

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

5
6 BOARD MEETING TELECONFERENCE
7 JANUARY 25, 2019
8 Juneau, Alaska
9

10 By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62,
11 Article 6, a scheduled Board meeting teleconference of the Board of Veterinary Examiners was held on
12 January 25, 2019, at 333 Willoughby Avenue, 9th Floor, Juneau AK
13
14

15 **Agenda Item 1 – Call Meeting to Order**

16
17 Dr. Hagee called the meeting to order on Tuesday, January 25, 2019 for the Board of Veterinary
18 Examiners at 9:08 a.m. This meeting was public noticed on December 14, 2018 and on January 4, 2019
19 with an updated meeting date on the Alaska Online Public Notice system and in the Anchorage Daily
20 News.
21

22 Board Members present via teleconference:

23
24 Dr. Chris Michetti
25 Dr. Tamara Rose
26 Dr. Jim Hagee, Chairman
27

28 Board Members present in person during the Board meeting conference call:

29
30 Dr. Hal Geiger, Juneau
31 Dr. Rachel Bergartt, Juneau – joined the meeting in Juneau at 10:35 AM
32

33 **ROLL CALL:**

34

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		

35
36
37 Present from the Division of Corporations Business and Professional Licensing:

38 Jeanette Ackers, Investigator III
39 Robert Auth, Assistant Attorney General
40 Laura Carrillo, Executive Administrator Alaska Board of Pharmacy
41 Melissa Dumas, Administrative Officer II
42 Patricia Lonergan, Licensing Examiner
43

44 **Agenda Item 2 – Review and approve prior meeting minutes**

46 Dr. Hagee asked if everyone had an opportunity to review the meeting minutes from the October 12,
47 2019 meeting. Dr. Geiger requested corrections to line 23, 30, 78, and 130. Dr. Hagee requested
48 corrections to line 225.

49
50 Dr. Hagee asked all in favor of approving the corrected meeting minutes say aye.

51
52 **ROLL CALL VOTE:**

Board Member	Aye	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		

54
55 Dr. Rose requested to leave the teleconference at 9:20 AM, due to an unforeseen patient emergency.
56 Dr. Hagee agreed and the meeting proceeded as a quorum of members were still present.

57
58 **Agenda Item 3 – Review/Approve Agenda**

59 Dr. Hagee asked if there were any additions or revisions to the agenda. Hearing none, the agenda was
60 approved.

61
62 **Agenda Item 4 – Ethics Reporting**

63 Dr. Hagee disclosed that he had an email conversation with Dr. Karsten Hueffer regarding student
64 permits and Dr. Chris Michetti disclosed that she had email contact with the Alaska Veterinary
65 Technician Association regarding continuing education.

66
67 **Agenda Item 5 – Investigative Report**

68 Investigator Jeanette Akers join the meeting advising the board that currently there are nine open
69 matters, five matters have been closed, and eight matters remain on-going or under active investigation.

70
71 **Agenda Item 6 – Correspondence**

72 The board received two requests to approve continuing education. After discussion the board tabled the
73 requests for continuing education as the board did not feel it was an effective use of the board’s time to
74 determine the criteria or format needed to review and approve continuing education, their belief is that
75 staff should determine what is needed as staff has more knowledge of the statutes and regulations.
76 Staff stated that it was the board’s role to determine the requirements. The board suggested that staff
77 speak with a supervisor.

78
79 **Agenda Item 8 – Regulations**

80 Assistant Attorney General Robert Auth joined the conference call. Dr. Hagee welcomed AAG Auth and
81 advised that the board had sent a letter to Governor Walker outlining why they believed they should not
82 have been included in the PDMP legislation. Dr. Hagee advised that it is still the intent of the board that
83 Governor Dunleavy read the letter written to Governor Walker and the board will continue to pursue a
84 legislative remedy. AAG Auth said that he had read the letter and other material outlining that several
85 states have exempted the Veterinary profession from some or all of the PDMP requirements. In the
86 meantime, he believes it is appropriate that the board continue adhering to the current law and that 12
87 AAC 68.930 is appropriate. He also thought it was appropriate for the board to work with the pharmacy
88 board to develop rules for entering prescriptions into the PDMP and rules to thoroughly check the
89 PDMP prior to writing a prescription. He advised that in reading the pharmacy board meeting minutes,
90 he could tell the pharmacy board did not have a whole lot of understanding for the veterinary position

91 of being excluded from the PDMP. Dr. Geiger mentioned that he attended a pharmacy board meeting
92 and they had no interest in the problems that veterinarians would have in being included in this law.
93 The board expressed to AAG Auth that they were never consulted by the board of pharmacy, never had
94 a position, nor a voice at the discussion table. AAG Auth agreed, that yes, with the statute change and
95 the new regulations the board of pharmacy was able to pass, there are now requirements that
96 veterinarians must comply with. The board reiterated that the profession is being forced into complying
97 with a law that doesn't take into account unique challenges that veterinarians face in attempting to
98 comply.

