STATE OF ARIZONA
OFFICE OF THE
AUDITOR GENERAL

A PERFORMANCE AUDIT
OF THE

VETERINARY MEDICAL EXAMINING BOARD

NOVEMBER 1981

A REPORT TO THE
ARIZONA STATE LEGISLATURE

REPORT 81-15

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AUDITOR GENERAL

STATE OF ARIZONA
OFFICE OF THE
AUDITOR GENERAL

November 18, 1981

Members of the Arizona Legislature
The Honorable Bruce Babbitt, Governor
Mrs. Suzanne de Berge, Chairperson
Veterinary Medical Examining Board

Transmitted herewith is a report of the Auditor General, A Performance Audit of the Veterinary Medical Examining Board. This report is in response to a January 30, 1981, resolution of the Joint Legislative Oversight Committee. The performance audit was conducted as a part of the Sunset review set forth in A.R.S. §§41-2351 through 41-2379.

The blue pages present a summary of the report; a response from the Chairperson is found on the yellow pages preceding the appendices.

My staff and I will be pleased to discuss or clarify items in the report.

Respectfully submitted,

Douglas R. Norton

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Auditor General

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Enclosure

OFFICE OF THE AUDITOR GENERAL

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SUMMARY

The Office of the Auditor General has conducted a performance audit of the Veterinary Medical Examining Board in response to a January 30, 1980, resolution of the Joint Legislative Oversight Committee. This performance audit was conducted as a part of the Sunset review set forth in Arizona Revised Statutes (A.R.S.) §§41-2351 through 41-2379.

Veterinary medicine is concerned with the diagnosis and treatment of disease and injury in animals, and is based on scientific animal studies dating back to those conducted by Hippocrates in 400 B.C. Animal medicine became a distinct branch of medicine during the Renaissance and culminated in the establishment of schools of veterinary medicine in Europe in the late 1700s.

The Arizona Legislature established a three-member Board in 1923 to examine and license veterinarians and ensure that only licensed veterinarians practiced. Present Board membership includes five licensed veterinarians, a representative of the livestock industry and a lay person. Present Board authority includes licensing of veterinarians and veterinary facilities and certification of veterinary technicians.

Our review showed the Board needs to improve the manner in which it prepares and administers the State practical examination because the Board has not revised examination questions since June 1979. Also, the Board has not graded the examination in a consistent manner, and has graded the examination on a curve. In addition, the Board's grading procedures and pass/fail decisions are not documented adequately in Board minutes. (page 9)

Further, the National Board Examination (NBE) administered by the Board is not graded for State candidates in accordance with statutory requirements. However, if those statutory grading requirements were followed strictly, a candidate could fail the NBE because his score was too high. (page 9)

We found the Board has investigated and resolved complaints against licensed veterinarians aggressively in that it has: 1) investigated adequately each notarized complaint it receives, 2) imposed sufficiently stringent penalties against those licensees who are the subjects of valid complaints, and 3) closely scrutinized those licensees who are the subjects of multiple complaints. However, improvements are needed in the Board's complaint-handling process. (page 19)

Finally, our review has shown the Board's efficiency and effectiveness in renewing veterinary licenses can be increased by amending veterinary statutes to provide for biennial license renewal. (page 27)

Consideration should be given to the following recommendations:

1. The Legislature amend A.R.S. §32-2214, subsection C, to allow the Board to use a nationally prepared examination, such as the clinical competency test prepared by the Professional Examination Service, in lieu of its own practical examination.

2. If the Board is to continue administering its own practical examination it should:
   - Revise questions for each examination,
   - Grade examinations consistently, and
   - Adequately document in its minutes decisions regarding examination grading methods and pass/fail decisions.

Further, the Legislature should evaluate the Board's practice of grading examinations on a curve, to ascertain if that practice is in consonance with Legislative intent.

3. The Legislature amend A.R.S. §32-2214, subsection E, to set the passing point for the national examination at one-and-a-half standard deviations below the mean.

4. The Board establish a procedure to notify complainants of Board meetings at which their complaints may be discussed or resolved. In addition, the Board should invite a complainant to attend the informal discussion of his complaint if it has invited the veterinarian who is the subject of the complaint to appear.

5. The Arizona State Boards' Administrative Office forward non-notarized complaints to Board members for review, as directed by the Board at its November 20, 1980, meeting.

6. The Legislature enact legislation to allow the Board to impose censure, probation or temporarily suspend a license as a result of an informal hearing.

7. The Legislature amend A.R.S. §§32-2218, 32-2246 and 32-2272 to allow the Board to renew licenses biennially.

8. The Legislature amend A.R.S. §§32-2219, 32-2250 and 32-2273 to allow the Board to charge a higher license fee biennially.

INTRODUCTION AND BACKGROUND

The Office of the Auditor General has conducted a performance audit of the Veterinary Medical Examining Board in response to a January 30, 1980, resolution of the Joint Legislative Oversight Committee. This performance audit was conducted as a part of the Sunset review set forth in Arizona Revised Statutes (A.R.S.) §§41-2351 through 41-2379.

Veterinary medicine is concerned with the diagnosis and treatment of disease and injury in animals and is based on scientific animal studies dating back to those conducted by Hippocrates in 400 B.C. Animal medicine became a distinct branch of medicine during the Renaissance and culminated in the establishment of schools of veterinary medicine in Europe in the late 1700s.

The regulation of veterinarians is centuries old. Animal doctors were mentioned specifically in the Code of Hammurabi.* In the U. S., bills regulating veterinary medicine were introduced in four states by 1890. By 1905, 22 states had such laws.

The Arizona Legislature established a three-member Board in 1923 to examine and license veterinarians and ensure that only licensed veterinarians practiced. The laws remained virtually unchanged until 1967, when: 1) Board membership was expanded to five, 2) qualifications for licensure and unprofessional conduct were further defined, and 3) a complaint-handling process was stipulated.

In 1978 the Board's membership was expanded to include a representative of the livestock industry and a lay person; at the same time, veterinary technicians came under its jurisdiction. During the 1980 Legislative Session, the Board was given the power to levy fines against its licensees and to license veterinary facilities.

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* The earliest complete civil code known to history, named for its designer Hammaurabi, King of Babylon, circa 1800 BC.

The Board's primary objective is to maintain a high standard of veterinary medicine for the protection of the public. This is achieved through the examination and licensing of applicants and handling of complaints.

Revenues are derived from fees for examinations, licenses, temporary permits and renewals. Table I details the Board's revenues and expenditures for fiscal years 1977-78 through 1981-82.

