

45 **BOARD OF VETERINARY EXAMINERS**
46 **MINUTES OF MEETING**
47 **SEPT. 28, 2012**
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49
50 Ms. Donohue noted the following additions to the agenda:

- 51
52 • **Item #5 – Miscellaneous Correspondence**
53 ○ Letter from Ombudsman
54 ○ Letter from Society for Theriogenology
55

56 **Agenda Item 2 Review/Approve Minutes**

57
58 The board reviewed the minutes of the January 20, 2012 and May 9, 2012 meetings.

59
60 **On a motion duly made by Rose, seconded by Priddy, and approved**
61 **unanimously, it was**

62
63 **RESOLVED to approve the January 20, 2012 meeting minutes as**
64 **presented.**

65
66 **On a motion duly made by Rose, seconded by Priddy, and approved**
67 **unanimously, it was**

68
69 **RESOLVED to approve the May 9, 2012 teleconference meeting**
70 **minutes as presented.**

71
72 **Agenda Item 3 Ethics Disclosure**

73
74 There were no ethics violations to report from any board members. Ms. Donohue
75 reviewed the Executive Branch Ethics Law for the new Board members.

76
77 **Agenda Item 4 Budget Report**

78
79 3rd Quarter FY 2012 figures reflect \$62,095 in expenses, and \$20,495 in revenue, Annual
80 Surplus(Deficit) of \$(39, 314) and an ending balance of \$69.896. Ms. Donohue reminded
81 the Board that 2012 is a renewal year and the Revenues will reflect high revenues. There
82 were no questions or concerns about the Budget.

83
84 **Agenda Item 5 Investigative Report**

85
86 Ms. Bundick joined the meeting to present the Investigative Report at 9:40 a.m.

87
88 Ms. Bundick reported there are currently eight (8) open investigations, four (4) intakes,
89 and two (2) open complaints. There are three (3) cases that were closed since the last
90 meeting.

91
92 Ms. Bundick then advised the Board should go into Executive Session to discuss a case.
93
94

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99

100 **On a motion duly made by Rose, seconded by Beck and**
101 **approved unanimously, it was**
102

103 **RESOLVED to enter executive session in accordance with AS**
104 **44.62.310(c)(2) , and Alaska Constitutional Right to Privacy**
105 **Provisions, for the purpose of reviewing a case.**
106

107 Entered into executive session at 9:50 a.m.

108 Out of executive session at 10:40 a.m.
109

110 **On a motion duly made by Rose, seconded by Priddy and**
111 **approved unanimously, it was**
112

113 **RESOLVED to accept the Consent Agreement for case number 2011-**
114 **000362.**
115

116 Beck noted the licensee in this case is Phillip Hopkins, DVM, holding Alaska Veterinary
117 License #593.
118

119 Recess

120 The board recessed at 10:43 a.m.;

121 Reconvened at 10:49 a.m.
122

123 **Agenda Item 6 Miscellaneous Correspondence**
124

125 The Board reviewed all correspondence presented at the meeting.
126

127 AAVSB – 2012 Nominating Committee Report. Beck attended the meeting and noted
128 that the folks listed in the Report were elected to the noted positions. She further noted
129 that the President is a Veterinary Technician. Information Only.
130

131 AAVSB – Recommendations on Proposed Bylaws Amendments. Information Only.
132

133 Martina Richardson – Request for Input for Opening Anchorage Dog Swim Facility.
134 The Board reviewed the overview of a swim facility the Richardson's plan to open in
135 Anchorage. No Action – Information Only.
136

137 Ms. Donohue suggested the Board table review of the letter from Yukon-Kuskokwim
138 Health Corp., email from Director Habeger to Dr. Priddy, and question from Division
139 staff regarding the Board doing a report regarding monitoring the standards and
140 availability of veterinary services provided in the state, and the letter from the
141 Ombudsman to Agenda Item #12 – Regulations. Beck agreed.
142

143 AVMA – AVMA letter to AK Pharmacy Board encouraging them to engage in a
144 conversation with the state veterinary medical association about issues of pharmacists

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149

150 accurately filling prescriptions as ordered from veterinarians. Also included is a copy of
151 the minutes from the 8/23-24/2012 Pharmacy Board meeting, noting the AVMA points
152 are valid; that any pharmacy that fills veterinary prescriptions must utilize specialty
153 references as well as resources on veterinary pharmacology and veterinary lab values.
154 They requested communication with either AKVMA or the AK board of Veterinary
155 Examiners to determine if these sub-standard practices are occurring in Alaska. The
156 Board responded they are aware of no substandard services, and noted that good
157 communication and a good working relationship are important between the veterinarian
158 and the pharmacy. Substandard practices would come to light if a complaint was filed
159 with the Division's Investigator. Ms. Donohue will provide a copy of the minutes to the
160 Pharmacy Board's Licensing Examiner.

