

**Veterinary Medical Board**

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**MEETING MINUTES**

**January 20, 2016**

Veterinary Medical Board  
1747 N. Market Blvd. – Hearing Room  
Sacramento, California

**January 21, 2016**

Veterinary Medical Board  
1625 N. Market Blvd. – Hearing Room  
Sacramento, California

**9:00 a.m. Wednesday, January 20, 2016**

1. Call to Order - Establishment of a Quorum

Dr. Mark Nunez called the Veterinary Medical Board (Board) meeting to order at 9:11 a.m. Executive Officer, Annemarie Del Mugnaio, called roll; six members of the Board were present and thus a quorum was established. Elsa Flores tendered her resignation in January 2016, which created a vacancy on the Board. Jennifer Loreda was absent.

2. Introductions

Board Members Present

Mark Nunez, DVM, President  
Cheryl Waterhouse, DVM, Vice President  
Kathy Bowler, Public Member  
Judie Mancuso, Public Member  
Jaymie Noland, DVM  
Richard Sullivan, DVM

Staff Present

Elizabeth Bynum, Associate Enforcement Analyst  
Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board  
Nina Galang, Administrative Program Coordinator  
Kurt Heppler, Legal Counsel  
Ethan Mathes, Administrative Program Manager  
Bryce Penny, DCA Webcast  
Candace Raney, Enforcement Manager  
Diann Sokoloff, SDAG, Board Liaison

Guests Present

Jonathan Burke, DCA  
Tamera Colson, DCA Legal Affairs  
Nancy Ehrlich, RVT, California Registered Veterinary Technician Association  
Valerie Fenstermaker, California Veterinary Medical Association  
Holly Fraumeni, Platinum Advisors on behalf of the Pet Lovers License Plate Foundation

William Grant II, DVM, Multidisciplinary Advisory Committee  
Erica Hughes, Board of the Pet Lovers License Plate Foundation  
Jon Klingborg, DVM, Multidisciplinary Advisory Committee  
Kristi Pawlowski, Multidisciplinary Advisory Committee  
Cindy Savely, Sacramento Valley Veterinary Technician Association  
Dan Segna, DVM, California Veterinary Medical Association

3. Review and Approval of October 20-21, 2015 Meeting Minutes

- Dr. Richard Sullivan motioned and Kathy Bowler seconded the motion to adopt the October 20-21, 2015 meeting minutes as amended. The motion carried 6-0.

4. Election of Officers

- Dr. Richard Sullivan nominated Dr. Cheryl Waterhouse for Vice-President and Judie Mancuso seconded the nomination. The motion carried 6-0.
- Judie Mancuso nominated Dr. Mark Nunez for President and Kathy Bowler seconded the nomination. The motion carried 6-0.

Ms. Del Mugnaio clarified that both Dr. Cheryl Waterhouse and Dr. Nunez have already served one term and per the administrative manual, may only serve one consecutive term.

5. Review and Discuss Recommendations to Legislature Regarding a Veterinarian's Responsibility to Notify Parties Upon Scanning an Animal with a Microchip

Dr. Nunez clarified that the microchip scanning discussion was added to the agenda as a result of questions that arose in anticipation of the Board's Sunset Review.

Judie Mancuso expressed that the priority should be to treat the animal regardless of a microchip conflict. Dr. Richard Sullivan expressed that, as a veterinarian, his contractual obligation is to whoever comes before him, not who is the registered owner on the microchip. The Board noted that veterinarians are not law enforcement, and therefore, are not responsible for handling ownership disputes. However, if the ownership is questionable, the veterinarian may contact animal control.

Dr. Nunez noted that there is nothing in the Veterinary Medicine Practice Act that requires the scanning of a microchip, but Food and Agriculture Code 3110(c), concerning impounding dogs at public or private shelters, requires shelters to scan dogs for microchips and make reasonable efforts to contact the owner. Food and Agriculture Code 31752(c) does the same for cats.

Ms. Del Mugnaio clarified that this is a civil matter of property ownership and veterinarians are not obligated to treat an animal and may turn the client away. However, if a practice scans an animal after a Veterinarian-Client-Patient Relationship (VCPR) is established, the medical records belong to the client and the veterinarian has a contractual obligation with that client.

