



# Board of Veterinary Examiners

Alaska Division of Corporations, Business and Professional Licensing  
November 9, 2023 at 10:00 AM AKST

**These minutes were approved at the February 1, 2024, meeting of the board.**

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

Members Absent: Rachel Bergartt, DVM

Staff Present: Sara Chambers, Boards and Regulations Advisor; Tami Bowman, Occupational Licensing Examiner; Jennifer Summers, Senior Investigator; Alison Osborne, Regulations Specialist; Patty Burley, Assistant Attorney General

## Call to Order

The meeting was called to order by Dr. Geiger, who agreed to chair the meeting in Dr. Bergartt's absence. He read the board's mission statement into the record. A quorum was established. All members declared they had no conflicts of interest to report.

**Motion by Dr. Albert to approve the agenda.** Seconded by Dr. Vollaro. **Passed by unanimous consent.**

**Motion by Dr. Albert to approve the minutes of September 14, 2023.** Seconded by Dr. Vollaro. **Passed by unanimous consent.**

## Investigative Report

Senior Investigator Jennifer Summers reviewed the investigqative report covering May 26 – October 26, 2023. She stated there were 23 open cases and eight closed cases for this period. She discussed the CE audit process and provided an update on the status of the two oldest cases.

## Fourth Quarter Schedule of Revenues and Expenditures and Indirect Report

Ms. Chambers presented the year-end fiscal report for the licensing program. She reviewed the revenues and expenditures for FY23 and noted that the governor's request to offset the anticipated fee increase was successful, resulting in a general fund appropriation to this program of \$252,343. This placed the program in the position of having enough revenue to cover the operations for the current non-renewal year. The division will present the board with a fee analysis in calendar 2024 to review any potential changes. Ms. Chambers also reviewed the annual indirect allocation details. The board had no additional questions and appreciated the thorough review.

## Licensing Update

Tami Bowman presented her licensing report, including an update on the continuing education audit: 71 renewal applications were randomly selected and 13 were forwarded to the paralegal for reasons including insufficient credits, non-response, or declaring that they completed it on time when their certificates say otherwise. She updated the board that she is busy working on courtesy licenses and awaiting more race-related applications to come in. She has created an active application tracker to ensure that anyone working on the program will easily see what is in progress. She will be working on a few updates to forms for correctness and streamlining.

License Issued:	Year-to-Date	7/1/23 to Date	In Process
Veterinarians	34	10	12
Veterinary Technicians	22	10	15
Courtesy	58	7	46 (Iditarod)
Student Permits	28	13	8
Temporary Permits	7	1	0
Temporary Licenses	4	3	1

### **AAVSB Conversation**

AAVSB Immediate Past President Leslie Knachel and Chief Innovation Officer Chrissy Bagby presented an overview of AAVSB, including their strategy map, goals, and various services offered to member boards for the current year. The board discussed Dr. Geiger and Dr. Albert’s intent to serve on committees and asked Ms. Chambers whether committee participation required approval by the state. Ms. Chambers explained the policy and stated that since AAVSB does not require its committee members to also be state board members, travel to committee events did not qualify as state service. If the travel also included representation as a delegate of Alaska or representing the state in any way, it would then qualify as state service. She mentioned that any Alaska board members traveling to events that could reasonably be considered state service—such as AAVSB events—please provide that information on the record and to staff as soon as it is known to ensure the director agrees. It is much easier to clear these situations up ahead of time so everyone understands expectations. The board thanked Ms. Knatchel and Ms. Bagby for their presentation.

### **Public Comment**

No members of the public were present.

### **Regulations Review**

A. Existing proposal status: PAVE, Exams, Supervision, and PDMP

Regulations Specialist Alison Osborne reviewed the status of the existing regulations project and walked through the technical changes made by Department of Law (LAW). The board had no changes to what LAW had proposed, so Ms. Osborne stated that she would request the project be advanced for public comment in the coming weeks.

B. VCPR regulation revision: Update and next steps

The board discussed how to correct the VCPR regulations that became effective in May. Ms. Chambers explained that the changes LAW made to the regulations the board had adopted were believed by the LRLR and agency attorneys to be merely technical; however, when the board was working on the FAQs for the regulations in September, they discovered that what had been filed with the Lt. Governor’s office included substantial changes that the board had not reviewed or approved. Ms. Chambers explained that she, Ms. Osborne, and AAG Burley had discussed this situation with Chair Bergartt and agreed that the board would be presented with two pathways at this meeting to address this situation:

- One pathway is to propose a new project to adjust the existing faulty regulations. The color-coded document provided by Ms. Osborne in the board’s meeting materials demonstrates the various versions and changes made by the board and LAW.

- Another pathway is for the board to completely start from scratch with a version that accomplished the board's goals and that was written in a way that was clearer to veterinarians and the public, requiring no explanatory FAQs.

