

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

**MINUTES OF MEETING
OCTOBER 12, 2007**

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 October 12, 2007, at the DMV Building, 1979 Peger Rd., Conference Room, Fairbanks, Alaska.

Call to Order/Roll Call/Agenda Review

The meeting was called to order by Dr. Steve Torrence, Chairman, at 9:08 a.m.

Those present, constituting a quorum of the board, were:

Dr. Steve Torrence, Veterinarian, Chairman
Dr. Timothy Bowser, Veterinarian
Dr. David Hunt, Veterinarian
Martin Buser, Public Member

Members absent and excused:

Dr. Cynthia Trout, Veterinarian

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

Brenda Donohue, Licensing Examiner – Juneau

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Agenda Item 1 Review Agenda

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

Ms. Donohue noted the following additions to the agenda:

- Item #5 - Investigative Report
 - Investigative Report
 - Memo re: RX Drug Monitoring Program
- Item #6, Correspondence
 - Request re: Continuing Competency Requirements
From Jenny Strickler, Chief, Corps, Business & Prof. Lic.
- Item #9 – Application Review
 - CE Application Approval Request for “Animal Emergency Management Principles for Veterinary Professionals”, 4 CEs

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

RESOLVED to accept the Agenda as revised.

Agenda Item 2 Review/Approve Minutes

The board reviewed the minutes for the May 18, 2007 meeting and found no corrections or changes.

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

RESOLVED to approve the May 18, 2007 meeting minutes as presented.

Agenda Item 3 Ethics Disclosure

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

Agenda Item 4 Budget Report

Upon review of the budget it was noted that expenses for FY 2007 as of 9/17/07 were \$67.4 thousand, and revenues were \$158.8 thousand. No expenses or revenue figures have been posted to date for FY 2008. The board has no corrections or further questions about the budget.

As the board is ahead of schedule, Dr. Torrence moved ahead to Agenda Item 6 – Correspondence until time to teleconference with the Investigator at 9:45 a.m.

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Agenda Item 6 Correspondence

The board reviewed the following correspondence presented and noted there were items needing a response.

Alaska Board of Nursing – Letter from the Nursing Board to the Pharmacy Board enquiring whether a pharmacist can accept and fill an order written for medication by a veterinarian, for human consumption. Discussion ensued, and the board determined that, because veterinarians are not authorized to prescribe for humans, the pharmacist should not fill the prescription. Ms. Donohue will advise the licensing examiner for the Pharmacy Board of the board's determination.

American College of Theriogenologists – Letter offering state licensing boards support in their efforts to better define the practice of veterinary medicine, especially concerning theriogenology (branch of veterinary medicine concerned with reproduction). Information only.

AAVSB – email from Robyn Kendrick alerting state licensing boards to practitioners calling themselves Doctor of Veterinary Naturopathy (VND). A concern regarding this degree pertains to scope of practice for an individual holding a VND degree if such individual does not also hold a veterinary degree and state licensure. Information only.

AVMA – Copy of the AVMA's PRINCIPLES OF VETERINARY MEDICAL ETHICS OF THE AMERICAN VETERINARY MEDICAL ASSOCIATION. Information only.

A list of correspondence reviewed will be attached as an integral part of the minutes.

Agenda Item 5 Investigative Report

Mr. Younkins, Joanna Williamson, and Brian Howes joined the meeting via teleconference at 9:45 a.m. to present the Investigative Report. Mr. Younkins introduced Ms. Williamson as the new investigator for the Board, taking Mr. Faulkenburry's place.

On a motion duly made by Dr. Hunt, seconded by Mr. Buser and approved unanimously, 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 Investigative Case # 3100-07-005.

Entered into executive session at 9:59 a.m.
Out of executive session at 10:08 a.m.

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

RESOLVED to table consideration of the MOA in case #3100-07-005 pending further investigation.

Mr. Younkings proceeded in presenting the Investigative Report. There are currently ten (10) open cases and three (3) cases have been closed since the last meeting. Four of the open cases are the same practitioner, and have been turned over to the Dept. of Law as the division is unable to get the licensee to respond.

Next Mr. Howes addressed the board to explain that the Federal Government, Dept. of Justice, is promoting participation by all states in enacting a Prescription Drug Monitoring Program (PDMP). The purpose of the program is to provide a central repository of all prescription controlled substances. To encourage creation of a PDMP, the Dept. of Justice is offering three levels of grant funding to support planning, implementation, and enhancements to the program. The Division has applied and received approval for the first level of funding of \$50,000 in FY08, which will fund the planning stage. The Division has submitted a legislative request to encourage the project be submitted as a Governor's proposal, and is now seeking the Board's support for this project. Mr. Howes advised the Board that currently there are 32 other states that currently have or are establishing a PDMP, and that the Alaska Boards of Nursing, Pharmacy and the State Medical Board have expressed favorable support for this project.