Valerie Fenstermaker, California Veterinary Medical Association (CVMA), shared that the question of whether or not a practice is required to scan a microchip is the most common question they receive and it would be helpful to have information on the Board's website. Kurt Heppler, Legal Counsel, advised the Board not to give guidance or advice on a matter of civil liability. The Board agreed not to include a link on the Board website since it is not within the practice of veterinary medicine.

## 6. Proposed Regulations

### A. Status of Pending Regulations

### B. Review and Discuss Potential Amendments to the Registered Veterinary Technology Approval of Schools Accredited by the American Veterinary Medical Association Regulations [California Code of Regulations Title 16, Division 20, section 2064]

Ms. Del Mugnaio identified two options for Registered Veterinary Technology programs to operate in California: Registered Veterinary Technology schools may be accredited through the American Veterinary Medical Association (AVMA) accreditation process or pursue California Board-approval. Based on research of past minutes from Registered Veterinary Technician Committee (RVTC) meetings, there was an analysis comparing AVMA accreditation and California Board-approval requirements. AVMA accreditation was found to be more rigorous than the Board-approval requirements, which is why was recognized in CCR section 2064. The AVMA accredited programs are still subject to reporting requirements to the Board.

Nancy Ehrlich expressed objections regarding eliminating subsections, such as sections (l) and (m) of section 2064, as they are not required to be reported to prospective students and some Registered Veterinary Technician (RVT) students have not been properly informed that their units may not transferable.

Ms. Ehrlich added that the law requires all schools to be approved by the Board.

Ms. Del Mugnaio noted that the Board can provide information that the AVMA accreditation standards are equivalent, at minimum, to Board-approval by comparing the requirements and having the Board review each item. The Board will still maintain authority for inspections and disciplinary action of a school if it is failing to meet minimum standards.

Mr. Heppler noted that he can prepare a legal opinion to address the question of where in regulations that AVMA accreditation is accepted as Board approved. Mr. Heppler also suggested that the Board research the enrollment agreement of the Bureau for Private Postsecondary Education (BPPE), as well as conduct a comparison of AVMA accreditation and Board approval requirements to determine if there is any significant loss to consumer protection.

## 7. Action on Implementation of 2015 Legislation

### A. Assembly Bill 192 - Discuss Implementation of Pet Lover's License Plate Program

Mr. Heppler provided a brief background on the Pet Lover's License Plate Program and presented guidance based on Assembly Bill (AB) 192 language to provide oversight of the program, including disbursal of grant funds.

Mr. Heppler identified the following three obligations of the Board:

- 1) Allocate the accrued monies to a nonprofit organization for disbursement to spay and neuter facilities to fund grants to low or no cost providers of sterilization services as part of the Pet Lover's Program.
- 2) Determine the eligibility requirements for the grants, establish the process, and develop programing specifics.
- 3) Establish oversight mechanisms for the funds disbursed.

Mr. Heppler clarified that the funds are to be disbursed to a nonprofit organization and clarified that a nonprofit organization would not be considered a state agency.

Dr. Nunez stated that the next step would be to work with the Department of Consumer Affairs (DCA) Contract Unit to develop a solicitation document and administer a competitive bidding process for the selection of a nonprofit organization.

Ms. Del Mugnaio noted that the Board could resurrect the regulations previously disapproved by the Office of Administrative Law (OAL), as well as the guidelines that have been created during that time, to be amended and more in line with the new legislative changes.

Holly Fraumeni, Platinum Advisors on behalf of the Spay and Neuter License Plate, Inc., provided a brief history and background of the program. Ms. Fraumeni provided recommendations for the criteria for selecting a state agency to disburse the funds, including demonstrated experience of the sale of the license plates.

Erica Hughes, Board of the Spay and Neuter License Plate Inc., requested to provide input in the selection process for the nonprofit organization which may administer the grant program.

Mr. Heppler advised the Board to first determine how the process will work from application, to evaluation, to disbursement, to reporting. Mr. Heppler recommended two steps: 1) hold an interested parties workshop to receive input from stakeholders to develop criteria for the selection of the nonprofit and the formal contract(s) and 2) create a Subcommittee to develop the guidelines for qualifying providers and dispersing funds.