TABLE 1

REVENUES AND EXPENDITURES
FISCAL YEARS 1977-78 THROUGH 1981-82

	1977-78	1978-79	1979-80	1980-81	(Estimated) 1981-82
Expenditures					
Personal services	$ 3,794	$ 3,100	$ 3,500	$ 3,400	$ 4,300
Employee-related	27	0	100	100	100
Professional services	11,849	9,500	18,300	19,300	33,000
Travel:					
In-State	1,339	2,800	3,100	5,000	4,400
Out-of-State	430	600	200	100	500
Other operating expenditures	1,589	2,500	4,600	5,900	5,000
Equipment	21	200	800	0	0
Total	$19,049	$18,700	$30,600	$33,800	$47,300
Revenues (90 percent)*	$20,700	$26,800	$37,000	$41,700	$46,000
Excess (deficit)	$ 1,651	$ 8,100	$ 6,400	$ 7,900	$(1,300)

Source: Budget requests, fiscal years 1979-80 through 1981-82.

The Auditor General expresses gratitude to the members of the Veterinary Medical Examining Board and support staff of the Arizona State Boards' Administrative Office (ASBAO) for cooperation, assistance and consideration during the course of the audit.

* By statute ten percent of Board revenues are deposited by the Board into the State General Fund.

SUNSET FACTORS

SUNSET FACTOR: OBJECTIVE AND PURPOSE IN ESTABLISHING THE BOARD

The Veterinary Medical Examining Board stated its goals to be:

> "Regulate the practice of veterinarians and veterinary technicians as appropriate for the protection of the public and to establish and maintain high standards of qualification and performance for those who are licensed or certified."

In order to ensure that quality veterinary care is provided in Arizona, the Board has the statutory authority to:

1. Prescribe rules and regulations for the administration of State veterinary statutes. (A.R.S. §32-2204)

2. Examine and license veterinarians and certify veterinary technicians. (A.R.S. §§32-2212, 32-2214 and 32-2244)

3. License veterinary medical premises. (A.R.S. §32-2271)

4. Investigate complaints. (A.R.S. §32-2237)

5. Revoke or suspend licenses or impose civil penalties or fines for violations of the veterinary law. (A.R.S. §§32-2233, 32-2249 and 32-2274)

SUNSET FACTOR: THE DEGREE TO WHICH THE BOARD HAS BEEN ABLE TO RESPOND TO THE NEEDS OF THE PUBLIC AND THE EFFICIENCY WITH WHICH IT HAS OPERATED

The Board has made commendable efforts in investigating and resolving complaints against veterinarians. Every notarized consumer complaint, including fee disputes, has been pursued and actively investigated. Board investigations have resulted in some type of disciplinary action on all valid complaints. However, it appears that the Board's complaint-handling could be improved by notifying complainants of the time and place of their complaints' discussion and/or resolution. (page 19)

Board members have stated the efficiency of the Board is impaired by a lack of adequate, available facilities in which to hold meetings, formal hearings and examinations.

Our review showed the efficiency of the Board could also be improved if the statutes were amended to provide for biennial renewal of licenses instead of the current annual license renewal cycle. (page 27)

SUNSET FACTOR: THE EXTENT TO WHICH THE BOARD HAS OPERATED WITHIN THE PUBLIC INTEREST

The Board examines applicants for licensure to practice veterinary medicine. In addition, it licenses veterinary medical premises to ensure the safety of animals under the treatment of a veterinarian. The Board also is in the process of promulgating rules and regulations to better-protect the public by establishing standards of veterinary practice and professional ethics.

SUNSET FACTOR: THE EXTENT TO WHICH RULES AND REGULATIONS PROMULGATED BY THE BOARD ARE CONSISTENT WITH LEGISLATIVE MANDATE

A review of the rules and regulations which have been promulgated by the Board indicates that present rules and regulations are consistent with legislative mandate.

SUNSET FACTOR: THE EXTENT TO WHICH THE BOARD HAS ENCOURAGED INPUT FROM THE PUBLIC BEFORE PROMULGATING ITS RULES AND REGULATIONS AND THE EXTENT TO WHICH IT HAS INFORMED THE PUBLIC AS TO ITS ACTIONS AND THEIR EXPECTED IMPACT ON THE PUBLIC

The Board has made sufficient efforts to encourage input from the public before promulgating rules and regulations. Currently, the Board: 1) sends a copy of proposed rules to licensees, informing them of the time and place they will be discussed and requesting verbal or written comments, 2) places a newspaper notice to inform the general public, and 3) forms a committee of licensees to receive input on proposed rules and regulations and provide recommendations to the Board.

The Board informs its licencees and the public of its activities by sending newly adopted rules and regulations to licensees and issuing press releases regarding disciplinary actions taken against licensees.

SUNSET FACTOR: THE EXTENT TO WHICH THE BOARD HAS BEEN ABLE TO INVESTIGATE AND RESOLVE COMPLAINTS THAT ARE WITHIN ITS JURISDICTION

The Board has pursued and actively investigated complaints. It appears that the Board has imposed sufficiently stringent disciplinary sanctions against those veterinarians found to be in violation of State laws or Board rules and regulations.

SUNSET FACTOR: THE EXTENT TO WHICH THE ATTORNEY GENERAL OR OTHER APPLICABLE AGENCY OF STATE GOVERNMENT HAS THE AUTHORITY TO PROSECUTE ACTIONS UNDER ENABLING LEGISLATION

A.R.S. §32-2238 identifies seven acts which constitute class 2 misdeameanors. The Attorney General and county attorneys have sufficient authority to prosecute those acts identified in A.R.S. §32-2238.

SUNSET FACTOR: THE EXTENT TO WHICH THE BOARD HAS ADDRESSED DEFICIENCIES IN ITS ENABLING STATUTES WHICH PREVENT IT FROM FULFILLING ITS STATUTORY MANDATE

The Board has been active in addressing deficiencies in its enabling statutes. The Board was instrumental in the passage of two bills in 1978 and 1980 which included the following provisions:

1978:

1. Board authority to adopt rules and regulations regarding continuing education requirements. (A.R.S. §32-2204.C)

2. Further definition of what constitutes unprofessional and dishonorable conduct. (A.R.S. §32-2232.11-14)

3. Board authority to appoint a Board investigator. (A.R.S. §32-2237.C)

4. Board certification of veterinary technicians. (A.R.S. §§32-2241 to 32-2250)

1980:

1. Board authority for access to veterinarian documents or records which relate to specific Board investigations. (A.R.S. §32-2237.D)

2. Board authority to subpoena witnesses and records. (A.R.S. §32-2237.E)

3. Board registration of veterinary medical premises. (A.R.S. §§32-2271 to 32-2274)

4. Board authority to impose civil penalties against veterinarians. (A.R.S. §32-2233)

SUNSET FACTOR: THE EXTENT TO WHICH CHANGES ARE NECESSARY IN THE LAWS OF THE BOARD TO ADEQUATELY COMPLY WITH THE FACTORS LISTED IN THIS SUBSECTION

Board members have expressed dissatisfaction with the provision of A.R.S. §32-2218.B which allows a veterinarian to reinstate his license without submitting to examination. According to Board members, this provision allows a veterinarian on inactive status, who has not practiced veterinary medicine for several years, to renew his license without passing an examination to show he still is competent to practice.

