

its May 16 meeting to convert its nationally standardized paper-and-pencil test, which is currently administered to all initial California RCP candidates, to a computerized test by January 2000, in order to improve examination access and accelerate scoring and test results. Candidates will be able to choose the date on which they would like to be tested at more than 80 computerized testing centers, and will be able to receive their test results immediately as opposed to waiting for several weeks. RCP education programs will receive detailed information regarding the computerized examination while students will receive the necessary information in order to prepare them for computer-administered examinations.

Also on October 16, RCB Executive Officer Cate McCoy announced that, effective October 1, RCB assumed full responsibility for administering its probation monitoring program, which had previously been run for RCB by DCA's Division of Investigation (DofI). Eddie Asencio, who had run RCB's probation monitoring program as a peace officer within DofI for two years, now heads the program at RCB. The program helps to ensure public safety by placing a licensee on probation and monitoring their conduct during the probationary period. Probation of a license may be ordered when there appears to be a need to closely monitor the practice of an RCP to ensure that he/she brings skills up to acceptable levels or makes life changes which alleviate potential harm to the public. Also, as substance abuse is considered to be a disability under the Americans with Disabilities Act, RCB is often obligated to issue a probationary license or be subject to the filing of discrimination charges (see LITIGATION). The probation monitoring program further ensures that those licensees who are placed on probation by the Board are in compliance with all the terms and conditions of their probation. Those licensees who are not

in compliance will be reported to the Board for appropriate disciplinary action.

Also in October, Executive Officer McCoy discussed her participation in a hearing sponsored by the Citizen Advocacy Center (CAC), a nonprofit organization which assists public members of health-related occupational licensing boards through training in effective advocacy and providing research, technical support, and networking opportunities to better enable public members to make informed decisions and to participate more effectively and significantly in board activities. CAC recently fashioned a draft model mandatory reporting law that would require the timely reporting to state medical, nursing, and other health professional licensing boards of adverse actions taken by health care organizations or employees in order to better protect public health and safety. On behalf of RCB, Ms. McCoy testified on RCB's new mandatory reporting law, AB 123 (Wildman) (see LEGISLATION), at a public hearing on August 26.

Also at its October 16 meeting, the Board discussed the idea of recreating an inter-board DCA task force to discuss and define scope of practice issues among all boards within DCA, and particularly other health-related boards. RCB Vice-President Barry Winn was asked to develop and initiate efforts to establish and promote communication between boards. RCB also announced its intent to republish its newsletter beginning in 1999. Furthermore, RCB will soon have its own home page on the California Society for Respiratory Care's website at www.csrc.org.

Future Meetings

- January 21–22, 1999 in Sacramento.
- April 9, 1999 in Los Angeles.
- July 16, 1999 in Sacramento.
- November 12, 1999 in San Diego.

Veterinary Medical Board

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The Veterinary Medical Board (VMB) is a consumer protection agency within the state Department of Consumer Affairs (DCA). Pursuant to the Veterinary Medicine Practice Act, Business and Professions Code section 4800 *et seq.*, VMB licenses doctors of veterinary medicine (DVMs) and registered veterinary technicians (RVTs); establishes the scope and standards of practice of veterinary medicine; and investigates complaints and takes disciplinary action against licensees as appropriate. The Board's regulations are codified in Division 20, Title 16 of the California Code of Regulations (CCR).

VMB also registers veterinary medical, surgical, and dental hospitals and health facilities. All such facilities must be registered with the Board and must comply with minimum standards. A facility may be inspected at any time, and its registration is subject to revocation or suspension if, following a hear-

ing, it is deemed to have fallen short of these standards.

The Board is comprised of seven members—four veterinarians and three public members.

The Governor appoints all of the Board's DVM members and one of the public members; the Senate Rules Committee and the Assembly Speaker each appoint one public member. Board members serve four-year terms, and are limited to two consecutive terms.

Pursuant to a new law effective July 1, 1998, the Board maintains the Registered Veterinary Technician Committee (RVTC), an advisory committee on issues pertaining to the practice of veterinary technicians. The Committee consists of five members (three RVTs, one DVM, and one public member) who are appointed to four-year terms by VMB. RVTC is



authorized to assist the Board in the examination, investigation, and evaluation of RVT applicants; make recommendations regarding the establishment and operation of continuing education requirements; and assist the Board in the inspection and approval of RVT schools and educational programs. VMB also maintains other advisory committees in the areas of legislation, examinations, administration, contract bid review, hospital inspection, citation and fine review, and public relations.