Dr. Nunez recommended holding a stakeholders meeting, including participation by two or three Board members, to develop guidelines for the distribution of the funds and the selection of the non-profit organization who will receive them. The proposed guidelines and criteria would then come back before the Board for approval.

Dr. Nunez appointed Ms. Mancuso, Jennifer Loreda, and Kathy Bowler to form the Subcommittee and hold a public stakeholders meeting.

B. Senate Bill 361- Discuss Tracking of Mandatory Continuing Education on Judicious Use of Medically Important Antimicrobial Drugs

Dr. Nunez reviewed Senate Bill (SB) 361, which requires a veterinarian who renews their license on or after January 1, 2018 to complete a minimum of one Continuing Education (CE) hour on the judicious use of medically important antimicrobial drugs every four years as part of the Board's CE requirements. The Board must decide how to track the CE in the Board's CE audit program.

Ms. Del Mugnaio noted that the language is unclear as to when the CE must be completed, which may create complications in the audit process. Mr. Heppler will offer a legal opinion on the intent of the language regarding when the clock starts for the CE requirement, and report his analysis to the Board at the next opportunity.

8. Multidisciplinary Advisory Committee Report – Dr. Jon Klingborg

A. Review and Consideration of Multidisciplinary Advisory Committee Items and Recommendations

Dr. Jon Klingborg reported on the progress and discussion on the existing priorities assigned to the Multidisciplinary Advisory Committee (MDC) which include:

- Animal Rehabilitation Regulations
- Drug Compounding Statutory Language
- Complaint Audit Task Force Report
- Minimum Standards for Premises
- Veterinary Student Exemption.

The MDC identified four key areas of the proposed Animal Rehabilitation regulations that still need to be addressed:

- 1a) Is animal rehabilitation the practice of veterinary medicine?
- 1b) Does the Board have authority for oversight over the premises where animal rehabilitation is taking place?
- 2a) Develop a formal definition of “animal rehabilitation”
- 2b) Does it require a Veterinarian-Client-Patient Relationship (VCPR)?
- 3) What education or training of providers should be required?
- 4) Determine appropriate levels of supervision by a veterinarian for providers of animal rehabilitation services.

Dr. Klingborg noted that further discussion is needed and the MDC recommended tabling the Animal Rehabilitation issue pending the outcome of the Sunset Review recommendation by the Legislature.

- Dr. Richard Sullivan motioned and Dr. Cheryl Waterhouse seconded the motion to approve the Multidisciplinary Advisory Committee’s recommendation to table the issue pending the outcome of Sunset Review. The motion carried 6-0.

The Board added Item #6, Pursue “Extended Duty” for RVTs, to the MDC priority list.

The Board agreed to table Item #7, Review Standard of Care for Animal Dentistry.

Ms. Mancuso noted that Item #8 on the MDC Proposed Assignments list from January 2016, Review 1<sup>st</sup> year licensure as a temporary license, working under the supervision of a currently licensed Veterinarian, had been previously voted to be removed from the MDC assignment list. Dr. Nunez agreed that it can be removed from the list since the assignment was not included in the Board’s Strategic Plan.

Ms. Del Mugnaio clarified that Item #3, Evaluate Structure and Audit Enforcement Case Outcomes, is an ongoing assignment for the MDC Subcommittee.

Ms. Ehrlich inquired about adding “private shelters” to the discussion of Shelter Medicine. Mr. Heppler noted that this item is not on the agenda and recommended that the Board should not vote on the item. The Board did not include this item in the motion.

- Dr. Richard Sullivan motioned and Dr. Cheryl Waterhouse seconded the motion to accept the Multidisciplinary Advisory Committee assignment list. The motion carried 6-0.

## 9. Review and Consider Action on 2016 Legislative Proposals

### A. Sunset Review Provisions

Dr. Nunez noted that the Board submitted the Supplemental Sunset Review Report on December 1, 2015 to the Legislature. The report was finalized by the Sunset Review Subcommittee, comprised of Dr. Nunez and Ms. Bowler.

The Board has been asked to testify before the Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions at the upcoming Sunset Review Oversight Hearing in early March 2016. The Board Chair must testify and may select another member to testify at the hearing, along with the Executive Officer.