We recommend the following statutory changes be made:

1. Amend the veterinary statutes to provide the Board with authority to impose censure, probation or temporarily suspend a license as a result of an informal hearing similar to authority provided to other Arizona health regulatory boards. (page 25)

2. Amend A.R.S. §32-2214.C to allow the Board to use a nationally prepared examination in lieu of a Board-prepared practical examination. (page 13)

3. Amend A.R.S. §32-2214.E to set the passing grade for the national examination only in terms of one and one-half standard deviations below the mean. (page 14)

4. Amend A.R.S. §§32-2218, 32-2246 and 32-2272, which require annual renewal of licenses, to allow for a biennial renewal cycle. (page 27)

FINDING I

THE MANNER IN WHICH THE BOARD PREPARES AND ADMINISTERS ITS WRITTEN PRACTICAL EXAMINATION TO VETERINARY CANDIDATES NEEDS TO BE IMPROVED. ALSO, THE NATIONAL EXAMINATION IS NOT GRADED IN ACCORDANCE WITH STATUTORY REQUIREMENTS.

A.R.S. §32-2214 requires that applicants for a license to practice veterinary medicine pass a Veterinary National Board Examination (NBE) and the State's Veterinary Medical Examining Board practical examination. The practical examination, which is prepared and administered by the Board, consists of two parts, a 70-question multiple choice examination relating to slides presented on a screen and an oral examination lasting about 15 minutes. The scores on both parts of the practical examination are averaged and an applicant must score 75 percent to pass.

Our review of the State practical examination revealed that the manner in which the Board prepares and administers the examination needs to be improved because the Board:

- Has not for all intents and purposes revised examination since June 1979,
- Has not graded examinations in a consistent manner, and
- Does not document grading procedures and pass/fail decisions in its minutes.

These deficiencies could be eliminated if the Board used the nationally prepared clinic examination currently used by 20 states.

We also found the Board grades the practical examination on a curve which may not be in consonance with Legislative intent.

Finally, we found the NBE is not graded for State candidates in accordance with Arizona statutory requirements. As a result, during 1980 and 1981, 21 Arizona candidates who did not meet the statutory requirement for the NBE received passing grades.

Examination Questions Have Not Been Revised

The Board administers the State practical examination twice each year, usually in June and December. It consists of: 1) 70 multiple-choice questions relating to slides presented on a screen, and 2) an oral examination lasting about 15 minutes. Scores on the two parts are averaged to arrive at a final score.

The four practical examinations administered by the Board from June 1979 to December 1980 contained the same 70 questions. For the May 1981 examination, only three questions were changed.

It is generally accepted that examination questions should not be repeated exactly, in order to protect the integrity of examination. This is particularly true if applicants may retake the examination, as is the case with the Board's practical examination. The Professional Examination Service which prepares the NBE, has a policy that "...because of the continuing concern for examination security...examinations are to be composed of all new (i.e., not previously used) questions."

We found further that when 70 percent or more of the applicants miss a question the Board often does not count such questions in grading an examination. We did identify five questions that had been missed by 70 percent or more of the applicants during four of the last five examinations. However, none of these questions were among those three questions replaced by the Board for the May 1981 examination.

Examinations Are Not Graded In a Fair and Consistent Manner

Although the Board has, for all intents and purposes, used the same 70 questions during its last five practical examinations, it has used two different methods to grade the examinations with each method yielding different results.

In grading the June 1979 and December 1980 examinations the Board threw out those questions missed by 70 percent or more of the applicants. The percentage score for each applicant was calculated by dividing the number of correct answers for each applicant, exclusive of the questions thrown out, by the number of correct answers for the applicant with the highest score. The method used by the Board to grade the December 1979, June 1980 and May 1981 examinations differed in that no questions were thrown out in calculating the number of an applicant's correct answers. Thus, whether an applicant achieved a passing score on a particular examination was, in part, determined by the number of questions thrown out, if any, and the number of correct answers for the applicant with the highest score.

Because of the Board's inconsistent grading methods, two candidates failed the June 1980 examinations whose test performance would have passed the June 1979 and December 1980 examinations.

According to a May 20, 1981, Legislative Council opinion, a licensing board has the responsibility to administer examinations in a fair and consistent manner. In that opinion, the Legislative Council stated, "The board as the administrator of the examination and licensing process has the responsibility to administer examinations to ensure the fair and consistent application of examination requirements...equal protection requires that different treatment of persons similarly situated be justified by an appropriate state interest."

The Board's grading procedures do not appear to constitute fair and consistent application of examination requirements, and the resultant different treatment of persons similarily situated does not seem justified by a State interest.

Examinations are Graded on a Curve

The Board's practice of treating the highest applicant raw score as a basis for calculating the percentage scores for other applicants constitutes "curving".

A.R.S. §32-2214, subsection E, states, in part:

> "A score of seventy-five per cent shall be required to successfully pass the practical examination."

Webster's New Collegiate Dictionary, defines a curved examination as one that measures individuals against one another rather than against a standard:

> "...a distribution indicating the relative performance of individuals measured against each other that is used especially in assigning good, medium or poor grades to usually predetermined proportions of students rather than in assigning grades based on predetermined standards of achievement." (Emphasis added)

The Board's grading practices have resulted in applicants' passing the practical examination with raw scores as low as 60 percent. Therefore, the Board's grading practice may not be in consonance with Legislative intent.

Inadequate Documentation of Examination Grading Procedures and Pass/Fail Decisions of the Board

A.R.S. §38-431.01 requires that Board legal actions be conducted at public meetings and documented in its minutes. A "legal action" is a collective decision made by the Board consistent with its legislative mandate. According to the Legislative Council, Board decisions regarding how grades will be determined and what constitutes a passing grade are legal actions and, therefore, must be recorded in Board minutes.

Our review of Board minutes from January 1979 to May 1981 revealed that its minutes do not include information as to how the Board determined grades, in spite of Board decisions to: 1) use two different methods to grade examinations, 2) throw out those questions missed by 70 percent of the applicants for two of five examinations, and 3) curve examination scores.