Major Projects

SB 2003 Implementation

At this writing, the Board is getting ready to implement SB 2003 (Knight) (Chapter 1070, Statutes of 1998), which—among many other things—requires the Board to set up a new one-year, “temporary licensure” system for veterinarians who are already licensed in another state and are seeking to practice in California, and restricts their examination to an open-book, “mail-out” test covering only the Board’s statutes and regulations (see LEGISLATION).

The major proponent of the legislation, PetSmart, operates more than 500 veterinary establishments in 36 states, Canada, and the United Kingdom. Of these, the VetSmart corporation, a Oregon-based subsidiary of PetSmart, currently owns and operates 55 veterinary hospitals in California. During legislative debate on the bill, PetSmart argued that there is a growing shortage of veterinarians in California, and said it designed SB 2003 to remove barriers to entry faced by experienced out-of-state veterinarians seeking licensure in this state. The measure generally conforms with a model reciprocity program developed by the American Veterinary Medical Association (AVMA), which endorses reciprocity between states based on national examination and practical experience requirements, and discourages state-specific licensing exams.

Prior to SB 2003, VMB required an applicant for a veterinarian’s license to graduate from a veterinary college and to pass both a state and a national licensing examination. The Board was authorized to waive the national examination if the applicant had passed a substantially equivalent licensing examination in another state with a passing score equivalent to that required in California. Prior to SB 2003, VMB was authorized to waive both the national and state examination requirements and issue a license to practice veterinary medicine to an applicant who is a practicing veterinarian in another state if all of the following requirements were met: (1) the applicant is licensed in one or more states and passed an equivalent national licensing examination and a written practical or written practice examination that is substantially equivalent to VMB’s state board examination; (2) the applicant has been lawfully practicing veterinary medicine for at least four continuous years preceding application in California; (3) the applicant is a graduate of a veterinary college accredited by the AVMA or certified by the AVMA’s Educa-

tional Commission for Foreign Veterinary Graduates (ECFVG); (4) the applicant is in good standing in the state of original licensure; and (5) the applicant passes a practicing veterinarian examination administered by VMB.

The new legislation significantly amends these licensing and exam requirements as to individuals already licensed as veterinarians in other states. Under SB 2003, such an applicant must seek—and the Board must issue—a one-year “temporary license” to a licensed veterinarian who (1) holds a current valid license in good standing in another state, Canadian province, or United States territory; (2) has practiced clinical veterinary medicine for four years full-time within the five years immediately preceding the filing of an application for licensure in California; (3) has passed the national licensing requirement in veterinary science with a passing score on the examination equal to or greater than the passing score required to pass the national examination administered in California; (4) has either graduated from a veterinary college recognized by the Board under Business and Professions Code section 4846 or possesses a certificate issued by the ECFVG; (5) passes a mail-out examination concerning VMB’s statutes and regulations; and (6) agrees to complete a 30-hour Board-approved educational curriculum on “regionally specific and important diseases and conditions” during the period of temporary licensure. VMB must consult with the California Veterinary Medical Association (CVMA) in approving the 30-hour curriculum.

During legislative debate on the bill, PetSmart argued that there is a growing shortage of veterinarians in California, and said it designed SB 2003 to remove barriers to entry faced by experienced out-of-state veterinarians seeking licensure in this state.

SB 2003 further requires VMB to issue a temporary license to applicants accepted into qualifying internship or residency programs, provided: (1) the applicant has graduated from a Board-recognized veterinary college, holds a ECFVG certificate, or holds a valid license from another state, Canadian province, or United States territory; (2) the applicant works under the direct supervision of a “board-certified California-licensed veterinarian in good standing”; (3) two or more board-certified specialists are on staff of the veterinary practice; and (4) the program undergoes an annual evaluation and is approved by one or more organizations officially recognized for that purpose by the Board. VMB must designate one or more organizations for this purpose by January 31, 1999, and the evaluation and approval process shall begin no later than March 1, 1999.

