

VETERINARY MEDICAL BOARD

Supplemental Sunset Review Report 2015

Presented to the Senate Committee on Business, Professions and Economic Development

December 2015



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CALIFORNIA VETERINARY MEDICAL BOARD

EXECUTIVE SUMMARY 2015

The profession of veterinary medicine continues to evolve and the advancement of science leads to emerging preventative and responsive treatments of diseases in animals and in turn greater protection of public health.

For many years, the Veterinary Medical Board (Board) struggled to meet its enforcement mandates and respond to changes in the profession as it was understaffed and overwhelmed with operational demands. However, the Board was ultimately successful in obtaining necessary resources and is optimistic about its ability to address many long-standing, and now more current issues facing the profession of veterinary medicine.

The Board has endured major transition the past two years. In late 2013, the former Executive Officer of the Board retired after more than twenty-years with the Board. Shortly thereafter, seventy-five percent of the existing staff moved on to other opportunities in the state. In July 2014, the Board was appropriated eleven new staff which nearly doubled its staff size and provided a tremendous opportunity for making progress in a number of struggling program areas, including tackling an enforcement backlog, pursuing the list of pending regulatory proposals, bolstering a fledgling hospital inspection program with few inspectors, and planning for the transition to the BreZE program. Despite the transition challenges of hiring and acclimating a new Executive Officer and new staff, the Board has been able to accomplish many of its goals and has made significant progress in addressing long-standing issues facing the Board as identified in the attached supplemental report.

In 2015, the Board adopted its new Strategic Plan which maps a new direction for the Board to focus on outreach and education using all available mediums to reach its stakeholders. The Strategic Plan documents the importance of the Board's enforcement efforts and includes goals to *maximize recourse against unlicensed persons to protect animal patients, and expedite all disciplinary case actions through proactive management of Division of Investigation and Attorney General services to reduce the average disciplinary case time frames.*

The Board is finally in a place where it can gain momentum and improve its services to the public by regulating licensees, promoting professional standards, and diligently enforcing the California Veterinary Medicine Practice Act.

BUDGETARY ISSUES

ISSUE #1: (LACK OF NECESSARY STAFF.) The VMB currently has inadequate staffing and this continues to hamper the Board's productivity.

Background: According to the Board, in order to fulfill its mission, the Board must have a workforce consistent with the workload resulting from its mandates. However, the largest challenge of the Board has been the consistent refusal of any BCPs it has submitted over the years and the necessary position authority to effectively fulfill its responsibilities in regulating the veterinary profession and protecting consumers.

Since the last Sunset Review in 2004, the Board has had a significant increase in workload as more veterinarians have become licensed, more RVTs registered and more veterinary premises in need of inspections. As indicated, the Board's enforcement costs, duties and tasks continue to grow, backlogs continue to increase and the volume of workload per staff member is becoming increasingly impossible to handle.

The Board believes that increasing its enforcement staffing is imperative. The Board recently submitted an analysis to this Committee which shows that with the recent fee increase there will be additional revenue to support an additional 5.0 permanent staff positions and that even with the additional positions, the Board's fund condition will be healthy through FY 2017-2018.

Staff Recommendation: *Since current staffing levels of the Board are insufficient to maintain the ongoing workload and responsibilities of the Board and will result in continuous backlogs of enforcement cases and possible delays in licensure, the Board should be provided with the additional staffing it is requesting and which the Board has sufficient funds to support. Also, before any new requirements or responsibilities are placed on the Board, there should be sufficient staffing to cover this additional workload in addition to the staffing already requested by the Board.*

2015 Response

The Board has a history of being short staffed, especially between 2007 and 2014. The Board was successful in securing a fee increase in 2012 which generated an additional \$455,000 in new revenue starting in FY 2013-14 and on-going to support increasing the Board's staff size.

The staffing issue was addressed with approval of two FY2014/2015 BCPs (effective July 1, 2014), which authorized 11 new staff positions. The Board was able to recruit new staff in December 2014, and hired one Staff Services Analyst (SSA) and one Office Technician (OT) to support its Hospital Inspection Program; one SSA and three Program Technicians (PTs) to support its Licensing Program; two Associate Governmental Program Analysts (AGPAs), two SSAs, and one OT to address a backlog and on-going workload in Enforcement. However, more than half of the approved positions were allocated as Limited Term, which results in the position authority expiring in two years, that being June 30, 2016. As such, the Board submitted a 2016/2017 BCP to request the permanent allocation of 5.5 positions dedicated to administering and enforcing the new Veterinary Assistant Controlled Substance Permit Program (VACSP). While Breeze program expenses have impacted the Board's Fund, the Fund will be augmented with new revenue generated from the VACSP application and renewal fees. The Board anticipates new revenue for the Program beginning in FY 2015/16 in the amount of \$680,000 in application fees; with

another \$680,000 in application fees in FY 2016/17. Starting in FY 2017/18 the Board anticipates approximately \$340,000 in renewal fees and an additional \$100,000 in initial application fees. The revenue generated in FY 2017/18 should remain constant for future years. The attached fund condition documents that with the additional revenue, the Board's fund remains solvent through FY 2018/19. Also, since the VACSP revenue is estimated, an additional fund condition is included showing the Board's fund reserve without the anticipated revenue. [Exhibits 1- 2015 Fund Conditions] [Exhibit 2- Licensing Population]

BOARD AND COMMITTEE RESPONSIBILITIES

ISSUE #2: (ADDRESSING RVT ISSUES.) It does not appear as if the MDC is addressing some of the more important issues as it pertains to the RVT profession or both the Board and MDC are delaying action in addressing these issues.

Background: According to those representing the RVT profession, there has been several issues which either the MDC or the Board have not addressed or have delayed action in resolving. Examples given were (1) regulations to define the parameters for a student exemption allowing them to perform restricted RVT job tasks; (2) a regulation to clarify the Board's authority over RVT schools which took two and half years to go to public hearing after approved by the Board; (3) the transitioning from using the state RVT examination to using a national RVT exam.

A little history regarding the RVT profession and RVT committees, and RVT input on Board matters, may be appropriate at this point. In 1975, the profession of Animal Health Technician (AHT) was created by the Legislature in response to the desire by the veterinary profession to have a well-trained and reliable work force. The AHT Examining Committee (AHTEC) was created as an independent committee with a separate budget to assist the Board with issues related to the new profession. In 1994, the title "Animal Health Technician" was changed to RVT and the committee was called the RVTEC. In 1998, the original independent RVTEC was sunsetted, and a new committee of the Board, the RVTC, was created. The Legislature gave the new committee the statutory authority to advise the Board on issues pertaining to the practice of RVTs, assist the Board with RVT examinations, CE and approval of RVT schools. The Legislature also specifically stated in the law that its intent was that the Board would give specific consideration to the recommendations of the RVTC. In 2004, the JLSRC was concerned that the RVTC had no independent authority over issues within its jurisdiction, e.g., examinations, eligibility categories, establishing criteria for and approving RVT school programs. In 2006, the duties of the RVTC were expanded to include assisting the Board in developing regulations to define procedures for citations and fines. In 2010, the Legislature added an RVT to the Board for the first time, increasing the Board composition to a total of 8 members: 4 veterinarians, 1 RVT and 3 public members. At the same time the RVTC was allowed to sunset upon appointment of the RVT. The newly created MDC also had the following make-up of members: 4 veterinarians, 2 RVTs and 1 public member.

The RVT committee has basically gone from an autonomous, semi-autonomous to a non-existent committee. However, it appears that both veterinarians and RVTs believed that both representation on the Board by an RVT and providing for RVTs on the MDC would allow for issues regarding the RVT profession to be adequately addressed. It appears, however, that this may not be the case. The Board seemed to realize this oversight at its September 5, 2012 meeting as it discussed the role of its committees and a structure for the committees that might be best to address the issues of the Board. It appears that one of the problems may be that the Board has no direct input during MDC meetings, or has not given clear direction to the MDC to address important issues brought before the Board or that must be resolved. The

Board has also allowed RVT matters to be splintered between different subcommittees. There is one RVT subcommittee of the Board made up of two board members and another subcommittee of the MDC made up of one RVT and one veterinarian. Section 4809.8 of the Business and Professions Code was clear that the role of the MDC was to assist, advise, and make recommendations for the implementation of rules and regulations necessary for the proper administration and enforcement of the Veterinary Medicine Practice Act and to assist the Board in its examination, licensure, and registration programs. The MDC was intended to be inclusive of all issues regarding the veterinarian profession, and the Board must do the same.

Staff Recommendation: *To assure the Board had direct input and oversight of matters related to the MDC, there should be one veterinarian member of the Board that sits on the MDC, and the RVT member of the Board should also sit on the MDC. They would not act as a liaison to the MDC but rather voting members of the MDC. The Board should eliminate its RVT subcommittee and the MDC RVT subcommittee and deal with RVT issues directly and not delay implementation of important RVT matters. Section 4832 of the Business and Professions Code of 2005 should be reinstated and revised to assure that the Board will give specific consideration to the recommendations of the MDC regarding RVT matters.*

2015 Response

Section 4809.8 of the Business and Professions Code established the MDC Committee. The following is the history that was outlined in the Board's 2013 response to the Committee regarding the work of the MDC:

The MDC was originally created in 2009 to be a three-year committee with a sunset date of 2012 that addressed specific enforcement issues, e.g., minimum standards, hospitals inspections, and the citation and fine program. RVT issues were not given to the MDC because the RVT Committee was still functioning and RVT issues went to that committee.

In June 2011, the Legislature sunsetted the RVT Committee and recreated the MDC as a permanent advisory committee to the Board to assist the Board in addressing issues of the profession including issues specific to RVTs. At that time the MDC was still completing the issues of its original enforcement issues mandate and although it was not able to take on new issues at that time, it did form a two member subcommittee specifically to handle RVT issues.

At its January 2013 meeting, the Board asked its two-member RVT subcommittee to hold at least one task force meeting to discuss the transition to the national exam and to solicit public input on the RVT student exemption and regulating RVT alternate route programs. It was decided that the two subcommittees should work together as a task force in conjunction with the MDC meetings. The RVT Task Force held a public meeting on Tuesday, March 12, 2013 specific to RVT issues scheduled another public meeting for June 11, 2013, and a third meeting on November 12, 2013.

Today, the composition of the MDC includes one veterinarian member of the Board and the RVT member of the Board, who are both voting members of the MDC. There is no longer RVT or MDC subcommittees addressing RVT matters, as RVT professional issues are delegated to the MDC by the Board. Subsection (f) of 4809.8 clearly expresses the Legislature's intent that the MDC give appropriate consideration to issues pertaining to the practice of registered veterinary technicians. As evident in the Board's 2015-2019

Strategic Plan [Exhibit 3- California Veterinary Medical Board Strategic Plan 2015-2019] the Board has specific objectives involving RVT matters:

- Complete a cost-benefit analysis of the RVT exam to determine reasonable and equitable fees.
- Monitor and approve the education and training offered by RVT Alternative Route Programs to measure quality and consistency.
- Address Shelter Medicine Minimum Standards and the RVT's role in triaging and administering medication to animals upon intake).

In addition, the MDC has spent the past year examining the California Veterinary Technology Alternate Route Program Regulations, and in April 2015 recommended new regulations to the Board for approval of Alternate Route Schools. At its July 2015 meeting, the Board approved a regulatory proposal that would establish program approval criteria for students enrolling in a Veterinary Technology Alternate Route Program. Such programs are intended to provide flexibility for individuals who are interested in becoming an RVT and who have already been working in the veterinary medical profession. The Alternate Route Programs combine work experience and education in a format that is accessible for working adults, offering flexible course formats and scheduling. California is the only state that offers an alternate route pathway to licensure for RVTs.

Another important RVT issue addressed by the MDC in 2015 was the RVT Student Exemption matter. In 2011, Assembly Bill 1980 (Hayashi, Chapter 538) created an exemption under Section 4841.1 of the Business and Professions Code, which would authorize students completing their final year of study at a Veterinary Technology Program to perform hands-on RVT specific duties, including, inducing anesthesia, applying casts and splints, performing dental extractions, suturing of tissues and oral membranes, and creating a relief hole in the skin to facilitate placement of intravascular catheter. The issue had been previously discussed by the RVT Subcommittee, but no formal action was taken. In July 2015, the MDC recommended regulatory language to the Board regarding the RVT Student Exemption, which the Board considered and approved at its most recent October 20, 2015 meeting.

As explained in the Board's 2013 Sunset Review response, the problem with addressing all matters before the Board was one of limited staffing, not a lack of prioritization.

ISSUE #3: (RESPONSE TO ISSUES AND RECOMMENDATIONS OF THE JLSRC.)

The Board has been slow to respond to issues and recommendations raised by the JLSRC in 2004 and other matters presented before the Board.

Background: The Board has been slow to deal with the issues and recommendations made by the JLSRC during its sunset review in 2004, and other issues which may have been brought before the Board over the past 8 years. The following are some examples:

- Transitioning to the RVT National Examination.
- Appropriate oversight of RVT schools.
- Allowing students to perform limited RVT job tasks.
- Providing information to consumers about the use (or misuse) of specialty titles of veterinarians.
- Making its Diversion Program self-supporting.
- Only recently planning to increase the number of inspections of veterinary premises.
- Only recently putting forth regulations to increase its fine authority.

- Only recently updating its Disciplinary Guidelines.
- Posting Disciplinary Actions taken by the Board on its Website.
- Only recently putting forth regulations to deal with illegal animal dentistry.
- Adoption of Uniform Substance Abuse Standards for its Diversion Program.
- Adoption of CPEI SB 1111 regulations similar to other health related boards.

Staff Recommendation: *The Board should explain to the Committee why some of the important matters which the Board was directed to deal with back in 2004 by the JLSRC, and other matters brought before the Board over the past 8 years by DCA and others, have taken such a long time to resolve or implement. The Board needs to move ahead expeditiously to implement these necessary changes.*

2015 Response

In 2013 the Board provided a status update to the list of pending program issues before the Board. With the addition of the authorized positions, there has been a great deal of progress on most of the matters, the following reflects current status:

- Transitioning to the RVT National Examination. - The transition to the RVT National Examination, the Veterinary Technology National Examination (VTNE) occurred in March 2014. The last California practical examination was administered in February of 2014. Currently, all applicants seeking to register as an RVT in California, must have taken and passed the VTNE and the California Registered Veterinary Technician Examination, which is a jurisprudence examination.
- Appropriate oversight of RVT schools. - The Board did promulgate regulations effective January 1, 2015 recognizing Veterinary Technology Programs accredited by the American Veterinary Medical Association (AVMA) as programs that have met the minimum requirements for course work and clinical instruction. [Exhibit 4 - California Code of Regulations (CCR) 2064-2065] However, there continues to be discrepancy regarding the additional reporting requirements of AVMA accredited programs. The Board has not required AVMA accredited programs to apply for Board approval in the past eight (8) years, whether due to limited staff to process the applications, or because the national accreditation has been deemed equivalent. It appears that CCR Section 2064 should be further clarified to capture the appropriate recognition of AVMA accredited programs, and to avoid unnecessary duplication in program review and approval.
- Allowing students to perform limited RVT job tasks. - See question #2 above.
- Providing information to consumers about the use (or misuse) of specialty titles of veterinarians. - As provided for in the Board's 2013 response, the Board posted guidelines on advertising for specialty titles on its website for purposes of transparency and consumer information in 2011-2012. Recent litigation has challenged boards attempting to enforce laws and regulations which limit the advertising of specialty titles, citing that the prohibiting an individual from advertising an earned certification may violate the First Amendment. Section 651 of the Business and Professions Code authorizes the Board to address complaints of false and misleading advertisements where the Board can investigate the facts to determine if the advertisement includes untrue claims, or is in and of its self, misleading to the consumer.
- Making its Diversion Program self-supporting. There are currently six (6) licensees enrolled in the Board Diversion Program. Typically, the length of the program for a licensee seeking treatment is anywhere from 3-5 years, and the cost to the licensee is \$2,000 for the entire length of the program.

However, the cost to the Board for each licensee enrolled is currently \$338.15 per month, which over the course of the program, may cost the Board \$10,000-\$20,000 per licensee. Annually, the Board enters into a contract with Maximus for \$24,400 to cover its costs for its program participants. In order to make the Diversion Program self-supporting, the Board would need to change its fee structure in regulation (CCR Section 2070(i)), to reflect the actual cost of the Diversion Program.

- Only recently planning to increase the number of inspections of veterinary premises. - See #5
- Only recently putting forth regulations to increase its fine authority. The Board submitted a regulatory action to update its citation and fine regulations to the Office of Administrative Law for an effective date of March 2016. Existing regulations provide for fine amounts that do not adequately deter illegal activity. For example, causing bodily injury to an animal patient may only result in a maximum fine of \$1,000. Alternately, the amended regulatory proposal provides that the Board may levy a fine of up to \$4,000 for causing harm to an animal. Additionally, the proposed regulation allows the Board to fine an individual up to \$5,000 for each violation which caused death or serious harm to an animal patient. Increasing the fine amounts that the Board may levy is warranted in light of the Board's mandate to protect the public.
- Only recently updating its Disciplinary Guidelines. -The Board's Disciplinary Guidelines were completely revised in 2012 and adopted by regulation in 2013. However, under new leadership and staffing, a few probationary issues were noted with the revised Disciplinary Guidelines and therefore, the Board has been revisiting its Disciplinary Guidelines for the past year. In October 2015, the Board adopted the revised Guidelines, which provides for clear direction to Administrative Law Judges and probation staff on matters such as: supervision expectations, tolling of probation, continuing prevention and support groups, and notice to employers and employees regarding a disciplinary order to name a few. The regulatory proposal will be filed in 2016 with the Office of Administrative Law.
- Posting Disciplinary Actions taken by the Board on its Website. - All disciplinary actions and the associated accusation and decision documents are posted on the website under the License Verification feature since 2010. A licensee's record will also indicate whether a citation and fine has been issued, but citation and fine documents must be requested by contacting the Board. The citation and fine public documents are available upon request for a period of 5 years pursuant to the Board's record retention schedule.
- Only recently putting forth regulations to deal with illegal animal dentistry. - The Board sought a regulatory remedy to address the issue of illegal animal dentistry which took effect in January 2014 as part of its revisions to the Minimum Standards for hospital premises. Section 2037 of the California Code of Regulations states:

(a) The term "dental operation" as used in Business and Professions Code section 4826 means:

(1) The application or use of any instrument, device, or scaler to any portion of the animals tooth, gum or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of an animal's tooth, gum or related tissue; and

(2) Preventive dental procedures including, but not limited to, the removal of calculus, soft deposits, plaque, stains or the smoothing, filing, scaling or polishing of tooth surfaces.

(b) Nothing in this regulation shall prohibit any person from utilizing cotton swabs, gauze, dental floss, dentifrice, or toothbrushes on an animal's teeth.

- Adoption of Uniform Substance Abuse Standards for its Diversion Program. – At its October 21, 2014 meeting, the Board approved regulatory language to adopt Uniform Standards for Substance Abusing Licensees. However, the regulatory action has been placed on hold per Department Legal Office guidance.
- Adoption of CPEI SB 1111 regulations similar to other health related boards. – The Board adopted proposed language at its October 21, 2014 meeting to incorporate several of the CPEI provisions, including:
 - 1) Delegation for the Executive Officer to adopt stipulated settlements for the surrender of the license.
 - 2) Requiring the following incidents to be reported to the Board within 30-days:
 - a. The conviction of a licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor.
 - b. Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.
 - c. Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the Board.
 - 3) Authorize the Board to order an applicant for licensure to be examined by a physician or psychologist if it appears that the applicant may be unable to safely practice the licensed profession due to a physical or mental illness and, authorize the Board to deny the application if the applicant refuses to produce evidence of the his/her ability to safely practice.

The proposed regulations are included on the Board's regulatory schedule [Exhibit 5- Regulation Priority Chart] and will be filed with OAL in the coming year.