Dr. Klingborg added that section 4848.1 includes revised language added by the University of California, Davis, which the MDC does not recognize. Dr. Dan Segna, CVMA, added that the new language is not as specific as was discussed at the Board meeting on July 20, 2015 and suggested that the Board clean up the proposed language to provide clarity. Ms. Del Mugnaio clarified that the Board may make changes to the report to the provide clarity to the Sunset Review Committee.

#### B. Exemptions for Unlicensed Veterinarians Providing Assistance to California Licensed Veterinarians

Ms. Fenstermaker presented the proposed language developed by CVMA to address unlicensed veterinarians providing assistance to California licensed veterinarians. Ms. Fenstermaker noted that the proposed language was developed by CVMA in response to an out-of-state veterinarian who was called in to California to assist on a number of veterinary cases and continued to practice without a California veterinary license after the cases were closed.

The proposed language states that the California licensed veterinarian must hold the VCPR with the client and imposes restrictions on the consulting veterinarian regarding what they can and cannot do. The language includes a requirement for the consulting veterinarian to cease treating animals within California without a California license, once the cases are closed. CVMA intends to include the proposed language in a letter to introduce during Sunset Review.

Ms. Del Mugnaio noted that there is no need for the Board to vote, but CVMA is asking for feedback. The Board suggested changing the term "attending" to "by attending" to clarify the intent of "providing assistance or consultation."

#### C. Review and Possible Action on Statutory Change Authorizing Veterinarians to Compound Drugs

Dr. Klingborg noted that there is no statutory grant of authority which exists in the California Veterinary Medicine Practice Act that allows veterinarians to compound drugs. The Drug Compounding Task Force, Dr. Klingborg, Dr. Sullivan, and Ms. Del Mugnaio, met with the Board of Pharmacy in November 2015 to develop proposed statutory language, taking into account recent regulatory revisions being pursued by the Board of Pharmacy.

Dr. Klingborg reviewed changes the MDC made to the draft statutory drug compounding language including striking the word "properly" and striking the last sentence of paragraph (f). The MDC recommended adding "under direct supervision" on page 1, adding "anesthesia" to section 4826.3(a), adding "RVT" to section (e) and (f), and fixing some minor clerical errors. Dr. Klingborg recommended adding new sections, (h) and (i), which recognizes the Board's regulatory authority over veterinary compounding, specifying that failure to comply with the statute is unprofessional conduct.

Dr. Klingborg added that the MDC discussed the following points: drug compounding by RVTs under the supervision of a veterinarian, sterile compounding for administration within one hour of being compounded ("table top compounding") for individual patients only, for example, the limitation of only two entries into one bottle, and bottle labeling requirements.

Ms. Ehrlich requested this language to be posted on the Board's website.

- Judie Mancuso motioned and Dr. Cheryl Waterhouse seconded the motion to present the statutory change before the Legislative Subcommittee to carry a bill to authorize veterinarians to compound drugs. The motion carried 6-0.

#### 10. Board Chair Report – Dr. Mark Nunez

Dr. Nunez reviewed a list of outreach activities, meetings, and workshops that have occurred since the last Board meeting in October 2015:

*The following is a table of the 2015/2016 Board activities to date, as well as future activities:*

<b>September 11, 2015</b>	Ms. Del Mugnaio, Dr. Sullivan, and Dr. Klingborg attended the CVMA Task Force on practice types, with the purpose to identify alternate premises and develop minimum standards.
<b>November 11, 2015</b>	Dr. Nunez attended a focus group with the National Board of Veterinary Medical Examiners in Philadelphia, PA on a practice analysis survey to help improve the North American Veterinary Licensing Examination (NAVLE).
<b>November 12, 2015</b>	MDC Subcommittee, Dr. Klingborg and Dr. Sullivan, and Ms. Del Mugnaio met with the Board of Pharmacy to discuss drug compounding.
<b>November 18, 2015</b>	Dr. Nunez and Ms. Del Mugnaio met with Awet Kidane regarding the BreZE rollout program.
<b>December 1, 2015</b>	The Sunset Review Subcommittee, Dr. Nunez and Ms. Bowler, submitted the final supplemental report to the Legislature.
<b>February 4, 2016</b>	Hearing of the Little Hoover Commission
<b>February 10, 2016</b>	CVMA Task Force on practice types – 2 <sup>nd</sup> session
<b>March 14, 2016</b>	Hearing of the Little Hoover Commission

