

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 MEETING

9  
10 January 12, 2018

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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.

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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 meeting of the Board of Veterinary Examiners was held on January  
18 12, 2018 at 550 W. 7<sup>th</sup> Avenue, Suite 1535, Anchorage, Alaska.

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20 Call to Order/Roll Call

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22 The meeting was called to order by Dr. James Hagee, Chairperson, at 10:02 a.m.

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24 Those present, constituting a quorum, were:

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26 Tamara Rose, DVM - Fairbanks, AK  
27 Hal Geiger, PhD Public Member – Juneau, AK  
28 James Hagee, DVM - Chugiak, AK  
29 Rachel Bergartt DVM – Juneau, AK

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31 Teresa Beck, DVM – Palmer, AK joined the meeting at 10:09a.m.

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33 In attendance from the Division of Corporations, Business and Professional Licensing,  
34 Department of Commerce, Community and Economic Development:

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36 Virginia Geary, Licensing Examiner - Juneau  
37 Greg Francois, Chief Investigator – Anchorage  
38 Autumn Roark, Investigator – Anchorage  
39 Shyla Consalo, Investigator – Anchorage

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41 **Agenda Item 2** Review Agenda

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

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46 **Agenda Item 3** Review/Approve Minutes

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The board reviewed the minutes for October 20, 2017, and accepted them as written.

**On a motion duly made by Berngartt, seconded by Rose and approved unanimously, it was RESOLVED to approve the October 20, 2017, minutes as presented.**

**Agenda Item 4      Public Comment**

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

The board was ahead of schedule and moved to Agenda 6.

**Agenda Item 6      Investigative Report**

Chief Investigator Greg Francois introduced two new investigators, Autumn Roark and Shyla Consalo. Roark is the new veterinary investigator. Francois presented the investigation report. For the period of October 16, 2017, through December 20, 2017. The division opened three (3) new matters and closed five (5) matters. Five (5) matters remain on-going and are under active investigation. There is only one vet on probation and he/she is in compliance with the terms of their license probation, at this time. The board had no questions concerning the report.

Francois explained the investigation process as presented in the 2017 Boards and Commissions Handbook beginning on page 46. The division only takes signed complaints and only veterinarians can review a case; there is one public member on the board. The investigator evaluates the complaint, contacts the licensee to gather records and conducts an interview. A confidential document is presented to a reviewing board member who agrees to maintain confidentiality. The board member can request any additional information they need from the investigator. The board member does not determine the final outcome. He/she only reviews the alleged complaint to determine if a statute was violated. If there was a violation supported by evidence the complaint would then proceed to the veterinary investigator who would look at two years history of past cases to be sure there is a consistency of board decisions. Investigations will then determine the next steps. After the case is complete it will be presented to the vet board at its next meeting to be voted on. A quorum of votes is required. All investigations are confidential. The person giving a complaint does not get updates on the ongoing case. The final decision of all cases are made public by way of board minutes.

**On a motion duly made by Geiger, seconded by Berngartt, and approved unanimously, it was**

**RESOLVED to go into executive session in accordance with AS 44.62.310(c)(2) and the Alaska Constitutional right to privacy provisions, for the purpose of discussing Case No. 2017-000937.**

Board staff to remain during executive session.

Off the record at 11:20 a.m.

On the record at 11:23 a.m.

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**On a motion duly made by Bergartt, seconded by Beck, and approved  
unanimously, it was**

**Moved to accept the voluntary surrender of veterinary technician license  
#423 held by Robert D. Collins.**

Roll call – Beck, yea – Hagee, yea, Geiger, yea, Rose, yea, Bergartt, yea.

The board thanked Francois for his time and congratulated him on his promotion to Chief Investigator.

**Agenda Item 5      Budget Report**

Melissa Dumas, Administrative Officer II, joined the meeting via conference call. Dumas went over the FY 17 4<sup>th</sup> Quarter and FY 18 1<sup>st</sup> Quarter schedule of revenues and expenditures. Bergartt asked why the board had a deficit following a fee increase. Dumas said the fee increase would show over the next couple of years. She said it would take FY 18 and 19 to see the total picture. Hagee asked why indirect expenses went up. Dumas explained the division is growing so expenses are going up. She said in FY 16 a new accounting software was purchased and in FY 17 a new payroll system was bought. She said those were huge shared costs. The board had no further questions and thanked Dumas for her time.

**Agenda Item 7      Ethics Report**

There were no ethics violations to report.

Off the record at 11:45 for lunch break.  
On the record 12:59.