VMB strenuously opposed the above-described provisions of SB 2003 on many grounds, including the following: (1) the bill eliminates the requirement that an out-of-state candidate be required to take the national Clinical Competency Test at time of original licensure in order to qualify for reciprocity licensure in California; (2) it eliminates the requirement that the four years of practice experience be continuous; (3) it eliminates VMB’s authority to require passage of a practicing veterinarian exam, and limits the Board to utilizing a non-validated, open-book, “mail-out” test covering only California laws and regulations; (4) it requires the Board

to process reciprocity applications within an extremely short timeframe, and to begin implementation of the mail-out test on the Board's Practice Act and regulations by March 1, 1999; (5) the "temporary license" permits out-of-state veterinarians to practice in California for one year—a time period the Board considers "excessive"; (6) the bill requires the Board to expand its inspection and enforcement program to include random inspections of hospitals supervising persons with temporary licenses; (7) in approving the as-yet-undefined and undeveloped 30-hour curriculum on "regionally specific and important diseases and conditions," the bill requires the Board to consult with CVMA (the California trade organization for veterinarians), which VMB justifiably considers a conflict of interest; and (8) as to persons accepted into a qualifying internship or residency program who are being issued a "temporary license," the bill requires the Board to establish an annual evaluation process and an approval process for the internship or residency programs by March 1, 1999, and to designate organizations to evaluate and approve such programs by January 1, 1999.

VMB also argued that—contrary to the intent of the bill's proponents—SB 2003 would not be removing a barrier; instead, it creates a new barrier for out-of-state veterinarians. These individuals no longer have the option of simply applying for licensure and seeking waiver of the Board's examination requirements; they must be given a one-year temporary license, work under supervision, and take the 30-hour course prior to eligibility for full licensure. However, these arguments did not prevail in the legislature, and VMB is now left to attempt the implementation of this complex bill within a very short timeframe.

On November 18, the Board's Legislative Committee met to develop draft regulatory language to implement the new law. The Committee identified several items in Business and Professions Code section 4848 requiring regulatory implementation or other action by the Board. Of particular importance is Business and Professions Code section 4848(a)(2)(C), which requires the Board to administer the open-book, "mail-out" law test to all candidates for licensure. The Committee identified several issues in need of discussion and/or regulatory action, including the following: (1) the definition of the mail-out exam, the sequence of eligibility, and retake limitations; (2) the pass rate for the new exam; (3) whether to provide a copy of the Veterinary Medicine Practice Act to candidates; (4) the Board's course of action if a candidate fails the mail-out exam; (5) how UC Davis students should demonstrate that they have completed a course on veterinary law and ethics covering the California Veterinary Medicine Practice Act, such that they are exempt from having to take the mail-out exam; (6) how many days an applicant should have

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to complete the exam; and (7) whether the required applicant certification that he/she personally completed the exam should be under penalty of perjury.

The Committee also considered proposed regulations to implement Business and Professions Code section 4848(b), which mandates examination waiver and temporary licensure of veterinarians licensed in other states who meet the requirements stated above. Of particular concern to the Board is the required computer system change necessary to issue temporary licenses; staff has requested the necessary computer changes but anticipates delays due to DCA's ongoing problems in securing a contractor to implement its new Department-wide computer system. The Board also must (1) establish a fee for the issuance of a temporary license, and determine whether and how that fee will be applied to the fee for the permanent license, once acquired; (2) define the extent of the supervision required by section 4848(b) and consequences for violations; (3) define reporting criteria for temporary licensees and their supervisors; and (4) decide whether the one-year temporary license is renewable.

Next, the Legislative Committee considered section 4848(b)(5), which requires reciprocity candidates to agree to complete a 30-hour approved curriculum on regionally specific diseases. "The Board shall approve a curriculum as soon as practical, but not later than June 1, 1999," and VMB must consult with CVMA in approving the course. The Committee noted that the Board must determine the course criteria and hourly requirements, standards for providers, and methods of verifying attendance.

Business and Professions Code subsections 4848.3(a) and (b) define the requirements for temporary licensure for individuals in qualifying internships and residency programs. The Committee identified several issues requiring Board action in this area, including (1) the definition of a qualifying internship and resident program; (2) the definition of the "board-certified specialists" who must be on staff of the program and who must provide direct supervision of the temporary licensee; (3) the parameters and criteria for the "annual evaluation" of each program required by section 4848.3(a)(4); and (4) the criteria for Board-designated organizations to undertake the annual evaluation and approval process. Further, section 4848.3(b) states that "the temporary license issued pursuant to this section shall only be valid for activities performed in the course of, and incidental to, a qualifying internship or residency program"—the Committee identified the need to define those activities.

