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State of Alaska
Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing

BOARD OF VETERINARY EXAMINERS

MINUTES OF THE MEETING

November 26, 2019

These are DRAFT minutes prepared by the staff of the Division of Corporations, Business, and Professional Licensing.

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Veterinary Examiners was held by video conference on November 26, 2019.

Agenda Item 1 **Call to Order/ Roll Call:**

On the record 3:02 p.m.

Board Members present, constituting a quorum:

- Jim Hagee, DVM- Board Chair
- Hal Geiger, PhD- Public Member
- Rachel Bergartt, DVM
- Chris Michetti, DVM
- Scott Flamme. DVM

Division Staff present:

- Ilsa Lund- Occupational Licensing Examiner (Hereafter denoted OLE)
- Rebecca Powers- Records and Licensing Supervisor (Hereafter denoted RLS)
- Melissa Dumas- Administrative Officer II
- Sher Zinn- Regulations Specialist II

33 Marilyn Zimmerman- Paralegal II

34 Joining Telephonically:

35 Greg Francois- Chief Investigator

36

37 No ethic violations or inquiries were reported.

38

39 **Agenda Item 1A** **Review/ Approve Agenda:**

40 Dr. Geiger requested that the board speak about the possibility and status of hosting a Town Hall meeting
41 if time would allow. No other agenda revisions were requested.

42 **Agenda Item 1B** **Approve Last Meeting Minutes:**

43 Dr. Geiger offered some minor clerical revisions to the drafted minutes.

44 **In a motion duly made by Hal Geier, seconded by Rachel Bergartt, and passed unanimously, it**
45 **was RESOLVED to APPROVE the meeting minutes from October 4, 2019 as amended.**

46

47 **Agenda Item 2** **Fiscal Update:**

48 Melissa Dumas presented the board's financial standing, starting with Fiscal Year (FY) 19- Fourth
49 Quarter. The format of the quarterly reports was recently revised to satisfy the standard for the reports
50 submitted to the legislature. That one, only one report needs to be generated. The new layout shows a
51 biennium comparison column, so a direct comparison can be made between renewal and nonrenewal
52 years. FY 19 revenue from license fees was \$292,515. There was a fee increase last year, so the revenue
53 was higher than in 2017. \$282 were received in third party reimbursement, which came from board travel
54 sponsored by an outside association for a grand total revenue of \$292,797.

55 Another new feature of the new fiscal report layout is a breakdown of division expenditures. \$72,143 of
56 direct expenditures are attributed to the program; i.e.: staff time billing, insurance, etc. \$2,938 were spent
57 on board travel. \$6,531 were spent on services; these are things like postage, advertising and legal fees.
58 All of this comes to a total of \$81,612.

59 The board was charged \$30,063 for investigative costs. This bring the board to a grand total of \$111,675
60 total in direct expenditures for FY19.

61 The board spent \$66,179 in indirect expenditures. This, in addition to the \$111,675 of direct expenditures
62 brings the final total amount of board expenditures to \$177,854 for all of FY 19. The board had a deficit
63 of \$37,776 at the start of FY19. With a revenue of \$292,797 and the expenditure of \$177,854, the
64 Veterinary Board is closing out FY 19 with a surplus of \$77,167 to carry into FY 20.

65 Dr. Bergartt asked about the highlighted indicator on the page that read "fee analysis recommended."
66 Mrs. Dumas explained that this flag came up when the report was generated because the board will be
67 entering the new FY with less than one year of total expenditures in the bank. She does not believe that
68 the board will be required to have another fee change, but she plans to run a fee analysis that she will have
69 ready to present at the next board meeting in January.

