



prosecute all violations of the law and regulations. The statement assures licensees that SPCB will develop effective examination and licensing procedures, ensure prompt and convenient testing, prosecute licensees who violate the Structural Pest Control Act and the Board's regulations, and quickly and fully investigate unlicensed activity.

Also at its October meeting, the Board reviewed Policy No. E-5, which sets forth its guidelines for disclosing complaint and disciplinary action histories to the public. The policy currently states that the Board shall maintain a system of information regarding complaints received during the preceding two fiscal years, and will provide information to the public, upon request, about the number of closed complaints filed against a licensee/registered company. With respect to each complaint, the Board will provide the date of receipt of the complaint and its disposition, by indicating whether the matter was dismissed as invalid, disposed of through settlement or compromise, referred to formal disciplinary action, or disposed of through any other action, formal or informal, taken against the licensee/registered company. At the Board's October meeting, the discussion centered on section (2)(a), by which the public is informed of complaints filed against a licensee even if the complaint was dismissed as invalid; the issue was whether section (2)(a) should be deleted so that information on invalid complaints would not be disclosed. This issue was not put to a vote, however, and was continued until the December meeting; at the Board's December 9 meeting, the Board appointed a committee to review the issue.

Also at its December meeting, SPCB discussed a draft Joint Licensing Interpretation of Agricultural and Structural Pest Control Activities prepared by DPR on the delineation of the "gray areas" between structural and agricultural pest control. [14:4 CRLR 103] The Board expressed concern about parts of the document and agreed to reopen its discussions on delineation with DPR and PCOC.

At its December meeting, the Board appointed a committee to review SPCB procedure regarding disciplinary action to be taken against companies on probation which commit additional violations of laws or regulations. Currently, disciplinary actions are recommended by the Registrar on a case-by-case basis; the Registrar has asked for guidance from the Board in making such decisions. Pursuant to a draft policy discussed at the December meeting, the additional discipline would be based on factors such as financial im-

pact, the seriousness of the violation, and the repetition of violations for which probation is being served; suggested disciplinary measures under the draft policy range from an informational letter to a formal warning letter to an accusation and petition to revoke probation. The committee will review this procedure and make recommendations to the Board at an upcoming meeting.

Also at its December meeting, the Board directed staff to correspond with all fire departments in the state regarding overlap between the authority of fire departments and SPCB. Many fire departments are requiring permits from fumigators, at fees ranging from \$15 to \$150. SPCB will notify the fire departments that the Food and Agricultural Code states that DPR, in cooperation with SPCB, is the agency designated to regulate pesticides and fumigants in California; the additional fire department requirements may conflict with the Code and therefore should not be enforced against licensees. Staff will also notify fire departments of the passage of SB 2070 (Calderon) (Chapter 844, Statutes of 1994), which prohibits a fire department from charging registered companies a fee in excess of \$25 for receiving required notices of fumigants. [14:4 CRLR 102]

■ FUTURE MEETINGS

February 25 in Oakland.
May 12 in San Diego.

BOARD OF EXAMINERS IN VETERINARY MEDICINE

Executive Officer: Gary K. Hill
(916) 263-2610

Pursuant to Business and Professions Code section 4800 *et seq.*, the Board of Examiners in Veterinary Medicine (BEVM) licenses all doctors of veterinary medicine (DVMs), veterinary hospitals, animal health facilities, and animal health technicians (AHTs). The Board evaluates applicants for veterinary licenses through three written examinations: the National Board Examination, the Clinical Competency Test, and the California State Board Examination.

The Board determines through its regulatory power the degree of discretion that veterinarians, AHTs, and unregistered assistants have in administering animal health care. BEVM's regulations are codified in Division 20, Title 16 of the California Code of Regulations (CCR). All veteri-

nary medical, surgical, and dental facilities must be registered with the Board and must conform to minimum standards. These facilities may be inspected at any time, and their registration is subject to revocation or suspension if, following a proper hearing, a facility is deemed to have fallen short of these standards.

The Board is comprised of six members—four licensees and two public members. The Governor appoints all of the Board's DVM members; the Senate Rules Committee and the Assembly Speaker each appoint one public member. Board members serve four-year terms. The Board has eleven committees which focus on the following BEVM functions: continuing education, citations and fines, inspection program, legend drugs, minimum standards, examinations, administration, enforcement review, peer review, public relations, and legislation. The Board's Animal Health Technician Examining Committee (AHTEC) consists of the following political appointees: three licensed veterinarians, three AHTs, and two public members.