Discussion ensued, and the board determined to submit a letter of support to the Division for the project. Dr. Torrence will draft a letter and submit to Ms. Donohue to be placed on letterhead and forwarded to Director Urion.

There being no further Investigative business, Dr. Torrence thanked Mr. Younkings, Ms. Williamson and Mr. Howes for their reports and they left the meeting at 10:26 a.m.

Review and discussion followed pertaining to a proposed MOA, drafted by Mr. Winker, the Division's Paralegal, in a continuing education case.

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

RESOLVED to approve 27.25 continuing education hours licensee earned at the North American Veterinary Conference, 1/13/07-1/17/07.

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

RESOLVED to adopt the MOA in case #3100-07-002.

For the record, Dr. Hunt noted the licensee in case #3100-07-02 is Kelley Miller, DVM, holding Alaska Veterinary License #454.

Agenda Item 7 Public Comment

There were no public members present

The board recessed at 11:10 a.m.;
reconvened at 11:28 a.m.

Agenda Item 8 Goals & Objectives FY 08

The board reviewed their FY08 goals and objectives, and feel they are on track for meeting these goals, with the exception of #8. The board does not support mailing the Veterinary Handbook annually. The Handbook is posted on the Veterinary Board's web site, therefore mailing to all licensees should only be done after a major revision. The board has a stated policy to review the Handbook annually at their October meeting.

Additionally, Item # 2 has been amended to add that review of the jurisprudence exam will occur annually at the Board's Jan/Feb. meeting.

Ms. Donohue will update the Goals and Objective for Fiscal Year 2008.

Agenda Item 9 Application Review

Following review of the one application file for Continuing Education courses the board approved the following course:

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

RESOLVED to approve 4.0 continuing education hours for "Animal Emergency Management Principles for Veterinary Professionals", an on-line agroterrorism course developed by the University of Kentucky.

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Agenda Item 10 Regulations

Jenny Strickler, Chief of the Division, requested the Board consider accepting alternative options to continuing education other than courses. She pointed out the wording in the Veterinary Statute AS 08.98.050(a)(6) Powers and Duties of the Board that reads “(a) the board shall (6) adopt regulations requiring proof of continued competency before a license is renewed...”

She provided several suggestions of competencies as follows: 1) active practice with no complaints in the past biennium; 2) volunteer work in professional activities; 3) attaining a “specialty degree or certificate”, or taking a board approved “refresher course”; 4) continuing education. She further noted that other boards in Alaska, as well as other jurisdictions, accept several of the alternatives.

Following discussion, the board determined they do not wish to change their regulations pertaining to continuing competency, at this time. However, they determined to review alternative options periodically.

Agenda Item 11 Conference Report

Dr. Hunt attended the AAVSB Annual Conference, Sept. 27-29, 2007 in Charleston, SC., and presented a report of the meeting as follows:

He presented an overview of AAVSB, explaining their mission and programs, which include Veterinary Information Verifying Agency (VIVA), Technician Information Verifying Agency (TIVA), Program for the Assessment of Veterinary Education Equivalence (PAVE), and Registry of Approved Continuing Education (RACE). AAVSB is a consumer, service-oriented organization which serves as a resource to the public for information about regulation of the veterinary profession. The association is dedicated to its mission of assisting member boards with their job of protecting the public.

Dr. Hunt provided a copy of the “AAVSB 2007 Strategy Map”, which was developed at this meeting. The “Map” provides a one-page graphic display of the strategic focus areas and 2007-2009 priorities of the organization. Ms. Donohue will keep a copy of the “Map” with the board packet and scan a copy to all board members.

Comparison of the PAVE and ECVFG programs was discussed at the meeting. Discussion by the board ensued pertaining to the merits of the Board accepting the PAVE program for applicants for veterinary license in Alaska who are foreign-trained. Currently, Alaska only accepts graduates of the American Veterinary Medical Association’s ECFVG program. Ms. Donohue advised the board a statute change will be required if they decide to accept the PAVE program.

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Also discussed at the meeting was the topic of unlicensed practice. A couple of important elements surrounding unlicensed practice are public protection, and the fact that several state's Practice Act do not provide clear authority to shut-down persons engaging in unlicensed practice.

Members of the American Association of Equine Practice presented information that a 3-day dental course is being offered, and persons completing the course are being issued a "Master of Equine Dentistry" certificate. These people are then offering their services to the public, and there are instances of these persons over-floating teeth, causing animals to develop colic and, in some cases, die. In addition, they are offering dental services for household pets, which include cleaning and pulling teeth without anesthesia. There is at least one documented case of an animal dying as a result of this practice.