70

REVENUE	amount
License fees	\$292,515.00
Third party reimbursement	\$282.00
Total	\$292,797.00

EXPENDITURES	amount
Division	\$72,143.00
Direct	\$2,938.00
Services	\$6,531.00
Investigations	\$30,063.00
Indirect	\$66,179.00
Total	\$177,854.00

Fiscal Standing	amount
Deficit from FY18	-\$37,776.00
Revenue from FY19	\$292,797.00
Expenditures from FY19	-\$177,854.00
Surplus to start off FY20	\$77,167.00

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73 **Agenda Item 3** **Regulations:**

74 Sher Zinn began by asking the board if they had time to review the information in the board packet. Of
 75 the regulations that went out for public comment, the first three will have to be withdrawn because the
 76 board entertained public comment about the regulations at the October 4, 2019 meeting after the public
 77 commenting period for those regulations had closed. The regulation regarding Veterinarian- Client-
 78 Patient- Relationship (VCPR) had been tabled during the Oct. 4 meeting, so that was already considered
 79 withdrawn, but because public comment was taken on the first two regulations (12 AAC 68.045 and
 80 68.046), the board will have to withdraw those and they will have to go out for public comment again.
 81 All three of those regulations are now required to have an oral comment period at the next board meeting
 82 to allow everyone in the public the opportunity to comment, since comments were entertained during the
 83 last meeting.

84 Mrs. Zinn then gave a brief training overview and pledged to hold a more extensive regulations training
 85 session at the board's next meeting. She asked that the board keep in mind that there is a specific period
 86 for public comment that is public noticed. No comments may be entertained after the end of that public
 87 comment period, that includes oral or written, until the board has adopted the regulations. The board
 88 would note, on record, that they have considered the lawfully submitted public comment before adopting
 89 the regulations. If someone attends the board meeting that wants to make comments after the board has
 90 adopted a regulation, that is acceptable, but not before the regulation is adopted

91 Mrs. Zinn recognizes that there are a lot of moving parts involved in the VCPR, so she understands that
 92 the board will want to accept a lot of public input about this topic. She informed the board that there is an
 93 avenue called public scoping that is utilized before the regulation is sent out for public comment. Mrs.
 94 Zinn said that she would pass along information to OLE Lund about this subject. This tool would be used
 95 if there is a regulation that the board expects to see a lot of public input on. She reminded the board that
 96 they are now required to entertain oral comment as well as written public comment about the VCPR,
 97 going forward.

98 An additional item for the first two regulations (12 AAC 68.045 and 68.046) is that those two sections are
 99 based on temporary permits and temporary licenses in the statutes, which do not allow for a person to

100 have to pass an exam to qualify for those temporary licenses and permits; therefore, the board does not
101 have the authority to add “any type of examination” to the regulation. The board is currently
102 pigeonholed, pertaining to foreign graduates, as far as statute requiring individuals from outside of the
103 country to complete the Educational Commission for Foreign Veterinary Graduates certification process
104 (EFVGC). She wants the board to know that, back in 2010, there was a bill that did not go anywhere that
105 would have changed that statute to allow for “or other programs”. The AAVSB was aware of this bill.
106 Mrs. Zinn is not aware of who petitioned the legislature about this topic, but the bill was out there and
107 didn’t go anywhere.

108 Mrs. Zinn has, bases on the comments from the last board meeting, and comments from the past boards
109 that she has told Director Chambers about, there may be a pathway for a governor’s bill if the Division is
110 able to get a bill on the floor before the Vet Board has the opportunity to. The governor’s plan is to make
111 business friendlier here in the State of Alaska; to get rid of some of the roadblocks that people experience
112 in obtaining licenses. The EFVGC is a roadblock to licensing foreign graduates. So, if the board would
113 like to peruse that, she has already let the director know that this is something the board might be
114 interested in and she could confirm the board’s intentions so that the governor’s office can be notified.

