



Board of Veterinary Examiners

Alaska Division of Corporations, Business and Professional Licensing
March 8, 2024 at 9:00 AM AKST via Zoom

These minutes were approved at the April 11, 2024, meeting of the board

Members Present: Rachel Bergartt, DVM, Chair; Denise Albert, DVM; Hal Geiger, PhD; Ciara Vollaro, DVM

Staff Present: Tami Bowman, Occupational Licensing Examiner; Rachel Billet, Program Coordinator; Sara Chambers, Boards and Regulations Advisor; Alison Osborne, Regulations Specialist

Call to Order

The meeting was called to order at 9:04am by Dr. Bergartt. A quorum was established. She read the board's mission statement into the record. All members declared they had no conflicts of interest to report.

Motion by Dr. Bergartt to approve the agenda. Passed by unanimous consent.

Motion by Dr. Geiger to approve the minutes of February 1, 2024. Seconded by Dr. Vollaro. Dr. Bergartt requested the ratio of veterinarians to technicians be changed in the minutes to reflect one technician per two veterinarians. **Passed by unanimous consent.**

Conversation about veterinary technician educational pathways

Several guests were introduced as participants in the discussion:

- American Association of Veterinary State Boards (AAVSB): Beth Venit, Channing Benson, Amy Farmer
- National Association of Veterinary Technicians in America (NAVTA): Sam Geiling
- Mat-Su College/University of Alaska: Judith Montalbano

AAVSB shared a chart that reflects Alaska's applicants to sit for the exam from 2019-2024 YTD. A majority of the applicants do receive on-the-job training as opposed to graduation from an accredited educational program. AAVSB said there was no stance for or against on-the-job training as a pathway toward Veterinary Technician National Exam (VTNE) eligibility. If the jurisdiction accepts on-the-job training as acceptable, AAVSB will allow them to sit for the exam.

Dr. Albert said that a NAVTA representative had told her that they intend to advocate against on-the-job training. Dr. Bergartt asked about mobility for technicians who hold an Alaska license. Dr. Venit said that each jurisdiction has its own standards. She has heard that a few might be moving away from allowing on-the-job training, and some may be pursuing a transition period for those who hold a license in that area. Dr. Venit said that some states don't even regulate technicians. Ms. Geiling said that most states don't require technicians to pass a state jurisdiction exam. Only three states allow technicians to take the VTNE without formal education, including Alaska.

Ms. Chambers asked AAVSB to clarify whether the Alaska board will be surrendering any options for technicians when the board adopts pending regulations transferring approval to sit for the VTNE from the Alaska board to AAVSB. Dr. Farmer and Dr. Venit clarified that AAVSB will continue to allow persons to sit for the exam as long as the jurisdiction's regulations allow that pathway to licensure.

Dr. Venit cleared up a misunderstanding between AAVSB and NAVTA regarding a rumor that AAVSB would no longer accept on-the-job training as a pathway to the exam. She said that the AAVSB board researched the impacts of such a potential decision at the request of a member board, and there was never an intention to move in that direction.

Ms. Geiling confirmed that NAVTA is not a regulatory board but is an industry association that promotes and advocates for the veterinary technician industry. She requested that Dr. Montalbano review the skills list and other training necessary for technicians to be successful.

Dr. Montalbano requested AAVSB provide data surrounding the various pathways and jurisdictions, which Dr. Farmer said AAVSB would be happy to provide. She described the technician program she is starting at Mat-Su College. She expects the program to produce 16 technicians in the first year, which is not enough to meet Alaska's needs. Dr. Venit said that technician schools must submit the names of students eligible to take the VTNE. It is up to the school to decide whether they can take the exam prior to graduation.

The board thanked all guests for participating and helping clarify their questions. All Alaska board members said they had no intention of eliminating on-the-job training at any point in the future. This is necessary to maintain a supply of technicians in the state. They want to see how Mat-Su College's program is successful in the long term.

Regulations

Regulations Specialist Alison Osborne joined the meeting to discuss current regulations projects.