BEVM is currently functioning with one professional member vacancy.

■ MAJOR PROJECTS

Clinical Competency Test Results Cancelled. At BEVM's January 6 meeting, Executive Officer Gary Hill reported that the Board would disregard the results of the December administration of the Clinical Competency Test (CCT) due to defective test booklets provided by the exam vendor, Professional Examination Service. During the course of the test administration, approximately 30% of the examinees complained that the ink in their assigned markers was either appearing and then fading from the booklets or not appearing at all. After consulting with Dr. Norman Hertz of the Department of Consumer Affairs' Office of Examination Resources and BEVM President Nancy Collins, Hill informed the examinees that the Board had elected to cancel the exam based on the percentage of defective booklets.

In a December 16 memo to BEVM Executive Officer Gary Hill, PES acknowledged that the latent-image ink used to print the December CCT booklets was defective; PES assured Hill that it would conduct a "thorough analysis of the situation that resulted in the printing of the defective booklets" and present its findings to BEVM when its review is completed.

In order to accommodate the affected examinees, PES scheduled a special CCT administration for January 24, and announced that examinees could take either



that test or the April CCT administration at no cost. PES also agreed to reimburse the December examinees for airfare, hotel, meals, and lost wages, and will reimburse BEVM for proctors, personnel, and conference room fees.

Update on Practice Act Redefinition.

In furtherance of its plans to legislatively redefine the practice of veterinary medicine—particularly in light of emerging alternative practices such as acupuncture and chiropractic, BEVM met with representatives of the Board of Chiropractic Examiners (BCE) on January 5 in Sacramento. According to BEVM, the purposes of the meeting were to establish legal protocols for both chiropractors and veterinarians to work in concert and to be held accountable for practicing alternative medicine, while also making access to alternative practice safe and easy for the consumer, and to establish a committee and protocols for dealing with people not licensed by either board who are practicing chiropractic on animals. [14:4 CRLR 104; 14:2&3 CRLR 110; 13:4 CRLR 92]

At the meeting, the participants acknowledged that students at chiropractic colleges are not required to complete any academic course regarding chiropractic techniques on animals, and veterinary medical students do not receive any chiropractic training; however, participants generally agreed that each field has some knowledge of the other's specialty. BEVM Executive Officer Gary Hill noted that BCE's regulations state that the basic principle of chiropractic is the maintenance of structural and functional integrity of the nervous system "of the human body"; accordingly, BEVM contends that BCE licenses are not authorized to practice chiropractic on animals. Conversely, BCE is unhappy with veterinarians who advertise that they offer "chiropractic" services, contending that no one except a BCE license may use the term "chiropractic"; BCE has even issued cease and desist letters to DVMs who advertise chiropractic services for animals.

Following discussion, the meeting participants generally agreed that the veterinarian is the point of entry for the treatment of animals, so consumers should obtain their veterinarian's diagnosis for the animal prior to seeking the services of a chiropractor and ask the veterinarian for a referral to a chiropractor; the meeting participants also agreed that the main concern is people who are not licensed by either board. The boards tentatively agreed to meet again in February to continue their discussion regarding establishing protocols for the unlicensed practice of chiropractic on animals.

BEVM is also expected to meet with the Acupuncture Committee during 1995 and to introduce a legislative proposal to redefine the practice of veterinary medicine in January 1996.

BEVM Proposes New Rulemaking Package. On September 30, BEVM published notice of its intent to adopt new sections 2033, 2033.1, and 2033.2, Division 20, Title 16 of the CCR. Proposed section 2033 would require veterinarians to conduct a physical examination on an animal patient prior to rendering any veterinary service upon such animal, unless the veterinarian determines, based upon the facts and circumstances of the case and consistent with good veterinary medical practice, that the veterinary services to be rendered upon the animal may be performed without a physical examination; the section would provide that the manner of the physical examination would be left to the sound professional judgment of the veterinarian, consistent with good veterinary medical practice when viewed in light of the facts and circumstances of the case.