**Agenda Item 8      Old and New Business**

**PDMP**

Hagee said the PDMP portal requires a DEA and NPI number in order to register. He said veterinarians do not have a National Provider Identifier (NPI) number and cannot therefore get into the PDMP website to register. He said the NPI is designed specifically to facilitate access into the Medicare and Medicaid systems. Veterinarian clients are not covered by Medicare or Medicaid. The NPI is a unique 10-digit identification number issued to providers in the United States by the Centers for Medicare and Medicaid services. Hagee said vets cannot fulfill the requirements to register on the PDMP site nor are they getting the PDMP registration to work. He said 2/3 of all states have exempted veterinarians from having to report and Alaska should be exempt also. Bergartt said the PDMP was not designed for veterinarians. She said vets are tasked with regulating something they themselves cannot even register for. Hagee reported that Jim Delker, legislative liaison for AKVMA, said the vet board needs to go through the legislature to build a grass roots effort with the legislators, both the senators and representatives, to support and come up with a bill exempting vets. That bill would then be taken to the

145 governor to have veterinarians removed from the PDMP requirements. Hagee said he has  
146 left messages for Laura Carrillo, PDMP Manager, but has not received a return call.  
147 Hagee wanted to put Carrillo on notice that vets cannot comply. Geiger asked if someone  
148 from the board could write the governor a letter and CC all legislators to let them know  
149 the PDMP isn't working for vets due to the requirement a vet must have a NPI number –  
150 which no veterinarian has. Therefore, the board cannot regulate or discipline licensees  
151 who cannot register.

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

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156 **Moved to write a letter to the Governor describing the problem veterinarians**  
157 **have participating in the PDMP due to the requirement a vet use an NPI**  
158 **number – which no veterinarian has. Therefore, the board cannot regulate or**  
159 **discipline licensees who cannot register.**

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161 Hagee said he would write a letter. Geary asked him to submit it to the division for  
162 approval from Director Hovenden.

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#### 164 Educational Material

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166 Bergartt volunteered to contact Lainie Franklin from AAVSB as well as AVMA to see  
167 what type of resource materials are available that could be referenced on the vet website  
168 that would help identify people in risk of abusing or misusing their pet's opioid.

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#### 170 Veterinary Client Patient Relationship definition (VCPR)

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172 The board continued their discussion of establishing a definition for VCPR specifically  
173 for Alaska veterinarians. Beck and Geiger submitted a draft to the board to be used in the  
174 discussion concerning a definition for Alaska VCPR. Hagee referred to an email Bob  
175 Gerlach, State Veterinarian sent Geary in July. Gerlach wanted to know if AK had a  
176 VCPR definition and if so, how it differed from the federal definition. Gerlach wanted to  
177 understand how the federal rules for prescriptions and veterinary feed directives impact  
178 animal owners and farmers in Alaska. Geiger suggested Alaska needed a more relaxed  
179 definition of VCPR than the federal government has. He noted if someone is in a village  
180 that isn't easily reachable and they need veterinary assistance they may have to call a vet  
181 and send pictures of a rash or whatever the situation may be. A hands on visit may not be  
182 practicable as one may not be able to load up their animal and drive to a vet clinic. He  
183 said Alaska needs a more liberal definition that doesn't require a meeting between the  
184 client and veterinarian on an annual basis. Hagee is going to contact Gerlach and have a  
185 conversation concerning what he thinks Alaska vets need to consider to be included in the  
186 definition. Bergartt suggested the board reach out to AAVSB and find out what  
187 definition other states have. Beck said without a state VCPR definition it leaves each vet  
188 to come up with their own. After much discussion the board tabled the topic until the  
189 May 11, 2018, board meeting.

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#### 192 Veterinary Medical Facility

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194 Beck and Geiger also worked as a committee to draft a definition for veterinary medical  
195 facility concerning *12 AAC 68.910*. Geiger said the expression “veterinary medical  
196 facility” or “veterinary medical facilities” only occurs five times in either the statutes or  
197 regulations – all are in *AAC 68.910*. Bergartt said if a veterinary medical facility closes,  
198 the board regulates licensees not facilities. Beck and Geiger suggested adding to *12 AAC*  
199 *68.910*, “If a veterinary medical facility closes, the entity owners (managers) are  
200 responsible for implementing the plan of patient medical records disbursement rather  
201 than employee veterinarians.” Also adding a definition to *12 AAC 68.990*, “veterinary  
202 medical facility” means any facility or organization that provides veterinary services by  
203 hired or owner licensed veterinarians, or licensed veterinary technicians or veterinary  
204 assistants either temporarily or permanently. Beck added a vet business doesn’t have to  
205 own a facility and that the board may have to go to the legislators to take the word  
206 “veterinary medical facilities” out of the regulations so the medical records would be  
207 retained by a licensed veterinarian. After much discussion the board tabled the topic until  
208 the next board meeting to rethink the definition.  
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210 **Agenda Item 9      Review Applications**

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212 The board reviewed and voted on Iditarod and other applications ready for approval.  
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214 **Agenda Item 10      Office Business**

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216 The next board meeting is scheduled for May 11, 2018.  
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218 **Agenda Item 11      Adjourn**

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220 There being no further business, Hagee adjourned the meeting. All were in favor.  
221 The board adjourned 3:25pm.  
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224 Respectfully submitted:

225 *at the time of the meeting*

226 \_\_\_\_\_  
227 Virginia Geary, Licensing Examiner  
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229 Approved:

230 *James H. Hagee*

231 \_\_\_\_\_  
232 James Hagee, DVM, Chairperson  
233 Alaska State Board of Veterinary Examiners  
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235 Date: *5-11-2018*

*Patricia Lonergan 5.11.18*

Patricia Lonergan, Licensing Examiner  
at the time meeting minutes were signed