DCA legal counsel Don Chang has advised the Board of the probable necessity of adopting emergency regulations to implement parts of SB 2003. The Legislative Committee scheduled a further meeting to review draft language for the necessary regulations on December 16. However, that meeting was

cancelled due to the death of Board member Robert J. Weber, DVM. At this writing, the Committee anticipates presenting draft regulatory language to the Board at its January meeting.

Mandatory Continuing Education

SB 155 (Kelley) (Chapter 1070, Statutes of 1998) added section 4846.5 to the Business and Professions Code; under the new law, on or after January 1, 2002, the Board may issue renewal licenses only to veterinarians who have completed 36 hours of approved continuing education (CE) during the prior two-year renewal period (see LEGISLATION). The bill also requires VMB to adopt regulations as necessary for its implementation.

At its October meeting, the Board directed its Legislative Committee to draft the necessary regulatory changes. At a meeting on November 18, the Committee identified several items requiring regulatory action, including (1) identification of courses which would satisfy the CE requirement; (2) criteria for designating organizations which would approve CE courses; (3) methods enabling the Board to monitor course completion, courses, and providers; (4) methods by which renewal applicants can prove compliance with the CE requirement; (5) requirements for the Board's audit authorized by section 4846.5(d); (6) exemptions from the CE requirement, as authorized by section 4846.5(g); and (7) the necessary provider and course approval fees.

Following discussion at its November 18 meeting, the Legislative Committee deferred consideration of the proposed regulatory language to its January 1999 meeting. The Committee hopes to schedule regulatory language for public hearing in April or July 1999, such that the regulations will be in place by December 1999.

Minimum Standards for Veterinary Practice and Premises

At its October 16 meeting, VMB held a public hearing on its proposed amendments to sections 2002, 2030, 2030.5, 2031, 2032, 2033, 2033.1, and its adoption of new sections 2030.6 and 2033.2, Title 16 of the CCR; collectively, these revisions impose new standards for veterinary practice and veterinary premises that all veterinarians must follow wherever veterinary medicine, dentistry, or surgery is performed.

Of particular import, new section 2033.2 would set forth the minimum standards of veterinary practice, including a requirement that the delivery of veterinary care must be provided in a competent and humane manner consistent with current veterinary medicine in practice in California. Under proposed section 2033.2, prior to treating an animal, a DVM must develop a diagnostic assessment and treatment plan which includes recommendations and medications which are discussed with and consented to by the client and entered into the patient's medical record. Also, a veterinarian who prescribes or administers any legend drug or biologicals is responsible for assuring

that they are properly administered, and for providing written instructions to clients on the administration of the medications when the veterinarian will not be providing direct supervision of their administration.

Also with respect to veterinary practice, amendments to section 2033 would redefine the veterinarian-client-patient relationship to clarify that it is unprofessional conduct for a veterinarian to administer or prescribe a drug, veterinary drug, dangerous drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal without having first established a veterinarian-client-patient relationship with the animal patient and its owner (or the owner's authorized agent). Such a relationship exists when the veterinarian has assumed responsibility for making medical judgments regarding

the health of the animal and the need for medical treatment, and the client has agreed to follow the instructions of the veterinarian; the veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition

of the animal; and the veterinarian has discussed with the client a course of treatment and is readily available or has made arrangements for follow-up evaluation in the event of adverse reactions or failure of the treatment regimen.

The amendments to section 2033.1 would clarify the information which must be contained a written prescription for dangerous drugs. The amendments to section 2031 would specify the required contents of a veterinarian's records on each patient; the minimum length of time such records (including radiographs) must be retained; and requirements regarding the transfer of records (including radiographs) to another veterinarian at the request of the client. The amendments to section 2032 would set forth VMB's standards regarding the administration of anesthesia, and require veterinarians to use appropriate and humane methods of anesthesia, analgesia, and sedation to minimize pain and distress during surgical procedures. Within twelve hours prior to administration of an anesthetic, the animal patient must be physically examined; following the surgery, an animal under general anesthesia must be under observation for a time appropriate to the species, to ensure safe recovery. The amendments also set standards for appropriate respiratory monitoring, cardiac monitoring, and the delivery of assisted ventilation.