LICENSING AND REGISTRATION

ISSUE #4: (ACCESS TO CONTROLLED SUBSTANCES.) Should veterinary assistants be required to obtain a permit from the Board so that they may be allowed to have access to controlled substances under the supervision of a veterinarian?

Background: For many years the RVTs and veterinarian assistants who assisted veterinarians in practice were allowed to administer drugs under indirect supervision of a veterinarian, by the veterinarian's order, control, and full professional responsibility. However, in 2007, the Board's legal counsel questioned the language in existing law regarding who can administer drugs to animals in a veterinary practice setting. The CVMA disagreed with the Board's interpretation of the law and subsequently sought a Legislative Counsel (LC) opinion. The LC opinion confirmed CVMA's position and it further validated current practice as it pertains to federal drug laws.

In 2007, CVMA carried SB 969 to make the statutory changes necessary to clarify those persons who could provide controlled substances in a veterinary office or clinic and under what level of supervision. This measure was signed into law, but contained a sunset provision. The purpose for the sunset provision was to assure that there were no problems of complaints received by the Board regarding the access to controlled

substances by veterinary assistants. The sunset provision was extended to January 1, 2013, pursuant to SB 943 of 2011. During the interim, the DCA, CVMA, the Board and representatives from the RVT community met to determine if other changes were necessary in the law to assure that veterinary assistants who had access to controlled substances had appropriate oversight and had no criminal history. Discussions centered around the requirement for the fingerprinting of veterinary assistants who would have access to controlled substances within the veterinary facility. However, the Department of Justice (DOJ) indicated that they would be unable to provide criminal background information on veterinarian assistants to the Board unless they were under the authority of the Board. Therefore, the Board would have to at least require veterinary assistants to obtain a permit from the Board to be allowed access to controlled substances so that the Board could then request fingerprints of the veterinarian assistant that would be provided to DOJ. The Board could then be provided with the criminal background information from DOJ before they granted a permit.

Staff Recommendation: *The Board should be required to establish a permitting process for veterinary assistants who will have access to controlled substances, both under direct and indirect supervision of a veterinarian, so that the Board can require fingerprints of veterinarian assistants and obtain criminal history information from DOJ. The requirement for a permit should begin by 2014. However, the Board should be provided adequate staffing to implement this new program to be paid from fees collected pursuant to the permit requirement.*

2015 Response

Senate Bill (SB) 304 (Lieu, Chapter 515, Statutes of 2013) required the Board to license veterinary assistants and SB 1243 (Lieu, Chapter 395, Statutes of 2014) established an effective date for the new permit category of on or after July 1, 2015.

Currently, veterinary assistants are allowed to obtain and/or administer a controlled substance pursuant to the order, control, and full professional responsibility of a licensed veterinarian provided the veterinary assistant has undergone a background check by the Licensee Manager of the veterinary premises. With the implementation of the new permit category, the Board will have regulatory oversight of the permit holder and will require the permit holder to be fingerprinted in order to determine whether the individual has been convicted of a controlled substances offense. The information will be obtained through the standard Department of Justice and Federal Bureau of Investigation fingerprint record check. Fingerprint checks are a reliable method of obtaining criminal history and will provide for maximum protection of the public and their animals from individuals who may not be suited to have access to, and or administer controlled substances in a veterinary premise.

The Board submitted a Budget Change Proposal in 2013, and was approved, beginning fiscal year 2014-15, for five (5) Limited Term staff to administer the new program to issue permits to veterinary assistants. The Board filled all vacant positions in December 2014 and immediately began working on developing what would become the Veterinary Assistant Controlled Substances Permit (VACSP) Program. Development of the VACSP Program is multi-faceted and required careful planning and management including, the development of regulations that provide the regulatory framework for the Program, incorporation of Program requirements into the Department of Consumer Affairs' (Department) new BreEZe database to track and secure records for applicants and licensees, creation of application and initial licensing forms, and finally the dissemination of Program information to interested parties and potential licensees.

Board and Department staff met in December 2013 to discuss and incorporate the VACSP Program requirements into the Department's new BreZE system. Staff continues to work on full incorporation of VACSP Program requirements into BreZE. In addition, Board staff held a regulatory workshop for interested parties in February 2015 to develop VACSP Program regulations and subsequently obtained Board approval in June 2015 to initiate the rulemaking process to implement the Program regulations. The regulations should be approved by the Office of Administrative Law in early 2016 which will coincide with the go-live of Release 2 of the BreZE system.

The Board is anticipating about 13,000 veterinary assistants will apply for the new VACSP. The number is based on an-house review of the number of veterinary assistants currently associated with each of the 3,500 registered hospital premises. The estimated population of 13,000 applicants assumes approximately 3-4 veterinary assistants per hospital will apply for a permit.

INSPECTION OF VETERINARY PREMISES

ISSUE #5: (INSPECT MORE VETERINARY PREMISES.) It is unknown the extent to which the Board has been able to inspect veterinary premises over the past 8 years. In 2004, only 13% of veterinary facilities on average were inspected each year.

Background: California Code of Regulations Section 2030 sets the minimum standards for fixed veterinary premises where veterinary medicine is practiced, as well as all instruments, apparatus, and apparel used in connection with those practices. The method the Board has selected to enforce such standards is premise inspections. During the sunset review of the Board in 2004, the Board inspected an average of 300 registered veterinary facilities that were selected from a master list, and an average of 31 facilities in response to complaints it received. The vast majority of these inspections were unannounced. From 1996 to 2003 the Board had completed 2,616 inspections, including 211 complaint-related ones. The average rate for annual routine hospital inspections during those years was 13 percent, with a slight improvement during 2001/02 to 18 percent and 16 percent in 2002/03.

In its report to the JLSRC at the time, the Board indicated that all new veterinary premises are were inspected within the first six to 12 months of operation and that its goal was to have all premises inspected within a five-year period.

The Board further indicated to the JLSRC at the time that when it "randomly" selects premises to inspect, it eliminates from selection those premises with the most recent inspection dates. Thus, it appears that once facilities are inspected, they enjoy "safe harbors" from random inspections for an extended period of time, perhaps as long as six or more years. To accomplish these inspections, the Board contracted with private veterinarians who hold current California licenses and have at least five years of clinical practice experience. However, the Board was at the time considering expanding the pool of prospective inspectors to include RVTs as well.

The Committee did not receive any current information regarding the Board's inspection program of veterinary premises. The Board only indicated that it hired three new inspectors for the 2012/13 fiscal year to begin in September 2012, with a goal of increasing the actual number of inspections each year to 500, or 16%. The Board also changed the method of hiring inspectors from the Request for Proposal process to establishing a pool of qualified experts and hiring via the streamlined contract process implemented by

DCA last year. This has greatly improved the pool of qualified applicants.

Staff Recommendation: *The Board should update the Committee on its inspection program for the past 8 years and indicate if it has adequate staff to increase the number of actual inspections and what percentage of veterinary premises does it believe it will be able to inspect on an annual basis.*

2015 Response

Pursuant to language in SB 304 (Lieu, Chapter 515, Statutes of 2013), the Board has bolstered its inspection program and is quickly approaching the 20% goal. In 2014-15, the Board's budget was augmented by \$277,000 for each fiscal year to fund the staff position authority for 2.0 positions (1.0 Staff Services Analyst and 1.0 Office Technician) and the work of the Hospital Inspectors, in order to comply with legislation requiring the Board to make every effort to inspect at least 20% of veterinary premises on an annual basis. In order to meet its mandate of SB 304, the Board contracted twelve new Hospital Inspectors located throughout the state in an effort to inspect at least 600 registered veterinary premises in 2014-15. The new inspection team included a veterinarian who specialized in avian and exotics, an equine specialist, a former Area Director for VCA Hospitals and a former Associate Dean of External Relations for Clinical Rotations for Western University. Staff completed an extensive Inspection Training Workshop in the fall of 2014 and ended the fiscal year with 590 inspections completed, or 19% of the premise population, just shy of the mandate. With the increase in in veterinary hospital inspection program staff and inspectors, the number of inspections completed per year has more than doubled since FY 2013/14. Keeping up on reviewing compliance documentation, the administrative paperwork to contract with and pay Inspectors, and the enforcement actions that result from non-complaint hospitals, has been challenging. Staff is currently addressing a backlog in the area of inspection compliance review.

For 2015-16, the number of premises has increased 14% to nearly 3,500 facilities. This means approximately 700 inspections (a 17% increase) must be completed in order to meet the 20% mandate; 100 more inspections than were completed this past fiscal year. The Board has contracted with additional Inspectors, bringing the number of Inspectors to 16. The Board conducted Inspector training in January 2015, and again in August 2015, which included presentations from the Pharmacy Board, Radiologic Health Branch as well as the DOJ.

Also, the Board anticipates inspecting all new registered premises within the first year of opening as this is an objective in the VMB's Strategic Plan and will be phased in in the coming year.

The Board's Hospital Inspection Program costs were \$143,000 in FY 2014/15. With the increased workload for 2015-16, the Board's Inspection costs are anticipated to be approximately **\$185,000**.

<i>Veterinary Hospital Inspections</i>			
	<i>FY 2013-14</i>	<i>FY 2014-15</i>	<i>FY 2015-16</i>
<i>Licensed Premises</i>	3,131	3,462	3,500
<i>Routine Inspections</i>	230	545	700

Complaint Related Inspections	30	45	NDA
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ENFORCEMENT

ISSUE #6: (DISCIPLINARY CASES STILL TAKING ON AVERAGE THREE YEARS OR MORE.) Will the Board be able to meet the CPEI goal of reducing the average disciplinary case timeframe from three years or more, to 12-18 months?

Background: As earlier indicated, in 2009, the DCA took the initiative to evaluate the needs of the board's staffing levels and put forth a new program titled the "Consumer Protection Enforcement Initiative" (CPEI) to overhaul the enforcement process of healing arts boards. According to the DCA, the CPEI was a systematic approach designed to address three specific areas: Legislative Changes, Staffing and Information Technology Resources, and Administrative Improvements. The CPEI proposed to streamline and standardize the complaint intake/analysis, reorganize investigative resources, and, once fully implemented, the DCA expected the healing arts boards to reduce the average enforcement completion timeline to between 12-18 months by FY 2012/13. The DCA requested an increase of 106.8 authorized positions and \$12,690,000 (special funds) in FY 2010-11 and 138.5 positions and \$14,103,000 in FY 2011-12 and ongoing to specified healing arts boards for purposes of funding the CPEI. As part of CPEI, the Board requested 7.1 first year and 8.1 ongoing staff positions. The Board received approval for only 1.0 special non-sworn investigator position. In 2010 and 2011, the position was reduced to .70 due to the Governor's Workforce Cap Reduction and Salary Savings Elimination plans leaving the Board with .30 of a non-sworn investigator position. Under the CPEI, this Board never really had an opportunity to utilize any additional staffing to improve its enforcement program. There was an expectation that with additional staffing the average enforcement completion timeframes (from intake, investigation of the case and prosecution of the case by the AG resulting in formal discipline) could be reduced. The implementation of the CPEI and the additional staff provided improved performance levels of some boards, but not this Board. As indicated by the Board, there is now a backlog of complaints of one year and the Board is unable to meet its performance measures for the handling of disciplinary cases. Due to the volume of workload and lack of staffing, the Board has redirected staff to address the highest priority caseload. These inadequacies, according to the Board, stifle the Board's progress to achieve its intended performance measures. The goal set for the Board, and all boards under CPEI, was 12 to 18 months to complete the entire enforcement process for cases resulting in formal discipline. In 2011/2012, it took nearly three years (36 months) or more to complete a disciplinary action against a licensee by the Board. Other reasons why the Board is unable to meet its performance measures and goal of 12 to 18 months to complete disciplinary action, is because it has to rely on the Division of Investigation (DOI) to investigate the case, on the Attorney General's Office (AG) to file an accusation and prosecute the case, and on the Office of Administrative Law (OAL) to schedule an Administrative Law Judge (ALJ) to hear the case. According to the Board, an investigation by DOI can take anywhere from 6 to 18 months. Once the case is transferred to the AG, it can take 6 months to a year to file an accusation and another year to have the case heard before an ALJ. These timelines are outside the Board's control, but add greatly to the overall length of time it takes from receipt of a complaint to ultimate resolution. [It should be noted the DOI has markedly improved in its investigation of cases. Most cases are completed within about a 6 month period on average. However, the AG's Office and the OAL were never made partners in the CPEI effort by DCA to reduce timeframes in the handling of cases. The timeframes for disciplinary cases handled by the AG have not changed significantly over the past years and OAL is now backlogged with cases and it is taking up to one year to schedule a case to be heard.]

Staff Recommendation: *It is obvious unless there is buy-in from the other agencies (the DOI, AG and the OAL), which the Board must depend on, the goal of CPEI will never be realized. The Board has at least improved on part of the process it had control of, the processing of complaints and forwarding them to investigation, but still hasn't met its performance measure of 10 days for handling a complaint. This is due primarily, however, to inadequate staffing levels of the Board. As was indicated in Issue #1, the Board must receive adequate staffing so that it can more quickly process disciplinary cases. The bigger issue of dealing with delays by DOI, the AG and the OAL is something that is going to have to be addressed by the Legislature, DCA and these other agencies.*

2015 Response

With the increased staffing in the enforcement unit, that being: two AGPAs, two SSAs, and one OT, as authorized by the Budget Change Proposal effective July 1, 2014, the Board has made significant progress toward elimination of a backlog of complaints identified in its 2012 Sunset Report. Additionally, the Board continues to work toward meeting its performance measures for handling of disciplinary cases through reduction of processing timeframes. The following exhibits provide information regarding performance measures and case statistics. It is important to note that some of the timelines continue to be beyond the target performance measures as explained below. The extended timelines may not be indicative of the “average” timeframes, but instead a matter of what the Board refers to as outlier cases; a few cases that far exceed average processing timelines due to case complexity, or irregularity in the handling of the case, and which significantly impact the case aging data.

[Exhibit 6 – Performance Measures] [Exhibit 7 - Case Statistics/AG Case Aging Graphs]

**Note: Some average processing timelines reflected in the PM documents may differ from that in the Case Statistics –Formal Discipline due to data clean-up.*

The following is an update to the focused efforts in each of the Board's enforcement program areas:

Complaint Intake and Investigation:

The Board, with the increased staffing levels, has worked diligently to reduce the timeframe for intake of a complaint despite an increasing number of incoming complaints.

The performance measure target for intake of a complaint as established during the Consumer Protection Enforcement Initiative (CPEI) is 10 days. Over the past four years, the average number of days to complete the intake process hit a high of 147 days in FY 2012/13 Quarter 4. As of June 30, 2015, this number has decreased to 21 days. It is anticipated that the Board will meet this performance measure target of 10 days in FY 15/16 Q2.

The performance measure target established pursuant to CPEI for the average time from complaint receipt to closure of the investigation process is 365 days. The Board has met this goal of 365 days in 13 of the 16 quarters that make up FY 2011/12 through 2014/15. During the first six months of 2015, the enforcement unit's newly trained staff was tasked with conducting a comprehensive audit of all pending complaint investigation cases to identify the status of the all pending investigations and to determine how many cases were beyond the established performance target of 365 days. As of June 30, 2015, staff has nearly

eliminated the backlog with a mere 124 of a total 598 cases pending resolution that were identified as beyond the target of 365 days.

Citation and Fine:

With the diminishing backlog, staff has been able to devote resources to other enforcement areas where process improvement was critical. Prior to 2014, the citation and fine program duties were bifurcated and the process for issuing citations, setting informal conferences, and monitoring outcomes was shared between multiple staff where important legal timeframes were not carefully monitored. Today, the program is centralized and has been overhauled to streamline the investigative process, the informal conference procedures, and the collection of fines levied against licensees.

As identified above, the Board is currently pursuing regulatory authority to increase its maximum fine authority to \$5,000. It is anticipated that the new regulatory language will be implemented March 2016.

Franchise Tax Board Intercepts Program:

Due to staffing shortages, the Board was forced to temporarily suspend its use of the Franchise Tax Board Intercepts Program. With increased staffing, the Board has been able to once again begin to employ the use of this program for those citations and fines that have been closed as uncollectible.

Expert Witness:

The Board conducted two separate Expert Witness trainings, December 2014 and August 2015. Approximately twenty (20) new Experts were trained in the two sessions facilitated by Board staff and the Office of the Attorney General (OAG). Prior to 2014, it had been several years since the Board conducted Expert Witness training and the Experts working for the Board at that time, were performing their services with limited knowledge of the administrative disciplinary process and basic confusion about their role within the process. The lack of guidance for the Experts resulted in expert reports that were not conclusive. However, as a result of the more recent training, the Board's Experts are now submitting complete reports with clear conclusions regarding substandard care. This has also resulted in a greater percentage of cases referred to the OAG being accepted and less cases being declined. Today, the percentage of cases accepted by the OAG is 98%.

Formal Discipline:

As indicated in the 2012 Sunset Review Report, in FY 2011/12, it took nearly three years (36 months) or more to complete a formal disciplinary action against a licensee by the Board. The Board continues to see extended processing timelines in the area of formal discipline.

The performance measure target established pursuant to CPEI for the average number of days to complete the entire enforcement process for cases resulting in formal discipline was 740/540 days (The Board identified its target at 740 days/the Department's CPEI target in 540 days). Although staff has made significant progress in moving formal disciplinary actions through the adjudication process as expeditiously as possible, the average timeframes for completion continues to exceed two years.

In January 2015, staff was tasked with conducting a comprehensive audit of all pending formal discipline cases. It was determined that there were several cases that were completely resolved or very near complete resolution that had not been closed in the database which necessitated review and closure of the cases. The result was an unusual spike in the processing times for case closure.

In FY 2014/15, the Board closed a total of 60 formal discipline cases, many of which were over 540 days old. In the coming fiscal year, the Board should have identified and closed all dated disciplinary cases and as a result, the Board anticipates a significant reduction in processing timeframes. However, since many of the procedural factors involved in the resolution of formal disciplinary matters reside with the OAG and the Office of Administrative Hearings (OAH), it is unlikely the Board will meet its performance measure target of 740/540 days. The length of time necessary for processing of a formal discipline case through the OAG and the OAH continues to serve as a barrier in the enforcement process. In the past, it has taken anywhere from six months to one year to prepare an accusation and as much as one year to schedule and conduct a hearing. Unfortunately, this is still the case. These are factors outside the Board's control.

Probation:

The Board's probation program is critical to the formal disciplinary process. It provides the Board with a mechanism to consider practice restrictions that serves to protect the health, welfare, and safety of animals and their owners, while addressing the licensee's compliance issues, whether related to substandard care or ethical violations. It provides for appropriate and meaningful discipline and consumer protection, by placing the licensee under careful monitoring, while affording the licensee an opportunity to continue to practice and ultimately, demonstrate rehabilitation. The goal of the probation program is to ensure the practice deficiencies or unprofessional conduct behaviors are addressed through mandatory continuing education, examinations, practice monitoring, etc., and that the issues are corrected before the licensee returns to unrestricted practice.

The Board Disciplinary Guidelines serves as a resource document for Administrative Law Judges and the Board in determining appropriate terms and conditions of probation in disciplinary case proceedings.

With the improved focus on adjudication and resolution of formal disciplinary actions, the Board has seen a significant increase in the number of probationers currently being monitored. As of June 30, 2012, the Board was monitoring 36 probationers. Today, the Board's probationer caseload has more than doubled and the Board currently monitors a total of 76 probationers. It should be noted that the Department's Performance Measures Reports do not capture the Board's data on new probationers and probation violations, however, this data is reflected in the Board's enforcement statistical report.

The increased staffing has allowed the Board to utilize a dedicated staff member to serve as a probation monitor and immediately address compliance issues while also serving as a resource to supervisors and practice monitors who are approved to supervise probationers.

PUBLIC NOTIFICATION

ISSUE #7: (POST BOARD CONTACT INFORMATION.) Should veterinary premises be required to post contact information for the Board?