161

162 **Society for Theriogenology** – Letter explaining the Society agrees with the position
163 adopted by the American Embryo Transfer Association confirming that Embryo Transfer
164 must be considered as the practice of veterinary medicine. Ms. Donohue referred the
165 Board to AS 08.98.250(5), which states it is the practice of veterinary medicine to “use a
166 manual or mechanical procedure for testing for pregnancy or correcting sterility or
167 infertility”. No Action – Information Only.

168

169 **Agenda Item 7** **Application Review**

170

171 **Continuing Education Course Approval**

172

173 The Board took up discussion of eleven applications, five of which had been tabled on a
174 mail ballot, and six new applications, from OnlineContinuingED, LLC, doing business as
175 OnlineCE.com, with Linda J. Dupont, DVM as the instructor.

176

177 **On a motion duly made by Priddy, seconded by Rose, and approved**
178 **unanimously, it was**

179

180 **RESOLVED to accept continuing education courses from**
181 **OnlineCE.com as long as they have RACE approval, in accordance**
182 **with 12 AAC 68.230.**

183

184 **Agenda Item 11** **New/Old Business**

185

186 **Dept. of Law Request** - Ms. Donohue reported there is no response yet from Dept. of
187 Law regarding the Board's request seeking advice regarding referring clients to non-
188 veterinary health care professionals who hold a license in other health provider areas such
189 as chiropractic and physical therapy, acupuncture, etc.

190

191 Rose asked about allowing veterinary applicants who have graduated from Ross
192 University prior to issuance of accreditation to take the PAVE program as well as the
193 ECFVG. Donohue responded that it will take a change to the statutes by the Legislature,
194 and in fact Rep. Peggy Wilson has had a bill in the last two Legislative Sessions to allow

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199
200 for acceptance of a program approved by the Board. Both times her bills have not been
201 successful.

202
203 **Agenda Item 8 Public Comment**

204
205 Dr. Beck noted there was a member of the public present and invited him to address the
206 Board.

207
208 Dr. James Delker from Soldotna, representing the AKVMA read the following proposal
209 into the record, noting that the AKVMA recognizes the need for veterinary care in rural
210 Alaska:

211
The AKVMA recognizes the need for some form of veterinary services in many
bush communities in Alaska located off the road system. Historically there have
been complaints that temporary licensing is too cumbersome and therefore
discourages many potential volunteer professionals from coming to our state. In
an effort to promote rural veterinary care in bush Alaska, The AKVMA would like
to propose that the BOVE (Board of Veterinary Examiners) consider regulatory
changes to make temporary courtesy licenses more easily obtainable for those
doing gratis medicine. We have identified some potential "hurdles" and
considerations for licensed veterinarians from other states who wish to obtaining
temporary licensing.

1. Would it be possible for those performing gratis medicine to forgo a
veterinary sponsor if all other credentials and requirements are met?
2. Are there any changes that could expedite the time frame for courtesy
licensing? Is unanimous BOVE approval required or just a majority?
3. To accommodate organized gratis care and special events (ie Iditarod, etc.)
perhaps we could allow the courtesy license for up to 30 days (or possible
two 30 day periods per year)?
4. We may need to clearly define "gratis medicine" or practice "without
compensation."
5. By licensing courtesy veterinarians we are ensuring they can legally obtain
and administer valid rabies immunizations in our state.
6. By licensing individuals, the BOVE retains some degree of professional
oversight if there are complaints or concerns about the quality of care
provided no matter what the cost of services—thus protecting the residents
of Alaska.

Although not a complete solution, we believe this to be a good first step in
increasing access to rural veterinary care. We also believe that such regulatory
changes should focus on increasing veterinary care to rural communities located
off the road system—since this is where they are most needed. We thank you for
your consideration and would be happy to provide assistance in drafting proposed
regulatory changes.