#### 11. Review and Discuss Recent Guidance on the *North Carolina State Board of Dental Examiners v. Federal Trade Commission (North Carolina)*

Mr. Heppler provided a background of the recent North Carolina State Board of Dental Examiners v. Federal Trade Commission case, which focused on the Board of Dental Examiners issuing cease and desist letters to teeth whitening service providers who were not dentists. The Federal Trade Commission (FTC) determined that this was a violation of the Sherman Anti-Trust Act, because the enforcement was based on a purely economic basis, in terms of competitive pricing by non-dentists and not in response to consumer protection. The Supreme Court noted that for immunity to be sought any time there are active market participants (e.g. licensees) making decisions, the Board or State agency must be responding to a clearly expressed statutory purpose and there must be active State supervision.

Mr. Heppler noted that the Legislature has held hearings on the matter. All agencies are waiting to learn about the next steps. Mr. Heppler emphasized the importance of articulating the consumer protection rationale for any changes to statute or regulations which may affect the market.

#### 12. Public Comment on Items Not on the Agenda

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

13. Overview of Complaint Procedures & Expert Opinion Case Review – Diann Sokoloff, Supervising Deputy Attorney General; Kimberly Kirchmeyer, Executive Director, Medical Board of California.

Kim Kirchmeyer, Medical Board of California, provided an overview of complaint procedures and expert opinion case review within the Medical Board of California. The overview included a description of the three types of “experts” (Central Complaint Unit Reviewers, Medical Consultants, and Medical Expert Reviewers), what is required to be an expert, how much they are paid, the training and example reviews that are provided, and the manuals and meetings held to train experts to discuss expectations. Ms. Kirchmeyer described the internal process for reviewing expert opinion case reports and providing feedback to the experts.

Ms. Kirchmeyer noted that the Medical Board’s position is not to use more than one expert on a case, as using more than one expert may weaken a case since the probability of the two expert reviews are unlikely to match up perfectly. However, if the expert review is not clear on the violation, the case is sent out for another expert review and the Medical Board analyzes the merits of the opinions.

The Board asked Ms. Kirchmeyer questions regarding how many licensees are regulated by the Board, how long the expert opinion case review process has been in place, the number of employees working in the complaint unit, and the amount of the Medical Board’s budget.

Ms. Kirchmeyer stressed that training and feedback are invaluable to improving the quality of expert reviews.

14. Recess until January 21, 2016, at 9:00 a.m.

**9:00 a.m. Thursday, January 21, 2016**

15. Reconvene - Establishment of a Quorum

Dr. Nunez called the Board meeting to order at 9:10 a.m. and five members of the Board were present, thus a quorum was established. Jennifer Loreda was absent and Dr. Jaymie Noland was not present when the quorum was established. Dr. Noland arrived at 9:19 a.m., thus bringing the total of the quorum to six members.

16. Introductions

Board Members Present

Mark Nunez, DVM, President  
Cheryl Waterhouse, DVM, Vice President  
Kathy Bowler, Public Member  
Judie Mancuso, Public Member  
Jaymie Noland, DVM  
Richard Sullivan, DVM

Staff Present

Annemarie Del Mugnaio, Executive Officer  
Nina Galang, Administrative Program Coordinator  
Ethan Mathes, Administrative Program Manager  
Candace Raney, Enforcement Manager  
Bryce Penny, DCA Webcast  
Kurt Heppler, Legal Counsel

Diann Sokoloff, SDAG, Board Liaison  
Patty Rodriguez, Hospital Inspection Program

Guests Present

Nancy Ehrlich, California Registered Veterinary Technician Association  
Grant Miller, DVM, California Veterinary Medical Association

17. Executive Officer & Staff Reports

A. CURES Update

Ms. Del Mugnaio provided an update on the Controlled Substance Utilization Review and Evaluation System (CURES) requirements as of July 1, 2016. CURES requires a veterinarian to report on a weekly basis if you dispense a Drug Enforcement Administration (DEA) Schedule 2-4 controlled substance, and encourages zero dispensing, (Code of Federal Regulations sections 1308.12, 1308.13, and 1308.14).

