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

MINUTES OF MEETING JANUARY 8, 2010

By authority of AS 08.01.070(2) and AS 08.98.040, and in compliance with AS 44.62, Article 6, a scheduled meeting of the Board of Veterinary Examiners was held on January 8, 2010, at the Atwood Bldg, 550 W 7th Ave, Suite 1270, Anchorage, Alaska.

Call to Order/Roll Call/Agenda Review

The meeting was called to order by Dr. Steve Torrence, Chairperson, at 9:03 a.m.

Those present, constituting a full board, were:

Dr. Steve Torrence, Chairman Dr. David Hunt, Veterinarian Dr. Margaret Eastman, Veterinarian Dr. John Tuomi, Veterinarian

Absent and excused:

Martin Buser, Public Member

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

Brenda Donohue, Licensing Examiner – Juneau

Dr. Torrence and Ms. Donohue joined the meeting via teleconference from Juneau as they were unable to travel due to weather and runway conditions in Juneau.

Agenda Item 1Review Agenda

Dr. Torrence reviewed the agenda and asked for updates or additions.

Ms. Donohue noted the following additions to the agenda:

- Item #6 Misc. Correspondence

 Letter Jonathan Korta Rural Clinics
 Letter Andy Gribbin Rural Clinics
 Letter Scarlett Hall Rural Clinics
 Letter Michael Sampson VTNE Eligibility
 Letter David Pauli Rural Clinics
 Provide Comment Kevin Wellington RE: Unlicensed
 Veterinary employees
 Provide Comment Angie Fitch ?
- Item # 8 Regulations Copy of Veterinary Application w/example of advisory for applicant planning to take exam – may be used as guide for veterinary technician Application changes.
- Item #11 New/Old Business
 Correspondence from Jay Fuller re: Disaster Provisions
 CE Audit L. Bryngelson, Vet Tech #124

Agenda Item 2 <u>Review/Approve Minutes</u>

The board reviewed the minutes of the Sept. 18, 2009 meeting. There were no corrections or changes noted and Dr. Torrence called for a motion to approve.

On a motion duly made by Dr. Eastman, seconded by Dr. Hunt, and approved unanimously, it was

RESOLVED to approve the Sept. 18, 2009 minutes as presented.

Roll call vote was taken due to teleconference.

Hunt – yea Eastman – yea Tuomi – yea Torrence - yea

Agenda Item 3Ethics Disclosure

There were no ethics violations to report from any board members.

Agenda Item 4Budget Report

FY 2010 figures as of December 22, 2009 reflect \$40.5 thousand in expenses, and \$13.2 thousand in revenue. The Board had no questions regarding the Budget.

The Board is ahead of schedule, and determined to move on to Agenda Item 6 until Ms. Bundick joins the meeting at 9:45 a.m. to give the Investigative Report.

Agenda Item 6 Miscellaneous Correspondence

The board reviewed the following correspondence presented.

<u>AAVSB</u> – Letter from Robyn Kendrick, Exec. Dir. thanking those who attended the 2009 AAVSB Annual Meeting and Conference, and providing the dates for the 2010 Meeting. Information only.

<u>Orthopaedic Section, APTA, Inc.</u> – Letter to correct and clarify information sent out by newly formed American Assoc. of Rehabilitation Veterinarians (AARV) in Jan. 2009. Information only.

<u>FDA's Center for Veterinary Medicine</u> – Copy of letter sent to veterinarians providing information on Phenylbutazone in horses, and advising that prescribing an FDA-approved phenylbutazone product provides clients and their horses with a drug that has demonstrated safety and effectiveness in horses and whose manufacturing process met the FDA's standards for quality, purity and potency. Information only.

<u>Molly G. Steinberg, DVM</u> – Letter to Director Lynne Smith, thanking her for her response to Dr. Steinberg's prior correspondence. She states that she is aware of the Board's support of PAVE, but finds it difficult to understand why lobbying for the Legislature to amend statutes is up to the private citizen and not something the Board undertakes. She will be contacting her legislator as suggested. She is writing in hopes of sparking a discussion amongst the Board, and states that she believes strongly that opening the Statues (Practice Act) is good for the Alaska veterinary community.