Further, the Board has not abided by some decisions that are recorded in its minutes. For example, minutes of the November 21, 1979, meeting report that the Board decided to use the same procedures and questions for its December 1979 examination that were used for its June 1979 examination. However, the Board had thrown out those questions missed by at least 70 percent of the applicants during its June 1979 examination, but did not follow that practice for its December 1979 examination.

Alternative to the Practical
Examination Prepared by the Board

A Study of Professional and Occupational Licensing in California, published in 1977, cited a national authority on occupational licensing, who explained the problems of locally developed examinations:

> "According to Benjamin Shimberg of the Educational Testing Service (ETS) and author of several studies on occupational licensing, a source of many problems afflicting the examination process of licensing boards is the fact that:
>
> > "'Board members have taken it upon themselves to develop and administer examinations without any training for the task and without outside help.'" (Emphasis added)

According to Shimberg of the ETS, the problems of Board-prepared examinations could be avoided if boards turned the job of designing tests over to outside testing experts or used the national testing programs developed by many of the trade and professional associations.

The Professional Examination Service (PES), which prepares the NBE for veterinarians used by Arizona and all but two of the other 50 states, recently has developed a clinical competency test (CCT) for veterinarians which is equivalent to the Board's practical examination.

In May 1981 the CCT was administered by 20 state veterinary boards and, as of September 1981, it was a licensing requirement of 15 state veterinary boards.

In order for the Board to use the CCT two changes must occur. One, A.R.S. §32-2214 must be amended in that it requires "A practical examination which shall be prepared by the board...." If that language were eliminated, the Board could use the CCT. Two, PES must begin to offer the examination two times per year. Currently, the CCT is only offered one time per year, but the Board conducts examinations two times per year. However, we have been informed by PES that it appears the CCT will be offered two times per year, possibly as early as 1982.

Several Board members endorse the idea of using the CCT in place of the Board's practical examination.

The National Examination Is Not Graded According to Statutory Requirements

The NBE is not graded according to Arizona statutory requirements. As a result, during 1980 and 1981, 21 Arizona candidates who did not meet the statutory requirements for the NBE received passing grades. However, if those statutory grading requirements were strictly adhered to, a candidate could fail the NBE because his score was too high.

A.R.S. §32-2214, subsection E, states "A grade of seventy-five percent, plus or minus one and one-half standard deviation, shall be required to successfully pass the national board written examination." A strict interpretation of A.R.S. §32-2214 requires that a score equal to 75 percent of the total possible points on the NBE be developed and that, in order to pass the examination, a candidate would have to achieve that score or be within one-and-a-half standard deviations,* plus or minus, of that score. However, in practice the Professional Education Service (PES), which conducts and grades the NBE for Arizona candidates, sets a passing score as one-and-a-half standard deviations below the mean or average score for all candidates taking the NBE.

The following hypothetical NBE examination illustrates the difference between the grading requirements according to A.R.S. §32-2214 and the manner in which PES grades Arizona candidates taking the NBE:

Given total possible points	1,000
75 percent requirement per A.R.S. §32-2214	750
Mean (average) score	650
One-and-a-half standard deviations	150

Based on the above information, A.R.S. §32-2214 would require a candidate to score between 600 and 900 points in order to pass the NBE, calculated as follows:

750 (75%) plus 150 (one-and-a-half standard deviations) equals 900 (upper limit)

750 (75%) minus 150 (one-and-a-half standard deviations) equals 600 (lower limit)

* A standard deviation is a statistical measure which shows the spread of scores on the examination. Approximately 93 percent of candidates will pass the examination when the passing point is set equal to 1.5 standard deviations below the mean.

PES, however, does not grade Arizona candidates taking the NBE in accordance with the requirements of A.R.S. §32-2214. Instead, using the same information shown, PES would consider an Arizona candidates who scores 500 in NBE as having passed the examination, calculated as follows:

650 (mean score) minus 150 (one-and-a-half standard deviations) equals 500 (passing score)

As shown, PES grading of the NBE for Arizona candidates is not as stringent as the grading requirements of A.R.S. §32-2214. As a result, during 1980 and 1981, 21 of the 122 Arizona candidates who passed the NBE would not have done so if the examinations had been graded in accordance with A.R.S. §32-2214.

Finally, it should be noted that, in the example, a strict interpretation of A.R.S. §32-2214 results in an illogical proposition that a candidate who scored higher than 900 on the NBE would fail the examination. That would occur because A.R.S. §32-2214 requires a candidate to score 75 percent plus or minus one-and-a-half standard deviations in order to pass the NBE. Thus, a score higher than 75 percent plus one-and-a-half standard deviations, or 900 in our example, would not meet the requirements of A.R.S. §32-2214.

When audit staff asked the Board why the national examination was not graded according to A.R.S. §32-2214, the response was that the members thought that it was, and provided copies of a September 29, 1978, letter from the Board to PES advising of the statutory grading requirements of A.R.S. §32-2214. When we contacted PES we were told this correspondence could not be located. However, PES provided us with a copy of its January 2, 1979, letter to the Board, which stated that PES was establishing a passing score of 75 percent as one-and-a-half standard deviations below the mean. As noted previously, this method does not conform to statutory requirements.

It should be noted, however, that it is unusual to adjust percentile scores by a standard deviation as the statute requires. Standard deviations related to the distribution of a population from the mean have no relationship to a predetermined percentile. As a result, 33 of 35 states whose passing point is known by PES base passage of the NBE on a calculated mean or average.

CONCLUSIONS

The Board needs to improve the manner in which it administers its written practical examination because questions are not changed or revised periodically to protect its integrity. The Board has not been grading the examination in a consistent manner, and has graded the examination on a curve. Also, the Board's grading procedure decisions are not documented adequately in Board minutes.

Finally, the NBE is not graded for State candidates in accordance with Arizona statutory requirements. However, if those statutory grading requirements were strictly followed, a candidate could fail the NBE because his score was too high.

RECOMMENDATION

Consideration should be given to the following options:

1. The Legislature amend A.R.S. §32-2214, subsection C, to allow the Board to use a nationally prepared examination, such as the clinical competency test, in lieu of its own practical examination.

2. If the Board is to continue administering its own practical examination it should:
   - Revise the questions for each examination,
   - Grade examinations on a consistent basis, and
   - Adequately document in its minutes decisions regarding examination grading methods.

Further, the Legislature should evaluate the Board's practice of grading examinations on a curve to ascertain if that practice is in consonance with Legislative intent.

3. The Legislature amend A.R.S. §32-2214, subsection E, to set the passing point for the national examination at one-and-a-half standard deviations below the mean.

FINDING II

THE VETERINARY MEDICAL EXAMINING BOARD HAS AGGRESSIVELY INVESTIGATED AND RESOLVED COMPLAINTS AGAINST LICENSED VETERINARIANS; HOWEVER, IMPROVEMENTS ARE NEEDED IN THE BOARD'S COMPLAINT-HANDLING PROCESS.