Background: The Board has indicated that the Board is discussing requiring a sign in every veterinary premise that notifies consumers of the Board's contact information if the consumer has a complaint.

Staff Recommendation: *The Board should require that veterinary premises post a sign that notifies consumers of contact information for the Board if they wish to file a complaint regarding a veterinarian, RVT or veterinarian assistant.*

2015 Response

The Board agrees with the staff recommendation and plans to include provisions in its Minimum Standards requiring hospital premises post signage notifying consumers where to file a complaint and displaying Board contact information.

CONTINUATION OF THE VETERINARY MEDICAL BOARD

ISSUE #8: (CONSUMER SATISFACTION WITH THE BOARD IS UNKNOWN.) Should the Board immediately start using a consumer satisfaction survey?

Background: The Board has indicated it utilized its own customer satisfaction paper and pencil survey tool up until 2010 when it was discontinued due to staffing and workload issues. The Board does not use the DCA customer satisfaction surveys per se; however, it is developing an electronic survey tool based on questions in the DCA survey and plans to implement its own survey following the Board's conversion to BreZE, DCA's new database system.

Staff Recommendation: *The Board should immediately upon the implementation of the BreZE system start using a consumer satisfaction survey to determine if future changes may be necessary in its handling of consumer complaints and the way the public should be dealt with by the Board and its staff.*

2013 Board Response: The Board agrees with the committee recommendation and will start using an electronic consumer satisfaction survey for complaints as soon as it is feasible after implementation of BreZE.

2015 Response

Recently, the Board created a web-based consumer satisfaction survey, and also includes a link to the survey on Board staff email. The consumer satisfaction provides consumers and licensees an opportunity to provide feedback regarding the Board's responsiveness and allows the Board to continue to improve its services to the public within the confines of the law. The Enforcement Unit includes a postcard with a QR code in every complaint mailing, a QR code and a hyperlink is also included at the bottom of its complaint closure letters that directs the recipient to the online Consumer Satisfaction survey. The electronic survey was implemented in January 2015. To date, the survey results have been sparse with less than a dozen responses received, and the Board is achieving a 65% satisfaction rating.

ISSUE #9: (SHOULD THE VETERINARY MEDICAL BOARD BE CONTINUED?) Should the licensing and regulation of the practice of veterinarian medicine be continued and be regulated by the current Board membership?

Background: The health, safety and welfare of consumers are protected by a well-regulated veterinary profession. Although the Board has been slow to implement changes as recommended by the former JLSRC, and other matters presented to the Board for consideration over the past eight years, it appears as if the current Board has shown a strong commitment to improving the Board's overall efficiency and effectiveness and has worked cooperatively with the Legislature and this Committee to bring about necessary changes. It is obvious that there are still important regulations and problems that need to be addressed by this Board, but it seems more than willing to work with the Legislature, the DCA and other professional groups to act more expeditiously to deal with these issues in a timely fashion. The Board should be continued with a four-year extension of its sunset date so that the Committee may review once again if the issues and recommendations in this Paper and others of the Committee have been addressed.

Staff Recommendation: *Recommend that the practice of veterinary medicine continue to be regulated by the current Board members of the Veterinary Medical Board in order to protect the interests of the public and that the Board be reviewed by this Committee once again in four years.*

2015 Board Response: The Board concurs with and appreciates the Committee's recommendation to extend the Board's sunset date by four years.

NEW ISSUES

The following are new issues identified by the Board and recommendations for action that could be taken by the Board and/or the Legislature to resolve these issues.

ISSUE #1: Implementation of the Pet Plate Program – Update on AB 192

Discussion

In early 2014, the Board filed regulations to implement the Pet Lover's License Plate Program (Plate Program) which would grant funding to providers of low-cost or no-cost spay and neuter services, to reduce the pet overpopulation and to address the staggering number of euthanasia's occurring throughout the state. Funding for the Plate Program is derived from revenue collected by the Department of Motor Vehicles for the issuance and renewal of the specialized Pet Lovers License Plate. The Board is named as the sponsoring agency of the Plate Program.

In December 2014, the Office of Administrative Law (OAL) disapproved the Board's proposed regulations, citing that the Board lacked statutory authority to delegate administrative oversight of the Plate Program to a non-profit organization. Specifically, OAL cited that Vehicle Code Section 5156 does not provide statutory authority for the Board to delegate its rulemaking powers to another entity nor does it authorize the Board to delegate decisions regarding the granting of funds to a non-profit organization. OAL noted other clarity and consistency issues with the proposed regulations and cited that the application form, the application process, and grant criteria need to be established by the Board in regulation.

In March 2015, the Board held a telephonic meeting to discuss options for moving forward with the Plate Program. Since staff resources remain an issue for the Board and the Board did not receive any funding for staff to administer the Plate Program, the Board decided to seek a legislative remedy that would either

change the statute to enable the Board to work with a non-profit to administer the Plate Program, or move the Plate Program under another sponsoring entity.

Assembly Bill 192 (Allen), effective January 1, 2016, authorizes the Board to contract with a non-profit organization for dispersing grant funding to qualifying providers of no-cost or low-cost animal sterilization services. AB 192 places a cap on the percent of administrative costs that may be collected by the Board at not to exceed 25% of the funds collected, and of that 25%, 5% may be paid to a contracted non-profit organization. The bill requires the Board to develop eligibility requirements for the grants, establish the grant application process, and develop other Plate Program components, but authorizes the Board to seek assistance from a non-profit organization to implement and administer the Plate Program. AB 192 requires the Board to retain oversight for the disbursal of the grant funding.

Status

Currently, the Board is seeking guidance from the Department's Legal Affairs Division on how to proceed under the new statutory provisions. Such legal considerations include: determining the process for selection of a non-profit organization, guidance on the necessity for implementing Plate Program regulations, and defining the Board's oversight and auditing responsibilities with regard to granting and monitoring of funds dispersed to providers. The matter will be discussed at the Board's January 20-21, 2016 Board meeting.

ISSUE #2: Breeze Program Update - Release 2 Implementation date of January 2016

Update

The Board is part of the Release 2 (R2) plan for BreEZe rollout. The anticipated Go-Live date for BreEZe database system is January 2016. The system consists of two main components, Versa Regulation and Versa Online. Versa Regulation is the back-office component of the BreEZe database system and is utilized for internal processes that guide an initial application through licensure. Versa Online is the front facing component of the BreEZe database system and is used by external customers for online payments and activities such as submitting a complaint, checking the status of a complaint, applying for examination eligibility, applying for licensure, renewing a license, updating an address of record, etc.

The process to transition the Board to BreEZe has required a substantial staff commitment where 30-40% of the Board staff may be working full-time on BreEZe programming tasks, including system configuration and testing which included: Configuration Interviews, Data Conversion/Validation, Script Writing and User Acceptance Testing, and Organizational Change Management.

As of November 2015, Board staff continues to be heavily impacted by BreEZe activities and is working on various components of the rollout leading up to Go-Live of the BreEZe system. Preparation activities include validating legacy systems data to ensure that all legacy data will be accurately converted to the BreEZe system, continued review of the Board's system design Profile Reports and user acceptance testing. User acceptance testing started September 23, 2015 and lasts approximately 8-10 weeks. Staff members have been asked to commit a significant amount of time to assist in testing the functionality of the BreEZe system during this testing period. Additional staff activities scheduled leading up to "Go-Live" involve BreEZe system training for all staff starting the first week of November 2015 and the continuation of Organizational Change Management training.

Board staff has also worked on various outreach components of BreEZe including updating Board forms and the website as well as interfacing with various interested parties, professional organizations and schools.

ISSUE #3: Drug Compounding for Veterinarians- Request for Legislative Assistance

Discussion

During hospital inspections, Board Inspectors routinely encounter bulk form drugs used for compounding medications stored at veterinary hospitals. If the drugs are not properly stored, labeled, or are expired, the inspector will advise the Licensing Manager of the compliance issue. However, there are no specific provisions in the Veterinary Medicine Practice Act to provide oversight of a veterinarian compounding drugs for use in day-to-day veterinary practices and for dispensing to clients. Instead, the Board has looked to Pharmacy laws and regulations (BPC Sections 4051, 4052, and 4127 & Title 16 CCR Sections 1735-1735.8 and 1751 et. seq.) since veterinarians are authorized prescribers under BPC Section 4170.

Pharmacy regulations not only include specific requirements for pharmacies that compound and dispense medications, but also defines the “reasonable quantity” of a compounded medication that may be furnished to a prescriber (in this case, veterinarian) by the pharmacy to administer to the prescriber’s patients within their facility, or to dispense to their patient/client.. It should be noted that the Board of Pharmacy is currently pursuing a regulatory amendment to its Compounding Drug Preparation regulations that includes amendments to the “reasonable quantity” definition of compounded drugs that may be supplied to veterinarians for the purposes of dispensing. In addition to pharmacy provisions, federal law provides for *Extralabel Drug Use in Animals*, CFR Title 21 Part 530.13 which authorizes veterinarians to compound medications in following situations.

- There is no approved animal or human drug available that is labeled for, and in a concentration or form appropriate for, treating the condition diagnosed.
- The compounding is performed by a licensed veterinarian within the scope of a professional practice.
- Adequate measures are followed to ensure the safety and effectiveness of the compounded product.
- The quantity of compounding is commensurate with the established need of the identified patient.

The Board has been actively engaged in discussions regarding the regulation of veterinarians compounding drugs when in October 2014, the US Government Accountability Office contacted the Board to obtain information on California’s regulation of animal drug compounding. At that time, the FDA was considering changes to its guidance on Compounding Animal Drugs from Bulk Drug Substances. Ultimately, the FDA released Draft Guidance #230 in May 2015.

At its October 20, 2014 meeting, the MDC reviewed the issue of drug compounding by veterinarians for their animal patients. The issue, as raised by Board Counsel, was that there is no explicit grant of authority in the Veterinary Medicine Practice Act authorizing licensed veterinarians to compound drugs pursuant to federal law. Board Counsel advised that provisions for veterinarians to compound drugs for animal patients would need to be added to the veterinary medicine scope of practice. The MDC examined the lack of statutory guidance for veterinarians and ultimately recommended that the Board consider a legislative proposal to grant veterinarians the authority to compound drugs for their animal patients under the existing limitations of CFR Title 21 Part 530.13.

Recommendation for Action

The Board voted to move forward with a statutory proposal in April 2015 and is requesting assistance from the Legislature to amend the scope of practice of veterinary medicine to include limited drug compounding for licensed veterinarians. The Board has developed draft language for consideration and is continuing to

work with the Board of Pharmacy, the California Veterinary Medical Association, and the FDA on formulating language.

ISSUE #4: University Licensure

Discussion

Existing law, BPC Section 4830(a)(4) allows for an exemption to licensure for veterinarians working at both Veterinary Medical Schools in California, UC Davis and Western University.

In states that have veterinary schools, there are either exemptions or some form of university licensure that accommodates the schools needs for hiring of veterinarians from all over the world who sometimes come into a state for a limited period of time, and who do not practice outside the confines of the university. The problem arises when the university veterinary hospital is providing services to the general public and the consumer does not have recourse through a licensing board when there is standard of care issue.

The Board receives calls periodically from consumers who are unhappy with the services their pets received at a university teaching hospital and request the Board to intervene. Since veterinarians working at the universities are exempt from licensure, the Board has no authority to pursue disciplinary action and must advise the consumer to seek recourse through the university's complaint mediation process. The exemption presents a consumer protection issue and the Board believes that all veterinarians providing treatment to the public's animals should be licensed and regulated, and as such, the Board included the issue of the university exemption in its Strategic Plan. The objective is to amend statute to require veterinarians practicing within universities to hold a "University License" that is distinct in its entry-level requirements from the existing veterinary license. The reason being, faculty recruited for clinical positions within the university typically specialize in certain species and conditions, are experts in their field of study, and have undergone intensive specialty testing that exceeds the examinations required for entry-level licensure. In fact, for employment in clinical faculty positions, the university requires specialty training (board certification) or other advanced clinical training. The university also trains graduate veterinarians as residents and interns who provide patient care under the supervision of multiple specialists while they are in defined intensive clinical specialty training programs.. As reported by UC Davis and Western University, requiring full licensure would negatively impact the universities' ability to attract and recruit the best qualified veterinarians some of whom may have graduated from foreign veterinary schools, recognized, but not accredited by the American Veterinary Medical Association.

Over the course of the past two years, the MDC has debated the issue of requiring veterinarians employed by and working in a University setting to obtain a "University License," and therefore, no longer be exempt from Board oversight. As part of the MDC's research, former Legal Counsel reviewed the pertinent statutes, BPC section 4830 (a)(4), and concluded that the existing exemption for veterinarians employed by the universities would need to be amended to either to strike the language in section 4830 (a)(4) and thus require a license for university personnel, or include language in 4830 (a)(4), which would qualify *when* a "University License" must be issued in order for a veterinarian employed by a university to provide veterinary services to the public's animals.

Ultimately, the MDC voted to recommend to the Board that a separate University License be issued to veterinarians who are employed by, and who engage in the practice of veterinary medicine in the performance of their duties for the university.

Both UC Davis and Western University, are supportive of the move to require a University License for veterinarians practicing within the university setting as it will provide consumer recourse through the Board and the Board may assist the university in handling enforcement matters involving university employees.

Recommendation for Action

The Board voted to approve the request for a statutory change at its October 2015 meeting and is requesting assistance from the Legislature to amend Section BPC Section 4830 and add new BPC 4848.1. The change would require an implementation date set out at least 6 months from the effective date to enable university personnel to comply with the proposed examination requirements (California jurisprudence exam) and educational course on regionally specific diseases and conditions.

Delete Existing 4830(a)(4:)

~~Veterinarians employed by the University of California while engaged in the performance of duties in connection with the College of Agriculture, the Agricultural Experiment Station, the School of Veterinary Medicine, or the agricultural extension work of the university or employed by the Western University of Health Sciences while engaged in the performance of duties in connection with the College of Veterinary Medicine or the agricultural extension work of the university.~~

Revise Existing 4830(a)(5) to read: [Technical Clean-up]- The Board is requesting a technical change to clarify the accreditation standards of the veterinary medical programs where a supervising veterinarian is responsible for the oversight of students completing clinical training. Since the proposal requires the supervising veterinarian to hold a license while working within the university, this change further defines that the veterinary license must be in good standing as defined in current law.

Students of an American Veterinary Medical Association Council on Education accredited veterinary medical program who participate in diagnosis and treatment as part of their educational experience, provided the student has satisfactorily completed training in these activities as part of the formal curriculum of their veterinary program. This provision includes off-campus educational programs under the direct supervision of a California licensed veterinarian in good standing, as defined in paragraph (1) (A) and (B) of subdivision (b) of Section 4848, provided such off-campus training is an approved part of the veterinary student's educational program.

Add New BPC 4848.1 – University License Status

(a) Veterinarians engaged in the practice of veterinary medicine as defined in Section 4826, employed by the University of California while engaged in the performance of duties in connection with the School of Veterinary Medicine or employed by the Western University of Health Sciences while engaged in the performance of duties in connection with the College of Veterinary Medicine shall be licensed in California or shall hold a University License issued by the Board.

(b) An applicant is eligible to hold a University License if all of the following are satisfied:

- (1) The applicant is currently employed by the University of California or Western University of Health Sciences as defined in subdivision (a);
- (2) Passes an examination concerning the statutes and regulations of the Veterinary Medicine Practice Act, administered by the board, pursuant to Section 4848, subdivision (a) paragraph (2) subparagraph (C); and
- (3) Successfully completes the approved educational curriculum described in Section 4848 subdivision (b) paragraph 5 on regionally specific and important diseases and conditions.

(c) A University License:

- (1) Shall be numbered as described in Section 4847;*
- (2) Shall cease to be valid upon termination of employment by the University of California or by the Western University of Health Sciences;*
- (3) Is subject to the license renewal provisions pursuant to Section 4846.4; and*
- (4) Is subject to denial, revocation, or suspension pursuant to Sections 4875 and 4883.*
- (d) Individuals who hold a University License are exempt from satisfying the license renewal requirements of Section 4846.5.*

ISSUE #5: Implementation of SB 27/ SB 361

Discussion

The Board has reviewed the provisions of Senate Bill 27 and Senate Bill 361 and has not identified the need for additional resources and implementing regulations at this time.

Senate Bill (SB) 27 (Hill, Statutes of 2015), places the onerous on veterinarians to only prescribe medically important antimicrobial drugs for livestock if, in the professional judgment of the veterinarian, the drugs are necessary to treat or control the spread of a disease or infection, or is warranted as a preventative measure, to address an elevated risk of contraction of a disease or infection. If a veterinarian was found to have prescribed a medically important antimicrobial drug that was not warranted or medically necessary based on expert review, the Board would be responsible to pursue disciplinary action against the licensed veterinarian. SB 27 also calls for the development of antimicrobial stewardship guidelines and best management practices on the proper use of medically important antimicrobial drugs. The Board is one of the consulting entities involved in the development of such guidelines however, since the mandate is placed on the California Department of Food and Agriculture (CDFA), any necessary resources to develop the guidelines would be identified by the CDFA.

SB 361 (Hill, Statutes of 2015), requires that on or after January 1, 2018, a licensed veterinarian must complete one hour of continuing education on the judicious use of medically important antimicrobial drugs, every 4 years, as part of the existing 36 hours of continuing education required every two years. Such courses would be offered by Board-approved providers. Since the provisions in the statute are specific, it does not appear that further regulations regarding the requirement for the new course work is necessary.

ISSUE #6: Animal Rehabilitation

Discussion

For the past four years, the Board with the help of the MDC has examined the issue of persons involved in rehabilitative services for animals. The impetus for the research and eventually seeking a regulatory solution, was the number of concerns the Board received regarding unlicensed persons diagnosing and treating animals under the guise of “animal rehabilitation”. The Board became increasingly concerned about the welfare of the animals being treated by unlicensed personnel, and ultimately learned through oral testimony at its public meetings, that animal harm has occurred.

Thirty-five (35) out of fifty (50) states define Animal Physical Therapy aka “Animal Rehabilitation” (AR) as the practice of veterinary medicine. In a few states, Colorado, Nevada, and Utah (although, the list here may not be exhaustive) include some authority to provide AR under the scope or practice for physical therapists who work under the authorization/supervision of a licensed veterinarian. State provisions vary in terms of the level of veterinary oversight required in order for physical therapists, registered veterinary assistants, or other support personnel to provide AR services. At least four states require direct or immediate supervision, while others may allow a less restrictive oversight role by a veterinarian.

The Board has included the issue of AR at a number of its meetings throughout 2012-2013 and the discussion has generated a great deal of interest from the public who attended the Board meetings to express their support or concern regarding the Board’s role in regulating AR services. In June 2015, the Board filed its regulatory proposal for AR, and a public hearing was held September 10, 2015. The Board received several hundred comments (thousands signed petitions), and heard testimony from over sixty (60) interested parties. The testimony included opposition similar to that which was raised in public meetings in 2012/2013 as follows:

1. Complementary therapy, such as massage, should not be defined as AR.
2. Supervision parameters are overly restrictive.
3. The lack of specific training in AR for all providers poses a consumer protection problem.
4. The definition of AR in the Board’s proposal is too broad.

The following reflects some of the more recent concerns and feedback from interested parties in response to the Board’s regulatory proposal:

1. This is an attempt by the Board to restrict business competition;
2. AR should be regulated to protect animal patients from incompetent providers.
3. Specifically state that MSM, 16 C.C.R. Section 2038 is not being modified by the regulatory proposal.
4. Since animals are deemed property, the consumer should have a right to choose complementary services for their animals.
5. Significant negative impact to jobs and businesses would result if the regulations were to take effect.
6. The supervision requirement is far too restrictive; change direct supervision requirement to indirect supervision.
7. The level of supervision should be determined by the referring veterinarian.
8. Remove massage from the definition of AR.
9. Exercise for the prevention of disease is not medicine and should be excluded.
10. Horse trainers are not licensed and yet provide most of the exercise therapy for race horses.
11. There are not enough veterinarians to oversee AR services and thus the regulations present a barrier to access for the consumer.
12. The regulations will drive up consumer costs for AR.

