

Board of Veterinary Examiners

Special Meeting - **Draft Minutes**

April 6, 2022

333 Willoughby Ave, 9th Floor, Juneau, Alaska, and via Zoom

Call to Order

The meeting was called to order by acting chair Denise Albert, DVM. Also present from the board were Hal Geiger, PhD, and Ciara Vollaro, DVM. Also present were staff members Lacey Derr, supervisor; Warren Gordon, examiner; Jun Maquis, regulations specialist; and Brad Sharp, assistant attorney general. A quorum is present.

Motion by Dr. Geiger to approve the agenda. Seconded by Dr. Vollaro and unanimously approved.

The board welcomed new member Dr. Vollaro, and everyone introduced themselves. It was also the first meeting for Mr. Gordon as board liaison.

Regulations

Ms. Derr explained that the current regulations project was the focus of the day's meeting. The board reviewed the edits made by Department of Law.

Motion by Dr. Geiger to adopt 12 AAC 68.010(a)(3) as amended by Department of Law. Seconded by Dr. Vollaro and unanimously approved.

Motion by Dr. Geiger to adopt 12 AAC 68.010(b) as amended by Department of Law. Seconded by Dr. Vollaro and unanimously approved.

Dr. Albert asked for any comments related to 12 AAC 68.215. Dr. Geiger stated that the impetus behind the changes were to conform to federal veterinary feed standards in the Field Directive Mandate. He was originally against the intent of the regulation and mentioned that no oral public comment had been received from veterinarians in rural or underserved areas, possibly because there are no veterinarians in those areas. He was concerned that requiring an in-person exam would eliminate opportunities for veterinary care in those places. He stated that the board had offered opportunities for language that could build consensus, and although this version is the best version they could muster, he voted against it and planned to do so again today. He suggested changing the word "impossible" to "impractical" as a change he would adopt.

The board discussed this wording change. Dr. Vollaro felt "impossible" was too broad a term and would be hard to define. Dr. Albert indicated that this topic has been in front of the board for several years, even predating her appointment. The original version was based on a suggested national practice act and wording developed by an AKVMA workgroup and several national association attorneys. She said the public comment had been overwhelmingly in favor of the version that had been publicly noticed, including veterinarians who had rural experience.

Dr. Albert felt the changes offered by LAW altered the intent of the board, particularly the board's intent to share VCPR among partners in a practice, as well as the meaning of "sufficient knowledge of the patient" and removing the requirement to have access to medical records of the patient. The definition of "qualifying situations" was also changed to what is convenient versus the board's focus on quality of care. She reiterated that distance care does not establish a relationship. She stated that she finds the rekeyed version unadoptable.

Motion by Dr. Geiger to table the remaining regulations offered in the rekeyed version. There was no second.

AAG Sharp assured the board that he has been taking vigorous notes and would appreciate any written comments board members may wish to share. He stated that, legally, no substantive changes were made in the rekey; however, he encouraged members to offer comments to the contrary. If the board adopted changes they felt were substantive, the project would need to be re-noticed to the public. He mentioned that one necessary change under 12 AAC 68.215(a) was to eliminate a loop in the draft that required a veterinarian to have already seen a patient in order to develop a relationship, which would make establishing an initial relationship impossible. Another necessary change was to eliminate the appearance in the original draft that a non-veterinarian staff member could potentially prescribe medication. After discussion with the board, it was determined that LAW misunderstood the term “associate” to have a meaning other than what the board intended, and he felt that the original wording may be restored to ensure that veterinarians in the same practice could see each other’s patients.

Dr. Albert felt the rekeyed version might be clear to attorneys but is not easily comprehensible to veterinarians. AAG Sharp stated that clarity and readability by the user is the goal. Users need to be able to understand regulations. Sometimes attorneys who do not have education in a technical field, like veterinary medicine, need assistance from the board. Dr. Albert agreed that it worked both ways, and veterinarians need legal assistance, as well.

Dr. Albert asked why subsection (4) requiring retention of records was removed. AAG Sharp said it was redundant since records must always be required. Dr. Albert said that national standards usually include this aspect as part of VCPR model regulations. AAG Sharp reiterated his point that the requirement was already being met, but he can look at whether including it would create another legal problem.

Motion by Dr. Geiger to table the section on VCPR offered in the rekeyed version. Dr. Vollaro seconded and unanimously approved.

Motion by Dr. Geiger to adopt 12 AAC 68.315(b) as amended by Department of Law. Seconded by Dr. Vollaro and unanimously approved.

Motion by Dr. Geiger to adopt 12 AAC 68.910(e) as amended by Department of Law. Seconded by Dr. Vollaro and unanimously approved.

Motion by Dr. Geiger to adopt 12 AAC 68.930 as amended by Department of Law. Seconded by Dr. Vollaro and unanimously approved.

Motion by Dr. Geiger to adopt 12 AAC 68.935 as amended by Department of Law. Seconded by Dr. Vollaro and unanimously approved.

Next regular meeting of the board is scheduled for May 10, 2022. Aiming for an October meeting in conjunction with the AKVMA conference in Anchorage.

Referring to a conversation they had previously, Dr. Albert asked whether the detail regarding three-years of education with student permits was a problem. Mr. Gordon mentioned he was looking into it with Ms. Derr.

Motion by Dr. Vollaro to adjourn at 1:03pm. Seconded by Geiger and unanimously approved.