With regard to veterinary premises, the Board's amendments to section 2030 would clarify its standards for fixed veterinary premises, and set forth new standards for fixed veterinary premises which provide surgical services. The amendments to section 2030.5 would set forth standards for veterinary premises which are held out to the public as "emergency hospitals," and new section 2030.6 would define the term "small animal fixed premises" ("a fixed veterinary premise which concentrates in providing veterinary services to common domestic household pets") and establish standards regarding exercise runs, the need for an isolation area if

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contagious cases are hospitalized, the disposal of deceased animals, and animal emergencies.

At the October 16 hearing, several speakers raised concerns over the proposed changes. Some witnesses stated that the language of new section 2033.2 and revised section 2033 does not clearly establish requirements for a veterinarian who administers medical assistance to strays, wild animals, or animals dropped off by unknown individuals. Many speakers argued that the new section, as drafted, requires a veterinarian to forego treatment of an injured animal until the owner can be found and consulted. The Board agreed to add language clarifying these requirements.

Other speakers commented on section 2030 regarding veterinary premises which provide surgical services; specifically, proposed section 2030(g)(1) would require that "a single-purpose room, separate and distinct from all other rooms, shall be reserved for aseptic surgery and used for no other purpose." A majority of the speakers felt it would be difficult for many small veterinary establishments to comply with this provision, due to cost restrictions for possible room additions. The Board generally agreed with the concern, but would only consider variance from the standard if an historic building is involved, zoning limitations restrict the addition of another room, or if compliance is otherwise not feasible.

The recordkeeping requirements in proposed section 2031 were particularly disfavored. As proposed, the new section requires veterinary facilities to keep a patient's records for a minimum of three years after the patient's last visit. It also states that a radiograph is the property of the veterinary facility which ordered it to be prepared; however, a radiograph originating in an emergency hospital becomes the property of the next attending veterinary facility. The section also sets standards for the labeling of exposed radiographic films. Many speakers argued that radiographs should be the property of the original attending veterinarian, questioned whether simple labeling of the radiograph is sufficient, and asserted that the three-year retention period is excessive.

Because of these and other comments, the Board referred the regulatory proposal to its Legislative Committee for more work. At its November 18 meeting, the Legislative Committee made changes to the originally-proposed language. At this writing, the revised language is scheduled for reconsideration at the Committee's January meeting.

Standards for Training in Administration of Sodium Pentobarbitol

Business and Professions Code section 4827(d) grants an exemption from VMB's licensure requirement to employees of an animal control shelter or humane society for the purpose of administering sodium pentobarbitol to euthanize sick, injured, homeless, or unwanted domestic pets or animals outside the presence of a veterinarian, so long as the employee "has received proper training in the administration of sodium pentobarbitol for these purposes." Effective October 30, new section 2039, Title 16 of the CCR, establishes standards for proper training in the administration of sodium pentobarbitol for non-DVM and non-RVT employees of animal control shel-

ters or humane societies. Under section 2039, such individuals must have completed an eight-hour curriculum which includes training in the history and reasons for euthanasia, humane animal restraint techniques, sodium pentobarbitol injection methods and procedures, verification of death, safety training and stress management for personnel, and record keeping and regulation compliance. Five hours of the curriculum must consist of hands-on training in humane animal restraint techniques and sodium pentobarbitol injection procedures. The training session must be taught by a veterinarian, RVT, or an individual certified by the California Animal Control Directors Association and the State Humane Association of California to train persons in the humane use of sodium pentobarbitol.

Protocols for Musculoskeletal Manipulation

Effective June 5, 1998, new section 2038, Title 16 of the CCR, sets forth protocols for the use of musculoskeletal manipulation (MSM) on animal patients. [15:2&3 CRLR 102]

Section 2038(a) defines MSM as a system of application of mechanical force applied manually through the hands or through any mechanical device to enhance physical performance or prevent, cure, or relieve impaired or altered function of related components of the musculoskeletal system of animals. Under section 2038(b), MSM may only be performed by a veterinarian or by a California-licensed chiropractor working under the direct supervision of a veterinarian.

A veterinarian who performs MSM must have examined the animal patient and obtained sufficient knowledge to make a diagnosis of the medical condition of the animal and the need for medical treatment, including a determination that MSM will not be harmful to the animal patient. The veterinarian must discuss the course of treatment with the animal's owner or the owner's authorized agent, and must be readily available (or has made arrangements for follow-up evaluation) in the event of adverse reactions or failure of the treatment regimen. The veterinarian must obtain, as part of the patient's permanent record, a signed acknowledgment from the owner of the patient that MSM is considered to be an alternative (nonstandard) veterinary therapy.