Dr. Torrence remarked that he certainly understands her frustration. The clinic he works with employs several foreign trained veterinarians, and they are highly competent. The Board again voiced its support of accepting the PAVE program, and suggested that it would be a good idea to have the Veterinary Association get behind the effort to have the Legislature open the Practice Act and make the necessary changes. The more manpower that can be utilized in an effort such as this the more chance of success.

The Board sponsored legislation to update the Practice Act two years ago and found it to be an overwhelming task, and in the end only one small piece of the changes they had asked for was included in the final legislation. They discovered that caution should be exercised when opening the Practice Act because once it's open, anyone can join in and

add items they want to the legislation. At one point during the process two years ago, an attempt was made to attach the legislation supporting Predator Control to the Veterinary Board's legislation because it was a "moving" bill. If that attempt had been successful, the Board's bill would have died because of the controversy surrounding predator control issues.

The Board will come back to Correspondence following review of the Investigative Report.

Agenda Item 5 <u>Investigative Report</u>

Ms. Dawn Bundick and Ms. Jo Anna Williamson joined the meeting to present the Investigative Report at 9:48 a.m.

Ms. Bundick reported there are currently ten (10) open investigations, four (4) investigations/complaints have been closed since the last meeting; and eleven (11) open complaints. She noted that eight of the open investigations are for one practitioner.

The board determined to enter executive session to discuss an Investigative case.

On a motion duly made by Dr. Torrence, seconded by Dr. Eastman and approved unanimously, by roll call vote, it was

RESOLVED to enter executive session in accordance with AS 44.62.310(c)(2) and (3), and Alaska Constitutional Right to Privacy Provisions, for the purpose of reviewing an investigative case with the Investigator.

Hunt - yea Eastman - yea Tuomi - yea Torrence - yea

Entered into executive session at 9:52 a.m. Out of executive session at 10:16 a.m.

The public was allowed back into the room, and Dr. Torrence read Dr. Jayne's letter into the record as follows:

Dated Nov. 8, 2009, received in the Division Nov. 17, 2009.

To The Alaska Veterinary Licensing Board,

I am finished doing veterinary work. Please terminate my Alaskan veterinary license – effective immediately. Implicit in this request is that the Alaska Veterinary Board LEAVE ME ALONE. Eric Jayne, AK License #446

Received into the Board Investigator's office Nov. 25, 2009.

On a motion duly made by Dr. Torrence, seconded by Dr. Tuomi and approved unanimously, by roll call vote, it was

RESOLVED that the Board of Veterinary Examiners for the State of Alaska, having examined the Surrender letter submitted by Eric M. Jayne, License #446, in the matter of Case numbers 3100-05-007, 3100-05-009, 3100-05-010, 3100-06-004, 3100-07-006, 3100-08-001, 3100-08-002, and 3100-08-003 by the parties hereby adopts the Surrender of License #446 in this matter.

Roll call vote was taken due to teleconference.

Hunt – yea Eastman – yea Tuomi – yea Torrence - yea

Dr. Torrence signed the Order, and Ms. Donohue will send the original to Ms. Bundick.

Following discussion of the report and Investigative matters, Dr. Torrence thanked Ms. Bundick and Ms. Williamson for their time. Ms. Williamson left the meeting and Ms. Bundick remained in attendance for the Public Comment portion of the meeting.

Dr. Torrence stated the Board would proceed to the Public Comment agenda item immediately.

Agenda Item 7 Public Comment

Dr. Torrence noted that the full half-hour allotted for Public Comment would be allowed, and if necessary time limits on comments would be imposed due to the number of letters to be read into the record and public in attendance. He outlined the ground-rules noting that no comment would be entertained regarding an on-going investigation. General comments concerning topics of interest would be taken, but no comments regarding individuals or cases. He stated that should comment be given regarding investigative matters, he would call a recess and ask the Board to leave the room, and if the inappropriate comment did not cease, security would be called to clear the room.

He then asked Dr. Hunt to run the meeting for public comment from the Anchorage location noting it would be easier as most of the Board members, the Board's Investigator, and all the public were located there. Dr. Torrence stated the Public Comment would be open until 10:55 a.m. if needed, and handed the meeting over to Dr. Hunt.