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220

221 The Board responded to the questions in the proposal as follows:

222

- 223 1. The Board discussed the need for a sponsor and determined that they did want an
224 in-state contact for holders of Courtesy Licenses so if any complaints were filed
225 there would be a designated person associated with an event to contact. There is
226 also the concern regarding DEA authority, which cannot be transferred from state-
227 to-state, but is state specific for a licensed practitioner.
- 228 2. The time-frame to issue a Courtesy License application is dependent upon receipt
229 of an application, fees, and License Verification from the applicant. Once those
230 items are received the file is sent to the Board on a mail ballot for their action. A
231 quorum of the Board members, or three (3) votes are required to approve.
- 232 3. The Courtesy License is currently issued for up to 30 days, and two Licenses are
233 allowed in a calendar year.

234

235 The Board advised Dr. Delker they would be looking at possible changes to the Courtesy
236 License regulation later in the meeting, specifically regarding allowing for spay and
237 neuter clinics in rural areas.

238

239 In response to a request routed through the Commissioner's Office to Director Habeger,
240 the Board placed a call to Angie Fitch, representing Rep. Alan Dick. The Board noted
241 this is an exception, and they would not want to make a practice of allowing one
242 dedicated line to be open during public comment. The usual practice is for a member of
243 the public wanting to give testimony at the Public Comment agenda item to submit their
244 intent to the Board's licensing examiner, providing written testimony if they cannot
245 attend the meeting, so the information can be included in the Board's meeting packet and
246 the members are aware of what will be coming before them. They further noted they
247 would entertain a comment in this case, but worry about the precedent of opening a single
248 phone line, rather than a public-noticed bridge number.

249

250 The Board directed Ms. Donohue to call Rep. Dick's assistant into the meeting, and she
251 did so. Ms. Fitch provided testimony that Rep. Alan Dick, for whom she works, is very
252 interested in the creation of an additional courtesy license under the existing regulation
253 that would be for spay/neuter veterinarians that have been invited by the villages. He
254 also wanted to relay it is not a funding issue. There are veterinarians willing to provide
255 care here and they've been told by the Board secretary that they don't qualify for permits
256 or licensing, so we need to change a little bit our own regulations. Rep. Dick represents
257 46 villages that are in need of veterinary services.

258

259 Beck thanked Ms. Fitch for her comments and noted the Board will be reviewing a letter,
260 later from the Yukon Kuskokwim Health Corp, that also is asking for similar provisions,
261 as well a reviewing a letter from the Ombudsman Office on the same subject. Ms. Fitch
262 asked if the Board wanted Rep. Dick to participate in that discussion, and Beck replied
263 they did not at this time. They are supportive of the concerns and just need to determine
264 how to make accommodations in the regulations. Beck asked Ms. Fitch to relay to Rep.
265 Dick the Board is looking at ways to get more care into the outlying areas of the State.

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270 **LUNCH**

271 Off record at 12:20 p.m.
272 Back on record at 1:17 p.m.

273
274 **Agenda Item 10 Jurisprudence Exam Review**

275
276 **On a motion duly made by Beck, seconded by Rose and**
277 **approved unanimously, it was**

278
279 **RESOLVED to enter executive session in accordance with AS**
280 **44.62.310(c)(2) and (3), and Alaska Constitutional Right to Privacy**
281 **Provisions, for the purpose of reviewing the Board's Jurisprudence**
282 **Exam.**

283
284 Entered into executive session at 1:18 p.m.
285 Out of executive session at 2:20 p.m.

286
287 **Agenda Item 12 Regulations**

288
289 The Board reviewed and discussed several pieces of communication requesting they
290 review their regulation for Courtesy Veterinary License to see if any changes can be
291 initiated to allow for spay and neuter clinics in rural areas.

292
293 A letter from the Yukon-Kuskokwim Health Corporation requesting Courtesy Licenses
294 for out-of-state veterinarians to address the emergency situation threatening public health
295 and animal welfare in the Yukon-Kuskokwim (YK) Delta. The content of the letter
296 expresses a concern with providing spay and neuter clinics to address the increasing
297 number of stray animals across the YK Delta. Ms. Donohue followed-up with Brian
298 Berube, contact person noted in the letter, to seek clarification of what is being requested
299 in the Corporation's letter. Mr. Berube responded that "we are requesting that the Board
300 declare the spay/neuter clinic an "emergency situation" under 12 AAC 68.041(f)(2). He
301 further noted their short term goal is to provide these clinics to address the ongoing
302 emergency situation, and their long-term goal is to change the wording of the regulation
303 to include spay/neuter programs to underserved areas.