Ms. Del Mugnaio clarified that there is currently no regulatory mandate for reporting zero dispensing.

In addition, CURES does not mandate a veterinarian to query the CURES 2.0 system, but it does require a veterinarian to register with the Prescription Drug Monitoring Program (PDMP) (Health and Safety Code Section 11165.1(a)(1)(A)(i)).

Dr. Grant Miller, CVMA, shared that the Department of Justice will accept one dispensation report for the entire practice, instead of requirement each veterinarian to report individually.

B. Administrative/Budget

Administrative Program Manager, Ethan Mathes, provided an update on the Board's Budget Report.

In FY 2014/2015, the Board was granted 11 positions, of which, five were Veterinary Assistant Controlled Substances Permit (VACSP) Program limited-term positions, and 1.5 limited-term positions in Enforcement that are scheduled to expire July 30, 2016. These positions set to expire were included in the Budget Change Proposal (BCP) to extend the positions to the next fiscal year. In the proposed Governor's Budget, the Board was given four permanent-status positions and lost one position. Funding was granted on a limited-term basis until revenue from the VACSP program is generated. The Board was not successful in obtaining approval of the 1.5 positions in Enforcement.

Mr. Mathes reviewed the FM6 Budget Report, which does not include project expenditures for the Hospital Inspection Program. The Board is experiencing salary savings, but it's projecting a deficit by the end of the fiscal year.

Ms. Del Mugnaio clarified that the Enforcement numbers we show today are more indicative of the numbers we will see from here on out because we have the staff to catch up on back log and process current cases. The Board's projection documents a deficit due an imbalance of operating costs.

In order to receive additional funding, the Department of Finance needs to see 3-5 years of history, but with the understaffing of the past, the data the Board has available may not reflect full operational expenditures. As a result, the Board can show that funding had to be pulled from other line items in order to support Enforcement.

C. Enforcement

Enforcement Manager, Candace Raney, provided a report on the latest Enforcement activities.

Ms. Raney noted that the Complaint Unit had 1.5 vacancies at the time of the last Enforcement report in October 2015, but has recently filled the vacancies.

The Enforcement Unit met the complaint intake goal for Quarter 2. Staff is focused on training and working towards improving the formal discipline timelines and taking preparatory measures for the BCP to request the 1.5 positions ongoing.

Five conditional licenses have been issued to RVTs, of which, three have obtained licensure and two are on their way to becoming licensed. At the Board meeting in April 2016, Ms. Raney will provide a breakdown of the cost savings to the Board in terms of issuing conditional licenses as opposed to proceeding with a formal hearing.

The Complaint Processing Task Force and the staff are working on developing a procedure manual for the expert witnesses, as well as expanding the Expert Witness training program.

Ms. Raney noted that the Board members may attend the Expert Witness Trainings. The next anticipated training would be in May 2016 and then October 2016, one in Northern California and another in Southern California.

Ms. Raney noted that the Board's performance measure to process formal discipline cases within 540 days (18 months) is not realistic since hearings are typically scheduled one year out. There are currently 10 formal discipline cases which exceed the 540 day performance measure.

Ms. Raney provided a brief explanation of the recent probation monitoring activities, including 74 licensees on active probation as of the end of December 2015.

The Board also hired a new veterinarian in-house consultant.

#### D. Licensing/Examination

Mr. Mathes reported that out of 350 North American Veterinary Licensing Examination (NAVLE) candidates, there was a pass rate of 89 percent during November/December 2015.

Mr. Mathes noted that the DCA online licensing database, BreEZe, went live on Tuesday, January 19, 2016. The Board has received 13 online applications so far, and expects to see a wave of applications through online renewals. Mr. Mathes noted that DCA has a Consumer Information Center which has been helpful in troubleshooting BreEZe-related questions from consumers, as well as support from Board staff.

Dr. Miller noted that CVMA has been utilizing its weekly e-blast to encourage members to submit their applications early. Notice has also gone out through the CVMA magazine and website (<http://www.cvma.net>). Dr. Miller offered to also use their media outlets to get information out regarding BreEZe.

