

**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 3, 2008**

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 3, 2008, at the Legislative Information Office, 1292 Sadler Way., Conf. Rm. 308, Fairbanks, Alaska.

**Call to Order/Roll Call/Agenda Review**

The meeting was called to order by Dr. Steve Torrence, Chairperson, at 9:25 a.m.

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

Dr. Steve Torrence, Veterinarian, Chairperson  
Dr. David Hunt, Veterinarian  
Martin Buser, Public Member

Those absent and excused were:

Dr. Timothy Bowser, Veterinarian,

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

Brenda Donohue, Licensing Examiner – Juneau  
Brian Howes, Dawn Bundick and JoAnna williamson, Investigators – Anchorage  
Chris Wyatt, Administrative Manager

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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
- **Item #6 – Misc. Correspondence**  
MYOVEC USA Inc.  
Dale Baker, DVM, PhD.
- **Item #7 - Public Comment**  
Val Stuve, DVM
- **Item #9 – Regulations**  
Draft of Regulation project for 12 AAC 68.041; 12 AAC 68.100 and 12 AAC 500  
Regulation Project to reduce renewal fees  
Discussion Topics – Vet Tech Project
- **Item # 10 – Application Review**  
Tabled Mail Ballot for Pfizer
- **Item #12 – New/Old Business**  
AAVSB Conference Report – Dr. Hunt  
Handbook Review

**Agenda Item 2      Review/Approve Minutes**

The board reviewed the minutes of the June 13, 2008 meeting.

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

**RESOLVED to approve the June 13, 2008 minutes as presented.**

**Agenda Item 3      Ethics Disclosure**

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

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**Agenda Item 4      Budget Report**

Ms. Donohue connected Chris Wyatt to the meeting via teleconference.

Upon review of the budget it was noted that expenses for FY 2009 as of 9/19/08 are \$19.5 thousand, and revenues are \$3.4 thousand. This is a renewal year and revenues will pick up significantly by the end of the year. There is a carry-forward amount at the end of FY 2008 of \$58.9 thousand. Due to the large carry-forward, the renewal fees for veterinarians are being reduced to \$325. In addition the initial license fee for veterinarians, temporary license fee, and temporary permit fee will be reduced.

Following discussion, the Board asked Ms. Wyatt to initiate an audit of the legal fees under line item 73000. This fee is \$36 thousand for 2008, significantly higher than any previous year. Ms. Wyatt requested the Board to check with Investigation to see if there has been any unusually complicated cases that could account for this large increase, and to provide her that information.

**Agenda Item 5      Investigative Report**

Brian Howes, Dawn Bundick and JoAnna Williamson joined the meeting, via teleconference, to present the Investigative Report at 10:00 a.m.

Mr. Howes noted that he was filling in for Rick Younkins, Chief Investigator, and proceeded to introduce Ms. Bundick as the Board's new Investigator. Ms. Bundick reported there are currently sixteen (16) open investigations.

Ms. Williamson asked the Board's guidance on a case she is trying to complete. The Board determined to enter executive session to discuss disciplinary information.

**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 an investigative case with the Investigator.**

Entered into executive session at 10:04 a.m.

Out of executive session at 10:10 a.m.

As per Ms. Wyatt's request, the Board asked that Ms. Bundick do an audit of legal fees for the 5/07 through 6/08 time period. They asked that she provide this information to Ms. Wyatt, to be included in the audit Ms. Wyatt is conducting on line item 73000 of the Board's budget.

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Following discussion of the report, Dr. Torrence thanked Ms. Bundick, Ms. Williamson and Mr. Howes for their time, and they left the meeting.

The Board then proceeded to review of Motion for Entry of Default and Revocation of Veterinary Technician License in case # 3102-07-001.

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

**RESOLVED to adopt the Motion of Entry of Default and Revocation of Veterinary Technician License in case # 3102-07-001.**

Dr. Torrence noted for the record the licensee is Mary Miceli, holding Veterinary Technician license #97.

**Agenda Item 6      Correspondence**

The board reviewed the following correspondence presented.

NBVME – Memo regarding NAVLE retakes. The Board reviewed the 5 attempts in 5 years retake policy NBVME has adopted, and that took effect for the fall 2007 NAVLE administration. The Veterinary Practice Act is silent on the number of times a candidate can take the NAVLE, and the Board determined they will comply with NBVME's policy for administering the exam, and honor the 5 attempts in 5 years policy. In addition, the board will honor NAVLE scores done through other boards without the attempt limit that exceeded the 5 attempt limit. Ms. Donohue will respond to NBVME with the Board's decision.