The Board has aggressively investigated and resolved complaints against licensed veterinarians in that it has: 1) adequately investigated complaints, 2) imposed sufficiently stringent penalties on licensees against whom valid complaints have been made, and 3) closely scrutinized those licensees who are the subjects of multiple complaints.

However, improvements are needed in the Board's complaint-handling process. Specifically:

1. The Board should notify complainants of meetings during which their complaints may be discussed or resolved.

2. ASBAO, which handles its support functions, should forward non-notarized complaints to the Board.

3. The veterinary statutes should be amended to provide the Board with authority to hold informal hearings on complaints, similar to the authority of five other Arizona health regulatory boards.

The Board Has Aggressively Investigated and Resolved Complaints

The Board has made substantive and sufficient efforts to investigate and resolve consumer complaints against licensed veterinarians. During the 19-month period from January 1, 1980, to July 31, 1981, the Board imposed some types of disciplinary action for 26 percent of all complaints resolved. In addition, the Board has closely scrutinized those licensees against whom multiple complaints have been made.

Current Complaint-Handling Process

The Board has no full-time support staff. Support functions are provided by ASBAO. The Board employs only a part-time investigator to gather information on complaints filed with the Board.

The Board encourages complainants to submit complaints on its notarized complaint forms prior to initiating investigations. However, the Board does investigate non-notarized complaints and also initiates investigations on its own volition. When a complainant contacts the Board by letter or phone ASBAO staff sends a complaint form to the person making the complaint. Upon receipt of a properly notarized complaint form, ASBAO staff normally forwards copies of the complaint to the licensee who is the subject of the complaint and consulting veterinarians,* asking them to provide written responses, including applicable patient medical records, laboratory reports and X-rays. The Board may request additional information, hold an informal discussion at a Board meeting with the parties to the complaint, assign its investigator to the case or even obtain expert assistance.

We reviewed 104 complaints that were received by the Board from January 1, 1980, to July 31, 1981, and found that the Board consistently investigates each complaint in the manner described above. In fact, the Board has followed these procedures even when the complaint involved fee disputes.

Of the 81 complaints which the Board resolved from January 1, 1980, to July 31, 1981, 36 required the Board to obtain information in addition to written responses and medical records.

* A consulting veterinarian is someone who either treated the subject animal or was otherwise involved in the case.

Disciplinary Actions Taken by the Board

The Board has imposed sufficiently stringent penalties against those licensees against whom valid complaints have been made. Of the 81 complaints resolved during the 19-month period from January 1, 1980, to July 31, 1981, the Board imposed penalties for 21 of them, or 26 percent, involving 18 licensees. Two veterinarians had more than one complaint filed against them. Table 2 summarizes the disciplinary actions taken by the Board for these 21 complaints.

TABLE 2

DISCIPLINARY ACTIONS TAKEN ON COMPLAINTS DURING THE PERIOD FROM JANUARY 1, 1980, TO JULY 31, 1981

Type of Disciplinary Action	Number of Licensees	Number of Complaints
Revocation	2*	3
Suspension and probation	3	3
Probation only	2	4
Warning	9**	9
Censure	1	1
Nonreinstatement of revoked license	1	1
Total	18	21

We also reviewed the files of the eight veterinarians against whom three or more complaints had been made during the six-and-a-half year period from January 1, 1975, to June 30, 1981. Based on our review, it appears that the Board investigated and monitored these veterinarians adequately and imposed appropriate sanctions against them.

* Includes one license which was surrendered voluntarily.
** Includes one warning against unlicensed activity.

Improvements Can Be Made in the Board's Complaint-Handling Process

Although the Board adequately investigates and resolves every notarized complaint it receives, its complaint-handling process can be improved. Specifically: 1) the Board should notify complainants of meetings during which their complaints may be discussed or resolved, 2) ASBAO staff should forward non-notarized complaints to the Board, and 3) the veterinary statutes should be amended to provide the Board with authority to hold informal hearings similar to the authority of other Arizona health regulatory boards.

Complainants Not Notified of Board Meetings

The Board does not notify complainants of regularly scheduled Board meetings at which their complaints may be discussed or resolved. Further, while the Board informed us that it does invite complainants to appear at scheduled informal discussion meetings with licensees regarding complaints, during the 18-month period from January 1, 1980, to June 30, 1981, the Board held informal discussions with veterinarians on 16 different complaints but available documentation indicates that the Board invited the complainants to attend only eight of these discussions.* The past chairman of the Board told us that, in one or two instances, veterinarians were invited to appear for other business and the Board ended up discussing the complaints because the veterinarians were there and available. These circumstances are not, however, reported in Board minutes or the complaint files. If in fact the Board is not inviting complainants to informal hearings such a practice creates not only the appearance of Board bias in favor of licensees, but may not be in keeping with the intent of the State's open-meeting law.

* According to the Board chairwoman, the Board should have notified all of these complainants and the fact that such notifications are not documented is a record keeping problem.

Under current Board policy, a veterinarian against whom a complaint has been filed generally has the opportunity to respond to the complaint, whereas a complainant is not usually afforded the same opportunity to review the written response of the veterinarian. This policy may account for the fact that most complainants feel the Board did not properly consider their complaints or favored the veterinarian. An Auditor General survey* of those persons who had filed complaints with the Board revealed that, of those responding, 65 percent do not believe the Board's decisions are fair and 16 percent expressed a desire to appear personally before the Board regarding their complaints.

Inviting complainants to attend Board meetings also would seem to be in keeping with the intent of the State's open-meeting law.

Arizona's open-meeting law requires that "all meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings." (A.R.S. §38-431.01) The Attorney General, in a communication to State agencies, noted that, "an 'open meeting' is open only in theory if the public has no knowledge of the time and place at which it is to be held." Agencies are required to post meeting notices at a place described in a statement filed with the Secretary of State. In addition, the Attorney General held that "the governing body must give additional notice as is reasonable under the circumstances." (Emphasis added) It appears that notifying complainants of Board meetings at which their complaints will be discussed and resolved would be in keeping with the intent of this law.

* Of the 70 persons surveyed 58 responded, five surveys were returned as undeliverable and seven persons did not respond.

The Board chairwoman has told us she does not favor notifying complainants of every meeting at which their complaints might be discussed and/or resolved because: 1) complaints may be continued to later meetings if the Board does not receive all the information it requires and complainants might appear unnecessarily, 2) Board meetings might take longer if complainants were in attendance, and 3) the Board would incur increased costs to provide such notification. Inasmuch as the Board receives only an average of six complaints a month, and hearing complaints is an important Board function, it appears that the benefits of notifying complainants outweigh resultant difficulties.