Dr. Nunez noted that the California Registered Veterinary Technician Association (CaRVTA) has also offered to notice its members of the BreEZe online system. In addition, Ms. Del Mugnaio and Mr. Mathes will be making a presentation about BreEZe at a joint session of the CVMA House of Delegates and Board of Governors in Newport Beach, CA on Saturday, January 23, 2016.

The Board asked clarifying questions regarding the numbers included in the Licensing Report.

Ms. Ehrlich noted that there is nothing on the passing scores for the Veterinary Technician National Examination. Ms. Del Mugnaio clarified that the numbers are available and we can request a report from the American Association of Veterinary State Boards (AAVSB) for the results and provide a link to the scores.

#### E. Hospital Inspection

Patty Rodriguez reported on the Hospital Inspection Program and handed out packets of what the hospital inspectors receive at the time of inspection.

Ms. Rodriguez noted that the inspections are random and unannounced. The only time an inspection is scheduled is if it is for a mobile unit or a house call practice. The Board receives follow-up paperwork from the facility following the inspection and is it is reviewed within 30-90 days. Facilities may receive a preliminary letter up to 2-3 months after the inspection for a citation and fine.

Ms. Rodriguez clarified that record keeping is performed by pulling random records and performing a review during the time of inspection.

The Board asked Ms. Rodriguez questions regarding possible reasons for the deficiencies. Based on her findings, Ms. Rodriguez noted that the current compliance rate upon inspection is less than one percent. Ms. Rodriguez recommended improving the method to distribute the Hospital Inspection Checklist to each facility.

Ms. Rodriguez noted that the Hospital Inspection Program is experiencing a backlog in reviewing photos, receipts, and other documentation, and clarified that the staff refers medical records to the Board's in-house consultants.

Ms. Mancuso added that the Board should add an agenda item for the next meeting to address how we improve hospital compliance.

Ms. Mancuso suggested that facilities should go through an online interactive training when a renewal is sent. Ms. Del Mugnaio clarified that the Board cannot require it without statutory authority. The Board has already made efforts to communicate the Hospital Inspection Checklist during the time of inspection and the Board is currently working on a web-based training course. Ms. Mancuso requested to have information added to our social media accounts. Ms. Del Mugnaio noted that she will be doing an outreach on Hospital Inspection Program at a Central Valley Veterinary Medical Association meeting in Fresno, CA, which can be posted to the Board's website.

Dr. Sullivan added that hospital inspection according to the laws and regulations is an educational inspection, not a disciplinary one. Ms. Rodriguez noted that each hospital must be tracked manually to identify when the hospital was last inspected. Dr. Sullivan recommended improving the tracking process and moving away from manual tracking.

#### 18. Agenda Items and Next Meeting Dates – April 20-21, 2016; Los Angeles

##### A. Agenda Items for Next Meeting

Ms. Mancuso motioned to raise hospital compliance awareness. The motion did not receive a second; Therefore, will not be included on the next meeting agenda.

Dr. Sullivan suggested discussing the cost of the Diversion Program per member at some point in the future.

The Board recapped the following agenda items for the next meeting:

- RVT School Approval/AVMA Accreditation Process Comparison
- Continuing Education Course for the Judicious Use of Medically Important Antimicrobial Drugs
- Sunset Review Follow Up

B. Multidisciplinary Advisory Committee Meetings – April 19, 2016; Los Angeles

C. Future Veterinary Medical Board Meeting Dates 2016: July 20-21, 2016; Sacramento, October 19-20, 2016; Sacramento

The next Board meeting will be held on April 20, 2016 in Los Angeles, CA.

### **CLOSED SESSION**

19. The Board met in closed session (pursuant to Government Code Section 11126(c)(3) to discuss and vote on disciplinary matters including stipulations and proposed decisions.

#### AV 2014 10

The Board adopted the stipulated settlement.

#### IA 2016 18

The Board adopted the stipulated settlement.

#### AA 2015 15

The Board adopted the proposed decision.

#### IA 2014 22

The Board adopted the default decision.

### **RETURN TO OPEN SESSION**

20. Adjournment

The Board adjourned at 11:50 a.m.