Although this issue has been considered by the Board for some time, several more recent policy and legal issues have been raised. Initially, the Board must consider the definition of the practice of veterinary medicine and whether the practice of veterinary medicine pursuant to BPC Section 4825, authorizes the Board to adopt regulations that would allow other practitioners who are not licensed by the Board, to

engage in aspects of veterinary medicine. If the modalities or interventions included in the regulatory proposal do not constitute the practice of veterinary medicine, it is questionable whether the Board can adopt regulations to govern areas outside its scope of practice.

In either case, concerns have been raised that the Board is attempting to limit business competition and protect the profession's financial interests, not to further its consumer protection mandate. The Board is confident that the impetus and rationale for pursuing a regulatory proposal regarding AR is purely motivated by the concerns raised before the Board regarding animal welfare and safety and not some form of protectionism. That being said, the Board is mindful of the public perception and is taking another look at how the regulatory proposal may be modified to address the public's concerns.

At its October 20, 2015 meeting, the Board voted to withdraw its regulatory action on AR from the OAL, and delegate to the MDC, the task of revising the proposed regulation in light of the numerous challenges raised by interested parties. The Board provided specific direction to the MDC to formulate language that would: define that AR is the practice of veterinary medicine, describe the practice of AR and eliminate the laundry list of modalities, address whether minimal education or training requirements should be specified, explore the option of an indirect supervision parameter, and include the requirement that the settings where AR is performed is subject to holding a premises registration with the oversight of a Licensee Manager (BPC Section 4853).

Recommendation for Action

The Board is currently revisiting the AR proposal and has delegated the project to the MDC for further work. The Board intends to pursue a revised regulatory action in late 2016 or early 2017.

ISSUE #7: Clean-up Provisions for Premises Permits

Discussion

Currently there is no provision for the premise registration to cancel after 5 yrs, consistent with other license types regulated by the Board. Instead hospital premises registrations are left in a delinquent status indefinitely and remain on the Board's records. The records are accessible on the Board's website under the "License Verification" feature. It is confusing for consumers who use the website to find registered veterinary premises and retrieve data on hospitals that have been in a delinquent status for more than 5 years. Many of these hospitals are no longer operating veterinary premises, yet there is not mechanism by which the Board may cancel the premises registration. In addition, the retention of electronic records for delinquent premises registrations is a resource issue for the Board as there is a "per record" cost for maintaining the data.

Recommendation for Action

The Board proposes adopting the following statute to resolve the issue:

Adopt BPC 4853.7

A premise registration which is not renewed within five years after its expiration may not be renewed, and shall not be restored, reissued, or reinstated thereafter, but an application for a new premise registration may be submitted and obtained if:

(a) No fact, circumstance, or condition exists which, if the premise registration was issued, would justify its revocation or suspension.

(b) All of the fees that would be required for the initial premise registration are paid at the time of application.

Exhibit 1

2015 Fund Conditions

0777 - Veterinary Medical Board
Analysis of Fund Condition w/ VACSP

Prepared 11/9/15

	ACTUALS 2014-15	CY 2015-16	Proposed Budget BY 2016-17	BY+1 2017-18	BY+2 2018-19
BEGINNING BALANCE	\$ 3,827	\$ 3,401	\$ 3,046	\$ 2,857	\$ 2,637
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ 1
Adjusted Beginning Balance	\$ 3,827	\$ 3,401	\$ 3,046	\$ 2,857	\$ 2,638
REVENUES AND TRANSFERS					
Revenues:					
125600 Other regulatory fees	\$ 135	\$ 112	\$ 112	\$ 112	\$ 112
125700 Other regulatory licenses and permits	\$ 724	\$ 719	\$ 719	\$ 719	\$ 724
VACSP initial application fees	\$ -	\$ 680	\$ 680	\$ 100	\$ 100
125800 Renewal fees	\$ 2,789	\$ 2,776	\$ 2,776	\$ 2,776	\$ 2,832
VACSP renewal fees	\$ -	\$ -	\$ -	\$ 340	\$ 340
125900 Delinquent fees	\$ 24	\$ 17	\$ 17	\$ 17	\$ 17
141200 Sales of documents	\$ 17	\$ 15	\$ 15	\$ 15	\$ 15
142500 Miscellaneous services to the public	\$ 1	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 10	\$ 9	\$ 9	\$ 8	\$ 7
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2
161400 Miscellaneous revenues	\$ 2	\$ 1	\$ 1	\$ 1	\$ 1
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 3,704	\$ 4,331	\$ 4,331	\$ 4,090	\$ 4,150
Transfers from Other Funds	\$ -	\$ -	\$ -	\$ -	\$ -
Transfers to Other Funds	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 3,704	\$ 4,331	\$ 4,331	\$ 4,090	\$ 4,150
Totals, Resources	\$ 7,531	\$ 7,732	\$ 7,377	\$ 6,947	\$ 6,788
EXPENDITURES					
Disbursements:					
0840 State Controller (S/O)	\$ -	\$ -	\$ -	\$ -	\$ -
8860 FSCU (S/O)	\$ -	\$ -	\$ -	\$ -	\$ -
1110 Program Expenditures (S/O)	\$ 3,997	\$ 4,361	\$ 4,220	\$ 4,310	\$ 4,396
BreEZe	\$ 130	\$ 317	\$ 300	\$ -	\$ -
8880 Financial Information System for California (S/O)	\$ 3	\$ 8	\$ -	\$ -	\$ -
Total Disbursements	\$ 4,130	\$ 4,686	\$ 4,520	\$ 4,310	\$ 4,396
FUND BALANCE					
Reserve for economic uncertainties	\$ 3,401	\$ 3,046	\$ 2,857	\$ 2,637	\$ 2,392
Months in Reserve	8.7	8.1	8.0	7.2	6.4

0777 - Veterinary Medical Board
Analysis of Fund Condition w/o VACSP

Prepared 11/9/15

	ACTUALS 2014-15	CY 2015-16	Proposed Budget BY 2016-17	BY+1 2017-18	BY+2 2018-19
BEGINNING BALANCE	\$ 3,827	\$ 3,401	\$ 2,364	\$ 1,490	\$ 824
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ 1
Adjusted Beginning Balance	\$ 3,827	\$ 3,401	\$ 2,364	\$ 1,490	\$ 825
REVENUES AND TRANSFERS					
Revenues:					
125600 Other regulatory fees	\$ 135	\$ 112	\$ 112	\$ 112	\$ 112
125700 Other regulatory licenses and permits	\$ 724	\$ 719	\$ 719	\$ 719	\$ 724
125800 Renewal fees	\$ 2,789	\$ 2,776	\$ 2,776	\$ 2,776	\$ 2,832
125900 Delinquent fees	\$ 24	\$ 17	\$ 17	\$ 17	\$ 17
141200 Sales of documents	\$ 17	\$ 15	\$ 15	\$ 15	\$ 15
142500 Miscellaneous services to the public	\$ 1	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 10	\$ 7	\$ 4	\$ 2	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2
161400 Miscellaneous revenues	\$ 2	\$ 1	\$ 1	\$ 1	\$ 1
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 3,704	\$ 3,649	\$ 3,646	\$ 3,644	\$ 3,703
Transfers from Other Funds	\$ -	\$ -	\$ -	\$ -	\$ -
Transfers to Other Funds	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 3,704	\$ 3,649	\$ 3,646	\$ 3,644	\$ 3,703
Totals, Resources	\$ 7,531	\$ 7,050	\$ 6,010	\$ 5,134	\$ 4,528
EXPENDITURES					
Disbursements:					
0840 State Controller (S/O)	\$ -	\$ -	\$ -	\$ -	\$ -
8860 FSCU (S/O)	\$ -	\$ -	\$ -	\$ -	\$ -
1110 Program Expenditures (S/O)	\$ 3,997	\$ 4,361	\$ 4,220	\$ 4,310	\$ 4,396
BreEZe	\$ 130	\$ 317	\$ 300	\$ -	\$ -
8880 Financial Information System for California (S/O)	\$ 3	\$ 8	\$ -	\$ -	\$ -
Total Disbursements	\$ 4,130	\$ 4,686	\$ 4,520	\$ 4,310	\$ 4,396
FUND BALANCE					
Reserve for economic uncertainties	\$ 3,401	\$ 2,364	\$ 1,490	\$ 824	\$ 132
Months in Reserve	8.7	6.3	4.1	2.2	0.4

Exhibit 2

Licensing Population

Veterinary Medical Board Licensees	
<i>as of November 2015</i>	
Veterinarian Licenses*/**	17,020/12,072
Veterinarian Licenses – California**	9,541
Veterinarian – Internship**	29
Veterinarian – Reciprocity**	27
Registered Veterinary Technician Licenses*/**	10,086/6,415
Registered Veterinary Technician Licenses – California**	5,970
Premise Permits**	3,632
Premise Permits – Exempt**	83
<i>*includes delinquent, inactive, and clear licensees; **clear licensees</i>	

Exhibit 3

California Veterinary Medical Board Strategic Plan 2015–2019

Strategic Plan 2015-2019



April 2015

Message From the President



It is with great pride that I present to you the 2015 Strategic Plan for the California Veterinary Medical Board (VMB or Board).

The contents of this plan will help guide the members of the Veterinary Medical Board and staff as we prioritize resources to address pressing practice issues and regulatory matters over the next five years.

I would like to thank the staff members of the Department of Consumer Affairs' SOLID Training and Planning Solutions, who helped organize, drive, and complete this plan. In particular I would like to recognize Noël Cornelia and Elisa Chohan for their outstanding work.

The process started at the beginning of 2015 with an environmental scan. This included a survey sent out to over 800 stakeholders requesting input in six specific areas to identify the strengths, weaknesses, threats, and opportunities VMB will face over the next five years. Staff and Board members were also asked to take part in the analysis.

The program areas include:

1. Enforcement
2. Licensing, examinations, and permitting
3. Customer service and administration
4. Legislation and regulations
5. Outreach
6. Hospital inspection program

Beginning with our previous mission statement and by using the input of our various stakeholders, we have been able to develop a Strategic Plan that will not only allow us to refine our current strengths to meet our primary mandate of consumer protection, but also prepare us for the challenges ahead.

I believe this plan helps our California veterinary community serve as an example to the rest of the nation and the world. By practicing safe and efficacious veterinary medical care, we respect and support the important roles that animals play in our lives and our communities.

With warmest regards,
Mark T. Nunez, DVM
Board President

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2012–2014 ACCOMPLISHMENTS

In keeping with its commitment to reduce the amount of unlicensed activity occurring in the marketplace, the Board revisited its partnerships and protocols for initiating unlicensed activity investigations and continues to work with local law enforcement on imposing stiff penalties for those practicing veterinary medicine without a license.

The Board has dedicated resources to its enforcement program in order to decrease enforcement cycle times for case review, improve its probation monitoring efforts with in-person probation interviews and compliance checks, and partner with the Office of the Attorney General to conduct expert witness training in November 2014 to enhance the quality of the Board expert review process.

The Board has also added 12 new inspectors to its Hospital Inspection Team and almost tripled the number of hospital inspections performed in 2014 from previous years. The quality of training for hospital inspectors was enhanced to include best practices for troubleshooting common compliance issues and by incorporating training from outside agencies, such as the Drug Enforcement Agency and the Department of Public Health.

Staff provided lectures and educational presentations to universities and local association chapters on minimum standards of practice—including common record-keeping violations, communication issues and how to notify the Board about practice concerns.

The Board developed draft regulations for implementing an approval program for alternate pathways to becoming a registered veterinary technician (RVT). The occupational analysis for the California State Board Examination was completed. Additionally, the jurisprudence test for the RVT examination was written and implemented, which serves to complete the transition to the national RVT examination prerequisite to RVT licensure.

Finally, the Board successfully implemented continuing education requirements for RVTs.

MISSION, VISION, AND VALUES

Mission Statement

To protect consumers and animals by regulating licensees, promoting professional standards, and diligent enforcement of the California Veterinary Medicine Practice Act.

Vision Statement

An environment in which Californians have access to high-quality veterinary care for all animals.



Values

- ▶ Consumer protection
- ▶ Integrity
- ▶ Professionalism
- ▶ Responsiveness
- ▶ Transparency



STRATEGIC GOAL AREAS

Enforcement

The goal of the Board is to safeguard consumers and the health and safety of their animals by preventing the unlicensed, illegal, incompetent, and unprofessional practice of veterinary medicine.

Licensing, Examinations, and Permitting

The goal of the Board is to make certain that only qualified individuals are issued a license to practice as veterinarians or registered veterinary technicians, and that those holding a Veterinary Assistant Controlled Substance Permit have not engaged in the unlawful consumption or sale of controlled substances.

Legislation and Regulations

The goal of the Board is to monitor and uphold the law and participate in regulatory and legislative processes.

Customer Service and Administration

The goal of the Board is to confirm that consumers, licensees, schools, and all other stakeholders receive service in a prompt, courteous, accurate, and cost-effective manner.

Outreach

The goal of the Board is to educate consumers and licensees so that they are able to make informed decisions regarding the purchase and provision of veterinary medical services.

Hospital Inspection Program

The goal of the Board is to proactively educate veterinarians regarding the minimum standards requirements as provided by the California Veterinary Practice Act.

Enforcement Objectives

1. Maximize recourse against unlicensed persons to protect animal patients.
2. Expedite all disciplinary case actions through proactive management of the Division of Investigation and Attorney General's services to reduce the average disciplinary case time frames.
3. Improve and measure the quality of subject matter expert services, reports, and testimony to encourage fair resolution of all cases.
4. Create a review committee for complaints to increase objectivity of the complaint investigation process.
5. Increase and support probation monitoring and quarterly contact with probationers for compliance with disciplinary orders.

Licensing, Examinations, and Permitting Objectives

1. Complete a cost-benefit analysis of the registered veterinary technician (RVT) exam to determine reasonable and equitable fees.
2. Monitor and approve the education and training offered by RVT alternative route programs to measure quality and consistency.
3. Resolve faculty licensure issue to enforce the minimum standards for licensing applicable to all practice settings.
4. Implement a continuing education audit program for licensees and providers in order to verify compliance.
5. Coordinate with the Department of Consumer Affairs on creating and monitoring performance measures for licensing cycle times to expedite eligibility and renewals.

Legislation and Regulations Objectives

1. Take a Board position on issuing temporary licenses for out-of-state veterinarians during disasters in order to provide adequate veterinary care.
2. Create statutory authority for veterinarians to compound drugs for animal medicine, within Food and Drug Administration guidelines, to enforce minimum standards.
3. Create public and private animal shelter regulations to address minimum standards for shelter medicine.
4. Develop regulation language for large animal practice to establish minimum standards.

Customer Service and Administration Objectives

1. Review and refine desk manuals and new employee orientation to reduce staff training time.
2. Update frequently asked questions on the Board website to address consumer and licensee questions in order to improve customer service.
3. Streamline the e-mail inquiry submission process to improve timeliness and efficiency.
4. Implement online applications and renewals to improve license processing time frames.
5. Implement a consumer satisfaction survey to measure the Board's effectiveness.
6. Complete, deliver, and testify to the 2015–2016 supplemental Sunset Review Report.

Outreach Objectives

1. Encourage submission of e-mail addresses for all licensees for efficient and timely communication.
2. Develop and circulate newsletter (at least twice per year) to provide updates on regulatory matters and topics of interest.
3. Provide outreach presentations to local associations, consumer groups, and schools to inform and educate stakeholders.
4. Strengthen social media outlets and information posted on the Board's website to provide convenient, timely, and accessible information.

Hospital Inspection Program Objectives

1. Improve Board member post-inspection feedback to address training issues relevant to hospital inspection processes.
2. Inspect new hospitals within one year of registration to validate compliance.
3. Increase number of training sessions of hospital inspectors to twice a year to encourage ongoing consistency and timely application of minimum standards.
4. Develop and publicize workshops and other educational tools to educate stakeholders on minimum standards.
5. Distribute hospital inspection checklist with initial premise permits and encourage self-evaluation on minimum standards.

STRATEGIC PLANNING PROCESS

To understand the environment in which the Board operates and identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- ▶ Interviews conducted with all seven members of the Board, including the Chair of the Multi-Disciplinary Committee, completed in January of 2015, to assess the strengths, challenges, opportunities, and threats the Board is facing or will face in upcoming years.
- ▶ Interviews conducted with Board staff management, including the Executive Officer, completed in January of 2015, to identify the strengths and weaknesses of the Board from an internal perspective.
- ▶ A focus group conducted with a select group of Board staff in February of 2015.
- ▶ An online survey sent to 850 Board stakeholders in February of 2015 to identify the strengths and weaknesses of the Board from an external perspective. Just over 270 stakeholders completed the survey.

The most significant themes and trends identified from the environmental scan were discussed by the Board during a strategic planning session facilitated by SOLID on April 1–2, 2015. This information guided the Board in the revision of its mission, vision, and values while directing the strategic goals and objectives outlined in this 2015–2019 Strategic Plan.



Veterinary Medical Board

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vmb.ca.gov

Exhibit 4

California Code of Regulations §§2064–2065

Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board
Article 6. Registered Veterinary Technicians (Refs & Annos)

§2064. Approval of Schools Accredited by the American Veterinary Medical Association.

All schools or degree programs accredited by the American Veterinary Medical Association (AVMA) shall be deemed by the board to have met the minimum requirements of section 2065(a), (b), (d), and (e). Such schools and degree programs shall also be exempt from the initial inspection requirements of section 2065.7(a). Re-approval inspections shall be at the discretion of the board. All other requirements of section 2065, and all other sections applicable to schools or degree programs seeking board approval, continue to apply and must be demonstrated in the school's or degree program's application for board approval. Nothing in this section shall be construed to prohibit the board from disapproving or withdrawing approval from any school or degree program not complying with the requirements of this division or of any provision of the Veterinary Medicine Practice Act. Approval under this section shall automatically terminate upon loss of accreditation by the AVMA.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§2065. Minimum Requirements for Approved Schools or Degree Programs.

Schools or degree programs seeking approval from the board shall meet all of the following minimum requirements:

- (a) The curriculum shall consist of:
 - (1) a minimum of 600 hours of classroom instruction,
 - (2) a minimum of 200 hours of clinical instruction, and
 - (3) an externship consisting of at least 200 hours.
- (b) The curriculum shall cover applicable safety training in all coursework.

Coursework shall include the following:

- (1) Principles of anatomy and physiology,
- (2) Biology and chemistry,
- (3) Applied mathematics,
- (4) Orientation to the vocation of veterinary technology,
- (5) Ethics and jurisprudence in veterinary medicine including applicable regulatory requirements,
- (6) Anesthetic nursing and monitoring including anesthetic evaluation, induction, and maintenance. It shall also include care and use of anesthetic and monitoring equipment,
- (7) Animal husbandry, including restraint, species and breed identification, sex determination and sanitation,
- (8) Animal nutrition and feeding,
- (9) Client communication,
- (10) Dental care of companion and laboratory animals including prophylaxis and extractions,

(11) Diseases and nursing management of companion, food, and laboratory animals including zoonoses,

(12) Emergency and critical care nursing,

(13) Laboratory procedures to include clinical biochemistry, cytology, hematology, immunology, basic microbiology, parasitology, and urine analysis testing,

(14) Imaging to include radiography, basic endoscopy, ultrasound principles, and radiation safety principles,

(15) Medical terminology,

(16) Medical office management including medical record keeping and drug control,

(17) Basic necropsy techniques including specimen collection and handling,

(18) Pharmacology, and

(19) Surgical nursing and assisting including instrumentation, suturing, bandaging and splinting.

(c) Each student shall be supervised during the externship or clinical rotation by a veterinarian or registered veterinary technician who is located at the site of the externship or clinical rotation. The school or degree program shall have a written agreement with the site that specifies the expectations and responsibility of the parties. A staff member of the school or degree program shall visit the site prior to beginning the externship or clinical rotation relationship and at least once annually following the initial inspection.

