

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE COMMUNITY AND
3 ECONOMIC DEVELOPMENT
4 DIVISION OF CORPORATIONS, BUSINESS
5 AND PROFESSIONAL LICENSING
6 BOARD OF VETERINARY EXAMINERS

7
8 MINUTES OF TELECONFERENCE MEETING
9

10 October 20, 2017
11

12 These minutes were prepared by the staff of the Division of
13 Corporations, Business and Professional Licensing. They have not been
14 reviewed or approved by the board.
15

16 By authority of AS 08.01.070(2) and AS 08.98.040, and in compliance with AS 44.62,
17 Article 6, a scheduled teleconference meeting of the Board of Veterinary Examiners was
18 held on October 20, 2017 at 333 Willoughby Ave., 9th FL, Conference Room C, Juneau,
19 Alaska.
20

21 Call to Order/Roll Call
22

23 The meeting was called to order by Dr. James Hagee, Chairperson, at 9:00 a.m.
24

25 Those present, constituting a quorum, were:
26

27 Tamara Rose, DVM - Fairbanks, AK
28 Hal Geiger, PhD Public Member – Juneau, AK
29 James Hagee, DVM - Chugiak, AK
30 Teresa Beck, DVM - Palmer, AK
31

32 Absent:
33

34 Rachel Bergartt, DVM – Juneau, AK - Excused
35

36 In attendance from the Division of Corporations, Business and Professional Licensing,
37 Department of Commerce, Community and Economic Development:
38

39 Virginia Geary, Licensing Examiner - Juneau
40 Al Kennedy, Senior Investigator - Anchorage
41

42 Agenda Item 2 Review Agenda
43

44 The Board reviewed the agenda and approved it with no changes.
45

46 Agenda Item 3 Review/Approve Minutes

47 The board reviewed the minutes for May 5 and July 24, 2017, and accepted them as
48 written.

49

50 **On a motion duly made by Geiger, seconded by Rose and approved**
51 **unanimously, it was RESOLVED to approve the May 5 and July 24, 2017,**
52 **minutes as presented.**

53

54 **Agenda Item 4 Public Comment**

55

56 No one was present for public comment nor did anyone call in.

57

58 **Agenda Item 5 Old and New Business**

59

60 The board selected the following dates for 2018 board meetings:

61 January 12 – In Anchorage

62 May 11 – Teleconference

63 October 12 – In Anchorage

64

65 Current Regulation Project.

66

67 The board discussed the regulations that were sent out for public comment. Being there
68 were no comments received, the board paid special attention to the cost to private persons
69 of the regulatory action being taken.

70

71 **On a motion duly made by Beck, seconded by Rose and approved**
72 **unanimously, it was moved to adopt the regulations, 12 AAC 68.010(a)(3),**
73 **12 AAC 68.035(c), 12 AAC 68.041(c), 12 AAC 68.310(b)(4)(B), 12 AAC**
74 **68.310(b), that went out for public comment.**

75

76 Veterinary Client Patient Relationship definition (VCPR).

77

78 The board discussed the need to establish a definition for VCPR specifically for Alaska
79 veterinarians. Hagee read an email Bob Gerlach, State Veterinarian sent Geary in July.
80 Gerlach wanted to know if AK had a VCPR definition and if so, how did it differ from
81 the federal definition. Gerlach wanted to understand how the federal rules for
82 prescriptions and veterinary feed directives impact animal owners and farmers in Alaska.
83 Rose asked if the board could adopt the federal definition for VCPR since Alaska didn't
84 have one in regulations. Beck ask if there was something in the federal definition that
85 didn't work for Alaska. Geiger said it sounded like Alaska needed a more liberal
86 definition and pointed out that when the present regulations were written there wasn't
87 skype and other modern ways people can now choose to communicate. Beck and Geiger
88 volunteered to work as a committee to draft a definition for Alaska VCPR. They will
89 submit their ideas to Geary to forward to the board for review and be ready to discuss at
90 the January meeting.