99
100 Dr. Hagee asked for a legal opinion about the board being asked to consider if the PDMP violations are a
101 technical violation or a violation related to the standards of care, or unprofessional conduct. What is the
102 requirement of the board, is it a violation?

103
104 AAG Auth advised that there are some boards that generate disciplinary guidelines that say for this type
105 of violation the board recommends X. He does not believe the board is required to take a position.
106 He said he is not aware of anything that states the board has to have guidelines, unless there is
107 something in the PDMP regulations that require it. The board has a great deal of discretion in dealing
108 with violations. He would ask the board to inquire on what authority they are being asked to take a
109 position.

110
111 AAG Auth: A licensee would be in violation of AS 08.98.050(10) or AS 08.98.235(5) if they did not
112 register. Failure to comply with a provision of the statute, could be a technical violation, as opposed to
113 AS 08.98.235(5). You are also being asked to make a judgement on a hypothetical, every violation has
114 certain fact patterns associated to it. I am not sure that the board can say that a hypothetical violation
115 of failing to register is always going to be a violation of a regulation or a violation of professional
116 standards without knowing the facts. I don't think the board is required to take a position. The board
117 could take a position and make some type of formal disciplinary guidelines as other boards have. There
118 is a great deal of discretion, there is one statute that requires the board to be consistent, but the board
119 has discretion on sanctions to be imposed for any violation.

120
121 Dr. Geiger inquired on a procedural matter regarding ex-parte communication and conflict of interest.
122 Should a board member be allowed to participate in deliberation or even vote on a matter after there
123 had been ex-parte communication? He believes it is a procedural matter that the board can vote on that
124 and he wanted to check and be sure that it is consistent with Mr. Auth's understanding.

125
126 AAG Auth: It would be up to the board to decide if someone should recuse themselves, and you can't
127 recuse yourself out of a quorum. A quorum must always be maintained. The good thing about the board
128 discussing it and voting on it is, that there is transparency of what is going on and why this person is or
129 isn't participating, so if it comes up later, it is clear what happened.

130
131 Dr. Geiger confirmed again that the board does have the power to decide who does and does not have a
132 conflict of interest.

133
134 AAG Auth: the person with the ex-parte communication or the conflict does have a duty to bring that to
135 the board as an issue, so there is that duty on the person to disclose it, but then it is the board's decision
136 to decide what to do with it.

137 Dr. Geiger stated that many times he has seen the board of fisheries break into a sub-committee that
138 would go away and draft something that will then be brought before the board and discussed in an open
139 meeting and be voted on. This board has been told that we can't really do it without a lot of complexity
140 that involves public noticing for the subcommittee and I'm wondering if you have any advice for us as

141 how we could make a subcommittee just for the purpose of drafting something that we come back and
142 discuss, or is the subcommittee process just never going to work on this board.

143
144 He further noted that we have a public meeting here to discuss motions, but this meeting is not the
145 place to draft a lengthy letter or something like that, that would be an extreme waste of time, especially
146 when we are not in the same city, so, it would be expeditious of a couple of people to meet and bring a
147 draft to a meeting and then, discussion could center around the draft, but we have been told that is not
148 really workable.

149
150 AAG Auth: In reviewing the public meetings act, a meeting is more than three members or a majority of
151 the members, whichever is less.

152
153 Dr. Geiger: So two members acting as a subcommittee that are going to report to the full board would
154 not be a meeting is that correct?

155
156 AAG Auth: That would not be considered a meeting, yes. You could have two without any problems.

157
158 Dr. Geiger: I want to be really clear, we will discuss the draft with the full board. As far as you are
159 concerned, that would be appropriate.

160
161 AAG Auth: Yes, with a caveat, that I was not prepared to talk about this, I am just looking at the public
162 meetings act very quickly.