State examination and military licensing

The board reviewed the draft regulations pertaining to this topic. Members considered potential further changes:

- Whether the sponsoring veterinarian should be notified each time a temporary licensee fails a required exam.
- Rescinding 12 AAC 68.030(b) and adopting a new regulation requiring staff of the board to notify the supervising veterinarian if a temporary license holder loses that license due to failure to pass either the state jurisprudence exam or the NAVLE.
- Clarifying that a temporary license holder should be able to retake the state exam multiple times while awaiting their NAVLE results. This was based on Ms. Bowman's discovery that the plural "notifications" in AS 08.98.180 originally referred to the NAVLE and another national exam that is no longer offered. It inadvertently now encompasses the national and state exams since those are the only applicable examinations. Thus, 12 AAC 68.030(b) refers to notification of both examinations.
- Ms. Bowman also pointed out that the reference to the North American Veterinary Licensing Examination (NBVME) in 12 AAC 68.015 should now be International Council for Veterinary Assessment (ICVA) since the organization changed its name.

Motion by Dr. Albert to table the project regarding state examination and military licensing changes and the section on new regulations until the next meeting of the board. Seconded by Dr. Vollaro. **Passed by unanimous consent.**

Veterinary-Client-Patient Relationship

The board reviewed the rekeyed draft regulations that it voted on at its February meeting to ensure accuracy. Ms. Osborne explained that the goal is to forward to LAW for their initial review after today's review by the board.

Dr. Geiger raised concern about whether "licensure status" as proposed in the draft accomplishes the board's intended goal. The board discussed further and determined the proposed language helped clarify to potential clients whether the attending veterinarian held a current license in Alaska.

The board discussed whether it made sense to send this package forward immediately or wait to send as a package with the other regulations that had been tabled to the next meeting. Ms. Osborne and Ms. Chambers advised that the board could do either; however, combining into one package would be more efficient and cost effective.

Motion by Dr. Albert to send this version of the VCPR regulations rewrite to LAW along with the tabled state examination and military licensing regulations if approved at a future meeting; any edits by LAW or the regulations specialist should come back to the board for approval prior to being noticed for public comment. Seconded by Dr. Geiger. **Passed by unanimous roll call vote.**

Ms. Osborne mentioned that she is leaving the division in April and may not be able to attend future meetings. She will work on existing projects to complete everything that is currently open before she leaves, if possible, and she will leave an excellent handoff document to help her replacement or Regulations Specialist Stefanie Davis understand the content and status of all pending projects. Ms. Davis will be handling all the regulations projects for the division, so they will be managed; however, the vacancy will slow down the progress of regulations.

The board agreed to table the remaining agenda items relating to new proposals for regulations and statute changes and work on them at the next regular meeting, including:

- Maintenance of medical records
- Time limit to file a complaint
- 12 AAC 68.230(b): Definition of "scientific"
- Recommendation to division for euthanasia regulations

Occupational Licensing Fee Legislation

Ms. Chambers reviewed the division's request for boards to support the governor's occupational licensing legislation, HB 314 and SB 225. She explained the goal of the bills is to remove all expenses generated through investigative activity from the fee-setting process in AS 08.01.065. These types of expenses are corralled in the "investigative activity" section of each quarterly fiscal report. The board wanted to ensure that the legislation would not result in shifting these fiscal burdens onto other entities, potentially increasing their fees. Ms. Chambers said that she understood the expenses would be covered through corporate registration and business licensing fees, which currently send millions

of dollars in revenues to the state’s general fund. It is not expected that moving professional licensing investigative fees to that fund source would have any impact on those entities.

Motion by Dr. Geiger to write a letter in support of HB 314 and SB 225 pertaining to occupational licensing fees. Seconded by Dr. Vollaro. **Passed by unanimous roll call vote.**

Ms. Billiet offered to prepare the letter using the division’s template and send to Chair Bergartt to review and sign. It would then be provided to the division director to forward to the appropriate legislative body. The board agreed.

Executive Order 124

Chair Bergartt raised the executive order to the board’s attention. She explained that there is currently a “clean list” of animals that can be considered exotic and allowable in Alaska. The EO would move decisions regarding this list from the public process found within the Board of Game to management by regulations adopted by the Commissioner of Fish and Game. This could impact veterinarians, farms, and the public. The chair suggested the board may want to take a position but would need to prior to the legislature’s vote on the executive order on Tuesday. Dr. Geiger questioned the motives of the executive order. All board members stated they felt that experts needed to be involved and not just one person.