91

92 Future regulation projects.

93

94 The board briefly discussed two other possible regulations to work on in the future:

95

1. A definition for a veterinary medical facility

- 96 2. A clear definition for temporary permit dates – is it valid 60 total days
97 worked or 60 consecutive days worked
98

99 Break:

100 Off the record at 10:10am

101 On the record at 10:15am

102
103 **Agenda Item 6** **Investigative Report**
104

105 Senior Investigator Al Kennedy presented the investigation report. For the period April 1
106 through October 15, 2017 the division opened eight (8) new matters and closed nine (9)
107 matters. Seven (7) matters remain on-going and are under active investigation. There is
108 only one vet on probation and they are in compliance with the terms of their license
109 probation, at this time. Hagee asked why Greg Francois was now the Acting Chief of
110 Investigations. Kennedy told the board Angela Birt accepted a new position and that
111 Francois was selected as the acting chief until a replacement for Birt had been selected.
112

113 **On a motion duly made by Beck, seconded by Rose, and approved unanimously, it**
114 **was**
115

116 **RESOLVED to go into executive session in accordance with AS**
117 **44.62.310(c)(2) and the Alaska Constitutional right to privacy provisions, for**
118 **the purpose of discussing Case No. 2017-000938.**
119

120 Board staff to remain during executive session.
121

122 Off the record at 10:25 a.m.

123 On the record at 10:35 a.m.
124

125 **On a motion duly made by Beck, seconded by Rose, and approved by roll call vote,**
126 **it was**
127

128 **Moved to accept the voluntary surrender of veterinary license #89 held by**
129 **Jerry Froeschle.**
130

131 Roll Call - Beck, yea – Hagee, yea, Geiger, yea, Rose, yea.
132

133 The board thanked Kennedy for his time and report and asked him to give Francois their
134 regards.
135

136 **Agenda Item 9** **AAVSB Conference Report**
137

138 Geiger gave a summary of the AAVSB Beyond Basics conference he attended in May.
139 The conference was for new board members. He said the entire meeting was very useful.
140 He especially enjoyed the section when sample regulations were reviewed. He said the
141 US Supreme Court decision, North Carolina Board of Dental Examiners vs the Federal
142 Trade Commission was especially interesting. The case involved businesses that were
143 offering teeth whitening and the Dental Board sent them cease and desist orders and
144 threatened some kind of action. The Federal Trade Commission decided this was a

145 restraint of trade. The AAVSB veterinary lawyer presenting at the conference said boards
146 needed to look at their regulations and be sure they were not just restraining trade but
147 protecting health and welfare. Geiger said this case is going to affect all boards across the
148 country for years to come. He encouraged each to GOOGLE the case and read more
149 about it. He thanked the board for sending him to the conference. Hagee thanked him for
150 representing the Alaska Veterinary Board at the conference.

151

152 **Agenda Item 10** **PDMP Questions and Answers with Rich Holt**

153

154 The board welcomed Vice Chair for the Pharmacy board, Rich Holt, PharmD, to the
155 meeting. At the September 2016 veterinary board meeting the board requested someone
156 from the Pharmacy board address concerns and questions concerning Senate Bill 74 and
157 House Bill 159 and the effects it will have on veterinarians. This was the first time
158 schedules worked together for this discussion session. The board presented Holt with 19
159 questions that had been received concerning the PDMP. One by one Holt answered the
160 questions. A few of the questions Holt said he would have to do further research before a
161 complete answer could be given. He said the questions and answers would be discussed
162 at the November Pharmacy board meeting and go into their minutes. After that meeting
163 the questions and official answers will be updated to the pharmacy board website as well
164 as to the veterinary website so licensees have access to the official document as well.

165

166 The board thanked Holt for his time to meet with them and answer their questions. Holt
167 told the board that about a month ago the division hired a new PDMP Program Manager,
168 Laura Carrillo. He said future questions and concerns should go through her as she is the
169 point of contact. Carrillo was in travel status and could not attend today's meeting. Geary
170 will send the board Carrillo's contact information.

171

172 **Agenda Item 11** **Adjourn**

173

174 There being no further business, Hagee adjourned the meeting. All were in favor.
175 The board adjourned 2:00pm.

176

177

178

Respectfully submitted:

179

180



181

Virginia Geary, Licensing Examiner

182

183

Approved:

184

185

186

187

188

189



James Hagee, DVM, Chairperson
Alaska State Board of Veterinary Examiners

Date: 1-12-2018