163
164 Dr. Bergartt joined the meeting in Juneau at 10:35 AM.

165
166 Staff: The reason I have advised the board that a subcommittee meeting must be public noticed is
167 per the Policies and Procedures manual that licensing examiners work with: Procedure DOL-7 page 2 of
168 5, Public Notices.

169
170 Subcommittees, Advisory Committees and Working Groups-
171 The membership of a subcommittee, advisory committee, working group or similar group by another
172 name may not include a quorum of the board. Any meeting that includes a quorum of a board is
173 considered a board meeting.

174
175 A subcommittee, advisory committee, working group or similar group by another name (committee)
176 that consists of two or more individuals (note they need not be board members) which is recognized by
177 the public entity and has authority to advise or make recommendations to the public entity is
178 considered a "government body" under AS 44.62.310(h)(1). Prearranged "committee" meetings are
179 open to the public and must be public noticed.

180
181 Dr. Geiger asked Mr. Auth to consider this information and get back to the board. Mr. Auth advised he
182 would.

183
184 Dr. Hagee stated that he appreciated the comments, and it just doesn't make any sense to only have
185 two people on a subcommittee and have to have that public noticed and have a recording secretary
186 there. It is a conversation between two people over coffee, coming up with a recommendation. The
187 board at large is different, that needs to be public noticed and needs to have the minutes, but pushing
188 ideas back and forth across the table is very beneficial and doesn't necessarily, in my opinion, need to
189 jump through all the legalistic hoops.

190
191

192 **Veterinary Facility Definition and Medical Records**

193 The board reviewed the veterinary definition with AAG Auth. There is no statutory authority for the
194 board to regulate Veterinary Facilities. The board can require an appointed veterinarian within the
195 facility to be responsible for maintaining medical records, there is a way to do that as the regulation
196 would be regulating that specific veterinarian. The board reviewed 12 AAC 68.910 with AAG Auth.

197

198 Dr. Bergartt: We say that a veterinarian needs to maintain the records for seven years, but what
199 happens to the records if the veterinarian leaves. Is our only option to get a legislative fix to this?

200

201 AAG Auth: It would require a statute that provided the authority to regulate the veterinary facilities.
202 The facility itself would have to get a permit, there would be requirements that the board would
203 monitor and could enforce. Right now you have the authority to regulate the veterinarian in that facility,
204 but not the facility itself. You have no authority to enforce a requirement on a facility.

205

206 Dr. Geiger: Would we be able to designate a manager?

207

208 AAG Auth: The manager can't appoint themselves, and you could not sanction a manager if the facility
209 never designated a manager to keep the records.

210

211 Dr. Bergartt: If we are saying you have to have a designated facility manager, if you don't have a
212 designated manager, you are not a veterinary facility, it is still our responsibility to ensure that the public
213 has access to their records. I think we should pursue working with the legislature to enact the authority
214 to regulate the facilities. That will put people on notice that the facility is responsible for designating a
215 manager and maintaining records, approach it through a statute change, allowing us to regulate a
216 veterinary medical facility, to ensure that the public has access to records. We are ultimately looking for
217 a way for the public to have access to their records, and right now we do not have that.

218

219 Dr. Rose re-joined the meeting via teleconference at 11:12 AM

220

221 Dr. Bergartt: I would like to see a statute change that would give us authority to regulate a facility, even
222 if it was a free permit. That would give us the ability to say that anywhere veterinary services are
223 provided, they would be required to engage a facility manager who is a veterinarian. That would give
224 them notice that they must be able to maintain the records and give to the client when requested.

225

226 Dr. Geiger asked staff how they would go about pursuing a statute change.

227

228 Staff: The board would need to find a legislator to propose the statute change and carry it through the
229 entire process of being an enacted law.

230

231 Dr. Geiger asked Dr. Bergartt if she would consider a regulatory change while the board pursues the
232 statute change, as that process is lengthy.

233

234 Dr. Bergartt responded that a regulatory change would be a temporary fix, and would have no
235 consequences, we would actually not be protecting the public, but it is a step forward acknowledging
236 that there is a problem and we are working on fixing that problem.

237

238 Dr. Geiger recommended to the chairman that the board pursue a regulatory change that defines a
239 veterinary medical facility.

240

241 The board will work on the regulations that were drafted by the regulations specialist, under agenda
242 item 12, later in the day.