MYOVEC – Letter from MYOVEC requesting the proper person to contact regarding their program for keeping the nations poultry safe. The Board stated the correct person to forward this information to is Dr. Robert Gerlach, the State Veterinarian. Ms. Donohue will respond to MYOVEC with this information.

DALE BAKER, DVM – Dr. Baker has requested an opinion from the Board if he would be required to obtain an Alaska veterinary license if he opens a pathology laboratory that will process and interpret tissue and blood samples for practicing veterinarians. Following discussion the Board determined that if Dr. Baker is located and practicing in Alaska, he will need to obtain an Alaska veterinary license. Ms. Donohue will respond to Dr. Baker and relay the Board's decision.

MIKE SAMPSON – Letter of comment from Mr. Sampson regarding the minutes of the June 13, 2008 meeting. Information only, no response required.

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**Agenda Item 7      Public Comment**

Dr. Jean Olson and Dr. Val Stuve were present for Public Comment.

Dr. Olson testified on several points of concern to her. She disagrees that students participating in externships should be required to obtain permits. Dr. Torrence explained that was a statute, and only the Legislature can change that requirement. However, the Board feels it is a fair requirement.

Dr. Olson then stated her support that alternative practitioners should be able to work on animals without holding a veterinary license. She asked the Board to be more open-minded in regards to complementary and alternative practices.

She then moved on to micro-chipping. She stated that micro-chipping is not the practice of veterinary medicine. She noted that many rescue groups obtain their own micro-chips and implant them.

Next, Dr. Val Stuve presented testimony on a variety of issues. First, he stated his opinion that micro-chipping is not the practice of veterinary medicine.

Next, he asked how the investigative procedure works, and are the cases coordinated with the AkVMA Peer Review Committee? Dr. Torrence and Dr. Hunt explained that no, complaints lodge with the investigator for the Veterinary Board are not coordinated with the AkVMA. When a complaint is received, the Investigator will contact one board member to see if the complaint has merit or not. If the complaint is valid, it will then progress to an investigation.

Dr. Stuve requested the Board to look at scheduling their fall meeting to be in the same location and at the same time as the annual meeting of the State Association. He stated that would provide a better opportunity for more public attendance at the Board's meeting.

Dr. Torrence thanked the members of the public for their input, and noted the Board would take their concerns into consideration.

**LUNCH**

Off record at 12:00 p.m.

Back on record at 1:05 p.m.

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**Agenda Item 9      Regulations**

Rep. Berta Gardner was in attendance for the discussion on regulations.

The Board reviewed the draft of their regulation project amending 12 AAC 68.048, Courtesy License, 12 AAC 68.100, Confidential Relationship and adding 12 AAC 68.500 Student Permits.

Following discussion of fees for the student permits, the Board recommends keeping the fees minimal, preferably the permit will cost the student no more than \$50 total. They suggest \$25 application fee and \$25 permit fee, or \$50 application fee, and no permit fee. In practice, the permits will be issued for the one-year allowed time-frame, but will only be needed by the students for one to two months as most externships are short in duration.

Regarding 12 AAC 68.100, Dr. Torrence noted the Board has the authority to discipline veterinarians and the intent of the current Board is not to discipline a licensee for breaking the confidential relationship by reporting animal abuse they encounter in their practice.

Dr. Torrence recognized Rep. Gardner, and asked if she wished to add to the discussion. She responded in the affirmative and remarked that she is very pleased with the Board's efforts to clarify the confusion surrounding a veterinarian's ability to report animal abuse. She explained that she plans to introduce legislation to add a section to the board's Practice Act to grant immunity to licensees who report animal abuse, and is seeking the Board's support. She then passed out a copy of the drafted legislation for the members to review.

Rep. Gardner advised that she looked at the proposed changes and she actually has legislation drafted that addresses protecting somebody who makes a report in good faith. She stated that last year she came up with an amendment and handled it clumsily to another board and a lot of misinformation and misunderstanding arose; her intent at that time was simply to ensure that a person who is subject to the board's regulation does not lose their right to report cruelty; that was her only concern. Only later did she discover that there is a whole national debate about mandating reporting and liability and all of those issues. She is very happy to see this issue clarified because several veterinarians told her that they didn't believe they were allowed to report because of the confidentiality provisions. She stated that if this is clarified then I understand that some people, and she believes Dr. Torrence is getting to that point, have a concern about liability if they report; this protects them both – client confidentiality section and the state regulation; what she understands is that this board governs the people subject to the board but not anybody else; so legislation was needed. Rep. Gardner stated the draft legislation says that a person who reports cruelty who is subject to the board's regulation can't be disciplined

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under the client confidentiality and also is immune from civil suits and other suits brought as a result of a report made in good faith.