304
305 The Board then moved on to review of a letter from the State of Alaska Ombudsman
306 which included the following points:

- 307 • Before deciding whether the ombudsman should initiate an investigation into
308 the Board being biased against non-profit (veterinary) practitioners, they
309 considered the following questions:
310 1. Is there a continuing lack of veterinary care outside the major cities in
311 Alaska?
312 Judging by testimony received by the House Labor and Commerce Committee
313 during the previous legislative session the answer is an unequivocal "yes".

314
315

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320
321 They concluded the combination of remoteness, small, scattered populations,
322 and a minimal cash economy means that, realistically, any increase in
323 veterinary care in these areas will be subsidized by the state, by tribal
324 governments, or by nonprofit animal welfare organizations.

- 325
326 2. Are there out of state veterinarians that are interested in providing
327 assistance, and if so, are they actually inhibited by the current regulatory
328 structure?

329 Given the need, the question is whether there are actually out-of-state
330 veterinarians interested in traveling to Alaska to help fill some of this gap.
331 Staff in the Ombudsman Office interviewed the following: Dave Pauli, a
332 regional coordinator for the Humane Society of the United States; Brad Frye,
333 a program director for the Christian Veterinary Mission; and Liz Hoffman, an
334 Oregon veterinarian who has volunteered with the Christian Veterinary
335 Mission.

336
337 Ms. Hoffman said she would have preferred to obtain a temporary or courtesy
338 license so that she could participate fully in visits to Hooper Bay, but had been
339 told by Professional Licensing staff she could not qualify for any temporary
340 license because the proposed clinic was not a special event. (This information
341 is consistent with existing regulations.)

342
343 Alaska already has veterinarians donating time and resources, both informally
344 through writing off services for which they will never be paid in full, and
345 formally through AK Rural Veterinary Outreach. However not all
346 veterinarians are able to donate supplies or take time away from their own
347 businesses. The ombudsman believes the nationally-based nonprofit groups
348 have the potential to help fill the gap in services in Alaska, due to their
349 advantage of having a larger pool of volunteers to draw upon. The letter went
350 on to state these organizations may help – not solve – the problem.

351
352 The ombudsman believes the Board already has a mechanism in place to
353 appropriately allow and regulate visiting veterinarians who are willing to
354 basically contribute to the public good by traveling to locations where the
355 market economy is not sustaining a reasonable level of service. 12 AAC
356 68.041 allows a non-resident veterinarian in good standing in another state or
357 a Canadian province to obtain a courtesy license for a special event.

358
359 The ombudsman suggests the Board add to the definition of “special event” to
360 include a clinic in an underserved area, performed by volunteers or under
361 control of a non-profit charitable organization. The letter noted the scope of
362 practice for a clinic would be broader than the usual scope for a veterinarian
363 handling dogs during a race, as it would include spay and neuter surgeries and
364 possibly other procedures that a race veterinarian would not be performing.
365

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370
371 The courtesy license regulation maintains an Alaska sponsor who can answer
372 to the public for the care provided, and does not alter the standard of care
373 expected from the participating veterinarians. It provides a way for the Board
374 to promote expanded service to rural Alaska within existing licensing
375 framework. The ombudsman respectfully encourages the Board and the
376 Division to initiate the drafting of an amendment to 12 AAC 68.041. The
377 Board did not create the lack of access to veterinary care in rural Alaska;
378 however, the Board may be able to facilitate ways to improve the situation.
379

380 Next the Board moved on to review of an email from Don Habeger, Director of
381 Corporations, Business and Professional Licensing, to Dr. Nelson Priddy including
382 suggestions for adding a sub-section to define "special event" that may help address the
383 issue of rural area service.
384

385 Discussion ensued debating the issue of maintaining the requirement for a sponsor for
386 spay/neuter clinics, and it was determined that because of the requirement to apply for
387 DEA authority in Alaska in order to dispense controlled substances, i.e., anesthetic
388 agents, the sponsor requirement would be maintained.
389