The board discussed both options and decided to pursue a complete rewrite of their VCPR regulations. Drs. Vollaro and Albert agreed they would draft concepts of that the VCPR regulations should accomplish and send those to Ms. Chambers, who would request the same from Dr. Bergartt. AAG Burley agreed that a clear list of the outcomes important to the board would be sufficient for she, Ms. Osborne, and Ms. Chambers to craft new regulations for the board's consideration. The board agreed to set a meeting date before the end of the year to work exclusively on this topic. Ms. Chambers would coordinate the meeting dates over email after consulting with Dr. Bergartt.

C. AAVSB administration of state jurisprudence exam

Ms. Chambers refreshed the board on the presentation from AAVSB in September regarding the SPA program, which would allow AAVSB to administer the state's jurisprudence exam on their behalf. Dr. Vollaro mentioned that an electronically available exam would be a modern upgrade that could streamline the process for applicants and staff. Ms. Bowman said that the current exam process was not incredibly burdensome, but moving to SPA would reduce the cost to applicants from the current \$200 fee to AAVSB's \$50 fee. Ms. Chambers recommended that part of the project could be updating 12 AAC 68.015(c) to eliminate the current communication requirements, while keeping the passing score, as well as updating 12 AAC 68.030.

**Motion by Dr. Vollaro to initiate a regulations project to delegate administration of the state jurisprudence exam to AAVSB through the SPA program. Seconded by Dr. Albert. Passed by unanimous consent.**

Dr. Albert suggested that the board should require veterinary technicians to pass the state jurisprudence exam as a condition of licensure. She explained that vet techs are increasingly relied upon to assist veterinarians in matters that require knowledge of the topics covered in the exam. Dr. Vollaro agreed. Dr. Geiger offered a counterpoint that additional barriers to licensure might deter people from seeking a career in this field. He suggested that if this knowledge is important to veterinarians, they could require their vet tech employees to demonstrate this knowledge without making it a state requirement.

**Motion by Dr. Albert to initiate a regulations project requiring veterinary technician candidates to pass the state jurisprudence exam through the AAVSB SPA program. Seconded by Dr. Vollaro.**

**Upon a roll call vote, the motion passed with two votes (Albert, Vollaro). Dr. Geiger opposed the motion.**

Ms. Bowman pointed out that—prior to this regulation becoming effective—the board should review and revise the exam questions to ensure it is appropriate for veterinary technicians, as well as veterinarians. Ms. Chambers mentioned that AAVSB should also be notified that veterinary technicians would be added to the SPA administration agreement. She would

initiate that discussion and work with Ms. Osborne on drafting regulations changes for board review at their next regular meeting.

D. Temporary military license wording change

Ms. Bowman reviewed the current requirements for temporary military courtesy licensure, explaining that 12 AAC 68.043(b)(3)(6) required applicants to obtain the VIVA score report, which was an additional expense and paperwork burden on the applicant. She said that the suggested change in wording would allow her to verify the passing score required by the jurisdiction, which she could do quickly online with no additional burden to the applicant. Ms. Chambers reminded the board that the legislature's intent behind this mandate is to help military members and spouses streamline portability of their licenses when they are assigned to a new post.

**Motion by Dr. Albert to initiate a regulations project to amend 12 AAC 68.043(b)(3)(6) to read "must demonstrate that the jurisdiction of current licensure required a passing examination score as required in 12 AAC 68.010(a) [AS SHOWN ON THE FORM REQUIRED UNDER 12 AAC 68.035(A)(6)] or 12 AAC 68.315(a), as applicable, as a condition of licensure."** Seconded by Dr. Vollaro. **Passed by unanimous consent.**

*The board recessed for a break at 2:32 p.m. and went back on the record at 2:40 p.m. A quorum was present.*

Ms. Chambers attempted to invite Senior Investigator Summers back to the meeting for the following discussion, but she was not available.

E. Two-year limit on complaints

Dr. Albert revived the suggestion made at the September meeting that the board update their regulations to limit the amount of time a person can bring a complaint to the board for investigation. She stated concern that investigations are taking a long time to complete. Ms. Chambers asked for clarification how limiting the public's ability to seek redress would help reduce the investigative workload. The board discussed the investigative process and policies and agreed that they were not prepared to make a motion at this meeting. They requested the topic be placed on the agenda of their next regular meeting and for Ms. Chambers to gather more information about legal statutes of limitations and the investigative process to aid their discussion.

F. Augmenting the board's regulations on licensee maintenance of medical records

Dr. Albert proposed that the board update 12 AAC 68.910 to augment the requirements for veterinary medical records so expectations were clear. She pointed to AAVSB's Practice Act Model, Section 501, as a guide. Dr. Vollaro agreed that this section needs to be updated, including clarification of length of time, types of records to include, whether the licensee or the clinic retains the records, and other key elements.