(d) The library facilities of the school or degree program must be adequate for the conducting of the educational program.

(e) The physical plant and equipment used for instruction in the academic teaching shall be adequate for the purposes intended.

(f)(1) The faculty shall include a California licensed veterinarian employed by the school or degree program as an advisor, administrator, or instructor. Instructors shall include, but need not be limited to a California registered veterinary technician. If there is any change in the faculty, the board must be immediately notified.

(2) Instructors shall be knowledgeable, current, skillful, and possess at least two years of experience in performing or teaching in the specialized area in which they are teaching. Each instructor shall have or currently be receiving training in current teaching methods. The school or degree program shall effectively evaluate the teaching ability of each instructor.

(3) The school or degree program shall have a director who meets the requirements of subdivision (f)(2) and who shall hold a current active California license as a veterinarian or registration as an RVT. The director shall have a minimum of three years experience as a veterinarian or RVT. This shall include one year of experience in teaching, administration, or clinical supervision or a combination thereof within the last five years. The director shall have completed or be receiving course work in administration.

(4) In the absence of a director, the school or degree program may appoint an interim director. The interim director shall meet the requirements of (f)(3), except that the interim director may have applied for, but not yet have received licensure or registration. The school or degree program shall not have an interim director for a period exceeding eighteen months.

(g) The number of students enrolled shall be at a ratio to the number of faculty and size of the facilities which is not detrimental to the quality of education. When animal patients are used as part of the curriculum the ratio shall be adequate to protect the health and safety of the animal patients and the students, taking into consideration the species of animal being treated.

(h) All students admitted shall possess a high school diploma or its equivalent.

(i) The school or degree program shall be part of an institution that is approved by the Department of Consumer Affairs, Bureau for Private Postsecondary Education, or its successor agency, or accredited by a regional or national accrediting agency recognized by the United States Department of Education.

(j) Every school or degree program shall be in compliance with the laws regulating the practice of veterinary medicine and the regulations adopted pursuant thereto.

(k) Any instruction covered under subsection (a)(3) shall be in a facility that is in compliance with registration requirements of Business and Professions Code section 4853.

(l) The schools or degree programs shall provide each prospective student, prior to enrollment, with literature which discloses the school's or degree program's pass rate for first time candidates and the state average pass rate for first time candidates on the board's registered veterinary technician examination during the two-year period immediately preceding the student's proposed enrollment and a description of the requirements for registration as a registered veterinary technician.

(m) The schools or degree programs shall provide each prospective veterinary technology student prior to enrollment written information regarding transferability of the units they receive in the courses that they take and shall post the information at all times in a conspicuous location at its facility so that there is ample opportunity for the veterinary technology students to read the information.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4830, 4841.5, 4843 and 4853, Business and Professions Code.

Exhibit 5

Regulation Priority Chart

**STATUS OF PENDING VMB REGULATIONS
NOVEMBER 2015**

Subject	CCR Section(s)	Current Status/Action	Notes
BOARD			
Civil Penalties for Citation	2043	Agency Review	3/20/15 – OAL Publication Date 5/4/15 – End of public comment period May 2015 – Submitted to DCA Legal for Review/Approval November 2015 – Submitted to Agency for Review/Approval February 2016 – Submit to OAL for Approval
Veterinary Assistant Controlled Substances Permit (VACSP)	2034 et. seq.	In Progress	June 2015 – Board approved language 9/4/15 – Published 45-day notice 10/19/15 – End of public comment period 11/5/15 – Publish 15-day Notice of Extension of Public Comment Period November 2015 – Submit to DCA Legal for Review/Approval
Animal Control Officer Training	2039.5	In Progress	July 2014 – Board approved language November 2015 – Publish 45-day notice
Disciplinary Guidelines	2006	In Progress	January 2015 – Board approved language May 2015 – Disciplinary Guidelines Committee Meeting July 2015 – Submit language to Board for review/approval October 2015 – Board approved language January 2016 – Publish 45-day notice
Minimum Standards / Telemedicine	2032.1	In Progress	February 2015 – MDC approved amendments to Minimum Standards language April 2015 – Board approved language
CPEI (SB 1111)	TBD	In Progress	October 2014 – Board approved language January 2016 – Publish 45-day notice
RVT Alternate Route School Approval	2068.5	In Progress	February 2015 – MDC approved amended language and forwarded to Board for discussion. July 2015 – Board approved language
RVT Student Exemption (BPC 4841.1)	TBD	In Discussion	July 2015 – MDC approved amended language and forwarded to Board for discussion. October 2015 – Board approved language
University Licensure	TBD	In Discussion	July 2015 – MDC approved amended language and forwarded to Board for discussion. October 2015 – Board approved language
Uniform Standards for Abuse (SB 1441)	2006, 2006.5, and 2076	On Hold	October 2014 – Board approved language April 2015 – On hold per Legal

Animal Rehabilitation	2038.5	Discontinued	July 6, 2015 – Notice filed w/ OAL July 6, 2015 – Published 45-day notice September 10, 2015 – Hearing held October 21, 2015 – Board Review of Public Comments October 28, 2015 – Notice of Decision not to Proceed with Rulemaking Action
MDC			
Shelter Medicine	TBD	TBD	September 2015 – CVMA task force meetings begin

Performance Measures

Performance Measures

Q1 Report (July - September 2012)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume*

Number of complaints and convictions received.

Q1 Total: 185

Complaints: 185 Convictions: 0

Q1 Monthly Average: 62

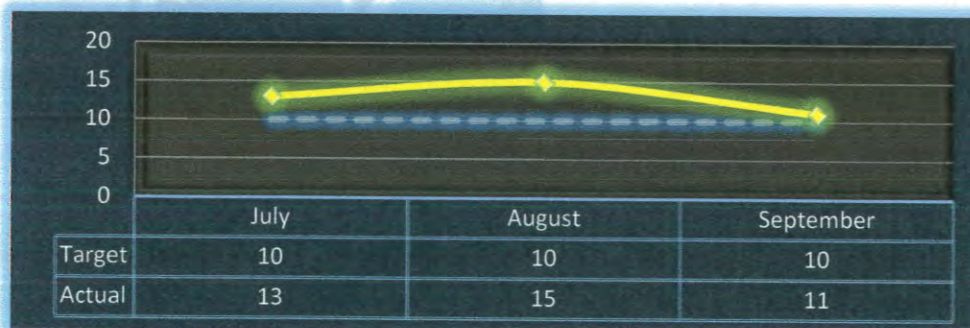


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q1 Average: 13 Days



Intake & Investigation**

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 365 Days

Q1 Average: 231 Days



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 740 Days

Q1 Average: N/A

This measure will be reported on an annual basis.

Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q1 Average: 5 Day

The Board did not contact any probationers this quarter.

Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 5 Days

Q1 Average: N/A

The Board did not handle any probation violations this quarter.

*"Complaints" in these measures include complaints, convictions, and arrest reports.

**The Board utilizes the Department of Investigations for some cases. This average includes their investigation cycle time.

Performance Measures

Q2 Report (October - December 2012)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume*

Number of complaints and convictions received.

Q2 Total: 96

Complaints: 96 Convictions: 0

Q2 Monthly Average: 32

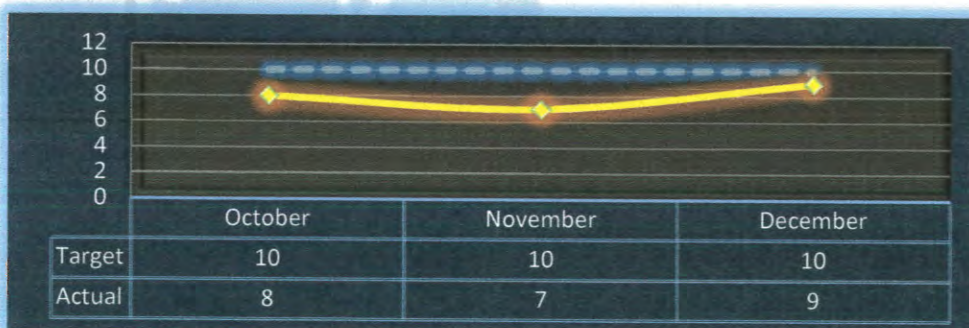


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q2 Average: 8 Days



Intake & Investigation**

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 365 Days

Q2 Average: 348 Days



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 740 Days

Q2 Average: N/A

This measure will be reported on an annual basis.

Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q2 Average: N/A

The Board did not contact any new probationers this quarter.

Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 5 Days

Q2 Average: N/A

The Board did not handle any probation violations this quarter.

*"Complaints" in these measures include complaints, convictions, and arrest reports.

**The Board utilizes the Department of Investigations for some cases. This average includes their investigation cycle time.

Performance Measures

Q3 Report (January - March 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

Q3 Total: 54

Complaints: 43 Convictions: 11

Q3 Monthly Average: 18

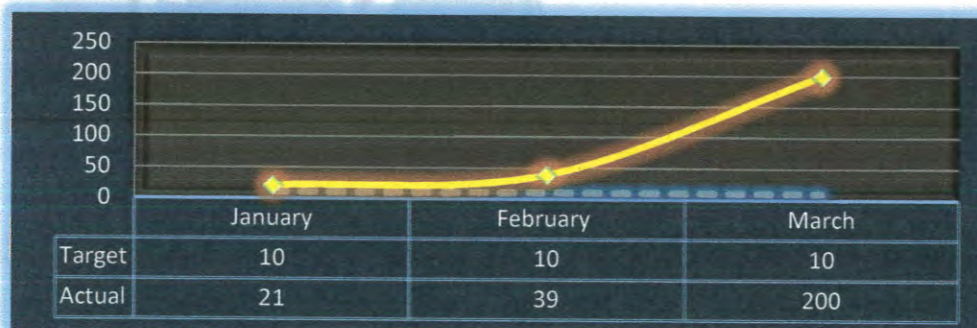


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q3 Average: 121 Days



Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 365 Days

Q3 Average: 464 Days



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q3 Average: 416 Days



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q3 Average: N/A

The Board did not contact any new probationers this quarter.

Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 5 Days

Q3 Average: N/A

The Board did not handle any probation violations this quarter.

Performance Measures

Q4 Report (April - June 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

Q4 Total: 102

Complaints: 92 Convictions: 10

Q4 Monthly Average: 34

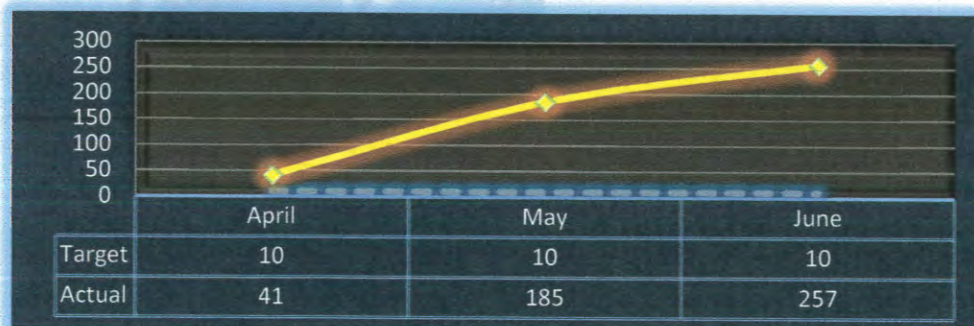


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q4 Average: 147 Days

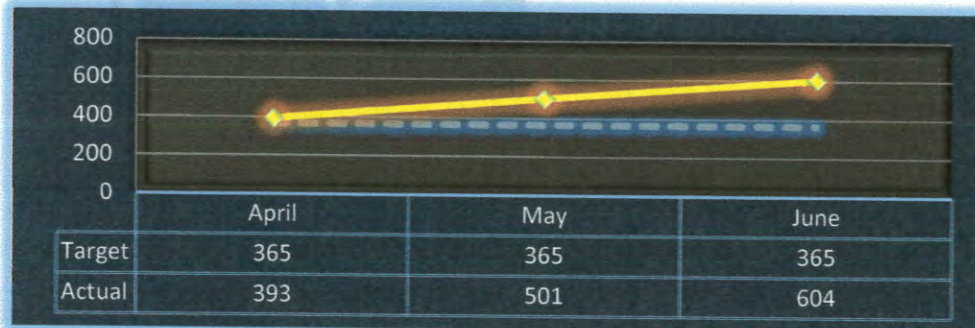


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 365 Days

Q4 Average: 509 Days



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q4 Average: 1,630 Days



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q4 Average: N/A

The Board did not contact any new probationers this quarter.

Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 5 Days

Q4 Average: N/A

The Board did not report any probation violations this quarter.

Veterinary Medical Board of California

Performance Measures

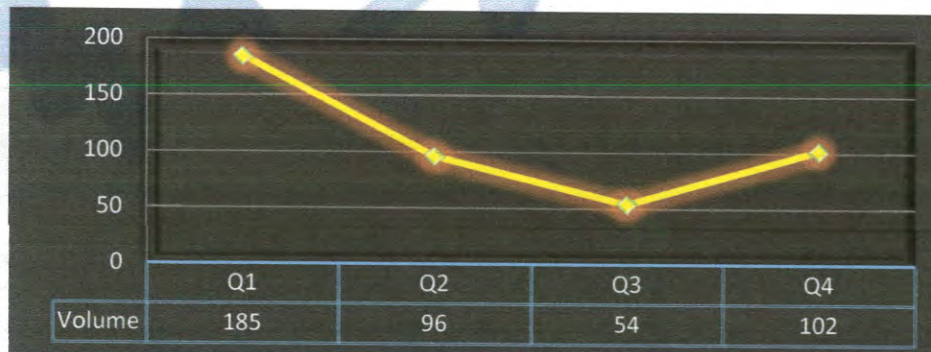
Annual Report (2012 – 2013 Fiscal Year)

To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures are posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

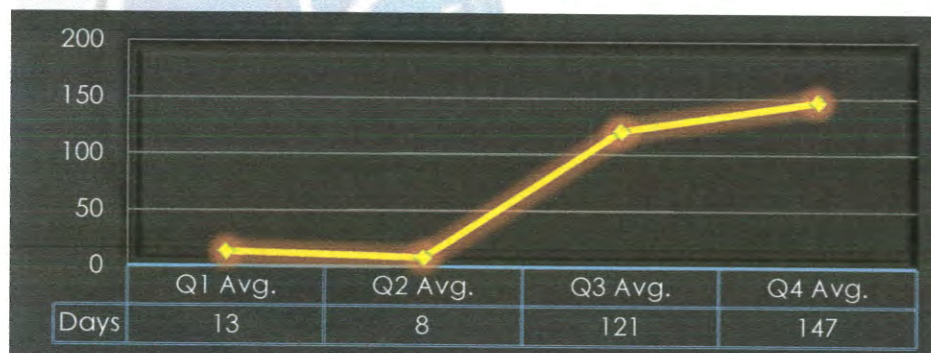
The Board had an annual total of 437 this fiscal year.



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

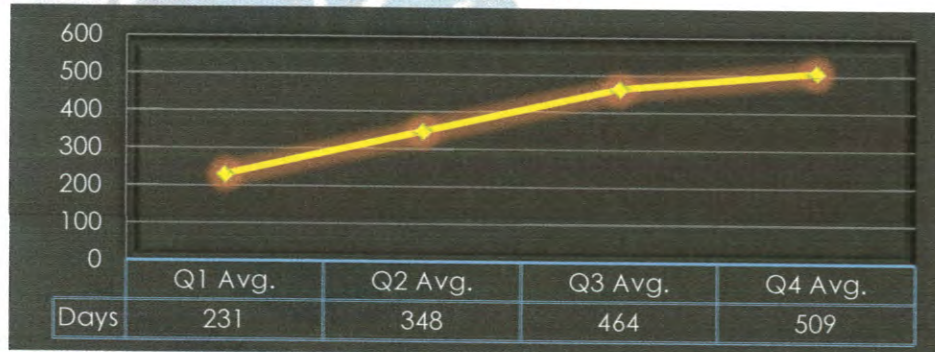
The Board has set a target of 10 days for this measure.



Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

The Board has set a target of 365 days for this measure.



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

The Board has set a target of 540 days for this measure.



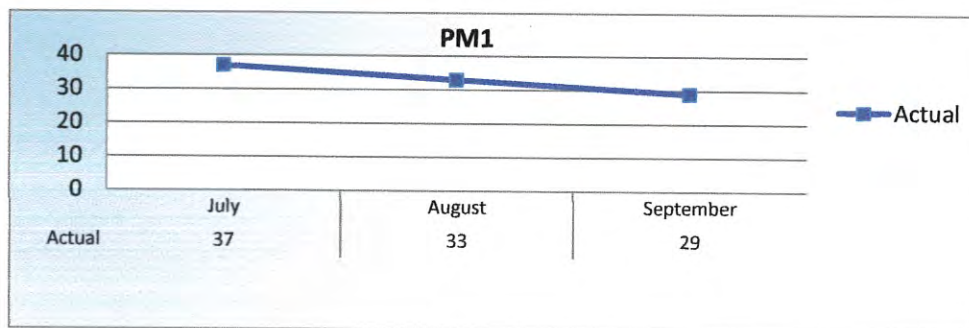
Performance Measures

Q1 Report (July - September 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

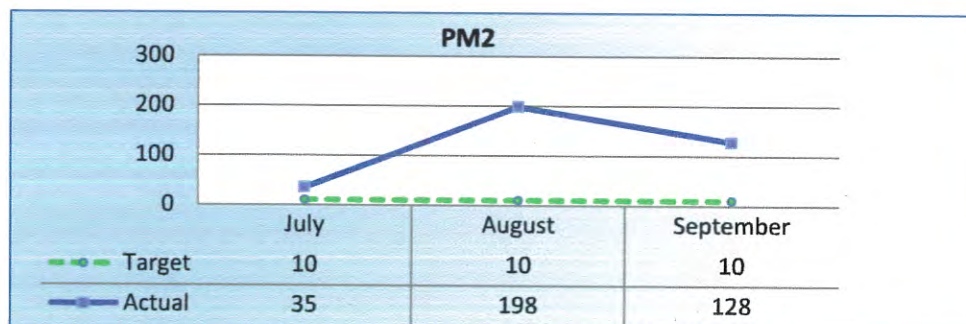


Total Received: 83 Monthly Average: 28

Complaints: 73 | Convictions: 10

PM2 | Intake

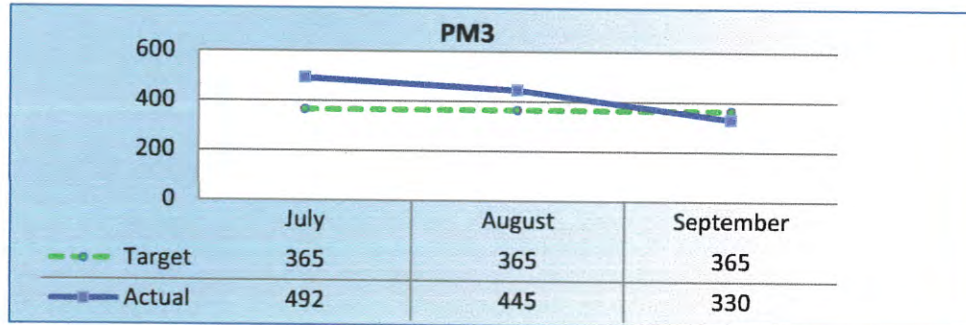
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | Actual Average: 118 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 365 Days | Actual Average: 436 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).

The Board did not report any new formal discipline this quarter.