115 Dr. Bergartt did have some questions for Mrs. Zinn. She stated that one thing she would be reluctant
116 about is to blindly say, yes Director Chambers, please go ahead and do this. She asked if Director
117 Chambers would be able to come in and give a presentation to the board at the next meeting to talk about
118 how the bill would move forward, or would the board get stuck with whatever language is presented in
119 the bill through the governor’s office. Mrs. Zinn said that if the board could clarify the language they
120 want to see in the bill right now, for the board to make the determination of what is acceptable and if the
121 board would like to keep the language of the EFVGC, or if they just want the bill to read “any program
122 approved by the board”.

123 Dr. Bergartt thinks that it should be a program approved by the board because programs may change in
124 the future and wants to give the board the most flexibility that would give them the ability to act in a
125 timely manner instead of waiting for a legislative change to occur. Dr. Geiger, Dr. Michetti and Dr.
126 Flamme stated that they agree with Dr. Bergartt.

127 **In a motion duly made by Rachel Bergartt, seconded by Scott Flamme, and passed unanimously,**
128 **it was RESOLVED that the Veterinary Board would like to be included in the governor’s bill to**
129 **open up business in Alaska, including language that any verifying program approved by the board**
130 **will be accepted, and would like Director Sara Chambers to be the point person.**

131

132 **In a motion duly made by Hal Geier, seconded by Rachel Bergartt, and passed unanimously, it**
133 **was RESOLVED to WITHDRAW 12 AAC 68.045, 12 AAC 68.046 and 12 AAC 68.075.**

134

135 **In a motion duly made by Hal Geier, seconded by Rachel Bergartt, and passed unanimously, it**
136 **was RESOLVED to ADOPT 12 AAC 68.500(b)(2), 12 AAC 68.930, 12 AAC 68.940, 12 AAC**
137 **68.990(4), 12 AAC 68.990(5), 12 AAC 68.990(6) as public noticed and have considered public**
138 **comment submitted on the regulation changes.**

139

140 **Agenda Item 5 PDMP Legislation (Town Hall):**

141 Dr. Geiger asked staff to give an update on what has been planned for the town hall, so far. OLE Lund
142 informed the board that, so far, nothing has been officially planned for the board to host a town hall to
143 gather feedback from the public about the board’s wish to gain an exemption for veterinarians having to

144 register with the State’s Prescription Drug Monitoring Program (PDMP). Due to the short length of time
145 since the last meeting and personnel changes in the division, OLE Lund is still trying to gather
146 information about the structure of a town hall and what would be required to hold one. The board’s
147 subcommittee formed during the October 4th meeting, comprised of Drs. Geiger and Flamme submitted a
148 drafted agenda for the meeting, but currently, no motion has been made or carried to set a date for the
149 meeting. OLE Lund asked if she had missed some sort of action or task that the board had assigned.

150 Dr, Geiger stated that there are some things that will need to be checked off in order to get ready for the
151 meeting.

152 **TASK: OLE Lund will check with the AAVSB to ensure that their attorney, Dale Atkinson,**
153 **will be available for council at the town hall.**

154 At the last meeting, the board talked about involving the AAVSB in this process to give guidance, but a
155 State attorney could also be present to give another perspective. The board would also like to coordinate
156 with other outside entities, such as the AKVMA, to ensure that this is well received.

157

158 **Agenda Item 4 Investigations:**

159 **In a motion duly made by Hal Geier, seconded by Rachel Bergartt, and passed unanimously, it**
160 **was RESOLVED to ENTER into Executive Session in accordance with AS 44.62.310(c), and Alaska**
161 **Constitutional Right to Privacy Provisions, for the purpose of discussing “subjects that tend to**
162 **prejudice the reputation and character of any person, provided the person may request a public**
163 **discussion.”**

164 Staff was requested to remain in the room.

165 *Off the record at 3:39 p.m.*

166 *Back on the record at 4:10 p.m.*

167 **In a motion duly made by Rachel Bergartt, seconded by Chris Michetti, and passed unanimously,**
168 **it was RESOLVED to ACCEPT the voluntary license surrenders of veterinary technicians Eric**
169 **Kraai (VETT296) and Evelyn Grimm (VETT355).**