Ms. Donohue read the following letters into the record:

Jon Korta - Ms. Donohue started to read a letter submitted for public comment by Jon and Tanya Korta but was advised by the Investigator not to read their letter into the record as it referred to the subject of an open investigation. Ms. Bundick retrieved the copies of this letter from the Board members and Ms. Donohue proceeded in reading the other letters submitted.

<u>Andy Gribbin</u> - Towards the need for veterinary services in bush villages - The costs of what many Americans would consider normal and appropriate vet care greatly exceeds the resources of many if not most Bush Residents. For these people and for their animals health becomes a matter of luck - the good luck to avoid serious infectious diseases and parasitic infestation. Other issues rise from many unplanned and unwanted litters.

Problems - lots of poor folk who cannot afford timely medical attention for their animal companions.

Issues - Who Cares?

Solutions - I think it appropriate that our governments and NGO's underwrite vet visits to villages on a regular (annual) basis. Vaccines and vermifuges should be free (or at cost). Spaying and neutering, routine surgeries and chronic disease treatment should be similarly available.

The provision of compassionate animal care is a human responsibility, and is an enhancement to the well being of all.

So much for my opinions."

Andy Gribbin Ruby, Alaska

<u>Scarlett Hall</u> - It is very rare for us to find a veterinarian who will come into remote communities, much less travel the rivers to even more remote locations. The state needs to encourage veterinarians to visit smaller, outlying communities who cannot afford a proper surgical clinic or a full time veterinarian. The care of a sick or injured pet is often a bullet rather than medical care. Having a spay and neuter clinic, set up under controlled circumstances, once or twice a year can help save hundreds of unwanted pups and kittens from entering the world.

The communities are too small to support a veterinarian but roving veterinarians who work with what they have and do it in as surgically clean and controlled way as possible need to be allowed to work with the tools on hand in the smaller areas of Alaska.

The Humane Society is an organization that steps outside the realm of veterinarian clinics and they have set some wonderful standards and guidelines for working in the small communities. Any veterinarian who works within those guidelines needs to be encouraged to travel and work in the remote areas of Alaska.

Eagle and many other bush communities owe a lot to veterinarians who take the time to come into our communities. At least 95%, maybe as much as 99%, of work that gets done would not be done because of the cost of getting animals into and out of these remote communities.

Sincerely,

Wayne and Scarlett Hall Bush Alaska Expeditions

<u>Michael Sampson</u> - VTNE 2010 Eligibility Requirements. Many states are adopting this. We want professionals that are from an accredited program not an individual that was trained by one person for one specific way of doing things. I think the clients feel this way as well. It may do away with the OJT taught by a clinic staff member, but there are many accredited programs out there that can be accomplished via internet and by working at a clinic and then testing out via the university. Fully accredited Licensed Veterinary Technicians have stood by long enough and now want to be recognized not just with the title but for the school trained and licensed professionals that they are. Just like a nurse, they are capable of doing many things for the DVM that they would never have time to do on their own.

In regards to dental work many technicians have graduated from the American Veterinary Dental Course offered out of Florida and are very capable in that area, whereas many veterinarians in recent years have never touched teeth.

I think it is a matter of educating the public on the veterinary technician profession so that they understand how skilled they are in these procedures.

Michael J. Sampson Hospital Administrator Aurora Animal Clinic, Inc. Fairbanks, Alaska (907) 452-6055

<u>David Pauli</u> - For the last eight years I served as the Humane Society of the United States Western Regional Director which included field activities in Alaska. I was fortunate to sponsor many training events with groups like the Alaskan Animal Care Association, Friends of Pets, Alaskan SPCA and Veterinary Visions. And I have made visits to every major community animal shelter in Alaska and funded well over 100 animal wellness clinics to bush, coastal, and north slope villages. I have participated in more than a dozen of these events including visits to Savoonga, Teller, Gamble, Fort Yukon, and Arctic Circle. Last year I also networked with Alaskan Volunteer Organizations Active in Disasters (VOAD) and I sponsored or located 28,000 lbs of pet food and a shipment of lime to the flood impacted communities.

All this is mentioned to establish that in eight years I have been able to get a pretty good grasp of the remote area veterinary needs.

