the Board received the compliance documentation and it was okay. She asked if they would get a response with the new process.

Response to Public Comment: Ms. Sieferman confirmed that the veterinary premises will receive the initial report of the inspection. She stated that the Board will have to review its processes because it is not the current process to provide the follow-up documents and the results of the inspection. She said the Board will work to close that gap.

Public Comment:

- [Bonnie Lutz](#), Esq., Klinedinst, asked if they would get a report indicating they were or were not in compliance.

Response to Public Comment:

- Ms. Sieferman stated if the veterinary premises is not in compliance, it opens up an enforcement case, and the Board's enforcement analyst will reach out to those individuals to let them know that there are still concerns.

8. **Update and Discussion from the Complaint Audit Subcommittee**—
Jeni Goedken, DVM, and Cheryl Waterhouse, DVM

Dr. Waterhouse presented the [meeting materials](#) into the record. She thanked Dr. Goedken for joining the Subcommittee. Ms. Siefertman also thanked Jeff Pollard, DVM, for providing hypothetical situations during the roundtable discussions.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

9. **Update and Discussion from the Outreach Subcommittee**—
Kathy Bowler and Cheryl Waterhouse, DVM

Ms. Bowler presented the [meeting materials](#) into the record. She noted the Subcommittee anticipates a meeting with UC Davis faculty on November 8, 2024. She stated there was a stakeholder meeting on unlicensed activities in July 2024. However, she was unable to attend that meeting, but hopes she can attend a future meeting.

Discussion: The Committee inquired if the State of California has restrictions on social media in relation to educational resources and tools.

Ms. Siefertman responded there are restrictions, and the Board has both a Facebook and X account.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

10. **Update and Discussion from the Unlicensed Practice Subcommittee**—
Barrie Grant, DVM, and Mark Nunez, DVM

Dr. Nunez presented the [meeting materials](#) into the record. He noted the following areas where the Board could improve its resources related to unlicensed activity:

- Increasing the fines, which currently range from \$2,000 to \$5,000, to discourage unlicensed activities.
- Re-evaluating the prioritization of cases the Board investigates and prosecutes under BPC section 4875.
- Evaluating impacts of Board staffing.
- Issues related to DCA's Division of Investigations (DOI) no longer performing undercover investigations due to liability reasons. In addition, DOI has defined its acceptance criteria on which cases it will investigate before it will open up an investigation, which include:
 - Practicing with a delinquent or revoked license resulting in great bodily injury or death.

- Aiding and abetting unlicensed practice resulting in great bodily injury and death.
- Future stakeholder meetings to address owner exemptions that impact the public, including dairy farmers.
- Future stakeholder meetings with the Board of Pharmacy to address issues related to unauthorized prescriptions.

Dr. Grant noted unlicensed practitioners, who are not qualified, either from other states or out-of-country are practicing on show and pole horses, and they are causing harm and pain to the horses by performing procedures not acceptable in the U.S. He noted recently there were a large number of horses that had to be euthanized at a racetrack in Los Alamitos due to these activities.

Dr. Grant also noted issues related to alternative medicine treatments that were not documented, not improving the animal patient, and not saving the owner costs; it causes harm to both the animal and, indirectly, the owner.

Dr. Nunez and Dr. Grant appreciated the Board's outreach efforts and felt there was opportunity to expand outreach to the public.

Discussion:

- **Owner Exemptions:** The Committee inquired about how unlicensed individuals are coming to California and providing veterinary services.

Dr. Grant and Dr. Nunez noted the owners are claiming the individuals are friends or family. In addition, it appeared there was a network of individuals coming from other states who are receiving payment for providing veterinary services.

Ms. Sieferman noted that even with claims of gratuitously provided services, clients are unwilling to come forward to report that they paid for the services because the client wants to continue the service.

- **Anonymous Complaints:** Ms. Sieferman noted another issue is a lack of evidence submitted with an anonymous complaint. She noted these complaints often lack specifics, and the client is often unwilling to cooperate with a Board investigation. This results in the Board having little evidence to prove a case.

Public Comment: Dr. Sullivan requested public comment on this item. The following public comment was made on this item:

- [Grant Miller](#), DVM, Director of Regulatory Affairs, CVMA, thanked the Board and Dr. Nunez for conducting the stakeholder meetings. He thought they were very helpful and give practitioners a chance to report on issues they are seeing.

Based on the equine stakeholder meeting, Dr. Miller inquired about the restriction in the law that requires the local District Attorney (DA) to take up the case when the Board has put together a whole illegal practice investigation and made all the necessary due diligence. He wondered why the OAG would not take that case since normally the OAG is the counsel for the Board. He understood if the Board could not answer the request at the moment, but it confused him as he walked through how the process worked.

Response to Public Comment: Ms. Sieferman responded that the OAG represents the Board in administrative cases and civil lawsuits, but not criminal actions. She noted the DA offices would be the entities to pursue the enforcement of criminal law, which would include unlicensed practice.

11. **Future Agenda Items and Meeting Dates**

Ms. Sieferman presented this item and noted the Committee will have the following agenda items in the future:

- Strategic Plan Objects of each Subcommittee
- Election of the Chair and Vice Chair in January 2025

She provided the following proposed future meeting dates:

- January 14, 2025
- April 15, 2025
- July 15, 2025
- October 14, 2025

Discussion: Dr. Grant inquired about the issues related to dairy cattle and the Avian Flu and whether the Committee would benefit from outside resources providing background or if that should go to the Board so that everyone is up to speed on the potentials of the harm that could arise from the issues.

Ms. Welch advised that unless the Committee was considering Dr. Grant's requested presentation as part of legislation or regulations or otherwise related to the duties the Committee is charged with under statute, receiving such a presentation should be made as a recommendation for the Board to consider. Dr. Nunez noted such presentation may relate to unlicensed practice in the dairy cattle industry.

Ms. Ussery recommended adding Dr. Grant's request as part of the update to the Subcommittee during its next meeting with the California Department of Food and Agriculture (CDFA).

Dr. Sullivan accepted Ms. Ussery's recommendation.

Public Comment: Dr. Sullivan requested public comment on this item. There were no public comments made on this item.

12. Adjournment

Dr. Sullivan adjourned the meeting at 2:30 p.m.

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