New section 2033.1 would require veterinarians to have established a veterinary-client-patient relationship prior to prescribing a dangerous drug, as defined in section 1747.1, Title 16 of the CCR. Section 2033.1 would also provide that a dangerous drug shall not be prescribed for a duration which is inconsistent with the animal patient's medical condition or type of drug prescribed, which in no event shall exceed more than one year from the date that the veterinarian examined the animal patient and prescribed such drug, unless the veterinarian has conducted a subsequent examination of the patient to determine the patient's continued need for the prescribed drug. The section would also define the term "veterinary-client-patient relationship" to mean that the veterinarian has examined the animal patient and has sufficient knowledge to make a diagnosis of the medical condition of the animal, assumed responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, discussed with the owner of the animal patient 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.

New section 2033.2 would specify the information which must be contained in a written prescription from a veterinarian for dangerous drugs. Specifically, the section would require that the order include the name, signature, address, and telephone number of the prescribing veterinarian; the veterinarian's license classification and

his/her federal registry number if a controlled substance is prescribed; the name and address of the owner of the animal patient; the species of the animal patient; the name and quantity of the drug(s); directions for use; cautionary statements including, if applicable, expiration date and withdrawal time; date of issue; the number of refills; and a legible, clear notice of the condition for which the drug is being prescribed, if requested by the owner of the animal patient.

BEVM was originally scheduled to hold a public hearing on these proposed regulatory changes on November 18; however, the Board cancelled that hearing and tentatively rescheduled it for March 10, 1995.

Update on Licensing Fee Increase, Clean-Up Amendments. On December 23, the Office of Administrative Law (OAL) approved BEVM's amendments to sections 2011.5, 2019, 2020, and 2070, Title 16 of the CCR. The changes to sections 2011.5, 2019, and 2020 are all non-substantive, grammatical revisions; the amendments to section 2070 increase the Board's initial and biennial renewal fees from \$150 to \$200. The fee increases took effect on January 1. [14:4 CRLR 104-05; 14:2&3 CRLR 110]

AHT Eligibility Update. On November 11, OAL approved BEVM's amendments to section 2068.5, Title 16 of the CCR. The amendments allow applicants to establish eligibility for the AHT examination by combining their practical experience with postsecondary coursework hours obtained from either college units or continuing education sources. [14:4 CRLR 105; 14:2&3 CRLR 110; 14:1 CRLR 85-86]

LEGISLATION

S. 340 (Heflin), federal legislation establishing the Animal Medicinal Drug Use Clarification Act, was signed into law by President Clinton on October 22. The Act concerns the "extra-label" use of drugs, which refers to an actual or intended use of a drug in a manner which is not in accordance with the drug's label. [12:4 CRLR 131; 12:2&3 CRLR 153; 10:4 CRLR 108] Previous law restricted the prescription and administration of animal drugs to the specific species, dosages, and indications dictated by the label; S. 340 provides veterinarians with flexibility in administering extra-label medication to animals, but also seeks to protect the food supply from harmful drug residues. The Act requires the U.S. Food and Drug Administration's Center for Veterinary Medicine (FDA-CVM) to adopt regulations governing extra-label use; if the extra-label use of a drug leaves drug residues in products such as meat, milk, and eggs, the Act



authorizes the Secretary of the U.S. Department of Health and Human Services to establish, either by regulation or order, a safe level for residues of that animal drug. The Secretary may also require the development of a method to detect residues above the safe level. Other key provisions of the Act call for the drug to be prescribed within the context of the veterinarian-client-patient relationship, and then only when there are no existing drugs available with the necessary ingredient, dosage, and concentration; the Act also vests the Secretary with broad power to prohibit particular uses of a drug.

The FDA-CVM, which has two years in which to promulgate the regulations, has asked the veterinary profession to provide comments regarding the precise regulatory language; the first set of regulations is expected to be based on compliance policy guides already in existence on extra-label drug use, use of human-label drugs in animals, and drug compounding by veterinarians.

■ LEGISLATION

SB 42 (Kelley), as introduced December 16, would change BEVM's name to the "Veterinary Medical Board"; rename AHTEC to the "Registered Veterinary Technician Examining Committee" and revise certain requirements to be a member of the Committee; and define various terms related to veterinary medicine, including the terms "diagnosis," "animal," "food animal," and "livestock."

Existing law provides exemptions from the licensure requirements for a veterinarian who is employed as the official veterinarian for local or state government. This bill would eliminate this exemption, but would provide that the laws regulating the practice of veterinary medicine do not apply to unlicensed personnel employed by the Department of Food and Agriculture or the U.S. Department of Agriculture for performance of prescribed duties.