Non-Notarized Complaints Are Not Forwarded to the Board by ASBAO

Whenever an initial complaint against a veterinarian is received by phone or letter the ASBAO sends a Board complaint form to the complainant to be filled out and notarized. Some persons never submit the notarized Board complaint form and their complaints are not forwarded to the Board for investigation.

At its November 20, 1980, meeting the Board decided that such non-notarized complaints should be sent to each Board member and placed in the veterinarian's file. The Board could initiate an investigation if it decided one was warranted. As of July 21, 1981, there were 19 written complaints for which notarized complaint forms had not been received.

However, ASBAO had not forwarded these 19 complaints to Board members as directed. When asked why, the ASBAO secretary assigned to the Board responded that she had not had time.

Veterinary Statutes Regarding Complaint-Handling Can Be Improved

Arizona Revised Statutes §32-2234 requires the Board to conduct a formal hearing before revoking or suspending the license of a veterinarian, or before placing a veterinarian on probation. A review of other Arizona health regulatory boards' enabling statutes revealed that at least five can, as a result of informal hearings, censure or place on probation licensees who have committed violations that are not of sufficient seriousness to merit suspension or revocation. If the violations are serious enough to merit suspension or revocation the board is authorized to hold formal hearings. Table 3 compares five Arizona health regulatory boards' powers with those of the Veterinary Medical Examining Board.*

TABLE 3

COMPARISON OF HEALTH REGULATORY BOARD STATUTES RELATING TO INFORMAL HEARINGS

Health Regulatory Board	Authority to Hold Informal Hearings	Action Available Based on Informal Hearing		
		Censure	Probation	Temporary Suspension/Restriction
Podiatry	Yes	Yes	Yes	No
Dentistry	Yes	Yes	Yes	No
Medical	Yes	Yes	Yes	Yes
Optometry	Yes	Yes	Yes	No
Osteopathic	Yes	Yes	Yes	Yes
VETERINARY	Yes	No	No	No

By being able to censure, place licensees on probation or temporarily suspend licensees as a result of informal hearings regulatory boards are able to take stronger, more effective action against licensees without having to hold a formal hearing. Also, the avoidance of formal hearings saves boards cost and time.

* It should be noted that our review was restricted to those health regulatory boards which are similar to the Veterinary Medical Examining Board in that their licensees function as physicians or provide primary care for patients in their health-care realm. The boards reviewed were Podiatry, Dentistry, Medical, Optometry, Osteopathic, Veterinary, Naturopathic and Chiropractic. As a result, the information in Table 3 is not intended to be all-inclusive.

From January 1, 1980, to July 31, 1981, the Board held two formal hearings to place licensees on probation and issued ten letters of warning or censure without holding formal hearings. If the Board could have imposed censure, probation or temporarily suspended a license as a result of an informal hearing, it may not have held the two formal hearings or might have taken stronger action than letters of warning in some cases.

It should be noted that currently the Board can impose censure, probation or temporarily suspend a license as a result of an informal hearing, but only if the licensee consents to the Board's action.

CONCLUSION

The Veterinary Medical Examining Board has investigated and resolved complaints against licensed veterinarians aggressively in that it has: 1) adequately investigated all notarized complaints it receives, 2) imposed sufficiently stringent penalties against those licensees who are the subjects of valid complaints, and 3) closely scrutinized those licensees who are the subjects of multiple complaints. However, improvements are needed in the Board's complaint-handling process.

RECOMMENDATIONS

Consideration should be given to the following recommendations:

1. The Board establish a procedure to notify complainants of Board meetings at which their complaints may be discussed or resolved. In addition, the Board should invite a complainant to attend the informal discussion of his complaint if it has invited the veterinarian who is the subject of the complaint to appear.

2. The Arizona State Boards' Administrative Office forward non-notarized complaints to Board members for review, as directed by the Board at its November 20, 1980, meeting.

3. The Legislature enact legislation to allow the Board to impose censure, probation or temporarily suspend a license as a result of an informal hearing.

FINDING III

CHANGES ARE NEEDED TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF THE VETERINARY MEDICAL EXAMINING BOARD.

The Board can improve the efficiency and effectiveness of its operations if statutory and procedural changes are made to establish a two-year license renewal system.

A.R.S. §§32-2218, 32-2246 and 32-2272, state that veterinary, veterinary technician and veterinary premises licenses shall be valid for one year, expiring on December 31, necessitating that licenses be renewed annually. Because of the limited support services available to the Board, annual renewals hinder the efficiency and effectiveness of the Board by significantly increasing the workload of the Board's support staff.

The Board has no full-time support staff of its own. Support services are provided by ASBAO, which also serves as the support staff for nine other State boards or commissions. Our review indicates that the workload of ASBAO could be reduced if A.R.S. §§32-2218, 32-2246 and 32-2272 were amended to allow the Board to renew the licenses of veterinarians, veterinary technicians and veterinary premises biennially. Further, our review has shown that such a change could result in cost savings to the Board of approximately $3,690 in four years. The costs of printing renewal notices, licenses and mailing costs would be reduced, and support staff could be used in more critical areas.

It should be noted that amending the veterinary statutes to provide for biennial renewal of licenses would also necessitate a change in A.R.S. §§32-2219, 32-2250 and 32-2273, concerning renewal fees which the Board may impose to allow the collection of a fee equal to double the annual renewal fee. The higher fee would be required to help finance the Board's operations for two years.

A review of 13 other professional occupational licensing boards in Arizona reveals that two boards renew licenses on a triennial basis and four others biennially. Five of these boards changed from an annual cycle last year.

CONCLUSION

Our review of the Veterinary Medical Examining Board has shown that statutory and procedural changes are needed. The Board's efficiency and effectiveness in the process of renewing veterinary licenses can be increased by amending veterinary statutes to provide for biennial license renewal.

RECOMMENDATIONS

Consideration should be given to the following recommendations:

1. The Legislature amend A.R.S. §§32-2218, 32-2246 and 32-2272 to allow the Board to renew licenses on a biennial basis.

2. The Legislature amend A.R.S. §§32-2219, 32-2250 and 32-2273 to allow the Board to charge a higher license renewal fee biennially.

Arizona State Veterinary Medical Examining Board

1645 W. JEFFERSON - ROOM 418
PHOENIX, ARIZONA 85007
602-255-3095

November 12, 1981

Douglas R. Norton
Auditor General
State of Arizona
Phoenix, Arizona 85007

Dear Mr. Norton:

The attached report represents the response of the Arizona State Veterinary Medical Examining Board to the performance audit conducted by your Sunset Review Team.

If any questions should arise, please feel free to contact me.