Target Average: 540 Days | Actual Average: N/A

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | Actual Average: N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 7 Days | Actual Average: N/A

Veterinary Medical Board of California

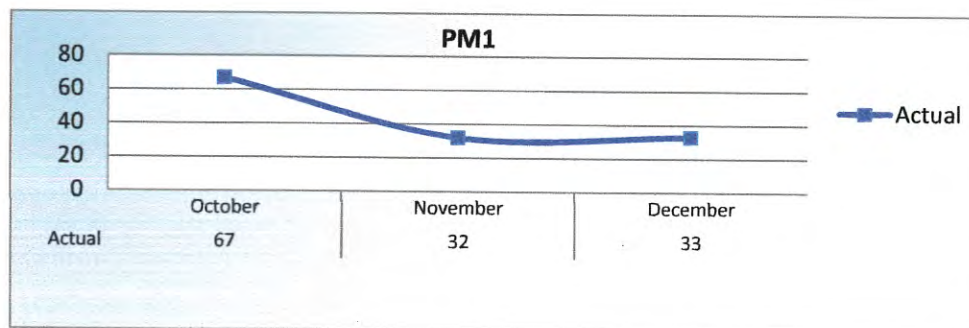
Performance Measures

Q2 Report (October - December 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

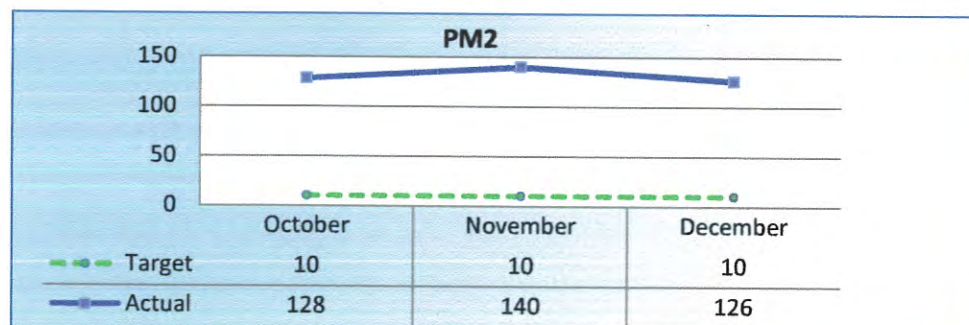


Total Received: 132 Monthly Average: 44

Complaints: 115 | Convictions: 17

PM2 | Intake

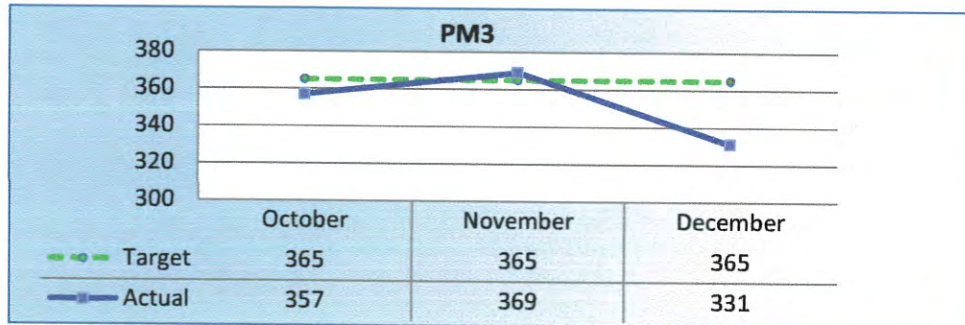
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | Actual Average: 129 Days

PM3 | Intake & Investigation

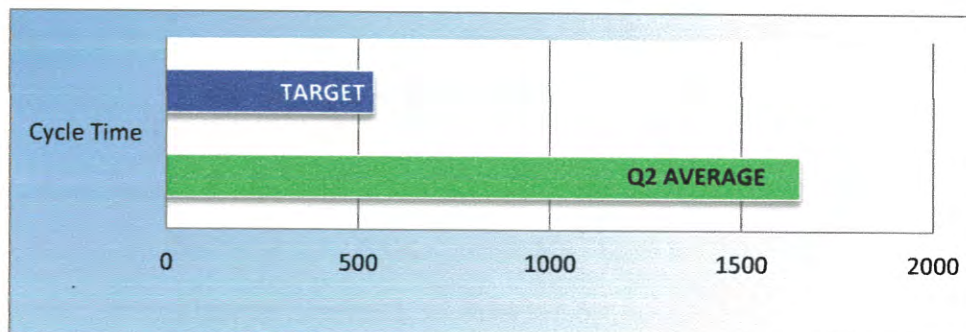
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 365 Days | Actual Average: 352 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 1,652 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | Actual Average: N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 7 Days | Actual Average: N/A

Department of Consumer Affairs
Veterinary Medical
Board of California

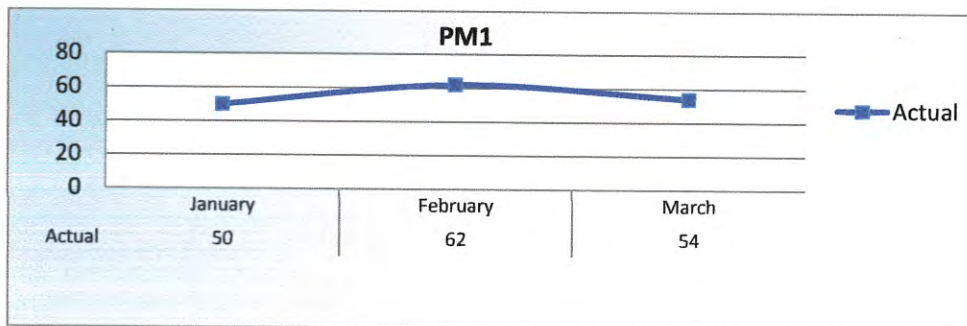
Performance Measures

Q3 Report (January - March 2014)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

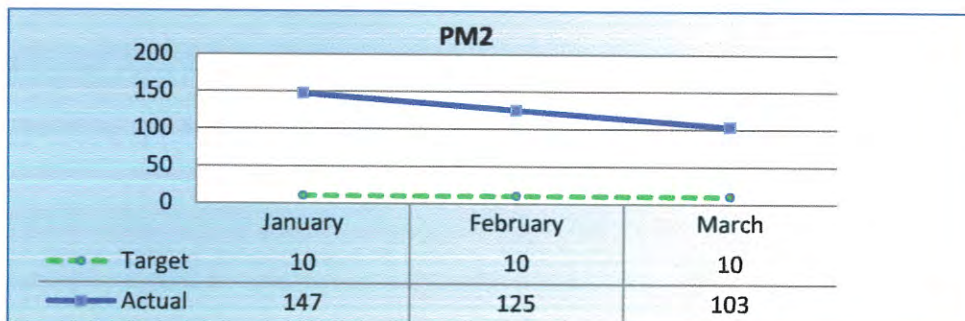


Total Received: 166 Monthly Average: 55

Complaints: 141 | Convictions: 25

PM2 | Intake

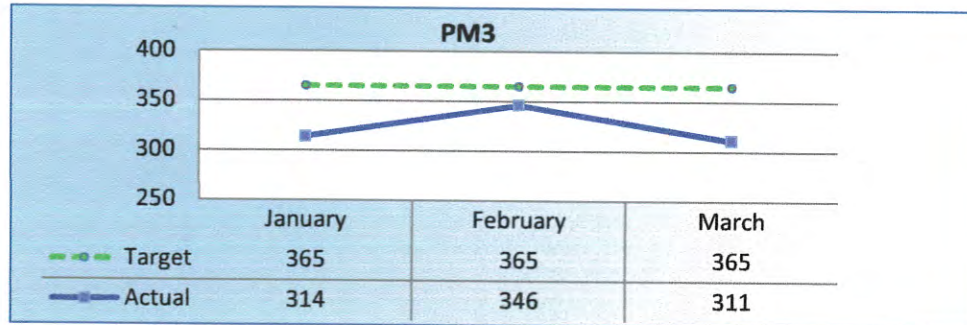
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | Actual Average: 130 Days

PM3 | Intake & Investigation

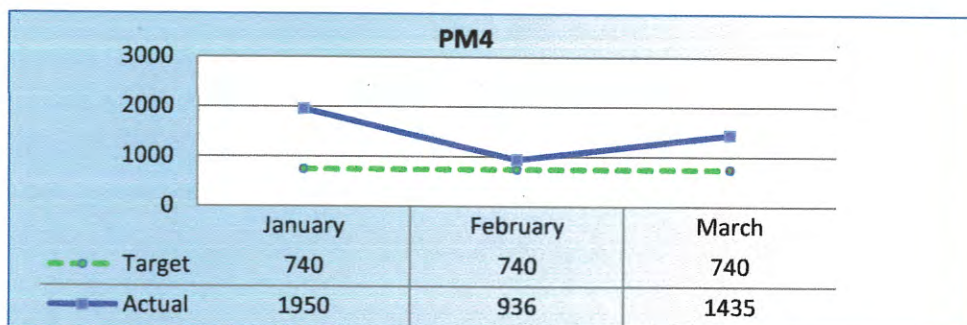
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 365 Days | Actual Average: 326 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 1,215 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | Actual Average: N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 7 Days | Actual Average: N/A

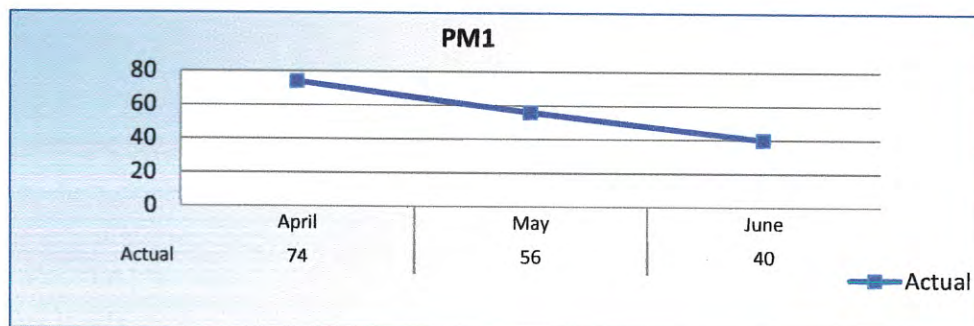
Performance Measures

Q4 Report (April - June 2014)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

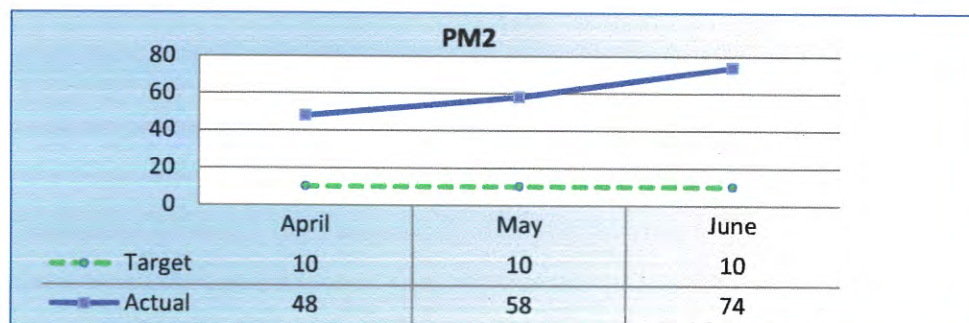


Total Received: 170 Monthly Average: 57

Complaints: 140 | Convictions: 30

PM2 | Intake

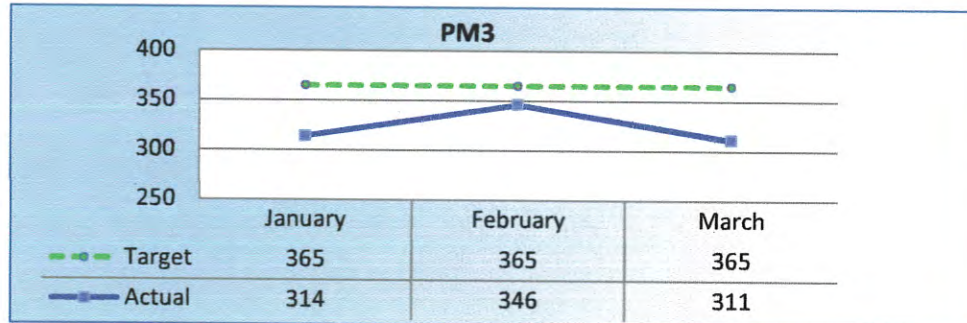
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | Actual Average: 62 Days

PM3 | Intake & Investigation

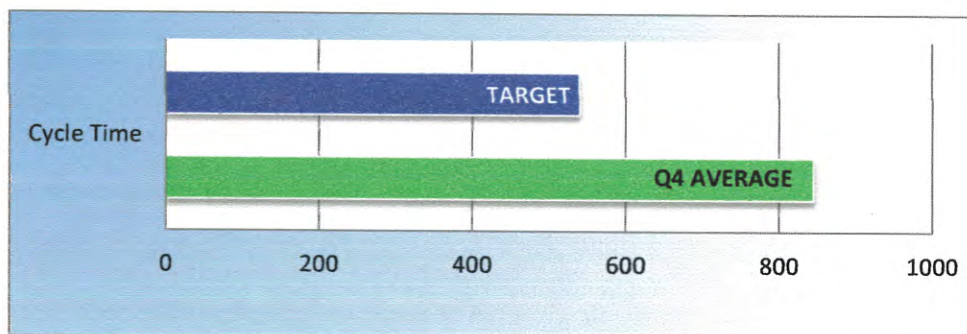
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 365 Days | Actual Average: 351 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 845 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | Actual Average: N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 7 Days | Actual Average: N/A

Veterinary Medical Board of California

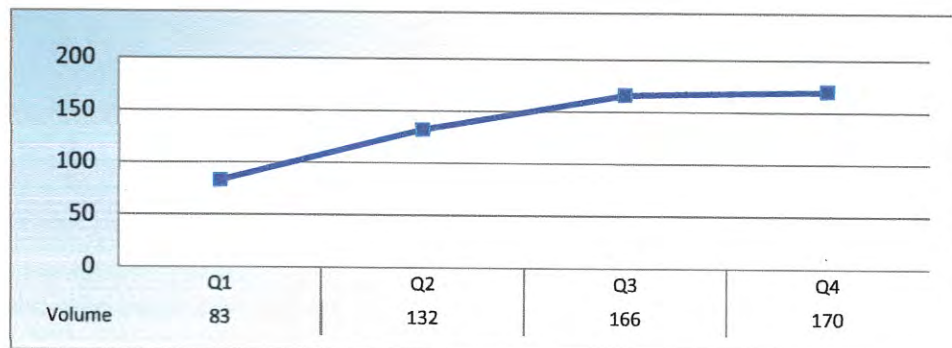
Performance Measures

Annual Report (2013 – 2014 Fiscal Year)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly and annual basis.

PM1 | Volume

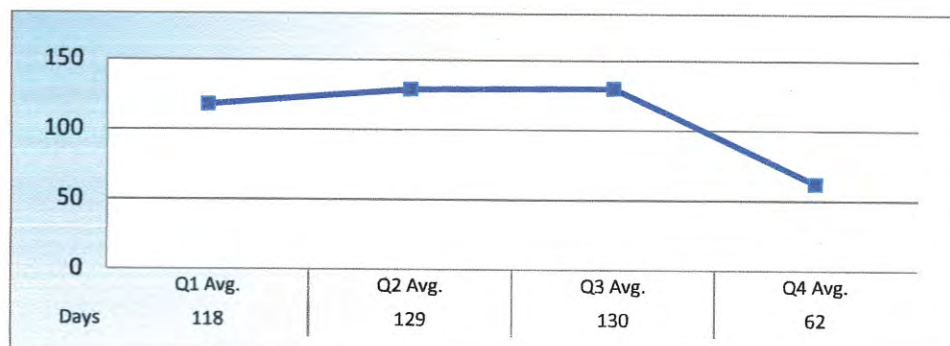
Number of complaints and convictions received.



Fiscal Year Total: 551

PM2 | Intake

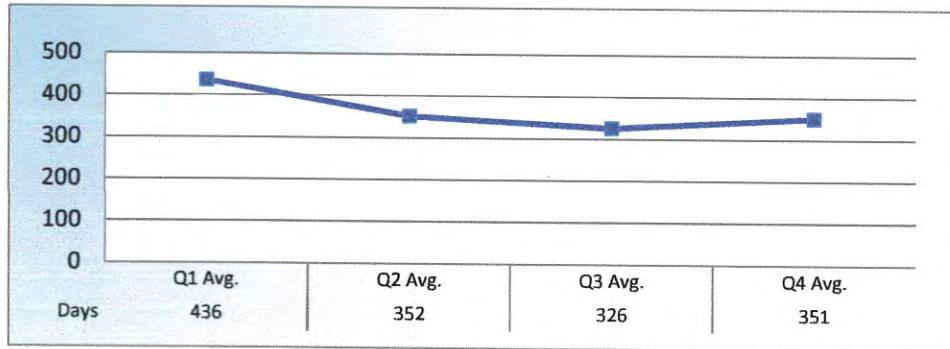
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days

PM3 | Intake & Investigation

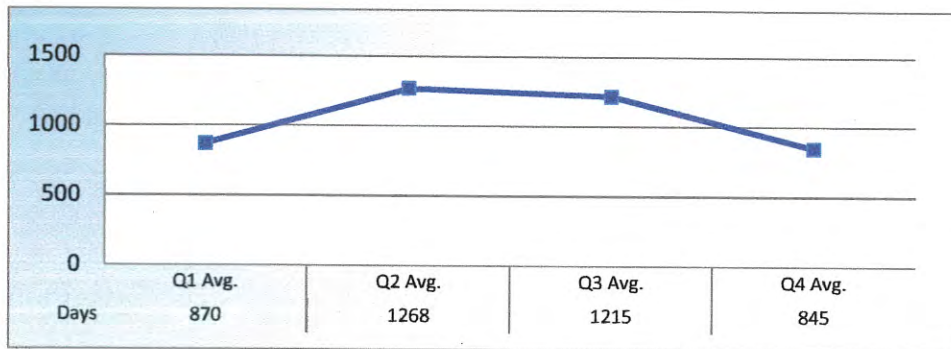
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 365 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*The Board did not contact any new probationer
this fiscal year.*

Target Average: 10 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

*The Board did not report any probation violations
this fiscal year.*

Target Average: 5 Days

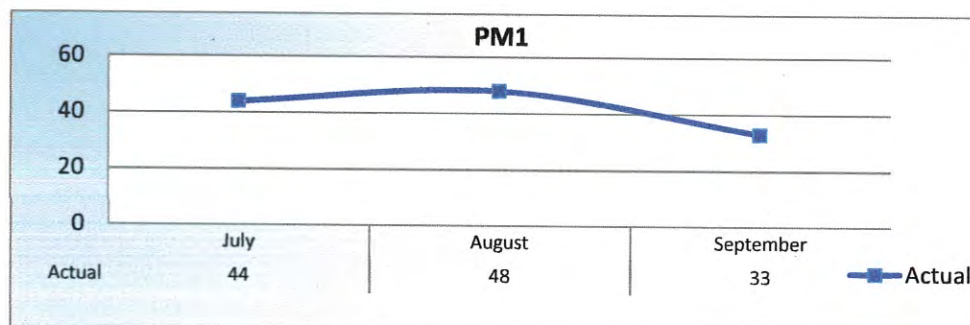
Performance Measures

Q1 Report (July - September 2014)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