Existing law requires BEVM to ascertain the professional qualifications of applicants for licensure by means of examination, and requires the examination to consist of a national examination and a California state board examination. This bill would eliminate the reference to a national examination and instead require that the examination consist of a licensing examination, including an examination in basic veterinary science and an examination in clinical competency, and the California state board examination.

Existing law provides BEVM with the discretion to revoke, suspend, or impose a fine against a licensee based on a specified reason, including the revocation of a li-

cense to practice veterinary medicine by a sister state or territory. This bill would instead provide that the Board may take this action based on the revocation, suspension, or other disciplinary action taken against the licensee by another state or territory.

SB 42 is a revised version of SB 1821 (Kelley), which was vetoed by the Governor in September 1994. [14:4 CRLR 105] In addition to the above language, SB 1821 would have reduced the number of members on AHTEC; Governor Wilson vetoed the entire bill because the change to the composition of AHTEC would have deprived him of two political appointments. [S. B&P]

Future Legislation. BEVM is expected to pursue legislation similar to AB 2973 (Aguiar), which was also vetoed by the Governor in September 1994; that bill would have created a new certification program within the Board of Pharmacy to regulate "veterinary food-animal retailers," defined as a place, other than a pharmacy, that holds a valid wholesaler certificate, license, permit, or registration, from which veterinary drugs for food-producing animals are dispensed pursuant to a prescription from a licensed veterinarian, and which is issued a permit for that location by the Board of Pharmacy. [14:4 CRLR 105]

■ RECENT MEETINGS

At its November 17-18 meeting, BEVM noted that veterinarians are required to keep a controlled substance log; if a veterinarian wishes to keep the log on computer, he/she must send a letter to the U.S. Drug Enforcement Agency (DEA) asking for approval of the particular computer system involved. Veterinarians will be required to demonstrate to DEA that adequate security measures are part of the system.

Also at BEVM's November meeting, DCA legal counsel Don Chang reported that the Board is now authorized to direct the Public Utilities Commission (PUC) to disconnect the telephone service of unlicensed persons who advertise veterinary services in telephone directories. BEVM may issue citations ordering disconnection; if the person fails to appeal or if the appeal is unsuccessful, BEVM will notify the PUC to order the local phone company to disconnect the service.

At its January 5-6 meeting, BEVM discussed issues regarding license reciprocity; specifically, the Board's current reciprocity policy is that veterinarians who want to practice in California must take and pass the CCT in California. Executive Officer Gary Hill queried whether the Board would allow reciprocity candidates to take the CCT examination in an-

other state. Following discussion, the Board unanimously agreed to allow reciprocity candidates to take the CCT in another state if they so choose.

Also at the January meeting, BEVM re-elected Nancy Collins, DVM, to serve as President and public member Jean Guyer to serve as Vice-President for 1995.

■ FUTURE MEETINGS

March 9-10 in Davis.

May 11-12 in Sacramento.

July 6-7 in Sacramento.

September 14-15 (location to be announced).

BOARD OF VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIAN EXAMINERS

Executive Officer:

Teresa Bello-Jones

(916) 263-7800 (LVN)

(916) 263-7830 (PT)

As its name suggests, the Board of Vocational Nurse and Psychiatric Technician Examiners (VNPTE) regulates two professions: licensed vocational nurses and psychiatric technicians. Its general purpose is to administer and enforce the provisions of Chapters 6.5 and 10, Division 2, of the Business and Professions Code. A licensed practitioner is referred to as either an "LVN" or a "psych tech."

The Board consists of five public members, three LVNs, two psych techs, and one LVN or registered nurse (RN) with an administrative or teaching background. At least one of the Board's LVNs must have had at least three years' experience working in skilled nursing facilities.

The Board's authority vests under the Department of Consumer Affairs (DCA) as an arm of the executive branch. It licenses prospective practitioners, conducts and sets standards for licensing examinations, investigates complaints against licensees, and may revoke, suspend, and reinstate licenses. The Board is authorized to adopt regulations, which are codified in Division 25, Title 16 of the California Code of Regulations (CCR).

At its November 18 meeting, VNPTE welcomed new public member Elinor Glenn.

■ MAJOR PROJECTS

Psychiatric Technician Task Force Report. In November 1993, the Board