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Veterinary-Client-Patient Relationship

AAG Auth advised the board that he had an opportunity to review 12 AAC 68.075 as written, it just needs some clarification in subsection (a) about what triggers the veterinary-patient-client relationship.

Dr. Hagee said he believed the intent of the board on that particular topic was to include situations where it is physically impossible, in a timely fashion, for a veterinarian to be onsite examining a specific animal. He noted the federal feed directive of putting antibiotics into fish food in some of the hatcheries. In Alaska, the VCPR onsite, can be burdensome, costly and practically impossible to accommodate. It is impossible for a veterinarian to physically check each fish in the hatchery.

Dr. Geiger asked Mr. Auth what would be an example of clarification?

Mr. Auth responded, "I thought it was for the reason of it being in person or?"

Dr. Geiger stated he could take his dog in for an eye infection, and if it reoccurs multiple times he could just call the vet on the phone. The relationship could be initiated by an in-person visit, a laboratory report, or a phone call. The board wanted to leave that open, to allow the veterinarian judgement as to whether he or she had sufficient knowledge of the animal.

AAG Auth did not see a problem with not defining the circumstances, if that is what the board wants. Dr. Geiger mentioned the concerns of the state veterinarian, those were included in the minutes from the last meeting.

Dr. Bergartt: Mr. Auth, one of a questions I have, if our VCPR language does not meet the federal criteria of having an onsite visit, are those facilities still going to be required under federal authority to have an onsite veterinary visit? If we make language specifically broad because we want to let the fisheries or the cattle farmers, whomever, have the discretion to initiate a phone call conversation with the veterinarian, but the federal regulations say that you have to have an onsite visit. Dr. Gerlach wanted to see us put something in our regulations requiring an onsite visit so that we meet the federal criteria. Does that put the salmon hatcheries and cattle farmers at a position where since our state regulations don't meet the federal requirement, that those hatcheries and cattle farmers will still need to meet the federal requirement of having an actual visit. Does it address what Dr. Gerlach was concerned about? What would broad wording like this do in relationship to the federal regulations for people who are actually using the feed directive antibiotics?

AAG Auth: I don't know for sure, the federal requirements would still apply where they apply. Is this provision a carve-out from the federal regulation? Dr. Hagee confirmed it was.

Dr. Geiger: I thought from our last meeting that we would put forward this regulation and then the federal government would either allow us to use this or they wouldn't. We don't really know what they are going to do. We have been told that our language would probably not pass muster, but that maybe it will. I think at our last meeting we did our best job to come up with language for the VCPR that made sense, was defensible, and was based on wording from a national organization. Our language was carefully deliberated and the federal government can either accept it or not. If the federal government won't accept it, it's just not our problem. This meets the needs of the State of Alaska.

AAG Auth: I would agree with that, it is hard to know what the federal government is going to do or how they will interpret this. Creation of the client-patient relationship is a core function of the board to establish, so it is a very important function of the board to set out something like this, but how it's going

293 to work out, the whole concept of, whether a federal law preempts a state law in any particular
294 situation is complicated, and it is hard to predict the outcome.

295
296 Dr. Hagee asked if it was the board's obligation to reach out to the FDA and get their opinion on it, Mr.
297 Auth stated he did not know that it was if the board feels that strongly about its own position.

298
299 Dr. Bergartt: I am on the FDA's webpage regarding the final rule of the veterinary feed directive and
300 they clearly state, for our information, the final rule provides that the veterinarian must issue the VFD in
301 the context of a valid VCPR as defined by the State requirements applicable to where the veterinarian
302 practices veterinarian medicine. In states that lack appropriate VCPR requirements applicable to VFDs
303 the veterinarian must issue the VFD consistent with federally defined VCPR standards, which is set forth
304 in the FDA's regulations. A site visit will still be required.

305
306 Dr. Geiger: Having worked around regulations for a long time, I believe there is a lot of room for
307 interpretation and the federal government could choose to interpret that any number of ways. So, I
308 think we should adopt a regulation describing a VCPR that is best for Alaska and they can either consider
309 that good enough or not, and we are no worse off, no matter which way they choose, with this
310 language.

311
312 Dr. Rose: I agree. To me that sounds very loose, like it's up to the state and up to their own
313 interpretation and definition of the relationship. It seems that we just need to define what works for
314 Alaska.

315
316 Dr. Bergartt: I agree that this is best for Alaska, I think it's important for the board to realize that there
317 could be some repercussions.