170

171 **Agenda Item 5 PDMP Legislation (Town Hall) continued:**

172 Dr. Scott Flamme filled the board in on the latest meeting held by the Interior Veterinary Medical
173 Association (IVMA) that took place on November 20th. Approximately 20 veterinary practitioners
174 attended the meeting from practices in and around Fairbanks. A lot of them have many concerns about
175 the PDMP. Some of them have proactively reached out to local legislators and, so far, there are four that
176 have heard concerns from the public and practitioners and are in favor of supporting a bill for veterinary
177 exemption. The IVMA would like to know the wording of the draft bill that Tammy Wilson’s office is
178 working on. Dr. Flamme is wondering if the board could make that public.

179 OLE Lund informed the board that anything that has been discussed during a meeting is a matter of public
180 record. Since the board has been discussing this topic at meeting for quite some time, any of that
181 information is available to share with other organizations. The drafted legislation is included in the board
182 packet and is a matter of public record.

183 Dr. Flamme brought up the board’s desire to host a town hall about the PDMP legislation with the IVMA.
184 The IVMA would like to have a town hall prior to the legislative session start in January (on the 21st) and

185 would like for legislators to attend and show their support for this bill. Dr. Flamme said it would be nice
186 to hold a town hall in Anchorage as well. He would like to speak with Dr. Sarah Coburn, the newly
187 appointed president of the AKVMA. He said that she sent out a large email talking about the PDMP and
188 how the AKVMA would like exact talking points, veterinarian as well as practice owners, about why the
189 State should get rid of the veterinary PDMP mandate.

190 Dr. Hagee suggested that the person to talk to about this subject would be Dr. Jim Delker, the legislative
191 liaison for the AKVMA. Dr. Hagee said that Dr. Delker has already had some very good conversations
192 with the former state medical director who sort of spear-headed the PDMP. Dr. Hagee thinks that Dr.
193 Delker could be a major asset for the board in this process.

194 Dr. Geiger mentioned the “right-touch” initiative that was presented to the board at the last meeting in
195 October. He stated that this would be the perfect vehicle for getting the attention of the public for the
196 purpose of the PDMP topic. Representative Wilson is going along in a parallel track, but he still thinks
197 that having a town hall could be a valuable thing for people who are going to the legislature trying to
198 build support in seeking an exemption for veterinarians. To fully address what Director Chambers had
199 intended for the “right-touch,” all regulations need to be looked at and simplified. He thinks this could be
200 an opportunity for the board to take some things out of statute that need to be added into regulation. Dr.
201 Geiger was under the impression that a town hall would be the board’s one shot to gather information on
202 the subject. He doesn’t believe the board has the resources to have one meeting each in Fairbanks,
203 Anchorage, and Juneau. Dr. Geiger is under the impression that this would be a onetime event to build a
204 paper trail of support for the reason for changes to the regulation.

205 Dr. Flamme said that the IVMA would offer Musher’s Hall as the venue space for the Fairbanks town hall
206 and expects attendance by legislators and the press.

207 Dr. Geiger stated that the drafted agenda written by himself and Dr. Flamme provided space to receive
208 talking points from the public, written comments from board members, some advice from attorneys. The
209 comments from the public could be turned into written comments. Then the meeting could be turned into
210 some sort of publication, like a letter, that would then be submitted to legislators.

211 Dr. Bergartt asked who would be hosting the town hall meetings; are they a board hosted event, an
212 association hosted event? What would the board’s roll be in this process of a town hall?

213 Dr. Flamme clarified that it would be an IVMA event.

214 OLE Lund stated that she had been working on gathering information from her former supervisor, who is
215 no longer with the division, so she is starting back at square-one to gather the information she needs
216 regarding how to proceed with a town hall. She said, if indeed the IVMA is willing to host the event,
217 then that would be their event to coordinate. She mentioned that, potentially, a Zoom meeting could be
218 set up in order to assist in the recording of the meeting. That way, anyone around the state, or even AK
219 licensed vets that live out of state could attend telephonically; provided the call-in information is
220 distributed to all interested parties.

