

47 **Agenda Item 2** **Review Agenda**

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50 The Board reviewed the agenda and added a report of the AAVSB conference by Dr.
51 Bergartt as the first item in Agenda 8 and a lunch break before reviewing the JP exam.

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54 **Agenda Item 3** **Review/Approve Minutes**

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57 The board reviewed the minutes for June 3, 2016 and the July 8, 2016 teleconference and
58 accepted them as written.

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60 **On a motion duly made by Geiger, seconded by Bergartt and approved**
61 **unanimously, it was**

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Agenda Item 4 **Ethics Report**

There were no ethics violations to report.

Agenda Item 5 **Public Comment**

No one was present to comment.

Agenda Item 8 **Old and New Business**

AAVSB Conference highlights. Bergartt attended the September 2016 AAVSB Conference in Scottsdale AZ. She expressed how exciting and informative the meeting was and stated it was one of the better conferences she has attended. She discussed five highlights with the board. One of the top legal cases she addressed the board on was concerning the FTC and North Carolina dentistry concerning teeth whitening stations in malls. The dental board sent cease and desist orders stating this was dentistry and they can't perform these services. The case went all the way to the Supreme Court and the FTC won. Active market participants were considered a turf war. A second topic of presentation was Oversight by the State which is opening boards to anti-trust challenges. She expressed the Veterinary board can expect to see challenges from Chiropractors and Physical Therapists who want to do work on animals. The session discussed the practice act and what veterinary boards can actually regulate, that being licensees. Bergartt said the board needed to look at their practice act as these things will also be hitting Alaska. The third issue she highlighted with the board was concerning changes to compounding antibiotics. Compounds must now be for a specific pet. One commonly used compound for kitties can no longer be held in stock at the veterinary clinic. After ordering the

96 compound for a sick kitty, the practice may have to wait three days to receive it. The
97 pharmacy board has unknowingly impacted the way vets can do medicine in Alaska.
98 Bergart hopes the pharmacy board can meet with the vet board and come up with a
99 workable solution that does not negatively impact the safety of patients. The fourth topic
100 highlighted was telemedicine. A California company called ASK.VET is providing
101 advice and not practicing veterinary medicine. They do not require their vets to be
102 licensed in particular states where the client questions are coming from. People are
103 texting or skyping with a veterinarian. A lot can be missed. Telemedicine is happening
104 and the board must again look at their practice act and get ahead of this. These practices
105 target underserved areas where vet services are not readily available. AAVSB is working
106 on a model practice act which will be a critical resource for boards to use especially with
107 these new things coming down the pike. Bergart said the DEA update stated a vet can
108 have one central place where their DEA is licensed to. The vet can take medicine from
109 that office to go make calls on animals and return the medicine to that location, log it and
110 keep it locked. It is no longer a gray zone because you can now take medicine off the
111 premise. The fifth thing presented to the board was concerning Physicians Health and
112 Wellness programs (PHP). It protects the public and practitioners because it offers help to
113 those in need who may have dependency on alcohol, drugs, depression and such. The
114 website says Alaska has a PHP. She suggested someone from PHP be invited to address
115 the board at the next meeting so they would be aware of services available for
116 veterinarians and technicians who could gain support from the services.

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118 **SB 74 Report.** Hagee addressed the board concerning his research for SB 74. He stated
119 The bill will bring about good changes but will also add responsibility to vets and the
120 reporting program. An Alaskan vet with a DEA number now has to register with the
121 Board of Pharmacy. There are three ways in which a controlled substance can leave a
122 veterinarians office: the vet administers the drug to the animal, writes a prescription and
123 the third is dispensing the medicine to the client's owner. Every Class II or III tablet or
124 CC of medicine a vet dispenses has to be reported on a weekly basis. If vets write a
125 prescription or administer the medicine to the animal in the office they do not have to be
126 report it. The board is tasked with getting every vet registered who has a DEA number
127 and there will be a cost to oversee the registry. Also boards affected by this bill are
128 tasked with jointly come up with a plan on how to maintain and implement the program.
129 There is a huge diversion in where the dispensed medicine is going. It was assumed it
130 was going to the animal that the vet saw in the clinic. There has been abuse and misuse
131 and this is what this program is trying to track. Hagee showed a list of drugs involved in
132 this bill and pointed out prescriptions written or medicine administered in the office did
133 not have to be reported. If a person keeps bringing an animal in for more drugs the
134 provider can pull up a query on the data base to see how many times this owner has been
135 given this medicine and it will also show the address of the animal's owner. This bill is
136 going to stop underground drug networking and the Board of Pharmacy has a big job
137 tracking all of this information. The bill will also track the people getting prescriptions
138 filled. The big job for the board is to make sure every veterinarian with a DEA number
139 gets registered. It is not known how much it will cost to administer this program in the
140 state of Alaska. Hagee reported five new positions have been approved to oversee the
141 new law and the board will have to come up with a fee to charge the vets with DEA
142 numbers to register and a penalty fee for those that do not register by the required date.