318
319 Dr. Rose: We could deal with that, if and when that happens.

320
321 AAG: I've touched on everything I intended to say.

322
323 **Board of Pharmacy Letter**

324 Dr. Bergartt: What is reasonable, appropriate language to send to the board of pharmacy and the
325 legislature to request their support in our goal of not participating in the PDMP requirements? What is a
326 good strategic way of bringing them into our conversation, understanding that they would rather not
327 have the conversation?

328
329 AGG Auth: This is regarding the legislative fix? Knowing that it does appear they are very sympathetic to
330 the boards' position. On the other hand, I am not sure they are aware of what other states have done.
331 They are not tuned into the situation veterinarians are in with regard to the PDMP. What was
332 compelling to me in the letter to Governor Walker is that states have already exempted the veterinarian
333 profession from the PDMP requirements and I think that is important in terms of getting legislative
334 support. You have to address the loophole argument, that you would be creating a loophole in this
335 framework. That's where the argument is.

336
337 Dr. Bergartt: But the loophole is an illusion as far as veterinarians are concerned, there is no way to
338 identify a specific animal tied to one particular owner.

339
340 AAG Auth: That is a good argument. You should also address the perception that if veterinarians are
341 excluded, a loophole that people can exploit exists, that is the way the Pharmacy Board sees it. To a
342 certain extent the Pharmacy board already knows this board's position. It is judgement call.

343

344 Dr. Hagee suggested sending the Board of Pharmacy a courtesy letter.

345

346 Dr. Geiger: I believe there is a great benefit in writing a letter with facts in it, it's a good tool, it shows
347 deliberation.

348

349 Dr. Bergartt: I will move forward with the letter to the Pharmacy Board and forward it to staff for
350 distribution out to the board for review.

351

352 Dr. Hagee thanked AAG Auth for his time and deliberation on the items discussed today. Dr. Bergartt
353 asked if there could be discussion with AAG Auth regarding PDMP Rx Searches. Dr. Hagee advised that
354 the board had already discussed that previously in the meeting.

355

356 The board recessed for lunch. Off the record at 12:03

357

358 On the record at 1:01

359

360 **Agenda Item 11- Public Comment**

361

362 No members of the public were present for public comment, by teleconference or in person.

363

364 **Agenda Item 12-Veterinary Facility Definition, Medical Records**

365

366 On a motion duly made by Dr. Geiger, seconded by Dr. Rose, it was:

367

368 Recommended to send the draft regulation project for 12 AAC 68.990 and 12 AAC 68.940 to the
369 regulations specialist for public comment with amendments.

370

371 The board discussed the draft regulations from the regulations specialist, and determined the regulation
372 for veterinary medical facility manager should be limited to the manager being responsible for the
373 maintenance of veterinary medical records in compliance with 12 AAC 68.910.

374

375 On a motion duly made by Dr. Bergartt, seconded by Dr. Geiger, and approved unanimously, it
376 was:

377

378 Resolved to amend the original motion to include, "the manager is responsible for the
379 maintenance of veterinary medical records in compliance with 12 AAC 68.910".

380

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		
Dr. Rachel Bergartt	X		

381 The board reviewed the draft regulations for the veterinary-client-patient relationship (VCPR).

382

383 On a motion duly made by Dr. Geiger, seconded by Dr. Rose, and approved, it was:

384

385 Resolved to send to the regulations specialist for public comment, 12 AAC 68.075, regarding the
386 veterinary-client-patient relationship, with a period after the wording animals with red words
387 removed.

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		
Dr. Rachel Bergartt		X	

389

390

391 After discussion, it was determined to keep the definition of the VCPR broad, as it is not necessary to
 392 send a veterinarian to a fish hatchery, or if the veterinarian established a VCPR by phone with a
 393 laboratory report.

394

395 Dr. Bergartt noted that this would not protect clients from telemedicine by a person not licensed in any
 396 state practicing telemedicine. She further noted that the board should entertain at a future date to
 397 address telemedicine.

398

399 Dr. Geiger stated that a licensed veterinarian has to be involved in giving fish in a fish hatchery
 400 antibiotics under the new federal directive. It's the hatcheries responsibility to find a licensed
 401 veterinarian.

402

403 Dr. Geiger suggested the board continue the discussion regarding the continuing education format and
 404 that he would like to work with staff on developing that form. The form would include the instructor's
 405 CV, statement of course intent, course outline that would include topics covered, time budget, and a
 406 statement disclosing a conflict of interest that would specifically address whether the instructors receive
 407 funding from drug companies or manufacturers.