Brenda Donohue asked Rep. Gardner if Sec. 09.65.253 is a typo or if that section is meant to be in the draft legislation? After further discussion, it was clarified that Sec. 2 regarding 09.65.253 is a general provision for individuals other than veterinarians. Board member Hunt asked what caused this to be brought up, has there been a case where somebody got in trouble? Rep. Gardner responded “no” but that it was her understanding that veterinarians are worried about it if they have to, that if there is a client confidentiality provision that’s sort of waived here, that person can’t go after a veterinarian for reporting; Rep. Gardner isn’t referring to mandated reporting; simply that a veterinarian doesn’t lose the right to use his or her own judgment. Like any legislation subject to amendment, this draft legislation hasn’t been thoroughly reviewed yet; it’s a proposal.

Dr. Torrence expressed concern that if they only addressed the client confidentiality issue in regulation, then future boards could change that; however, if the change was addressed in statute it would make it more difficult for future boards to change via regulation.

Rep. Gardner stated that statute would address that concern.

Dr. Hunt asked how do we move forward? Martin Buser felt the board should take a two-prong approach; adopt the three changes for our regulations and have Rep. Gardner introduce the draft legislation. Dr. Torrence stated the draft Sec. 1, AS 08.98.236 basically says the exact same thing we were trying to say but puts it in the statute. Short and to the point and cites current law in the process.

Dr. Torrence asked if they needed to give Rep. Gardner feedback on the whole bill or just the Section 1. Rep. Gardner said the rest of it was just for the board’s information but she would love if she could go back and say the board supports it.

Dr. Torrence stated, as currently written, the board could give support; it’s concise and says basically what the board was trying to in the first place. Dr. Torrence said this goes back to what he was saying last year and that is anything we try to do in regard to animal cruelty situations has to be fair for everybody in the state; we have such a cross section of people and animal situations and everything else – it can just turn into a disaster real fast. Rep. Gardner agreed and said the existing statutes reflect that – they wouldn’t work in a lot of places – but they fit Alaska and I never intended to change any of those definitions – that’s like a third rail. Dr. Torrence stated you can see the board’s concern – we have organizations like PETA based in other parts of the country who try to tell us how to do things; the same thing can happen with people in urban areas trying to dictate matters.

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Rep. Gardner said that's why we want to make sure that we have a title that doesn't allow other things to come under it. Rep. Gardner said the title is pretty tight "An Act relating to immunity for reporting animal cruelty". Rep. Gardner said if the title read "An Act relating to animal cruelty" it would open the door to put in whatever they want.

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

**RESOLVED to adopt the regulation project amending 12 AAC 68.041, Courtesy License, 12 AAC 68.100, Confidential Relationship and adding 12 AAC 68.500 Student Permits, with the deletion of subsection (b) under 12 AAC 68.100, and the change in wording for 12 AAC 68.041(b)(4)(A) from "a providence of Canada" to "country of jurisdiction".**

Following review and discussion the Board agreed to support the proposed legislation as written.

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

**RESOLVED to lend support to a bill offered by Rep. Gardner as follows: "An Act relating to immunity for reporting animal cruelty." Amending Section 1. AS 08.98 by adding a new section to article 3 to read: Sec. 08.98.236 Discipline prohibited for disclosure of animal cruelty. A licensee who, in good faith, makes a report or complaint, permits an interview, or participates in judicial proceedings related to a violation under AS 11.61.140 may not be subject to discipline under AS 08.98.235 or for violation of client confidentiality for the report, complaint, interview, or participation.**

Mr. Buser asked if the motion included Sec. 2, and Ms. Donohue responded that she thought it did not as that is not the Veterinary Board's Practice Act. The Board is lending support to adding a new statute to their Practice Act. Dr. Hunt asked if Sec. 2 is not part of the Veterinary Boards Practice Act, and Ms. Donohue responded that it is not. Her understanding is that Sec. 2 is part of the bill Rep. Gardner will be introducing, and is included here for the Board's information. She inquired of Rep. Gardner if that was correct, and Rep. Gardner responded that yes, that was correct. Sec. 2 applies to other people as well, and even if Sec. 2 were deleted in the process Sec. 1 would accomplish what the Board supports. Dr. Torrence remarked that Sec. 2 is more likely to have objections to it than Sec. 1 because it affects so many other people.

Rep. Gardner thanked the Board for their consideration and support and left the meeting.

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The Board then reviewed the regulation project that is out for public comment currently whereby the veterinary initial license and renewal fees are being reduced to \$325 from \$490. In addition, the temporary license fee is being reduced to \$75 from \$100, and the temporary permit fee is being reduced to \$75 from \$150. They are pleased to see these fee reductions.