221 Dr. Geiger feels that division staff would need to be involved to capture the comments. There needs to be
222 a reliable way to capture what is said during the town hall.

223 Dr. Bergartt thinks that the board needs to be cognizant of that, as a board, they represent the public. So,
224 actions taken as a board member, not just as a practitioner or concerned public member, that as a board
225 have some strong talking points. Keep in mind how this represents the public, not just veterinarians. It
226 makes her nervous if the IVMA has a meeting, but the State is involved solely for the purpose of
227 providing technology.

228 Dr. Geiger reiterated that he feels strongly that staff needs to be involved in this process.

229 **TASK: OLE Lund and RLS Powers will work together to find out more information about**
230 **holding a town hall by speaking with division staff with more experience in this**
231 **area.**

232 Dr. Geiger suggested that the PDMP subcommittee give staff some time to recover after the meeting and
233 Thanksgiving holiday and then check back in to plan this event in greater detail.

234 Dr. Bergnartt would like to thank the subcommittee for driving this matter forward. This is a topic that
235 the board has been struggling with for about two years, now. This is a matter that is important to the
236 public and the PDMP does a disservice to how veterinarians are able to treat their patients. This is an
237 important public policy problem that needs to be dealt with.

238 Dr. Flamme said, as a new board member, it is hard to know where to step without trying to be
239 appropriate. There are people, especially the IVMA, who have some hard-working individuals who want
240 answers. As a board member, he wants to provide those answers and know what is appropriate and what
241 is inappropriate. This is a subject that has to be tended to in a timely manner. He was hoping to get this
242 addressed some time in December with a town hall.

243 Dr. Hagee gave his blessing for the IVMA to hold a town hall of their own.

244 Dr. Geiger stated that it is unrealistic for the board to have a town hall before Christmas, but he agrees
245 that this needs to be done before legislative session.

246 OLE Lund said that it is more likely that a town hall will be held in early January. The town hall has to
247 be publicly noticed like any other board gathering. Dr. Geiger asked that OLE Lund delegate tasks to the
248 committee for the purpose of expediting the process. He listed some things that will be required for the
249 town hall: venue, electronics for the public to call in, facilitators, legal advice (from the AAVSB and the
250 State AAG), and some sort of summary document after the meeting.

251 RLS Powers asked how many people the board expects to show up at such an event. Dr. Geiger stated
252 that he assumed attendance would be mostly through call in. Due to the board's lack of funding for travel,
253 all members will be unable to congregate at one venue. Dr. Flamme stated that at least 100-150 people
254 will attend such an event in Fairbanks.