408

409 Dr. Bergartt suggested having the information regarding what the board would be looking for when
 410 submitting a continuing education course for approval available on the website, and work on regulations
 411 to provide guidance on what the board will require through that regulation.

412

413 On a motion duly made by Dr. Bergartt, seconded by Dr. Geiger, and approved unanimously, it
 414 was:

415

416 Resolved to post on the website, the following items for board approval of a request for a
 417 continuing education course for approval: 1) instructor's CV; 2) statement of the course intent;
 418 3) course outline, which includes the topics covered; 4) time budget; 5) statement of disclosure
 419 of a conflict of interest that would specifically address whether the instructors receive funding
 420 from a drug or device manufacturer; or other funding sources specific to the course of
 421 instruction, and forward them to the regulation specialist for drafting, and review by the board
 422 at the next meeting.

423

424

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		
Dr. Rachel Bergartt	X		

425
426 Student permit-

427
428 The board discussed the student permit fee requirement.

429
430 On a motion duly made by Dr. Geiger, seconded by Dr. Michetti, it was:

431
432 Resolved to approve language, "An individual applying for a student permit under this section
433 may be exempt from the student permit fee under 12 AAC 68.500(b)(2), if they are obtaining a
434 student permit for the purposes of participating in an educational program in an accredited
435 veterinary college."

436
437
438 Dr. Geiger made a motion to rescind his previous motion, Dr. Bengartt seconded, and approved
439 by a vote of four yeas and one abstention, it was:

440
441 Resolved to rescind the previous motion.

442

Board Member	Yea	Nay	Abstain
Dr. Hal Geiger	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee			X
Dr. Rachel Bergartt	X		

443
444 Dr. Hagee abstained from the vote on the motion. The motion was rescinded by Dr. Geiger so a motion
445 could be made to allow Dr. Hagee to participate in the conversation.

446
447 Dr. Geiger, in line with the ethics and ex parte communication conversation the board had earlier in the
448 meeting, asked Dr. Hagee if he had any financial interest in the subject. Dr. Hagee answered that he had
449 no financial interest in the subject.

450
451 Dr. Geiger put his previous motion back on the table for consideration.

452 On a motion duly made by Dr. Geiger, seconded by Dr. Michetti, and approved unanimously, it
453 was:

454
455 Resolved to approve language, "An individual applying for a student permit under this section
456 may be exempt from the student permit fee under 12 AAC 68.500(b)(2), if they are obtaining a
457 student permit for the purposes of participating in an educational program in an accredited
458 veterinary college."

459
460

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		
Dr. Rachel Bergartt	X		

461

462 **Agenda Item 13 – PDMP Report/Investigative Process P&P 28**

463
464 Laura Carrillo, Executive Administrator for the Board of Pharmacy joined the meeting for the PDMP
465 report specific to the Board of Veterinary Examiners.

466
467 Ms. Carrillo inquired whether the board would consider it a standard of care of technical violation when
468 a veterinarian did not register with the PDMP. It’s up to the board to make that determination. She also
469 asked how long would the board allow a newly licensed veterinarian to register with the PDMP before
470 the board considered the late registration as a violation. The board needs to make the determination so
471 the PDMP coordinator knows when to refer a veterinarian to the investigator for late registration. Once
472 the investigation was complete, it would be brought to the board for any disciplinary action if the board
473 determined one was necessary.

474
475 The board discussed the conversation they had with AAG Auth earlier. The board stated they would like
476 the discretion in determining if the veterinarian should be disciplined, as noted by AAG Auth. Ms.
477 Carrillo stated she could obtain what other states do when veterinarians do not register, as examples for
478 the board.

479
480 Ms. Carrillo said she needed guidance from the board when they would consider delayed registration so
481 she would know if and when she would need to refer them to investigations. All other boards had
482 already given her guidance, the veterinary board had not. The Medical and Nursing boards issue
483 advisory letters when their licensees are late in registering.

484
485 Dr. Geiger said he would like to see someone send the veterinarian a letter after 30 days advising the
486 veterinarian to register. Ms. Lonergan suggested the board review the medical board’s matrix and use
487 that as a place to start, and either discuss at a future meeting or vote via OnBoard.

488
489 Ms. Carrillo said she would be sending any late registrations to the investigator until she has guidance
490 from the board.