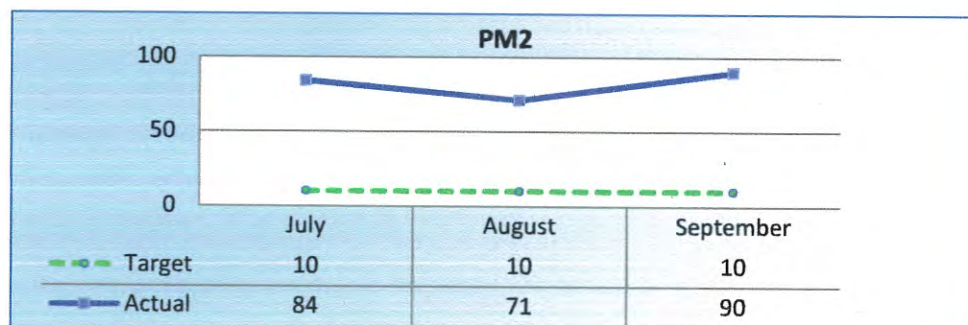


Total Received: 125 Monthly Average: 42

Complaints: 123 | Convictions: 2

PM2 | Intake

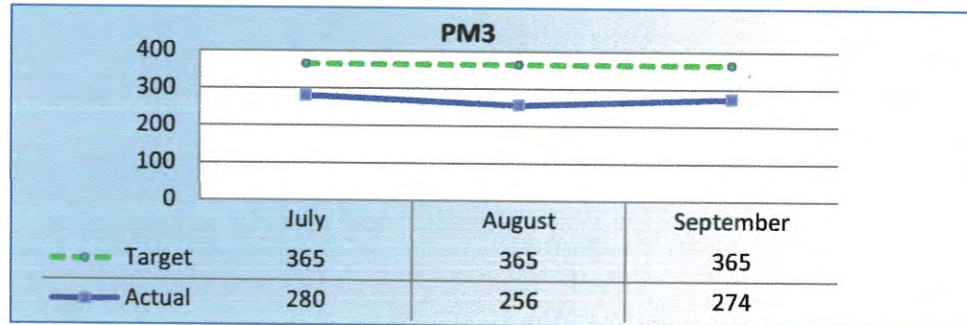
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | Actual Average: 82 Days

PM3 | Intake & Investigation

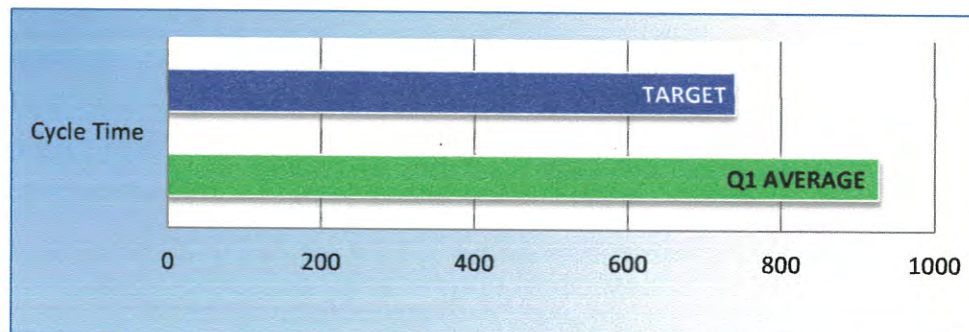
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 365 Days | Actual Average: 271 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 928 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | Actual Average: N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 7 Days | Actual Average: N/A

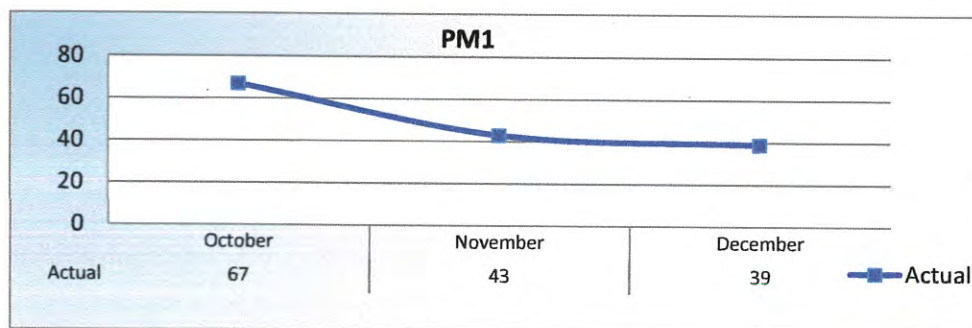
Performance Measures

Q2 Report (October - December 2014)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

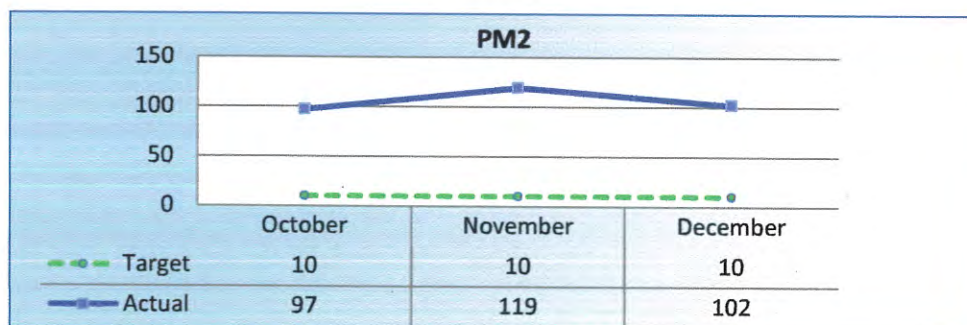


Total Received: 149 Monthly Average: 50

Complaints: 124 | Convictions: 25

PM2 | Intake

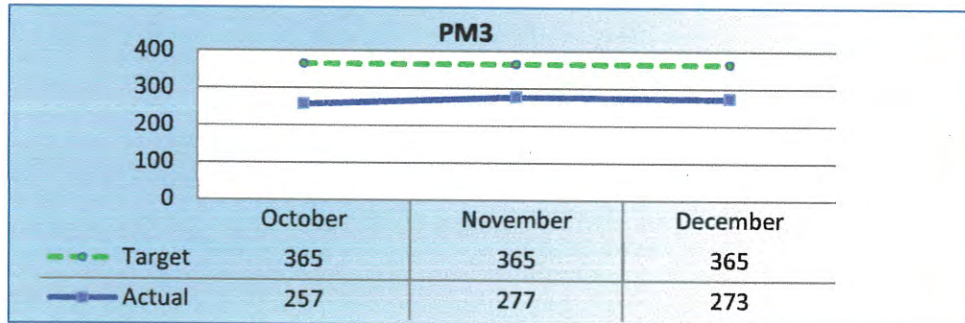
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | Actual Average: 107 Days

PM3 | Intake & Investigation

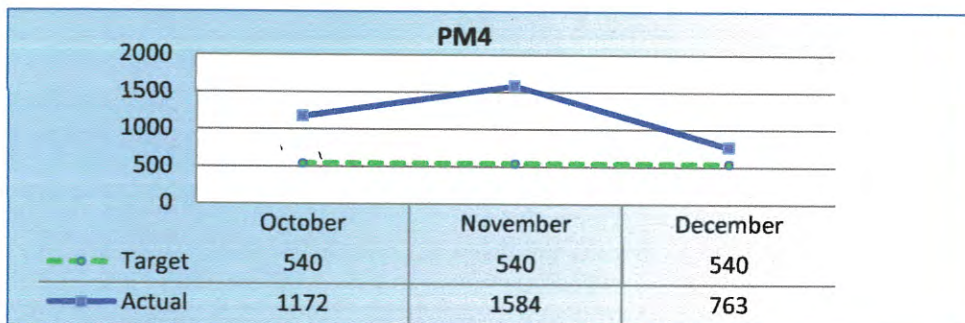
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 365 Days | Actual Average: 278 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 1,082 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | Actual Average: N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any probation violations this quarter.

Target Average: 7 Days | Actual Average: N/A

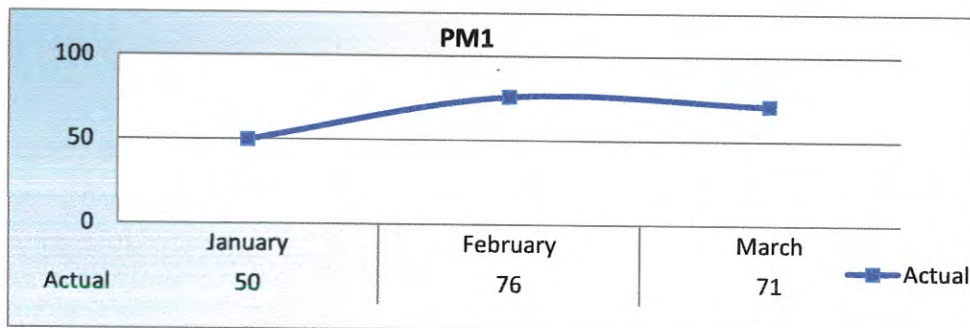
Performance Measures

Q3 Report (January - March 2015)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

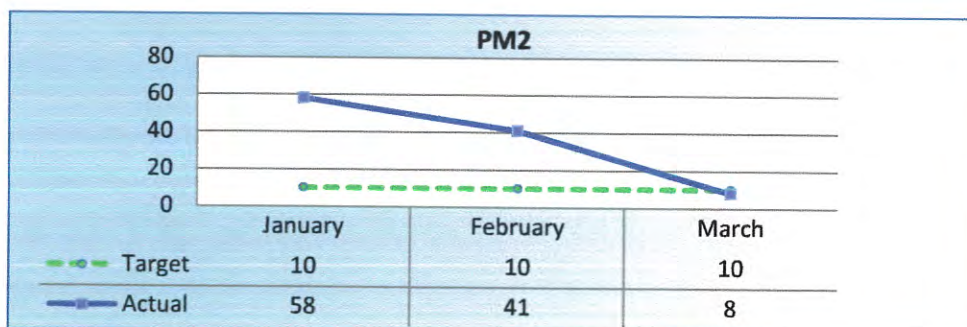


Total Received: 197 Monthly Average: 66

Complaints: 181 | Convictions: 16

PM2 | Intake

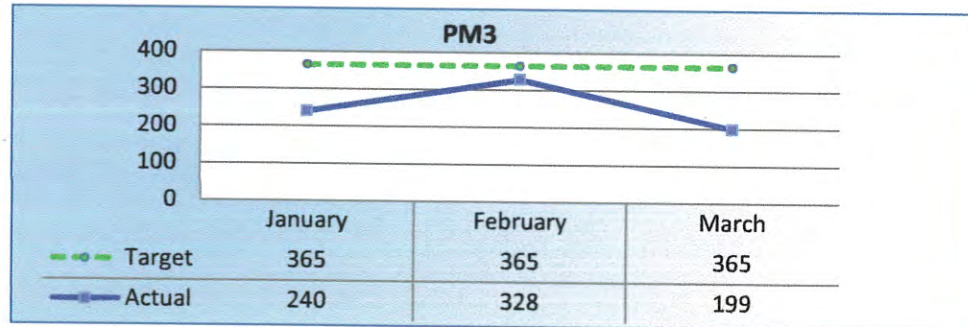
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | Actual Average: 36 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 365 Days | Actual Average: 256 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).

The Board did not have any cases resulting in formal discipline this quarter.

Target Average: 540 Days | Actual Average: N/A

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | Actual Average: N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any probation violations this quarter.

Target Average: 7 Days | Actual Average: N/A

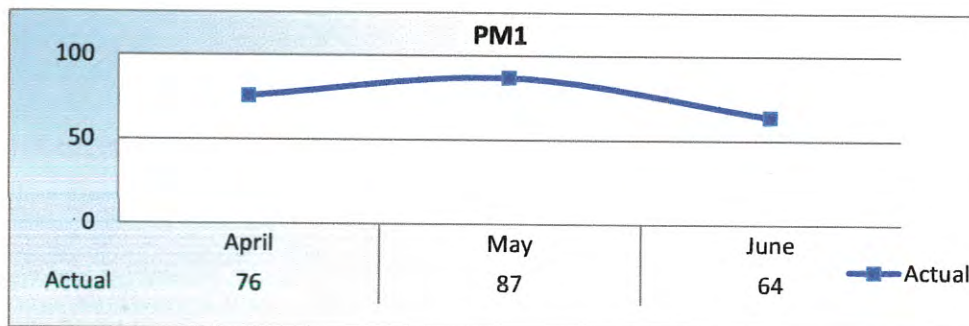
Performance Measures

Q4 Report (April - June 2015)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

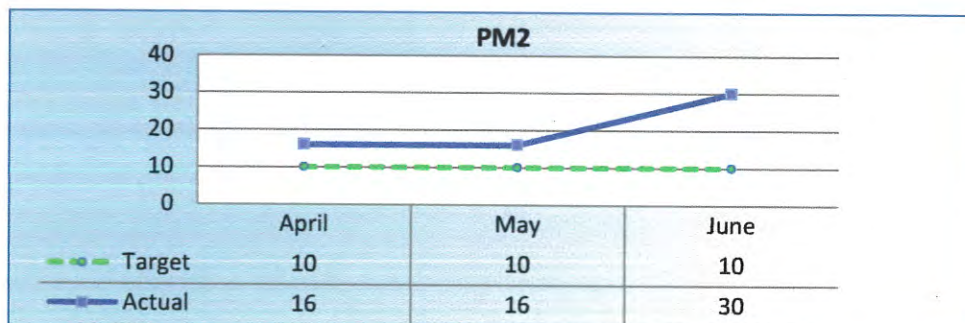


Total Received: 227 Monthly Average: 76

Complaints: 223 | Convictions: 4

PM2 | Intake

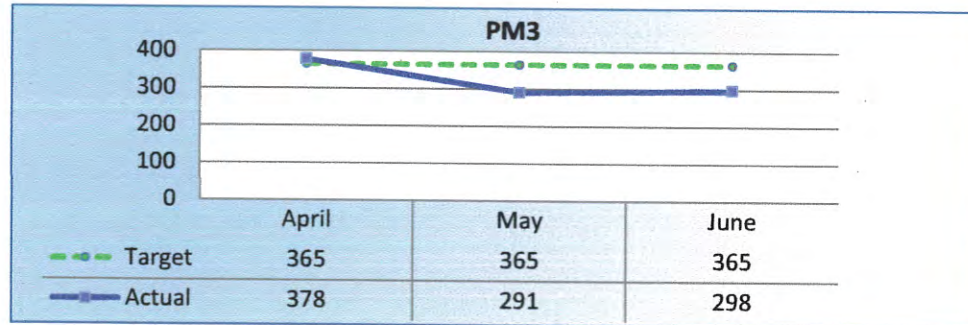
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | Actual Average: 21 Days

PM3 | Intake & Investigation

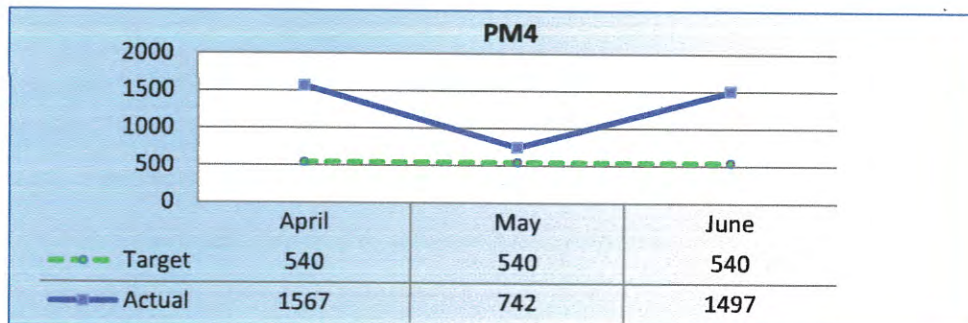
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 365 Days | Actual Average: 322 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | Actual Average: 1,199 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | Actual Average: N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any probation violations this quarter.

Target Average: 7 Days | Actual Average: N/A

Veterinary Medical Board of California

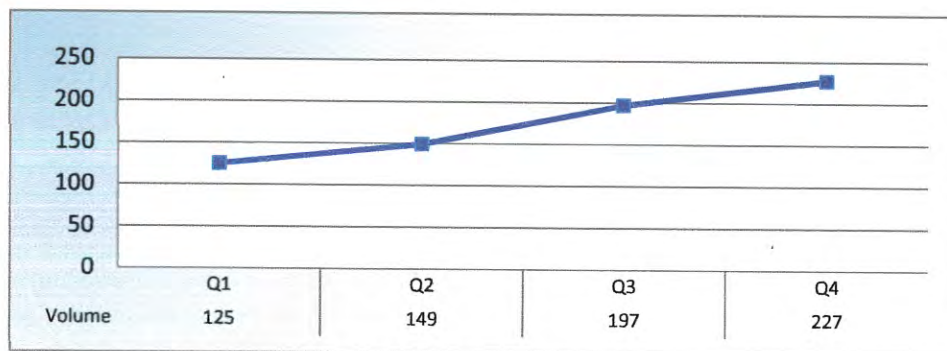
Performance Measures

Annual Report (2014 – 2015 Fiscal Year)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly and annual basis.

PM1 | Volume

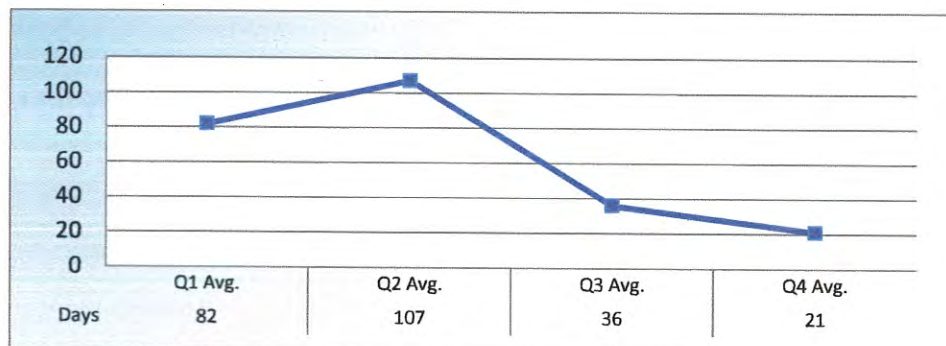
Number of complaints and convictions received.