255

256 **Agenda Item 7 Public Comment:**

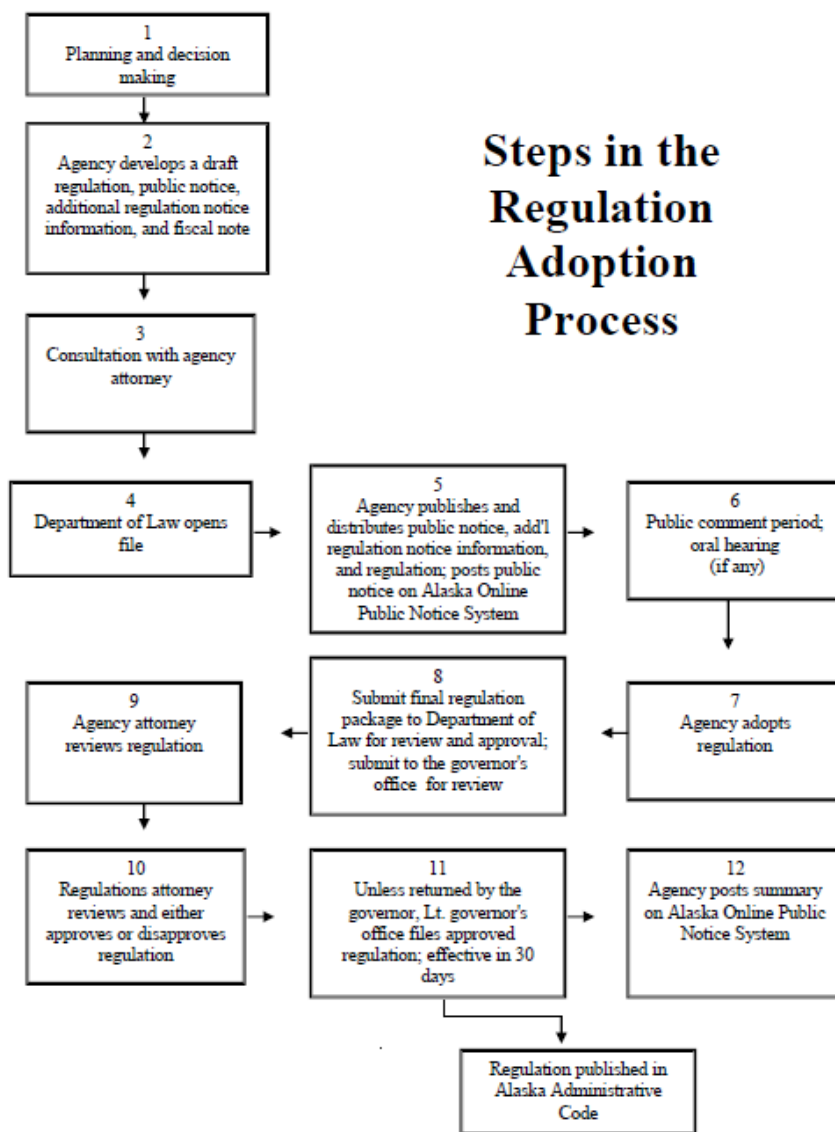
257 Dr. Mary Ann Hollick requested to speak during public comment. She attended and spoke during the
258 Veterinary Board meeting on October 4th. She said, since it is clear that the VCPR will be open for
259 additional public comment, the AKVMA will submit comments during the opening. She greatly
260 appreciates the board's work on this matter, as it is extremely important to the public. The AKVMA has
261 designated a member to receive public notices through the State's public noticing system, and they will
262 follow up and look forward in working together contributing in any way. The VCPR is an extremely
263 important topic to veterinarians and patients, especially those that live remotely. Dr. Hollick asked how
264 the oral comment period will work.

265 OLE Lund informed her that oral comment will likely be on the agenda for the next board meeting on
266 January 10, 2020.

267 **Agenda Item 6 VCPR Plan-of-Action:**

268 Since the board withdrew the VCPR regulation, no further action is required at this time. This is a work-
269 in-progress. The board will be open for oral comment on this topic in the near future. After which time
270 regulations will be drafted and then go through the regular regulations process.

271 Dr. Geiger suggested that a committee be established for this process since board meeting are not the
272 most effective place to draft regulations.



273

274 **Agenda Item 8** **Adjourn:**

275 At this time, the board concluded all scheduled Board Business.

276 **In a motion duly made by Rachel Bergartt, seconded by Scott Flamme, and passed unanimously,**
277 **it was RESOLVED to ADJOURN.**

278 *Off record at 4:51 p.m.*

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280

281

282 **Respectfully Submitted,**

283 *Ilsa Lund*

284 **Ilsa Lund, Licensing Examiner**

286

287 *Rachel K. Bergartt, DVM*

288 **Rachel Bergartt, DVM- Acting Board Chair**

290

1/14/2020

Date

1/14/2020

Date