491
492 On a motion duly made by Dr. Michetti, seconded by Dr. Rose, and approved by roll call vote, it
493 was:

494
495 Resolved to determine that 180 days is the amount of time a veterinarian has to register with
496 the PDMP before it is considered delayed.

497

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		
Dr. Rachel Bergartt	X		

498
499 **Agenda Item 14 – Budget Report**

500
501 Melissa Dumas, administrative officer, joined the meeting to discuss the budget/expense report. Ms.
502 Dumas reviewed the end of FY2018 report, and the second quarter of FY2019. The board had no
503 questions for Ms. Dumas.

504

505 The board deviated back to previously heard agenda items including regulations, the PDMP RX searches,
506 and the letter to the Governor. Dr. Hagee said that he hopes Governor Dunleavy will read the letter and
507 take some kind of action, as it was previously delivered to Governor Walker. The letter is still a good,
508 accurate, and viable letter if we can get it into the right hands. He believes Alaska veterinarians should
509 be exempt from registering. He believes the requirement has decreased the standard of care in
510 veterinary practices, including his own.

511
512 It was the board's understanding that the letter is now considered a public document and may be
513 distributed to any party.

514
515 Dr. Hagee said he would be sending the letter to the legislature, but would like to have help sending it
516 via email as he is one sole person and can't do all of it. Dr. Bergartt asked if the board could send it to
517 legislators as a private individual and not a board member, Dr. Hagee responded yes.

518
519 Dr. Bergartt said that she will be writing a letter to the Board of Pharmacy as an attachment to the
520 letter the board sent to Governor Walker so they have an understanding of the board's position.

521
522 Dr. Geiger asked if the board was to vote on approving individual continuing education courses. Dr.
523 Hagee said that if the course is already approved by RACE, the board does not need to approve it.

524
525 Dr. Geiger brought up the Board Basics and Beyond training course that he had attended a couple of
526 years ago and found it very useful, including national regulatory issues. He believes it is a valuable
527 course and thinks the licensing examiner should attend the next one. The travel is paid for by the
528 American Association of State Veterinary Boards.

529
530 On a motion duly made by Dr. Geiger, seconded by Dr. Bergartt, and approved unanimously, it
531 was:

532
533 Resolved to approve travel to the Board Basics and Beyond course for Dr. Michetti.

534

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		
Dr. Rachel Bergartt	X		

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536

537 It was noted that the board had made a motion in a previous meeting for the licensing examiner to
538 attend.

539

540 There were two continuing education courses the board needed to review for approval. Dr. Michetti
541 disclosed that she had a brief conversation with the person for the veterinary technician course,
542 regarding the process of board approval for a continuing education course, she referred the person to
543 the licensing examiner. Questioned by Dr. Geiger, Dr. Michetti stated since the conversation was short
544 and vague, she could fairly review and vote on a motion for approval for the continuing education
545 course.

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547 On a motion duly made by Dr. Geiger, seconded by Dr. Bergartt, and approved unanimously, it
548 was:

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Resolved to allow Dr. Michetti to deliberate and vote on the matter considering the ex parte communication, citing she has no conflict of interest.

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		
Dr. Rachel Bergartt	X		

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Dr. Hagee asked Dr. Michetti to start the discussion and what she knows. Dr. Michetti stated she only knows that it looks like a valid course for veterinary technicians, she did not have prior knowledge of the course, before seeing it in the board packet.

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After questioning by Ms. Lonergan, Dr. Hagee agreed that the standard for approval of a course should be tailored to the individual group, one for technicians, and one for veterinarians, Dr. Michetti agreed.

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561

On a motion duly made by Dr. Geiger, seconded by Dr. Bergartt:

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The motion to decline approval of the continuing education course “Beating the Bugs” until the licensing examiner requests and receives more information, failed by roll call vote.

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Chris Michetti		X	
Dr. Tamara Rose		X	
Dr. James Hagee		X	
Dr. Rachel Bergartt	X		

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On a motion duly made by Dr. Bergartt, seconded by Dr. Michetti, and approved unanimously, it was:

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Resolved to ask for additional information regarding the “Beating the Bugs” continuing education course, and include the five items requested by the board previously in the meeting.

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575

After discussion, the board stated all of the information including the number of CE’s requested, and the date of the course should be submitted before consideration by the board.