Another discussion topic covered asking licensees renewing their license if they have been convicted of any criminal offense "in the last five years", rather than asking "since the date of your last application for renewal". The reason for this wording is to ensure gathering complete information that may otherwise be missed.

The presentation went on to ask if state boards are denying incomplete applications. A reason for considering doing so, is to document applicants who may be withdrawing because they discover, during the course of application, that they may be required to disclose unscrupulous or unethical practice. Ms. Donohue explained that if a file is incomplete, or withdrawn by the applicant, the board does not see it. There are many legitimate reasons to withdraw an application, (i.e., not being able to document enough time in practice to meet the requirements of licensure, or a change of plans that preclude the need for a license to practice in Alaska), at which point the Division ceases to process the file. The professional fitness questions included in the veterinary and veterinary technician applications serve to alert an applicant, immediately upon starting the application process, that they must disclose criminal and/or disciplinary information as well as provide a written explanation and legal documentation of such incidents.

Dr. Hunt concluded his report with the final topic of reviewing and ruling on applications for licensure through a mail-ballot process. Alaska is among a small number of states with an approved policy to conduct board business using this process. There was a suggestion offered at the AAVSB Conference that any applications acted upon using this process be read into the record of a board meeting, in the interest of public process. Following discussion the board determined to do so, and directed Ms. Donohue to include an agenda item for the February meeting that includes a list of all applications reviewed and acted upon by mail-ballot during the previous calendar year.

Agenda Item 12 LUNCH

Off record at 12:11 p.m.
Back on record at 1:36 p.m.

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Agenda Item 13 Practice Act Updates

At the board's request, Ms. Donohue had included in the board packet, a copy of the draft of updates to the Veterinary Practice Act the board had developed at their October 2005 meeting. The board wanted to review the draft at this meeting, and re-focus their efforts on having these changes introduced to the Legislature this coming year. Mr. Agree, the public member on the board at the Oct. 2005 meeting, had offered to present the draft of the updates to Rep. Mark Newman, and ask if he would sponsor legislation to implement the updates. Mr. Agree advised the board that Rep. Newman had agreed to sponsor this project, however, no further communication has been received regarding its progress.

Upon review of the draft, the board determined the updates outlined therein are increasingly relevant, and they want to vigorously pursue the project. In view of several developing and changing issues, i.e., avian flu proliferation and the need for tracking, as well as increasingly sophisticated technology, they feel the urgency for these updates is clear.

Dr. Bowser relayed that he had made a presentation on the updates to the 2007 annual meeting of the Alaska Veterinary Medicine Association, and asked for their support in moving them through the Legislature. They asked that a copy of the changes be provided for their review before they decide. Ms. Donohue was directed to forward a copy of the draft to Vicki Smith, Executive Director, and she will distribute to their board.

Dr. Torrence added that he is planning to contact a staff person he knows of Representative Jay Ramrass, while in Fairbanks, to request their assistance in presenting these updates to the Representative, and asking for his support.

Mr. Buser offered to follow-up with Rep. Mark Newman to determine what progress has been made on this project. He also offered to contact Senator Charlie Huggins office, and ask for his sponsorship of this project in the Senate. Mr. Buser will keep the board updated on his efforts.

Agenda Item 14 Office Business

- Travel Authorizations

The board reviewed, signed and submitted all available receipts for Travel Authorizations.

- Sign Wall Certificate

Dr. Torrence and Dr. Bowser signed wall certificates.

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- Confirm Next Meeting Date

February 1, 2008 – Anchorage Alaska
May 16, 2008 – Sitka Alaska (tentative)

- Sign Minutes

Agenda Item 15 Adjourn

There being no further business Dr. Torrence called for a motion to adjourn the meeting.

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

RESOLVED to adjourn the meeting of the Board of Veterinary Examiners.

The board adjourned the meeting at 2:42 p.m.

Respectfully submitted:

Brenda Donohue, Licensing Examiner

Approved:

Steve Torrence, DVM, Chairperson
Alaska State Board of Veterinary Examiners

Date: _____

Task List

Dr. Steve Torrence:

- Draft letter of support for the project to develop a Prescription Drug Monitoring Program (PDMP)

Dr. Cynthia Trout

Dr. Timothy Bowser

Dr. David Hunt

Martin Buser

- Contact Rep. Mark Newman and Sen. Charlie Huggins to ask for their support in drafting legislation to implement changes to the Veterinary Practice Act.

Brenda Donohue

- Pass on to Board changes in other states' Practice Acts.
- Advise Licensing Examiner for Pharmacy Board of Board's determination of pharmacist filling RX written by veterinarian for human consumption
- Update Goals & Objective FY 08
- Advise applicant of approval of continuing education request
- Scan copy of "AAVSB 2007 Strategy Map" to board members
- Forward copy of proposed Practice Act Changes to Vicki Smith, Executive Director of the AK Veterinary Medicine Association