I applaud the Veterinary Board for any discussion of ways to encourage licensed veterinary outreach and service provision to outlying areas. The need is great and the residents are most appreciative when services are brought to their communities. This August I visited the isolated island villages of Savoonga and Gamble. It was the first time the Mayor and elders of the villages could remember that veterinary services were brought into the village in well over a decade. (Ironically there was a coast guard public health exercise that included rabies vaccinations just two weeks before our visit...but that was not set up for surgery or other animal wellness services)

With the current rabies situation and the demise of the lay vaccinator program... there is a huge public health and safety (and animal welfare) void that needs to be addressed.

Thank you again for any actions the Veterinary Board can take to allow increased outreach and service provision to the rural and bush communities in Alaska.

Although my new role (wildlife outreach) has changed within The HSUS I still will be networking with the Alaskan SPCA and other partners to provide bush clinics up until such time when the HSUS hires a fulltime Alaskan State Director ... so would be happy to provide more information or network with the board or any board members on potential creative solutions.

Respectfully,

Dave Pauli, Senior Director Animal Care Centers Wildlife Response The Humane Society of the United States Billings MT Office 406-255-7161

<u>Kevin Wellington</u> – Dr. Wellington spoke about unlicensed veterinary clinic employees not being recognized. He is encouraging the Board to amend regulations to encompass non-licensed veterinary employees, or "non-licensed animal care providers". He feels the number of complaints will be minimized by taking this action. He noted the Univ. of Alaska has two programs to train veterinary assistants.

<u>Angie Fitch</u> – Ms. Fitch wants to speak about the human health hazards of rabies and over-population in the villages. She states the majority are not vaccinated and there's a growing concern with people being bitten. She's read that Alaska is number one in the nation for bites. She is wondering if the Veterinary Board has a plan to address this issue.

Dr. Eastman asked what are the reasons for the situation, is it that the lay vaccinator program no longer exists. Ms. Fitch responded that was the case. She further stated there is not enough traveling veterinarians to make it to all the areas.

Dr. Torrence pointed out that rabies and rabies control and the lay vaccinator program is under the jurisdiction of the AK Division of Public Health, and that the Veterinary Board has no jurisdiction over that issue.

Ms. Fitch asked the Board to encourage veterinarians to come to Alaska and to ease the demand for services. She has spoken with the Humane Society who told her that Alaska is one of the hardest places to make arrangements to come to, that it is costly and difficult.

She also asked if the Board could meet in Fairbanks so people in that area can attend and talk about issues.

Dr. Torrence responded that typically the Board meets in Fairbanks once a year. In 2009 they were not able to because of Board members personal schedules. The Fairbanks meeting was rescheduled to Anchorage for the Sept 2009 meeting. The usual schedule is that the Board meets between the three largest cities in the state three times a year.

Dr. Eastman asked Ms. Fitch when folks from Outside are considering sending veterinarians to Alaska did they tell her if the difficulty getting to Alaska is licensing requirements or the cost of traveling. Ms. Fitch responded she thought it was licensing requirements and maybe the fees. She stated she's not positive, she just heard it.

Dr. Torrence responded that realistically Alaska is one of the fastest states in which someone can become licensed. All that is asked of an applicant before being licensed to practice veterinary medicine in Alaska is that they comply with the law, and that they obtain a license to practice veterinary medicine. A Courtesy Veterinary License only requires the completed application form, fees, and a license verification from a jurisdiction where the applicant is currently licensed, verifying they hold a current license in good standing.

Dr. Tuomi stated he'd like to hear specific reasons why people say it is difficult to obtain a license in Alaska.

Ms. Fitch then asked that since the Dr. Jayne case had been terminated could she speak about it. Dr. Torrence stated that no comments regarding an investigation matter would be entertained.

Ms. Fitch then asked if the Board could address the over-population and rabies issues, like if local veterinarians could help out one or two days a year. Does the Board plan to offer incentives for them? Dr. Eastman responded that the Board understands the

concern, but the Board is a regulatory board and has no provisions to address these two issues. She suggested Ms. Fitch bring these issues before the State Veterinary Association, and the local veterinary associations, where people who may be able to help with solutions can be accessed. Dr. Eastman added that the Board is a complaint-driven Board in respect to complaints regarding licensees violating licensing statutes and regulations. Dr. Hunt added that Ms. Fitch, and other people concerned, may wish to contact the AK Division of Public Health to see if they can assist.