390 Further discussion covered including rabies vaccinations as part of the spay/neuter
391 clinics. The Board called Louisa Castrodale, DVM, with the Section of Epidemiology in
392 the Dept. of Health and Social Services. The Board asked Dr. Castrodale about the
393 proper documentation, tags and certificates for rabies vaccinations given by out-of-state
394 veterinarians practicing on a courtesy license to conduct spay/neuter clinic. She stated
395 her office could give the sponsors or participating veterinarians, the names of lay
396 vaccinators who may be willing to accompany the volunteering veterinarians for the
397 spay/neuter clinics to administer rabies vaccinations. She noted that would be for only
398 those areas eligible for the lay vaccinator program, i.e., those areas of Alaska where
399 rabies is endemic. A certified lay-vaccinator is authorized to administer rabies
400 vaccinations in a specific location. Dr. Castrodale noted that her office would need to be
401 dialed-in regarding a lay vaccinator being paired with a veterinarian practicing on a
402 Courtesy License. The Board's concern with rabies vaccinations is the proper
403 maintenance of records, and accessibility to those records for Alaska authorities.
404

405 Ms. Donohue asked Dr. Castrodale if any veterinarian, whether licensed or not in Alaska,
406 is able to administer rabies vaccinations in Alaska. She replied that in accordance with
407 their regulations the rabies vaccination is only valid if given by a licensed veterinarian or
408 by a certified lay vaccinator. The definition of a licensed veterinarian would default to
409 how the Veterinary Board defines a licensed veterinarian. The definition of licensed
410 veterinarian includes "licensed veterinarian means adheres to the standards of the Alaska
411 Board of Veterinary Medicine, and holds a license in the eyes of the AK Veterinary
412 Board." However she is not sure if that means a temporary license, courtesy license, or a
413 full veterinary license.
414
415

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420

421 As the application for a Courtesy License includes a sworn statement by the applicant
422 that they have read the Alaska Veterinary Practice Act and they solemnly declare upon
423 their honor that, if granted a license in Alaska, they will respectfully comply with any law
424 governing the practice of veterinarians in this state, and will do their best to uphold and
425 maintain the ethics of the profession, the Board determined to stay silent on the issue of
426 rabies vaccinations, as being able to administer the vaccinations is inherent in an Alaska
427 veterinary license.

428

429 Beck noted that a courtesy license holder cannot practice general veterinary medicine,
430 they can only practice in accordance with the event they had been approved for. If a
431 person wants to practice general veterinary medicine, they can obtain the Alaska
432 veterinary license.

433

434 **On a motion duly made by Rose, seconded by Priddy and approved**
435 **unanimously, it was**

436

437 **RESOLVED to initiate a regulation project to add a sub-section to 12**
438 **AAC 68.041 to include in the definition of special event for Courtesy**
439 **License as follows: (f)(3)(C) a spay and neuter clinic in a community**
440 **with no established veterinary service and off the main road system.**

441

442 **On a motion duly made by Rose, seconded by Beck and approved**
443 **unanimously, it was**

444

445 **RESOLVED to amend the previous motion as approved to go out to**
446 **Public Notice.**

447

448 The Board directed Ms. Donohue to change the application form for Courtesy License to
449 include not only the dates of spay/neuter clinics, but the locations. This will allow the
450 licensing Board to know the exact locations on specified dates for clinics that may travel
451 to several communities.

452

453 **Agenda Item 13 Goals & Objectives FY 2012**

454

455 Review of the Goals and Objectives for FY 2012 is table to the next meeting.

456

457 **Agenda Item 14 Election of Officers**

458

459 **On a motion duly made by Rose, seconded by Priddy and approved**
460 **unanimously, it was**

461

462 **RESOLVED to elect Dr. Teresa Beck as the Chairman of the Board.**

463

464 **On a motion duly made by Priddy, seconded by Beck and approved**
465 **unanimously, it was**

470
471 **RESOLVED to elect Dr. Tamara Rose as the Co-Chairman of the**
472 **Board.**

473
474 **Agenda Item 14 Office Business**

- 475
476 • Confirm Next Meeting Date

477
478 February 1, 2013 – Anchorage, AK

- 479
480 • Sign Minutes

481
482 Dr. Beck signed the May 9, 2012 meeting minutes. Ms. Donohue will mail Dr.
483 Eastman the Jan. 20, 2012 minutes for her signature.

484
485 **Agenda Item 15 Adjourn**

486
487 There being no further business Dr. Beck called for adjournment of the meeting.

488
489 The board adjourned the meeting at 4:10 p.m.

490
491
492
493
494
495 Respectfully submitted:

496 

497
498 *FDR* _____
499 Brenda Donohue, Licensing Examiner

500
501
502 Approved:

503
504
505
506
507 

508 _____
509 Teresa Beck, DVM, Chairperson
510 Alaska State Board of Veterinary Examiners

511
512
513 Date: 3-22-13