A chiropractor who performs MSM on an animal must be working under the direct supervision of a veterinarian who has performed all of the functions described above prior to authorizing the chiropractor to make an initial examination and/or perform treatment. After the chiropractor has completed the initial examination of and/or treatment upon the animal patient, he/she must consult with the supervising veterinarian to confirm that MSM care is appropriate, and to coordinate complementary treatment as necessary to ensure proper patient care. At the time the chiropractor is performing MSM on an animal patient in an animal hospital setting, the supervising veterinarian must be on the premises; at the time the chiropractor is performing MSM on an animal patient in a range setting, the supervising veterinarian must be in the general vicinity of the treatment area.

Board Amends Exam Fees

Pursuant to a directive in AB 839 (Thomson) (Chapter 642, Statutes of 1997), VMB has revised its examination fees

in section 2070, Title 16 of the CCR. Effective July 17, 1998, the examination application fee is \$65. The fee for section 1 of the national licensing exam will remain at \$165; the fee for section 2 of the national licensing exam will increase from \$125 to \$140, to reflect the increased cost of the exam to the Board; and the fee for the California state board exam will decrease from \$210 to \$140.

Board Clarifies RVT Training Program Standards

Business and Professions Code section 4841.5 requires individuals seeking to take the Board's examinations for registration as an RVT to "furnish satisfactory evidence of graduation from, at minimum, a two-year curriculum in veterinary technology, in a college or other postsecondary institution approved by the board, or the equivalent thereof as determined by the board." In February 1998, VMB held a public hearing on its proposed amendments to section 2065, and its adoption of new sections 2065.5-9, Title 16 of the CCR; this regulatory action clarifies "equivalent" approved veterinary technology training in lieu of completion of a two-year curriculum in animal health technology for persons applying to take the RVT examination.

The Board's amendments to section 2065 would more clearly define the required curriculum, require students to possess a high school diploma or its equivalent, require instructors to possess at least two years of experience in performing or teaching in the specialized area in which they are teaching, and require the school to disclose pertinent information to students (including its pass rate on the Board's RVT examination during the two-year period immediately preceding the student's proposed enrollment and a description of the requirements for registration as an RVT). The amendments would also require the school to be approved by DCA's Bureau of Private Postsecondary and Vocational Education or the California Department of Education.

New section 2065.5 would require a school seeking Board approval of its RVT training program to apply to the Board; if an application for approval or reapproval requires an onsite inspection by the Board, the program must pay for the Board's actual costs associated with conducting the inspection. Under section 2065.6, the Board will conduct an onsite inspection of any school seeking initial approval of its RVT program; after the inspection, the Board will either disapprove the application or grant provisional approval for a two-year period. Full institutional approval will not be granted until the curriculum has been in operation under provisional approval for at least two years and the Board has determined that the curriculum is in full compliance with the provisions of section 2065.

New section 2065.7 would require the Board to conduct an onsite inspection of an approved school every four years; further, it may conduct an onsite inspection when there is a change in the RVT program director, the program's pass rate on the RVT exam drops below 40% during the preceding four examinations, or the Board believes the institution has substantially deviated from the standards for approval. Under new section 2065.8, the Board may withdraw its ap-

proval of a curriculum, or place an institution on probation, after identifying for the institution the areas in which it has deviated from the applicable standards and given the school notice and an opportunity to be heard. New section 2065.9 would require a school to submit a course catalogue to the Board on an annual basis, and to inform the Board of any changes in curriculum, staff, or facilities.

The Board has adopted these proposed regulatory changes and submitted them to the Office of Administrative Law (OAL), where they are pending at this writing.

Registered Veterinary Technician Committee

Pursuant to AB 839 (Thomson) (Chapter 642, Statutes of 1997), the former Registered Veterinary Technician Examining Committee (RVTEC) became the Registered Veterinary Technician Committee (RVTC) on July 1, 1998. The former RVTEC was an eight-member body which functioned fairly separately from the Board; it was abolished and replaced with the new RVTC as part of the Board's 1996-97 sunset review process.

The new RVTC, a five-member advisory committee to the Board, will advise VMB on issues pertaining to the practice of veterinary technicians. Pursuant to Business and Professions Code section 4833, the RVTC is authorized to assist the Board in examining applicants for RVT registration, make recommendations to the Board regarding the eligibility of individual applicants for registration, make recommendations to the Board regarding the establishment of CE requirements for RVTs under Business and Professions Code section 4838, and assist the Board in the inspection and approval of all schools or institutions offering a curriculum for training RVTs.