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		
Dr. Rachel Bergartt	X		

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The licensing examiner is tasked to request all of the information for the board.

579 The ultra sound course was brought up for review. Dr. Hagee suggested the Veterinary Center of Alaska
 580 (VCR) course may be RACE approved and the licensing examiner should obtain more information. It was
 581 noted the information received stated it was requesting eight hours of CE, but did not mention the
 582 course being RACE approved.

583
 584 On a motion duly made by Dr. Geiger, seconded by Dr. Rose, and approved unanimously, it was:
 585

586 Resolved to approve the continuing education for the VCA Ultra Sound course.
 587

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		
Dr. Rachel Bergartt	X		

588
 589 The board reviewed the letter from Director Chambers disseminated to all boards regarding the
 590 Department of Law’s information about CBD oil.

591
 592 It was determined the board would take no position on the information provided. Dr. Hagee stated if
 593 asked by a client about CBD oil, he would respond by saying it is not in the drug formulary, not approved
 594 for medicinal use, and anything you do on your own is up to you, I won’t endorse or condemn it.

595
 596 Ms. Lonergan asked if the board had made motions to send all of the regulation projects forward for
 597 public comment. Ms. Lonergan noted the board had not yet voted on the draft regulation 12 AAC
 598 68.930, requiring a veterinarian to register with the PDMP if they have a federal DEA registration
 599 number.

600
 601 On a motion duly made by Dr. Bergartt, seconded by Dr. Michetti, and approved unanimously,
 602 it was:

603
 604 Resolved to accept the draft wording of 12 AAC 68.930 and forward to the regulations specialist
 605 for public comment.
 606

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		
Dr. Rachel Bergartt	X		

607
 608
 609 The board discussed the PDMP Rx searches. Dr. Bergartt mentioned it was over burdensome, does not
 610 allow for the veterinarian to track an animal that is being treated because an animal does not have a
 611 SSN, we can’t actually identify the patient by the current template. Dr. Hagee mentioned that topic was
 612 addressed in the letter to the Governor. Dr. Bergartt said the board needs to convey to the Board of
 613 Pharmacy, the information contained in the template does not assist a veterinarian in identifying the
 614 actual patient, Dr. Michetti agreed. Dr. Bengartt further commented that requiring an animal that

615 receives controlled substances to obtain a microchip, is burdensome to the owner and does not agree
616 that is a solution.

617

618 It was determined Dr. Geiger would write a letter with bullet points as to why it won't work for
619 veterinarians, and have the board review through the licensing examiner. Once approved, the licensing
620 examiner would forward to Laura Carrillo.

621

622 **Agenda Item 16-Applications**

623 Ms. Lonergan asked Dr. Hagee if he had other items he wanted to address, such as applications or
624 scheduling meeting. She further stated that if any of the board members had issues with applications, or
625 the process, they should discuss this during a board meeting.

626

627 **Agenda Item 17- Schedule Meetings-Tasks**

628 The board decided to reschedule the next meeting to May 24th due to members not being available May
629 17th.

630

631 **Agenda Item 18-Adjourn**

632 Dr. Hagee asked if there was any other topic to be brought up for the good of the order.

633

634 Task list:

635

636 Ms. Lonergan: Request additional information for the veterinary technician continuing education course,
637 "Beyond Bugs".

638 Dr. Geiger: Write a letter addressed to the Board of Pharmacy through Laura Carrillo, regarding PDMP Rx
639 searches. Submit to the licensing examiner for board approval, and after approval forward to Laura
640 Carrillo.

641 Dr. Bergartt: Write a letter addressed to the Board of Pharmacy and submit with the letter to Governor
642 Walker. Submit to the licensing examiner for board approval, and after approval forward to Laura
643 Carrillo.

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645 The conference call adjourned at 3:35 PM

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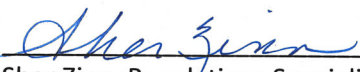
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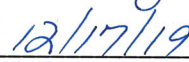
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Respectfully Submitted:

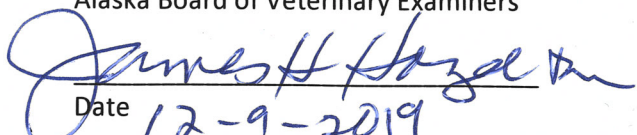


Sher Zinn, Regulations Specialist



Date

Dr. Jim Hagee, Chairman
Alaska Board of Veterinary Examiners



Date 12-9-2019