**Motion by Dr. Albert empowering Dr. Vollaro to draft language updating 12 AAC 68.910 for the board to consider at its next regular meeting.** Seconded by Dr. Vollaro. **Passed by unanimous consent.**

The board agreed to move the topic of statutory changes to the next regular meeting since Dr. Bergartt was unavailable to present on this agenda item.

### **New Business - CE Approvals**

Ms. Bowman presented the board with four requests to approve continuing education courses. The board reviewed each and expressed concern that some courses had already occurred. One applicant was requesting credit for lunch time. They were also frustrated by the irrelevant CV materials provided by one applicant and stated concern that their current regulations didn't clarify what accrediting bodies could be accepted under 12 AAC 68.230(a)(4). Ms. Chambers advised the board to establish standards in regulation for course approval so these expectations were clear. Board members agreed to consider future regulations to clarify continuing education requirements.

**Motion by Dr. Vollaro to approve the animal echocardiography course offered by Catherine Stowell as proposed by Dr. McKayla Dick. Seconded by Dr. Albert. Passed by unanimous consent.**

**Motion by Dr. Vollaro to approve the Oiled Wildlife Responder Training Course offered by International Wildlife Research at UAA in March 2023. Seconded by Dr. Albert. Passed by unanimous consent.**

**Motion by Dr. Albert to award 14 hours to Alina Evans for the ultrasound courses she took abroad. Seconded by Dr. Vollaro. Passed by unanimous consent.**

The board requested that Ms. Bowman ask Nadia Bacon to provide the five elements of documentation related to these submissions in English so they can understand what is being requested. Ms. Bowman agreed to upload into OnBoard for board review once received.

### **New Business - Correspondence**

**A. Board Correspondence on Animal Massage**

The board reviewed two email requests for clarification on the standards for canine massage. They discussed the statutory definition of veterinary medicine and asked Ms. Chambers to respond by providing a copy of AS 08.98.250(6) with a statement that doing the activities on this list required a veterinary license or supervision by a veterinarian. If the inquirers had additional questions or details, Ms. Chambers would alert the board.

**B. Chiropractic on Animals**

The board discussed a letter received by a member of the public who was concerned that chiropractic was being practiced on animals by a person licensed to practice chiropractic on humans under AS 08.20. The board asked Ms. Chambers to send a letter to the requestor containing a copy of AS 08.98.250(6) and copy the investigator. Ms. Chambers encouraged the board to consider clarifying the practice of animal chiropractic with the Board of Chiropractic Examiners so both boards could align their advice.

**C. Board correspondence on VTNE Changes**

In response to letters received by the National Association of Veterinary Technicians in America (NAVTA) and the AAVSB, the board briefly discussed how work experience may be phasing out nationally as a pathway to veterinary technicians. Given the potential impacts to Alaska veterinary services, the board desired more time to discuss and requested that this topic be on the next regular meeting agenda.

### **Administrative Business**

#### **A. AAVSB Conference Report**

Dr. Albert shared her observations from the AAVSB conference this fall. She reported that the American Veterinary Medical Association (AVMA) is in favor of an in-person exam to establish VCPR. Telehealth was an important conversation, particularly since California just passed a law allowing establishment of a VCPR using telemedicine. She reported that there was a sense that the law was influenced more by corporations than by the state board and other practitioners. She sensed that many attendees were against establishment of a midlevel veterinary profession. Additional topics included use of AI in veterinary medicine, especially in radiology, where AI misdiagnoses were common; speakers registered concerns about communication of spectrum of care by new graduates; phasing out work pathways as an option for veterinary technicians was discussed. AAVSB attorney Dale Adkinson advised attendees never to revoke a license versus suspending it. His advice was once revoked, a board may not have the power to regulate their practice. He also stated that FAQ's should only be used with regards to applications and renewals. Anything else, it becomes opinions and declaratory rulings.

#### **B. Discuss future officer elections**

Ms. Chambers advised the board of their options to fill the chair position that would become vacant once Dr. Bergartt was no longer on the board. She reminded the board that her second term, as well as Dr. Geiger's, ends on March 1; however, statute allows them to continue to serve while the governor's office pursues replacements. Dr. Geiger said he would be happy to run meetings in Dr. Bergartt's absence and asked if the board should pursue other positions. Ms. Chambers said there is no legal requirement for other positions to be filled but a vice-chair would be helpful in the chair's absence. Ms. Chambers agreed to ask the governor's office to ensure that vacant positions are filled timely.

#### **C. Set Next Meeting Date**

The board selected February 1, 2024, as the next regular meeting date, pending confirmation of Dr. Bergartt's availability. The board will look for email coordination of a VCPR-specific meeting before the end of the year so that project can move forward.

With no other business to come before the board, Chair Geiger declared the meeting adjourned at 5:00 p.m.