VMB Goes Online

During 1997, VMB announced its presence on the "information superhighway" by establishing an Internet website. Through its site, the Board provides consumers and professionals with information in six categories— including general information about the Board, consumer issues, licensing, examinations, enforcement, and legislation.

The general information page includes names of current VMB and RVTC members, scheduled meeting dates, an update from Board Executive Officer Susan Geranen, several "consultant's corner" articles, and a current schedule of fees and available documents. The consumer issues page provides information on how to file a complaint against a Board licensee, a list of hotlines for pet loss support, information on how to verify the license of someone purporting to be a Board licensee, and a "citizen comment form" enabling consumers to comment on VMB or RVTC's service or performance. The licensing page lists renewal fees for veterinarians, RVTs, and premises, as well as relicensure requirements for licenses expired after five years. The examinations page provides information on exam schedules, fees, and filing dates, plus examination statistics and recommended study texts for Board exams. The enforcement page describes the enforcement process and lists recent enforcement statistics and disciplinary actions,

including posted license revocations to inform consumers of possible unlicensed practitioners. The legislation page list current and upcoming bills of interest, and VMB/RVTC policies and legal opinions.

Legislation

SB 2003 (Knight), as amended August 17, changes VMB's examination requirements and requires VMB to issue temporary licenses to practice veterinary medicine to certain candidates (see MAJOR PROJECTS).

Specifically, SB 2003 amends Business and Professions Code section 4848, which previously required applicants for a veterinarian's license to pass an examination in basic veterinary science, an examination of clinical competency, and a California state examination. SB 2003 requires candidates to pass one national licensing examination, a second exam administered by the Board, and a third on VMB's statutes and regulations. This third examination must be mailed by the Board to a candidate within 10–20 days of eligibility determination; after the candidate returns the completed exam, the Board has 10–20 days from the date of receipt in which to process the exam and provide the candidate with the results. Graduates of the veterinary medical schools within the University of California system who have successfully completed a course on veterinary law and ethics covering the California Veterinary Medicine Practice Act are exempt from the requirement to take the third test.

SB 2003 also requires the Board, until July 1 2002, to waive its examination requirements and issue a temporary license valid for one year to an applicant to practice veterinary medicine under the supervision of another licensed California veterinarian in good standing, if the applicant meets all of the following requirements: (1) the applicant holds a current valid license in good standing in another state, Canadian province, or United States territory, and has practiced clinical veterinary medicine for a minimum of four years full-time within the five years immediately preceding the filing of an application for licensure in California; (2) at the time of original licensure, the applicant passed the national licensing requirement in veterinary science with a passing score on the examination equal to or greater than the passing score required to pass the national examination administered in California; (3) the applicant has either graduated from a veterinary college recognized by the Board under Business and Professions Code section 4846 or possesses a certificate issued by the Educational Commission for Foreign Veterinary Graduates (ECFVG); (4) the applicant passes an examination concerning VMB's statutes and regulations; and (5) the applicant agrees to complete an approved educational curriculum on regionally specific and important diseases and conditions during the period of temporary licensure. VMB, in consultation with the California Veterinary Medical Association (CVMA), shall approve such educational curricula.

SB 2003 further requires VMB to issue a temporary license to applicants accepted into qualifying internship or residency programs meeting the following conditions: (1) the applicant has graduated from a Board-recognized veterinary

college, holds a ECFVG certificate, or holds a valid license from another state, Canadian province, or United States territory; (2) the applicant works under the direct supervision of a "board-certified California-licensed veterinarian in good standing"; (3) two or more board-certified specialists are on staff of the veterinary practice; and (4) the program undergoes an annual evaluation and is approved by one or more organizations officially recognized for that purpose by the Board; VMB must designate one or more organizations for this purpose by January 31, 1999, and the evaluation and approval process shall begin no later than March 1, 1999.

The bill also establishes fees which may be charged by VMB for the Veterinary Medicine Practice Act examination (not to exceed \$50) and for the temporary license (not to exceed \$125).