Dr. Torrence noted that on page 24 of the Veterinary Board's Handbook there's a section titled "Lay Vaccinator Program" which describes the program and provides the governing policies, which are available on-line. He asked that one of the Board members in Anchorage provide and Handbook to Ms. Fitch, and show her where the information is located. Ms. Donohue noted that program is under the jurisdiction of the Division of Public Health.

Ms. Fitch then remarked that the Investigative process is very long and drawn-out. Ms. Bundick responded that it is a long process, and is designed to protect both the respondents and complainants. Ms. Fitch thanked her and stated that was all she had.

Ms. Donohue asked that one of the Board members please mail her the sign-up sheet with the guest's names. Dr. Eastman said she'd include that with her travel receipts.

Dr. Torrence thanked Ms. Bundick for her assistance and time, and she left the meeting.

The Board took a recess.

Off record at 10:47 a.m. Back on record at 11:02 a.m.

Agenda Item 6 Miscellaneous Correspondence (con't)

<u>Janet Olson, DVM</u> – Letter advising the Board about courses available from Basic Animal Rescue Training (BART). Information only, no response.

Agenda Item 8 <u>Regulations</u>

Ms. Donohue asked the Board that now that VTNE applicants will be applying and paying to take the exam directly with AAVSB, did the Board want to keep the provision where they needed to approve an applicant to sit for the exam. Is there a good reason to keep that provision, or would the Board like to delete that, and deal only with the licensing requirements for veterinary technicians.

Following discussion they decided to delete the requirement to approve veterinary applicants to sit for the VTNE. They will include that in the regulation project they will be initiating today.

On a motion duly made by Dr. Tuomi, seconded by Dr. Eastman and approved unanimously, by roll call vote, it was

RESOLVED initiate a regulation project to delete the requirement for the Board to approve applicants to sit for the Veterinary Technician National Exam, and add a section to require veterinary technicians to keep the Division informed of their employing veterinarian.

Hunt - yea Eastman - yea Tuomi - yea Torrence - yea

They decided that defining "surgery" requires more research and they will each continue to investigate the definition of surgery, and bring their findings to the next meeting.

LUNCH

Off record at 11:35 a.m. Back on record at 1:03 p.m.

Agenda Item 10 <u>NBVME Presentation</u>

Dr. Linda Blythe joined the meeting to give a presentation on the history, background and context of National Board of Veterinary Medical Examiners. NBVME provides standardized examinations for use by state licensing boards as part of their licensure procedure for veterinarians. The organization was incorporated in 1994 as an independent not-for-profit corporation, 501 (c)(3) and is comprised of 13 members directly appointed by constituent groups. Their office is in Bismarck, ND and their web address is <u>www.nbvme.org</u>.

The examinations provided by NBVME are:

North American Veterinary Licensing Examination (NAVLE) Qualifying Examination (QE) Veterinary Clinical Skills Assessment (VCSA) Part of PAVE Species Specific Examinations (Part of PAVE)

NAVLE Self-Assessments

Their goal is to be THE testing organization for the veterinary profession.

Dr. Torrence thanked Dr. Blythe for her time and for updating the Board on NBVME's activities.

Agenda Item 11 Ne

New/Old Business

Dr. Jay Fuller and Karen Higgs joined the meeting to ask the Board's support in trying to gain approval for a Memorandum of Understanding Between the American Veterinary Medical Association and the State of Alaska regarding utilization of AVMA's Veterinary Medical Assistance Teams (VMAT) in an emergency situation. Specifically he is seeking something in writing from the Board regarding emergency licensure.

Dr. Torrence said the way he understands the situation is that in the event of a disaster situation the Governor will, by proclamation, declare a condition of disaster emergency and the Disaster Statutes which reside in Dept. of Military Affairs will come into effect. The Board has already allowed for federal and state agencies to use veterinarians licensed in other jurisdictions on a temporary basis. He further stated he doesn't see where the Board has any real jurisdiction to allow for this to happen unless it occurs under a declared special event, in which case the Board will operate under the authority of Military Affairs. Maybe non-Alaskan veterinarians can be licensed under Courtesy Licensure.