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144 **Agenda Item 6 Investigation Report**

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Investigator Sonia Lipker reported that for the period from June 1 through September 15, 2016 the division opened three matters and closed five which includes intakes, complaints and investigations. A total of two matters remain on-going and under active investigation, are pending litigation or are the subjects of review for action by the Attorney General's Office. At the time of reporting no one was on probation. The board had no questions.

On a motion duly made by Dr. Hagee, seconded by Dr. Bergartt and approved unanimously, it was RESOLVED to go into executive session in accordance with AS 44.62.310(c)(2)(3) , for the purpose of discussing investigative matters brought before the board.

Beck recused herself and left the room.
Board staff to remain during executive session.

Enter executive session at 11:00am - Off the record
Exit executive session at 12:01 am - On the record

On a motion duly made by Geiger, seconded by Hagee it was

Resolved to adopt the Consent Agreement, case #2016-000086 for Dr. Harrison Wellman.

Geiger -Yea, Hagee-yea, Bergartt- nay, Beck recused herself.

The board thanked Investigator Lipker for her time.

Agenda Item 5 Budget Report

Sara Chambers said the new fourth quarter budget information is not due until the end of October. The board received the third quarter report at the June 3, 2016 meeting. Chambers ask if the board had any questions or topics they would like to discuss. Beck wanted to discuss the fact that at the July 8, 2016 teleconference the board made recommendations for softer licensing fee increases and the public comments received agreed with the board's thoughts that the projected fees were excessive. Beck questioned why the division did what they wanted to do anyway with the original fee increase considerations. Geiger said the board put forth considerable time and thought into the fee increase and considered several issues before the recommendation was given at the July 8 teleconference which Chambers attended. He said it seems the time was just wasted. Chambers said the division director makes the recommendations and final decision. The board decided to take a lunch break and speak to Director Hovenden later in the day when she would be available.

Break

194 Off the record 12:12 for lunch break
195 On the record 1:02

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198 **Agenda 5 continued:**

199 Division Director Hovenden explained why a fee increase had to happen based on the
200 division's thorough fee analysis and comparison of three scenarios; assuming no fee
201 changes, based on the board's recommendation, and the final scenario based on division
202 fee increases. AS 08.01.065 requires CBPL to annually review each fee to determine
203 whether the regulatory costs are approximately equal to fee collections related to the
204 occupation. Hovenden said fee increases were necessary to comply with the statute. She
205 stated a surplus buffer is healthy in case there is a costly investigation and unexpected
206 changes that might impact the program. She pointed out in 2011 the surplus was
207 \$178,000, FY 2012 the surplus was at \$101,000 and each year the surplus kept eating
208 away at the \$178,000 surplus. At the end of the third quarter of FY 2016 the actual was
209 \$40,000 in debt and this is without the final quarter report being received. The surplus
210 has been eaten away. The revenue has not been meeting expenditures.

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212 The board stated they are extremely frustrated and did not feel they had a voice in the
213 budget process. The board did not feel the budget committee took into consideration their
214 carefully deliberated recommendations and specifically ignored the principles the
215 recommendations were based on. The board was trying to lighten the burden for entering
216 veterinarians and vet tech's and recommended a more moderate increase rather than the
217 extreme increase set forth by the division. Furthermore the board feels their deliberations
218 were a waste of time and board resources.

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221 **Agenda Item 8 Old and New Business Continued**

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224 **Sandra Rowe email.** The board reviewed and discussed an email Ms. Rowe submitted
225 concerning selling over the counter worm pills. The board cautioned since Ms. Rowe is
226 not a licensed Vet she shouldn't be diagnosing or making recommendations for animals.
227 Berngartt will write a letter and submit to the division for Geary to mail.

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229 **Continuing Education Approved.** The board approved 6 hours continuing education
230 requested by Dr. Vollaro for the October 3-4, 2016 Hematology and Urinalysis for
231 Veterinary Technicians.

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**On a motion duly made by Hagee and seconded by Berngartt it was moved
to approve Dr. Vollaro's request for 6 CE credits for the October 3-4, 2016
Hematology and Urinalysis course for Veterinary Technicians taught by Dr.
Sandy Willis.**

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Hagee-yea, Geiger- yea, Berngartt- yea, Beck- yea

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Vet Folio. Ms. Bando submitted an email asking if VetFolio is an approved CE course.
241 The board noted the course is RACE approved.