This bill was sponsored by PetSmart, an Oregon-based corporation which owns 55 veterinary hospitals in California; VMB opposed the bill, arguing that it lowers the standards for entrance into the California veterinary profession. Over a veto recommendation by the cabinet-level State and Consumer Services Agency, Governor Wilson signed SB 2003 on September 30 (Chapter 1070, Statutes of 1998).

SB 155 (Kelley), as amended July 30, imposes continuing education (CE) requirements on DVMs. Beginning January 1, 2002, the bill requires VMB to issue renewal licenses only to applicants who have completed a minimum of 36 hours of approved CE in the preceding two years, and requires persons renewing their licenses or applying for relicensure or reinstatement to submit proof of compliance to the Board under penalty of perjury.

This bill was sponsored by the California Veterinary Medical Association (CVMA), which believes that mandated CE will ensure continuing competency within the profession. VMB opposed the bill, arguing that the statutory scheme lacks a mechanism to measure the programs' effectiveness (for example, by requiring attendance records or exams). SB 155 was signed by the Governor on September 30 (Chapter 1070, Statutes of 1998).

SB 1659 (Kopp), as amended August 6, prohibits, on and after January 1, 2000, the use of carbon monoxide gas to kill any animal. The bill was signed by the Governor on September 22 (Chapter 751, Statutes of 1998).

AB 2721 (Miller), as amended August 10, specifies that the term of office of Board members is four years, expiring on June 1. AB 2721 also provides that any Board licensee who engages, or aids and abets, in certain prostitution-related offenses in the workplace is guilty of unprofessional conduct. This bill was signed by the Governor on September 29 (Chapter 971, Statutes of 1998).

Litigation

On September 18, the Office of Administrative Law (OAL) published notice of a request for determination whether certain manuals used by VMB are regulations in need of formal adoption by the Board pursuant to the Administrative Procedure Act (APA).

On January 3, 1995, San Francisco attorney William Mayo filed the request for determination on behalf of Natalie

Bigelow, DVM. During 1993, the Board had issued a citation to Bigelow pursuant to its authority under Business and Professions Code section 4875.2. In issuing the citation and fine, the Board relied upon its (1) "Citation and Fine Guidelines," (2) "Citation Procedures Manual," and (3) a document entitled "Complaint Procedures Referring to Complaint Review, Investigations, and Citations." None of these documents had been adopted by the Board as regulations pursuant to the rulemaking procedures outlined in the APA. The Board discontinued the use of the "Citation and Fine Guidelines" in July 1996, but continues to use the other two documents.

In its September 18 notice, OAL requested comments from the public (which must be served on the Board) by October 18, and the Board's response by November 2; OAL promised a decision by December 2.

Attorney Mayo argued that all three manuals implement or make specific the Board's citation and fine authority in Business and Professions Code section 4875.2 and, as such, are required to be adopted pursuant to the APA's rulemaking procedures. VMB maintains that the manuals restate existing laws and regulations and are used as internal management guidelines; as such, they are exempt from rulemaking requirements.

At this writing, OAL has not yet released its determination.

Recent Meetings

At VMB's July 9–10 meeting, Executive Officer Susan Geranen updated the Board on the status of the "yellow pages" project and unlicensed activity. The yellow pages project compares yellow pages advertisements to a current list of regis-

tered veterinary premises to identify those facilities that are advertising as a veterinary hospital but lack the required premise permit. Geranen reported that the project is moving forward, but did not identify any specific actions to date. Those hospitals suspected of practicing without the required premise permit are subject to citations and fines, cease and desist letters, and—for more severe cases—referral to the DCA's Division of Investigation.

At VMB's October 15–16 meeting, Executive Officer Geranen reported to the Board on the Diversion Program for substance-abusing licensees. Previously, VMB contracted with the Medical Board of California's (MBC) Diversion Program, and substance-abusing veterinarians would participate in MBC's program; however, MBC is no longer able to manage VMB's Diversion Program. Geranen stated that VMB has signed a contract with Occupational Health Services (OHS), a private corporation which will serve as the Board's Diversion Program contractor until June 30, 1999. DCA is developing a request for proposals for a diversion program contractor to supply services for the next three years. Ms. Geranen concluded that other organizations are outsourcing their wellness programs, and VMB might consider discussion of other alternatives for a diversion program in its strategic planning meeting in September 1999.

Future Meetings

- January 21–22, 1999 in San Francisco.
- April 22–23, 1999 in Riverside.
- July 8–9, 1999 in Sacramento.
- October 14–15, 1999 in Sacramento.