Motion by Dr. Geiger moved to support a veto of EO 124. Second by Albert. Passed by unanimous consent.

Ms. Chambers explained that staff would not have time to send a letter for delivery to the Governor or legislature before the joint session on Tuesday morning. Board members are welcome to make individual calls representing the board’s position, if they wish. She said she would verbally convey the board’s position to the governor’s office through the department’s legislative liaison.

Administrative business

Licensing Examiner Report

Ms. Bowman reviewed the latest available licensing data:

License Issued:	YTD	7/1/23 to date	In Process:
Veterinarians	4	17	14
Veterinary Technicians	7	17	25
Courtesy	49	56	2
Student Permits*	9	23	0
Temporary Permits*	3	6	2
Temporary Licenses	0	4 (2 exp – 1 failed NAVLE)	0

She said the Iditarod paid for their temporary permits on February 9 and permits were all issued by February 15. She thanked the board for their votes on these applications and for working on regulations changes that will help ease exam deadlines for both staff and applicants. She said that she expects student permits to start coming in soon.

AKVMA Update

Chair Bergartt explained that there is an online terrorist group called 764 that the FBI is tracking that entices and coerces children typically 8-15 years old to do something damaging to themselves or their pets—up to and including murder and torture of the animal—or they will harm the child or their families. The chair is hoping to share this information to help veterinarians and clients to identify when this might be happening. There is involvement in popular video games and chat groups. Dr. Albert said the group has been identified as “anti-Western culture.” Dr. Vollaro said she also attended the AKVMA meeting where this was discussed.

Board Correspondence

The board discussed a question received regarding a veterinarian who would like to find an out-of-state veterinarian to provide remote clinic consultation. Dr. Geiger reinforced that there is no legal provision for purely telehealth consultation. Dr. Albert said telehealth is allowed once the VCPR is established. Ms. Bowman said that the veterinarian asking the question on behalf of her colleague has received courtesy and temporary permits in the last year. Dr. Bergartt said she needs more information regarding the practice in order to answer the question. She volunteered to come up with a list of questions and work with Ms. Bowman to identify a potential pathway forward for the questioner.

Ms. Chambers mentioned that staff are receiving many questions regarding the practice of chiropractic, massage, audiology, or physical therapy on animals. She referred to a letter provided in the board packet as a recent example. Staff are responding by pointing to the definitions of veterinary practice in statute, as the board had instructed at a previous meeting. Ms. Chambers suggested that this board send a letter to the related Alaska licensing boards alerting them to the volume and substance of these questions and offer to hold a conversation regarding what constitutes veterinary practice. She hoped this would help clarify any misconceptions and make transparent the current requirements under state law. The board agreed that would be a good idea and asked if she would draft a letter for review by a board member to send to the other related boards. Dr. Albert agreed to work with Ms. Chambers on the letter.

Set next meeting date

Dr. Vollaro offered to create a first draft of the necessary updates to the pending state examination and military licensing regulations per the board’s discussion earlier in this meeting.

The next meeting will be held at 9:00 a.m. on April 11, 2024. Ms. Billet explained that there may not be a regulations specialist available at that meeting because several other boards have already scheduled meetings at that time.

Board Questions

The board inquired about the status of filling the three vacancies on the board—one veterinarian and the seats held by Chair Bergartt and Dr. Geiger, who completed their regular terms on March 1. Ms. Chambers reported that she continued to raise the board’s vacancies to the governor’s office and had not received an indication that they would be filled quickly. They are focusing on filling critical vacancies that are hampering the business of the state. Chair Bergartt asked if their willingness to serve past their terms was putting the board lower on the list. Ms. Chambers said that would be a

logical assumption but, knowing the number of existing vacancies, did not advise resigning in order to push the issue, especially since a veterinarian seat had been vacant for more than a year.

The board asked for any available updates on the current legislative audit. Ms. Chambers said that it was indeed underway and that she and staff and the chair have been contacted. She reminded the board that the audit is confidential until released later in the fall by the Legislative Budget and Audit Committee; however, if the board wanted to discuss anything related to the audit, it could be discussed in executive session.

The board adjourned at 1:00 p.m.