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243 **On a motion duly made by Geiger and seconded by Hagee it was moved to**
244 **approve VetFolio CE's.**

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246 Hagee- yea, Geiger- yea, Bergartt- yea, Beck- yea

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248 **Rebecca Walker email.** The board reviewed and discussed an email submitted by Ms.
249 Walker concerning fee increases and veterinarian technician's variation of compensation.
250 The board agreed licensed vet techs are being penalized. Vet Tech's and veterinary
251 assistants almost do essentially the very same job and are getting paid the same wage. If
252 someone is not licensed they are supposed to be called veterinary assistants. Geiger will
253 write a letter and submit to the division for the board to review and Geary to mail.

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255 **Kevin Salazar email.** The board reviewed and discussed an email Mr. Salazar submitted
256 concerning compounding in Alaska. Bergartt will write a letter and submit it to the
257 division for Geary to mail.

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259 **Veterinarian Jurisprudence Exam Review.** The board reviewed the JP exam and
260 supporting documents that are sent to an applicant and made a few changes.
261 Hagee is going to ask Dr. Bob Gerlach, State Veterinarian to review and update the
262 Alaska Board of Examiners Handbook before any changes are made to the JP exam.

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265 **2017 Scheduled board meetings:**

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267 January 20, 2017 in Anchorage
268 May 12, 2017 Teleconference

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270 Bergartt said it would benefit the board to invite someone from the Board of Pharmacy
271 to address the board at the January meeting to find out where they are going with
272 compounding and other issues concerning veterinarians and telehealth.

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275 **Break:**
276 Off the record: 2:40
277 On the record 2:51

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280 **Agenda Item 9 Regulations**

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283 **Present regulation reads:**
284 **12 AAC 68.010. APPLICATION FOR A LICENSE BY EXAMINATION.** (a) An
285 applicant for a license by examination to practice veterinary medicine, surgery, or
286 dentistry shall submit to the board
287 (3) evidence that, within 60 months before the date of application, the applicant has
288 passed the North American Veterinary License Examination;

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292 **Proposed regulation to read:**
293 **12 AAC 68.010. APPLICATION FOR A LICENSE BY EXAMINATION.** (a) An
294 applicant for a license by examination to practice veterinary medicine, surgery, or
295 dentistry shall submit to the board

296 (3) evidence that, within **68 months** before the date of application, the applicant has
297 passed the North American Veterinary License Examination;
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299 **Present regulation reads:**

300 **12 AAC 68.035. LICENSE BY CREDENTIALS.** (a) An applicant for licensure by
301 credentials to practice veterinary medicine, surgery, or dentistry shall submit to the board
302 (c) In this section, "active practice" means at least 1,000 hours of practicing veterinary
303 medicine, surgery, or dentistry during a calendar year.
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305 **Proposed regulation to read:**

306 **12 AAC 68.035. LICENSE BY CREDENTIALS.** (a) An applicant for licensure by
307 credentials to practice veterinary medicine, surgery, or dentistry shall submit to the board
308 (c) In this section, "active practice" means at least 1,000 hours of practicing veterinary
309 medicine, surgery, or dentistry **during each year prior to the date of application.**
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311 **Present regulation reads:**

312 **12 AAC 68.310. VETERINARY TECHNICIAN LICENSING REQUIREMENTS.**
313 (b)(4)(B) employment verification forms completed by the supervising veterinarian
314 verifying that the applicant has been working at least 700 hours a year for at least two of
315 the previous three years immediately preceding the date of application, of which one year
316 must be within this state;
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318 **Proposed regulation to read after adding (4)(C):**

319 **12 AAC 68.310. VETERINARY TECHNICIAN LICENSING REQUIREMENTS.**
320 (b)(4)(C) **If a technician is fully licensed in another state and meets the employment**
321 **verification requirements listed under (b)(4)(B) then they are not required to work**
322 **for one year within this state.**
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324 **Present regulation reads:**

325 **12 AAC 68.041 (c)** A courtesy license is valid for 30 consecutive days. A person may not
326 be issued more than two courtesy licenses in a calendar year.
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328 **Proposed regulation:**

329 **12 AAC 68.041 (c)** A courtesy license is valid for 30 consecutive days.
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331 **Proposed regulation:**

332 **12 AAC 68.041. Add (f)(3)(D) Job interview to aid in the recruiting/hiring process**
333 **for a position offered by an Alaskan licensed veterinarian/s valid for 30 days.**
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335 **On a motion duly made by Geiger and seconded by Bergartt and approved**
336 **unanimously, it was resolved to send the regulation project to the regulation**
337 **specialist for drafting.**
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340 **Agenda Item 10 Adjourn**

341 There being no further business, Dr. Beck adjourned the meeting. All were in favor.
342 The board adjourned the meeting at 3:31pm.

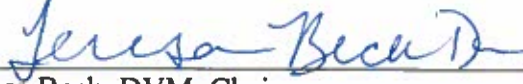
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Respectfully submitted:



Virginia Geary, Licensing Examiner

Approved:



Teresa Beck, DVM, Chairperson
Alaska State Board of Veterinary Examiners

Date: 1-20-17