Fiscal Year Total: 698

PM2 | Intake

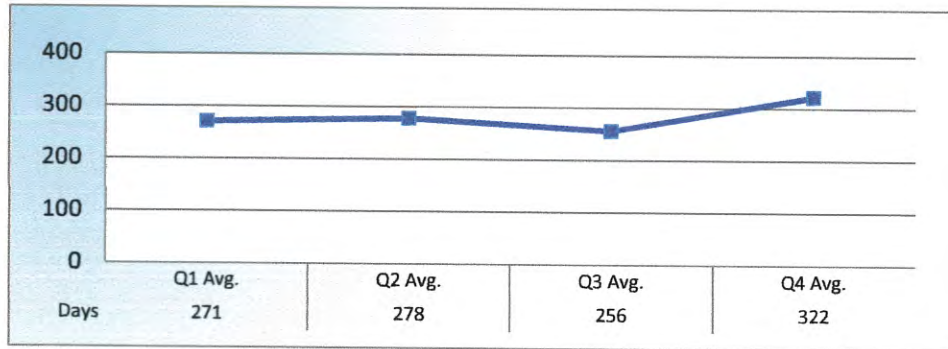
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days

PM3 | Intake & Investigation

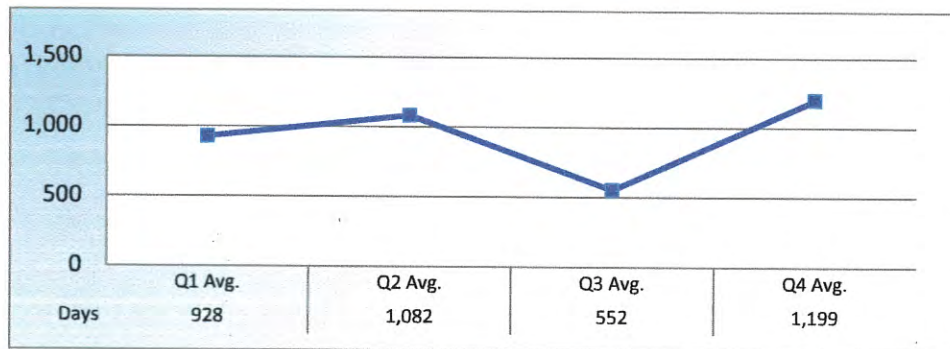
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 365 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*The Board did not contact any new probationers
this fiscal year.*

Target Average: 10 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

*The Board did not have any probation violations
this fiscal year.*

Target Average: 5 Days

Exhibit 7

Case Statistics

Table 7a. Enforcement Statistics

	fy 2012/13	fy 2013/14	fy 2014/15
COMPLAINT			
Intake (Use CAS Report EM 10)			
Received (not including convictions/arrests)	600	618	697
Closed	6	41	41
Referred to INV	527	523	800
Average Time to Close	59	115	49
Pending (close of FY)	128	136	16
Source of Complaint (Use CAS Report 091)			
Public	406	464	480
Licensee/Professional Groups	65	39	27
Governmental Agencies	9	86	12
Other	149	113	241
Conviction/Arrest (Use CAS Report EM 10)			
CONV Received	29	84	63
CONV Closed	17	71	87
Average Time to Close	5	96	69
CONV Pending (close of FY)	13	26	0
LICENSE DENIAL (Use CAS Reports EM 10 and 095)			
License Applications Denied	1	4	2
SOIs Filed	4	12	14
SOIs Withdrawn/Dismissed	4	7	2
SOIs Declined	0	0	0
Average Days SOI	NDA	NDA	NDA
ACCUSATION (Use CAS Report EM 10)			
Accusations Filed	23	35	12
Accusations Withdrawn/Dismissed/Declined	2	3	6
Average Days Accusations	NDA	NDA	NDA
Pending (close of FY)	NDA	NDA	NDA

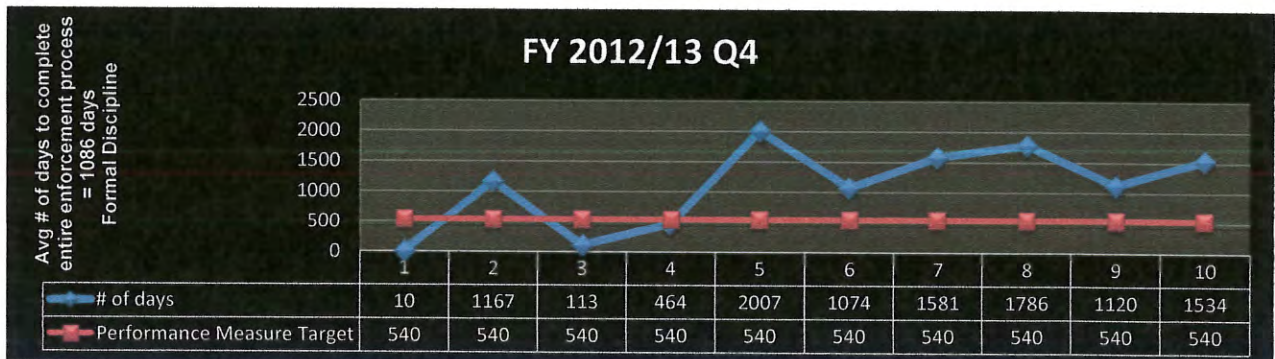
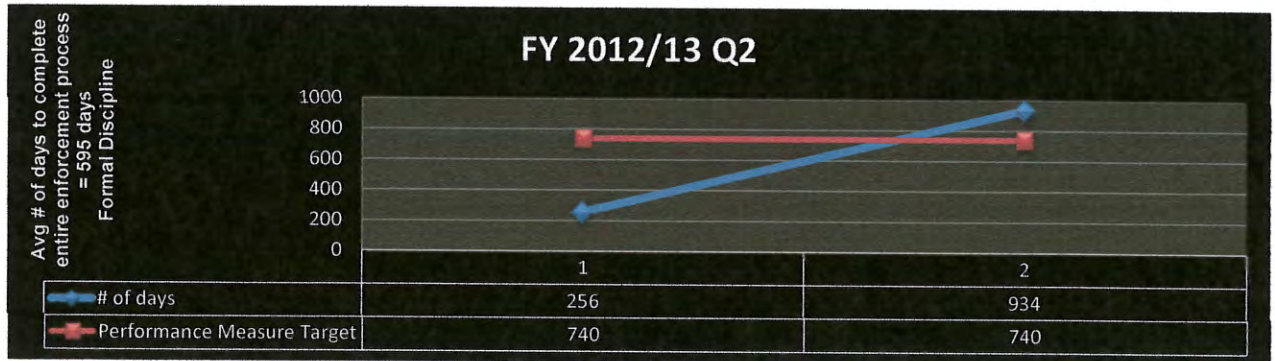
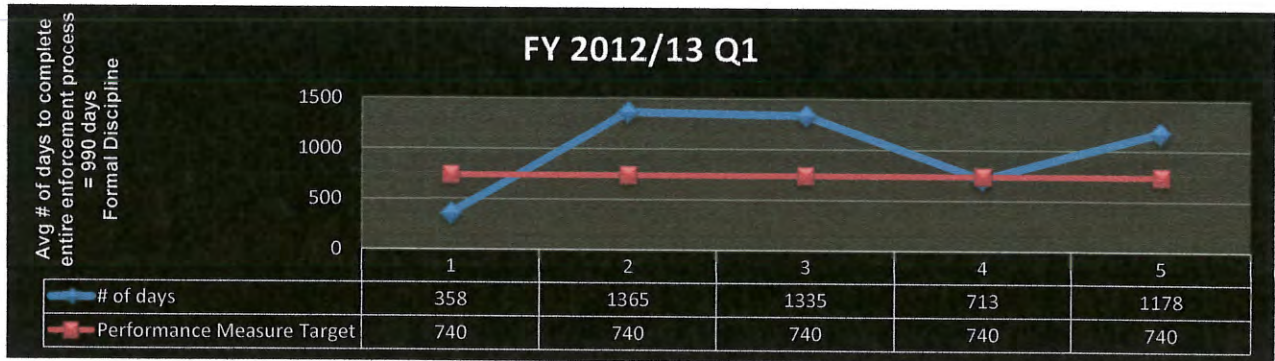
Table 7a. Enforcement Statistics (continued)

	FY 2012/13	FY 2013/14	FY 2014/15
DISCIPLINE			
Disciplinary Actions (Use CAS Report EM 10)			
Proposed/Default Decisions	7/4	8/5	9/13
Stipulations	13	11	34
Average Days to Complete	969	883	998
AG Cases Initiated	41	43	42
AG Cases Pending (close of FY)	85	84	64
Disciplinary Outcomes (Use CAS Report 096)			
Revocation	3	5	6
Voluntary Surrender	4	1	8
Suspension	0	0	0
Probation with Suspension	7	1	13
Probation	8	6	20
Probationary License Issued	2	4	10
Other	0	2	3
PROBATION			
New Probationers	14	13	32
Probations Successfully Completed	8	5	6
Probationers (close of FY)	43	48	62
Petitions to Revoke Probation	2	0	4
Probations Revoked	0	0	2
Probations Modified	0	0	2
Probations Extended	NDA	NDA	5
Probationers Subject to Drug Testing	5	9	15
Drug Tests Ordered	NDA	NDA	NDA
Positive Drug Tests	NDA	NDA	NDA
Petition for Reinstatement Granted	2	2	0

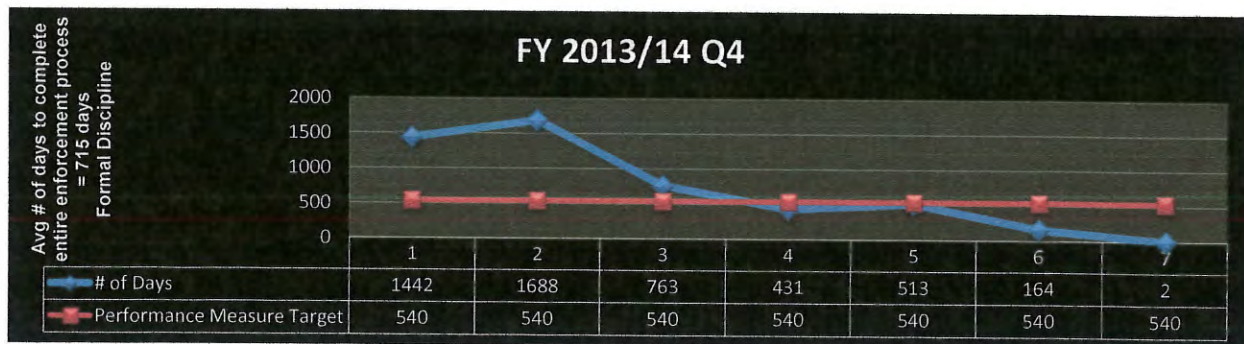
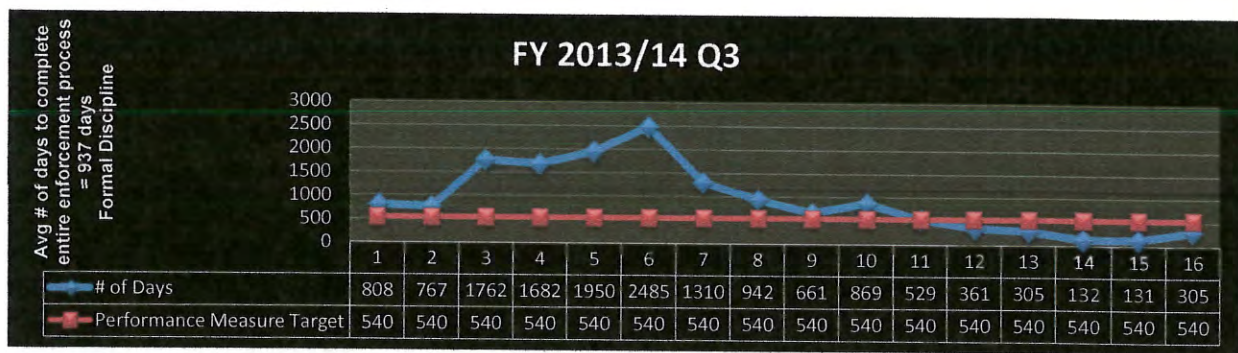
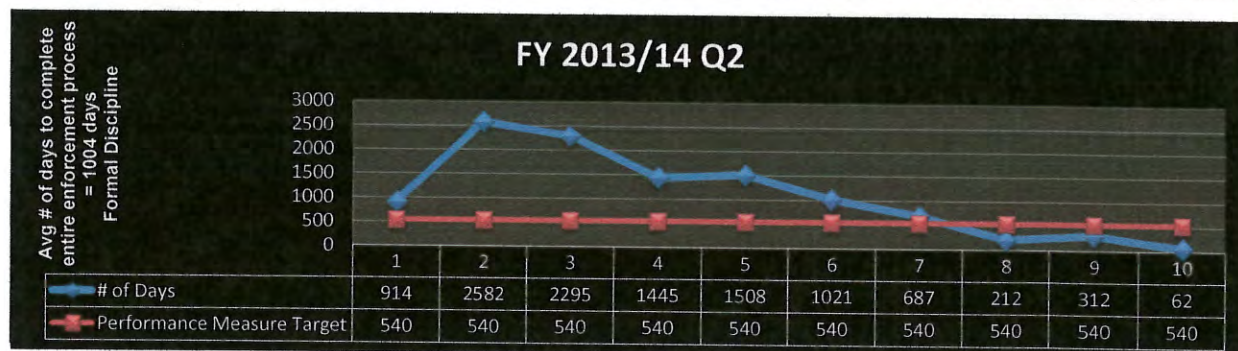
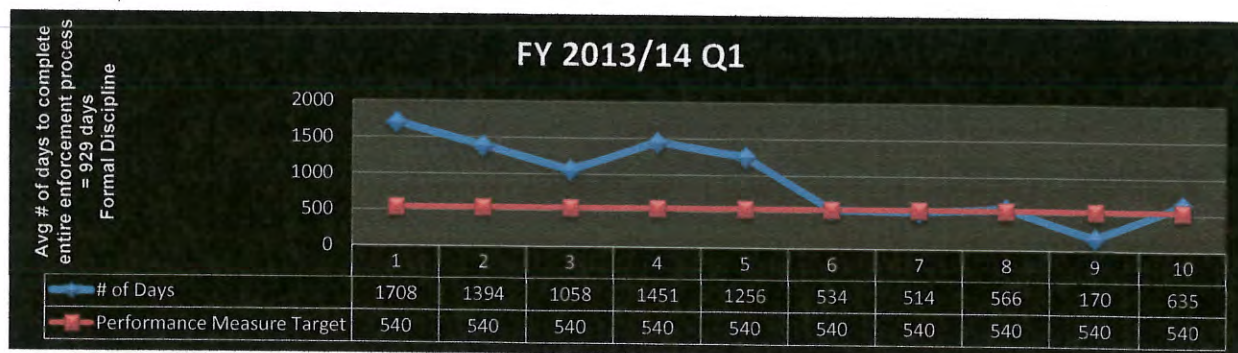
Table 7a. Enforcement Statistics (continued)

	FY 2012/13	FY 2013/14	FY 2014/15
INVESTIGATION			
All Investigations (Use CAS Report EM 10)			
First Assigned	544	596	872
Closed	773	744	649
Average days to close	412	381	307
Pending (close of FY)	516	370	592
Desk Investigations (Use CAS Report EM 10)			
Closed	707	652	603
Average days to close	378	327	273
Pending (close of FY)	416	309	522
Non-Sworn Investigation (Use CAS Report EM 10)			
Closed	NA	NA	NA
Average days to close	NA	NA	NA
Pending (close of FY)	NA	NA	NA
Sworn Investigation			
Closed (Use CAS Report EM 10)	66	92	46
Average days to close	767	765	744
Pending (close of FY)	100	61	70
COMPLIANCE ACTION (Use CAS Report 096)			
ISO & TRO Issued	0	0	1
PC 23 Orders Requested	0	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	0	0	0
Cease & Desist/Warning	62	55	72
Referred for Diversion	0	0	0
Compel Examination	0	0	0
Citations Issued	121	94	56
Average Days to Complete	NDA	NDA	NDA
Amount of Fines Assessed	\$48,750	\$39,500	\$24,150
Reduced, Withdrawn, Dismissed	18	27	9
Amount Collected	\$32,500	\$25,500	\$11,550
CRIMINAL ACTION			
Referred for Criminal Prosecution	NDA	NDA	NDA

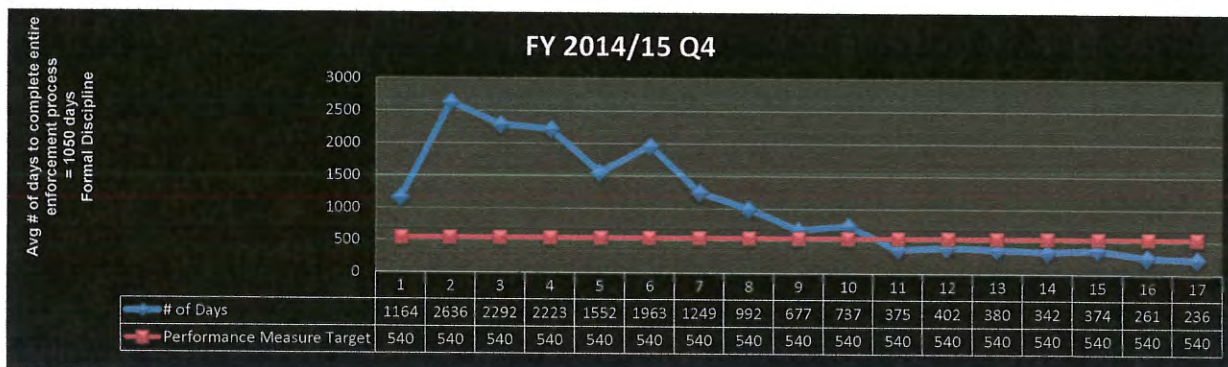
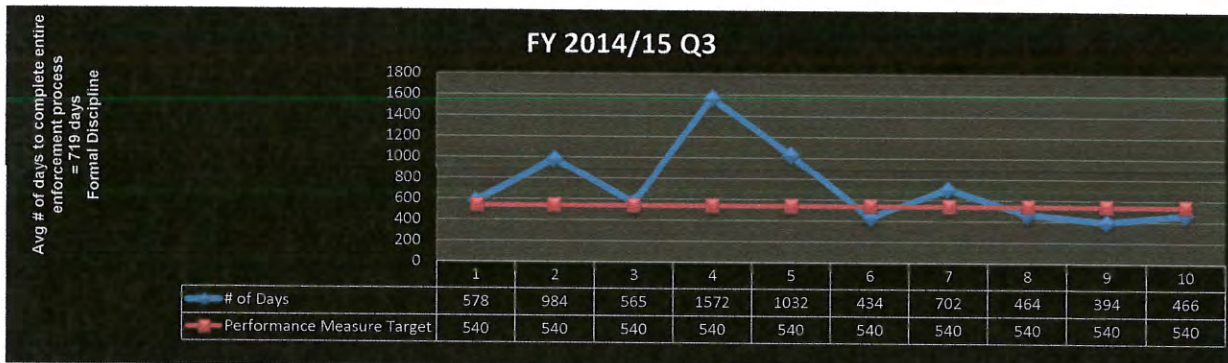
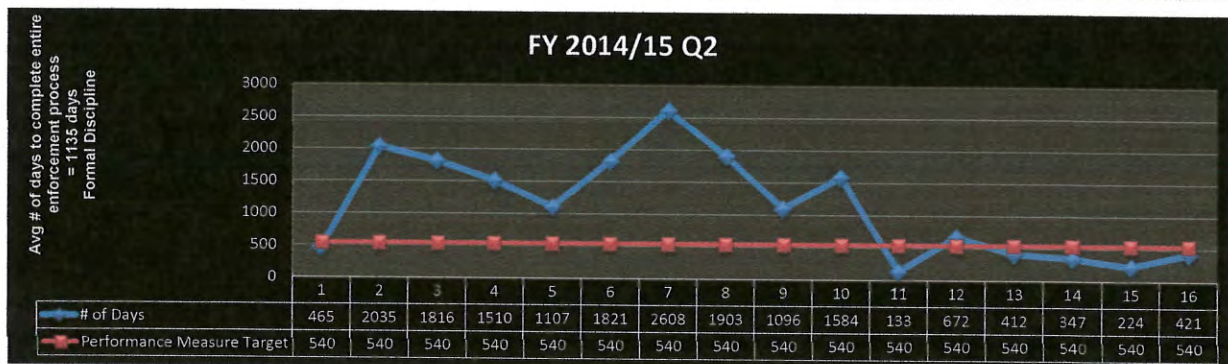
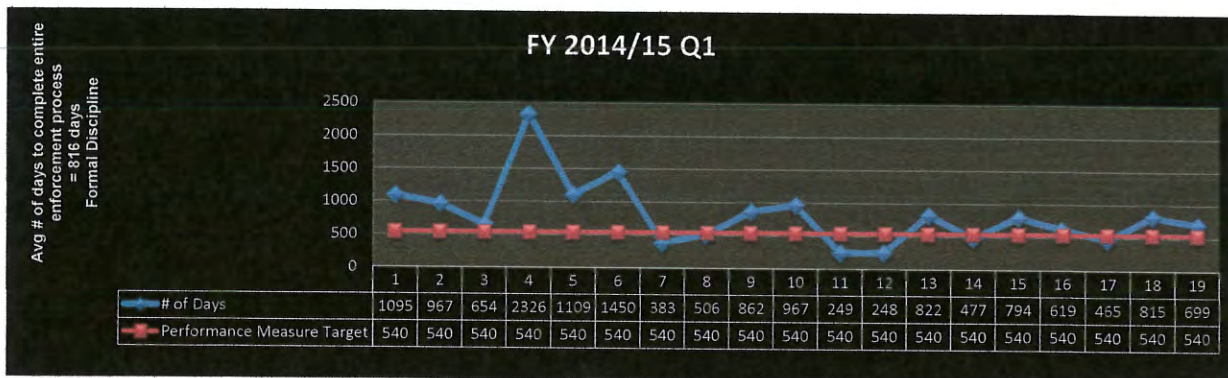
Average # of Days to Complete Entire Enforcement Process Formal Discipline



**Average # of Days to Complete Entire Enforcement Process
Formal Discipline**



Average # of Days to Complete Entire Enforcement Process Formal Discipline



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