Sincerely,

Suzanne de Berge (vlc)

Suzanne de Berge
Chairperson

SdB:vlc

cc: Gerald Silva, Performance Audit Manager

INTRODUCTION

The Arizona Board of Veterinary Medical Examiners is pleased to express its appreciation to the Auditor General's Sunset Review Team for their handling of the review of this Board's activities. Board members have worked diligently to administer their primary legislative charge, that is, to ensure the public a high quality of veterinary services. It is therefore gratifying to read in this report that the Board has "made commendable efforts in investigating and resolving complaints against veterinarians", and "has imposed sufficiently stringent disciplinary sanctions against those veterinarians found to be in violation" of the various statutes and Board rules and regulations.

In addition, the Auditor General's Review Team determined for those "Sunset Factors" requiring a positive or negative evaluation (as distinct from those dealing with factual matters of enabling legislation), that the Board has operated substantially within the public interest, has been responsive to public needs, and has taken action to meet its own legislative needs.

Further, the Board is in agreement with the majority of the recommended legislative changes, and many of the procedural improvements recommended, by the Review Team.

RECOMMENDED LEGISLATION

The Sunset Review report recommends the Legislature consider the following amendments to the Veterinary Medical Examining Board's statutes:

1. To provide the Board with the authority to impose censure, probation, or temporary suspensions of licenses as a result of an informal hearing.

   Comment:
   The Board agrees with this recommendation. At present, the Board avails itself of informal hearings but may only impose the above penalties as a result of an informal hearing if it can obtain a Consent Agreement with the licensee. In those instances when the licensee refuses to sign a Consent Agreement the Board presently is forced to hold a formal hearing if it feels disciplinary action is in order.

2. To allow the Board to use a nationally-prepared examination in lieu of a Board-prepared practical examination.

   Comment:
   The Board has been investigating the possibility of utilizing such an examination, however, significant difficulties of scheduling and contents remain to be resolved. Therefore, while the Board agrees that

legislation permitting the use of such an examination is desirable, at present the Board would oppose any legislation requiring the use of a nationally-prepared practical examination.

3. To set the passing grade for the national examination only in terms of one and one-half standard deviations below the mean.

   Comment:
   The Board agrees that this amendment is vital. As detailed in the report, the present statutes, if followed to the letter, means that candidates who achieve better than one and one-half standard deviations above the mean score should fail because their score is too high.

4. To allow for biennial renewal of licenses.

   Comment:
   The Board agrees that such an amendment would enable the Board to make economies of both time and money. Note that an additional amendment would be required enabling an increase in the renewal fees above the present annual renewal fee.

Further, the Board would like to recommend that A.R.S. § 32-2218.B be amended. This presently allows a veterinarian who has been inactive for any length of time to reinstate his license simply by applying to do so, without submitting to any re-examination. Obviously, this prevents the Board from reviewing the present competence of any licensee whose license has been inactive for any reason, over any period of time. Although reference to this legislative amendment was made in the text of the Sunset Review Report, and the Sunset Review Team has verbally expressed its agreement that such an amendment is needed, it was, in error, omitted from line-item inclusion in the Review Team's legislative recommendations.

RECOMMENDED PROCEDURAL IMPROVEMENTS

Procedural recommendations were divided into two areas: those dealing with the Board's complaint handling process and those regarding the Board's practical examination process.

Procedural Improvements: Complaint Process

1. The Review Team recommends that the Board institute a procedure which makes more clearly known to complainants the times and places at which their complaints may be discussed by the Board. In addressing this problem the Board would like to point out that its various communications with complainants have undergone a number of modifications over the past two years in an effort to improve Board communication with complainants. The Board presently proposes further modification in its initial communication

acknowledging receipt of complaints. The proposed modifications would explain that complaints are on the Board agenda each month until resolved, and would make it clear that complainants are welcome to attend Board meetings, and that they will be specially notified if their attendance is needed at any particular meeting. Further, it would provide information on the scheduled dates of meetings and how to obtain information as to specific times and locations of meetings.

The Board's investigative and complaint handling process is very thorough. The complainant, licensee, "consulting" or second licensee, pathologist or other involved party are requested to provide a detailed narrative, all pertinent radiographs, laboratory tests and patient records, or any other relevant data. As this material, as well as investigative reports, comes before the Board, need for further data may become apparent, and additional requests and investigations made. Thorough investigation, combined with the somewhat cumbersome process of monthly meetings, means that it may take several months to resolve complaints, and it is customary for the Board to have 15 to 20 complaints on each meeting's agenda.

Automatic notification of complainants of each meeting for which their complaint appears on the agenda is opposed by the Board for the following reasons.

a. During the initial meetings much of the Board's work is basicly fact-finding in nature as reports are received from various parties and as investigation proceeds. Complainants should not be made to feel required to attend these meetings. If either the press of time or failure to receive requested data on a timely basis prevents the Board from discussing a complaint in any depth, the resulting inconvenience and disappointment for a complainant could contribute unnecessarily to public hostilities toward the administrative process.

b. Having made themselves present at such meetings, complainants might unhappily find themselves unable to enter commentary for a number of reasons. Without the presence of the licensee in question, the Board would be unwise to enter into discussions with the complainant. Further, if circumstances prevent useful discussion of the complaint, simply allowing the complainant to reiterate their position would be extremely time consuming, further stressing the Board's ability to resolve cases as rapidly as possible.

c. Notification of each complainant each time their case appears on the Board's agenda would increase both costs and demands on staff time.

2. In a related issue, the Review Team recommends that complainants be invited to all meetings to which licensees are invited for the purpose of discussing the subject complaint. This presently is the practice of the Board, a practice which was instituted approximately 18 months ago. However, file documentation does not fully support this, and procedures to assure correction of this recordkeeping problem will be instituted.

Procedural Improvements: Practical Examination

1. If the Board continues to administer its own practical examination, rather than one nationally prepared, the Review Team recommends that the Board take steps to assure revision of this examination prior to each administration of it. The Board has no quarrel with this recommendation as a general guideline. However, since the practical examination is based upon applicant's ability to recognize and distinguish some 70 slides, we believe it is not necessary to prepare an entirely new examination for each semi-annual administration. Partial revision, even reorganization of slide order would prevent the application of rote answers memorized (or acquired) from previous sittings; the applicant would still have to have sufficient expertise to comprehend the specific slides in order to correctly answer the questions.

2. Further, the Review Team recommends that the Board grade examinations on a consistent basis, and adequately document the methods used in examination grading. The Board is aware that adequate documentation has not been available previously as to the specific grading methods applied, and at the time of the May, 1981, examination discussed development of a manual of procedure to be made available to all Board members. Such a manual will not only provide adequate documentation of methods, but will assure consistency of application of these methods.