Dr. Torrence tabled review and discussion of the veterinary technician scope of practice to the January 2009 meeting. He wants the input of the full Board for this discussion, and there will be two additional board members at that meeting.

**Agenda Item 10      Application Review**

The Board reviewed tabled mail vote from Pfizer requesting 6 hours of CEs for lecture and lab for pain management.

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

**RESOLVED to approve the Pfizer Pain Management course for 6 hours of continuing education.**

**Agenda Item 11      Goals & Objectives**

The Board reviewed their Goals and Objectives. They are particularly interested in emphasizing their support of #14 – Online renewal. Otherwise, they feel they are on track with their Goals as listed below.

**GOALS AND OBJECTIVES  
FY 2009**

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.

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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.

**Recess**

**The board recessed at 2:01 p.m.;  
reconvened at 2:11 p.m.**

Dr. Torrence welcomed Dr. John Lawrence from AAVSB to the meeting. Dr. Lawrence traveled to Alaska to meet with the Board, present an in-depth description of the Program for the Assessment of Veterinary Education Equivalence, (PAVE) certification process for foreign trained veterinarians, and answer questions about the process. The Board already accepts AVMA's Educational Commission for Foreign Veterinary Graduates, (ECVFG) certification process as a pathway for foreign trained veterinarians to meet requirements for licensure in the USA, and is responding to increasing requests to accept the PAVE.

In discussion following Dr. Lawrence's presentation, the members in attendance feel the PAVE Program is equal to the ECVFG, and they are supportive of changing the language in AS 08.98.165(a)(1) to "who has successfully completed a certification process

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approved by the Board”, or adding the PAVE program so the statute will include both the ECVFG and the PAVE. However, further discussion was tabled to the January 2009 meeting when Dr. Bowser will be in attendance, and the vacant position on the Board will be filled.

**Agenda Item 12      New/Old Business**

Dr. Hunt reported the highlights from his attendance at the AAVSB Annual Meeting in Newport, CA.

An interesting presentation described traveling spay and neuter clinics being conducted by faculty at Mississippi State University. The faculty member in charge of the clinics is a Board Certified surgeon. The clinics are high-quality, high-volume, low cost clinics. They are manned by veterinary students, under the supervision of the surgeon, and previous to a clinic being held, prior arrangements have been made for a local veterinarian to provide emergency care. Because the clinics are low-cost, high-production, they are targeting a segment of the population that do not normally go to a private veterinarian, thereby minimizing the impact to private practitioners in the area.

Another informative presentation described the process of approving continuing education courses by AAVSB’s Registry of Approved Continuing Education (RACE) program. RACE is considered the “Gold Standard” for approving CE courses.

The National Board of Veterinary Medical Examiners (NBVME) is visiting all states’ licensing board’s, to do a presentation how they are dealing with testing procedures, specifically, security issues. Their goal is to visit every state, and the each state must invite them. Dr. Hunt suggested Ms. Donohue contact NBVME to arrange for him to visit Alaska’s Board. Ms. Donohue will follow-up on this request and report to the Board at the January 2009 meeting.

Another informative open forum discussed the critical shortage of veterinary technicians throughout the country. Sixty percent of the technicians that go to school are not in the profession within ten years; there is no retention. The two main reasons for non-retention are money, and the fact that after they have put in the time a money to attend school, assistants who are not licensed can do virtually the same tasks.

There was a great deal of discussion at the meeting about the looming shortage of veterinarians and veterinary technicians.

Next, the Board reviewed the Handbook. Ms. Donohue will check with Dr. Louisa Castrodale to see if there are any changes from the Epidemiology Section of the Dept. of Health and Social Services that should included. Dr. Torrence noted that Dr. Mike Philo, the Federal Veterinarian, has retired. He requested Ms. Donohue contact that office to obtain the information on his replacement.

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**Agenda Item 13      Office Business**

- Travel Authorizations

The board reviewed the TAs and handed in receipts.

- Sign Wall Certificate

Dr. Torrence and Dr. Hunt signed wall certificates.

- Confirm Next Meeting Date

January 30, 2009  
Anchorage, Alaska

- Sign Minutes

Dr. Torrence signed the minutes of the June 13, 2008 meeting.

**Agenda Item 14      Adjourn**

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

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

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

The board adjourned the meeting at 4:00 p.m.

**Respectfully submitted:**

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Brenda Donohue, Licensing Examiner

**Approved:**

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

Date: \_\_\_\_\_

# **Task List**

Dr. Steve Torrence:

Dr. Timothy Bowser

Dr. David Hunt

Martin Buser

Brenda Donohue