Following more discussion Dr. Fuller said that as development of this process regarding deployment of VMAT teams by AVMA moves up the chain of state government, and he finds out more about what is being asked for, he will maybe craft a letter for the Board's review.

The Board reviewed and updated the Jurisprudence Exam to match any changes in statutes and regulations.

Next the Board reviewed the continuing education audit documents for Lorie Bryngelson, Vet Tech license #124. Ms. Bryngelson was selected for the random audit of renewing licensees but did not respond to the request from the Division for documents to verify completion of the required continuing education hours. Her file was turned over to Ms. Wilke, the Division's Paralegal, and Ms. Wilke has provided the documents she has been able to obtain from Ms. Bryngelson.

Following review of the completion certificate she provided, the Board determined Ms. Bryngelson can be given credit for 3.33 hours of CE for non-scientific topics for the Veterinary Hospital Managers Association 2007 Annual Meeting attendance, in accordance with 12 AAC 68.230(b). The list of courses available at the Meeting that Ms. Bryngelson provided with the certificate of completion does not provide the number of CEs earned for each class, nor is the list clearly marked as to the courses Ms. Bryngelson did attend. The courses she starred do not appear to be scientific, nor is the number of CEs for the classes stated. On a motion duly made by Dr. Eastman, seconded by Dr. Tuomi and approved unanimously, by roll call vote, it was

RESOLVED to approve 3.33 hours of non-scientific continuing education earned at the Veterinary Hospital Managers Association 2007 Annual Meeting & Conference, and approve Ms. Bryngelson's audit pending receipt of additional 6.67 hours of scientific hours of continuing education for the 1/1/07-12/31/08 time-frame.

Agenda Item 9 Goals & Objectives

The Board reviewed their Goals and Objectives and feel they are on track with their Goals as listed below.

GOALS AND OBJECTIVES FY 2010

- 1. Continue membership in the American Association of Veterinary State Boards and send one member to a national regulatory board meeting.
- 2. Continue to implement, monitor, and develop the jurisprudence mail-out state examination. The jurisprudence exam will be reviewed for accuracy annually at the Jan/Feb. meeting.
- 3. Continue licensing veterinarians and veterinary technicians and continue monitoring continuing education hours.
- 4. Continue to review and evaluate current statutes and legislative proposals and develop new proposals as needed.
- 5. Monitor investigations and continue to support alternate methods to expedite the investigative process.
- 6. Monitor current probation cases.
- 7. Resolve ongoing investigations/litigation in a timely fashion through direct involvement of the board in the early review process.
- 8. Continue to update the Veterinary Handbook annually at the October meeting. A mailing of the Handbook will occur following a major revision.
- 9. Continue to review and evaluate current regulations and regulatory fees and develop new regulations as needed.
- 10. Continue to monitor continuing education programs and requirements.

- 11. Continue to monitor budget as it pertains to the self-supporting fees.
- 12. Continue to pursue the mission and vision statements of the board.
- 13. Investigate AVMA (ECVFG) and AAVSB (PAVE) guidelines for licensing foreign educated veterinarians.
- 14. Promote on-line license renewal.
- 15. Review issues and update veterinary technician regulations.

Agenda Item 12 Office Business

• <u>Travel Authorizations</u>

Ms. Donohue reminded the board members to sign the blank travel authorization forms she provided and submit with all available receipts to her office for travel reimbursement.

• Sign Wall Certificate

There were no wall certificates.

• Confirm Next Meeting Date

May 7, 2010 Juneau, AK.

• Sign Minutes

Dr. Torrence signed the approved minutes of the Sept. 18, 2009 meeting.

Agenda Item 13 Adjourn

There being no further business Dr. Torrence called for adjournment of the meeting.

The board adjourned the meeting at 3:03 p.m.

Respectfully submitted:

Brenda Donohue, Licensing Examiner

Approved:

David Hunt, DVM, Acting Chairperson Alaska State Board of Veterinary Examiners

Date: _____

<u>Task List</u>

Dr. Steve Torrence:

Dr. Timothy Bowser

Dr. David Hunt

Dr. Margaret Eastman

Martin Buser

Brenda Donohue