It has been the practice of the Board of Veterinary Medical Examiners to grade its practical examination on a curve basis, that is, measuring individual performance against that of the group with which that individual sits for examination. The Auditor General's Review Team has included in its report a request that the legislature clarify its intent in this regard.

The Board believes it is important to be able to grade examinations in this manner, especially if its practical examination is repeatedly revised. Such frequent revisions may impact the relative difficulty of the examinations and an arbitrary "raw score" grading method would prevent the Board from making procedural adjustments to take such matters into consideration. In all its actions, the Board wishes to be in consonance with legislative intent, and we hope the legislature will permit the use of the curve method of grading as the most reasonable to apply to examinations of this nature.

OTHER COMMENTS

The preceding comments of the Veterinary Board in response to the Sunset Review of its activities are somewhat brief. As you are aware, the Board is one

of the State's smaller professional licensing boards; its members serve largely on a volunteer basis, meeting once a month for an eight to ten hour sitting. Its only staff support is provided on a time-sharing basis by the State Boards' Administrative Office.

The Auditor General's Sunset Review Team began its review approximately 12 months ago, and completed the field work portion in August, 1981. A preliminary oral report was presented at our September meeting, indicating in very general terms the areas to be covered by the findings and describing the overall tenor of the report as positive. The first written draft was sent to Board members, allowing a ten working day period within which the Board was to review the report and prepare for a meeting at which it would be discussed for possible revision. Unfortunately, the draft was mailed third class and most Board members did not receive their copies until the deadline had nearly passed.

Working from a copy hand delivered to the Chair by the Auditor General's Office, and in an effort to accomodate that office's time schedule, the Board agreed to the revision meeting within the original deadline. Pursuant to this meeting, a number of substantive changes of both fact and conclusion were agreed to. The second draft was mailed (first class) on November 2, 1981, with a deadline of November 5, 1981, for the Board's written comments--scarcely sufficient time for thoughtfully prepared comments based on the input of Board Members who are dispersed throughout the state. This deadline was later extended to November 11, 1981.

This history of the process is included to indicate the difficulty the Sunset Review procedure imposes on boards such as ours which are not supported by full time staff and whose members must relinquish time from their professional lives in order to meet the demands of even the regular business of the Board. The staff of full time boards and agencies must be hard pressed to provide timely cooperation and input to the Auditor General's Office; it is very difficult for the part-time boards.

Additionally, as a result of both the press of activity within the Auditor General's Office, which conducts a number of Sunset Reviews, and the short time frames permitted at the close of the process, their own report has suffered. The casual reader, glancing at the precis in the table of contents and the summary, might easily conclude that the overall report is of a negative nature. In the hasty revisions, language extracted from the original detailed findings was not fully revised in accordance with the many changes agreed to. While the Sunset Review Team has verbally expressed its present conclusions that the Veterinary Examining Board, although in need of some refinements of procedure and legislative changes, is acting well within the parameters of the public interest, the Report's summary portions fail to convey this impression.

CONCLUSION

The Board of Veterinary Medical Examiners feels confident that despite problems engendered by hasty revisions of early drafts of the Sunset Review Report, it will be readily apparent to the legislature that the Board has competently pursued its legislative charge and has done so with a careful eye to the public interest. The public members of this Board have been very pleased with the attitude and actions of the members of the profession who have served on the Board. It is often trying and unpleasant for professionals to participate, however justifiably, in the investigation and discipline of fellow members of their profession. The veterinarians who have served and who presently serve on this Board have never shown any inclination to shrink from such unpleasant duties, nor has there been any evidence of any intent or effort to restrict access to the profession.

It is most gratifying for all members of the Board to hear from their support staff, their Assistant Attorneys General, and even members of the Auditor General's Sunset Review Team that the Board of Veterinary Medical Examiners is "one of the best" of the boards in terms of diligence, thoroughness and fairness.

It was, however, disappointing to read in the Report that their "survey results" suggested an unflattering view of the Board among complainants. While it is more to the point to be fair and thorough than to be popular, public "appreciation" would be welcome. However, the Board believes that review of the reported public attitudes must be tempered with understanding of two basic factors.

First, there is some serious question as to the validity of the survey. The field of public attitude and opinion research is a highly sophisticated and technical one. In order to obtain reliable information, uninfluenced by questionnaire wording, designer objectivity, sequencing and respondent "mind-set", and other factors, it is recommended that the services or consultation of a professional be utilized. Blanket mailing of undifferentiated and oversimplified questionnaires to all complainants, without regard to the type or nature of their complaint, as well as failing to distinguish among the replies by validity, type and resolution of the complaint, seriously calls into question the validity of any statements based on the response.

The second basic factor ameliorating this condition is perhaps more difficult to explain briefly, and is certainly among the most difficult aspects of the Board's work. Complainants all too frequently bring with them an unusual accumulation of emotive and subjective values. The vast majority of cases which are brought to our attention involve household companion animals, many of which are naturally regarded as members of the family by their owners. That statement alone, "regarded as members of the family by their owners", itself expresses the primary dichotomy with which the Board deals.

As you can appreciate, the life of a pet in which one has invested substantial emotion is, especially in the initial stages of veterinary servicing, of primary concern. Even in those situations which are not life-threatening, or in which matters of ability to pay for services are discussed "up-front",

owner decisions are frequently clouded with emotions. However, it often later occurs that the animal in question devolves to the status of an owned object when payment for services are required. At this point, then, consumer attitudes more akin to those applied to unsuccessful auto repair than to the inexactitudes of medicine, come into play. Most of these complainants would never pursue the reimbursement of human medical treatments which have failed of the desired result, yet in a great many instances, reimbursement of monies paid to a veterinarian are an important part of the remedy sought. Although circumstances (including particularly misrepresentation or fraudulently applied charges) may permit the Board to require licensees to reimburse some monies, in most cases the Board must leave monetary questions to civil proceedings or other routes of redress. Thus, despite the Board's best efforts to be fair, and to take disciplinary action against licensees where appropriate, complainants often are left without any action taken by the Board in regard to the financial remedy they desire.

The Board takes exceptional effort in its closure of cases, especially those wherein complainants were not active on a face-to-face basis with the Board, to explain the nature of the information which lead us to our conclusions. Both veterinary and non-veterinary members cooperate in drafting letters to resolution or closure in order to provide as much information to complainants is practical and possible. The Board strongly believes that the dichotomy of emotions which surround a "companion" which one "owns", and the inability of the Board to provide financial redress, especially where no disciplinable offense has occurred, heavily impact on public "satisfaction" with the Board's activities. We continue to address this situation by attempting to communicate fully with the public, to the best of our ability.