

Board of Veterinary Examiners

Special Meeting: May 10, 2022

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

These minutes were approved by the board at their June 8, 2023, meeting.

Call to Order

The meeting was called to order at 9:01 a.m. by Chair Rachel Bergartt, DVM. Also present from the board were Denise Albert, DVM; Hal Geiger, PhD; Ciara Vollaro, DVM.

Motion to adopt the agenda by Dr. Geiger and seconded by Dr. Vollaro. Passed with unanimous consent.

No board members disclosed any potential conflicts of interest. Chair Bergartt mentioned that she continues to work on the board's legislative priorities.

Chair Bergartt read the board's mission statement into the record.

Old Business

Dr. Albert recapped the April meeting discussion regarding the pending regulations project; the VCPR section was tabled to this meeting. She mentioned that she had also provided written suggestions to the regulations specialist, but he had not yet received a response from the regulations attorney.

Reviewing Dr. Albert's revised section of the VCPR regulations, the board discussed various wording options regarding veterinarians who could access patient records either in the same practice or through contract with the practice. Dr. Geiger and Dr. Albert expressed their desire to word the regulations as inclusively as possible, given the lack of veterinary services, even in urban areas.

The board had additional discussion regarding wording about the premises where the patient is maintained, wording regarding patient records, the structure of the version revised by the regulations attorney, personal opinions about the draft, and minor revisions. The board discussed the need for the regulations to employ wording that is understandable by veterinarians. Dr. Geiger asked why a patient with a perpetual condition would need to keep going back to be seen before refilling a prescription. The veterinarians on the board said the national standard of care is to see an animal at least once per year before refilling the prescription. Dr. Albert mentioned that someone who holds an Alaska license but who has never practiced in Alaska does not know how to best treat a patient in the context of Alaska. Chair Bergartt said she shares her concerns but doesn't believe they can regulate based on the location of the veterinarian. Dr. Geiger asked for specification on what Dr. Albert means by "the road system." She indicated that she was thinking of the Anchorage/Fairbanks "road system" and intends to include "roaded" areas like Juneau that are not accessible to larger, more urban communities that may have access to more veterinary options. Dr. Albert was concerned by the services offered by online-only tele-veterinary companies and feels they are looking to take advantage of these regulations, if they aren't worded carefully. Dr. Geiger agreed that tele-veterinary services located outside Alaska are a bad idea. Chair Bergartt indicated the board was striving to align with the federal Veterinary Feed Directive.

Mr. Gordon indicated that he would forward the board's suggestions to the regulations specialist for discussion with the attorney.

New Business

The board discussed the effort to change the statute relating to national exam. She said AKVMA had concerns about the wording that gives the board the power to select the exam, however unlikely the worst case scenario may be. The board members agreed that the AKVMA approach was best. Noticing the time, the chair stated the matter would be taken up later in the meeting.

Dr. Albert left the meeting at 10:30. A quorum was maintained.

Prescription Drug Monitoring Program

Laura Carrillo, Executive Administrator of the Board of Pharmacy, provided the latest quarterly report and results of the 2021 Awareness and Feedback Questionnaire, which are on the PDMP web site. The latest questionnaire will be released in July. She mentioned the Communications Module was launched in February and that most supervisors had not reviewed delegate accounts to ensure they were still valid. Chair Bergartt asked Mr. Gordon to work with Ms. Carrillo to send out that information via the board's listserv. Director Chambers is working to procure a third-party consultant to review the PDMP's overall structure and efficacy.

Ms. Carrillo walked through the report data with the board. She explained the Prescriber Report Card's function and mentioned that an example and how to interpret it is on the PDMP web site. She indicated that while 98% of veterinarians who are required to register have done so, the reporting and review percentages of veterinarians are consistently under 5%. Ms. Carrillo explained that this number is consistent with the percentage of veterinarians logging into the system, which is audited. Dr. Geiger wondered if this could be a database error. Ms. Carrillo stated that the veterinarians who are exempt from reporting are not included in the data, so they do not skew the data. Chair Bergartt said that veterinarians she has spoken to say they are logging in, reviewing, and reporting as required by statute. Ms. Carrillo reviewed the report's recommendations and the data, guidance, and tools available on the PDMP web site and within the PDMP user portal itself. Director Chambers suggested that the board and PDMP staff work together to design questions that may be more beneficial to gathering meaningful feedback relevant to veterinary prescribers. Chair Bergartt thought doing that, then building on the information gathered, would be beneficial. Dr. Geiger thought that might be a task better suited to AKVMA, and Chair Bergartt agreed having AKVMA offer input would be helpful. Director Chambers further explained how the PDMP reviewer will also be soliciting program feedback from veterinarians and stakeholders that could influence policy change.

The board took a five-minute break at 11:08 a.m.

Public Comment

Dr. Dick of AKVMA provided an update on SB 132 and offered her personal support for VCPR regulations and concern about the data discussed in the PDMP section of the meeting. She also read a written statement from AKVMA board regarding general support for—and certain concerns about—SB 132 and HB 302, which she said she would provide in writing.

Larsha Hofland, licensed veterinary technician, told the board her concern about the lack of a veterinarian in Utiqagvik and adjacent rural villages, especially citing the need for maintaining distemper vaccination. She appealed to the board for their help. Chair Bergartt let her know that the topic will be addressed later in the agenda.

Ms. Anderson of AKVMA invited the board to attend the fall symposium in Anchorage.

Division Update

Director Chambers provided the board with its latest (3rd Quarter) fiscal report. In light of the lack of veterinary care across the state, she encouraged the board to work with the division on regulatory areas to reduce barriers and administrative burdens. She reminded the board of their responsibility in statute to report on the standards and availability of veterinary services provided in the state and report its findings—especially when this might

provide the board leverage to solicit the resources necessary to research and provide such a report. She also mentioned the division had been working on a professional licensing omnibus bill to accomplish updates to various statutes, including opening the pathway for foreign graduates to practice in Alaska. She encouraged the board to pursue legislation on their own, but to let her know of any other administrative streamlining opportunities that would benefit this program. Chair Bergartt indicated she had some ideas and would send them.

The board recessed at 11:58 a.m. for lunch and reconvened at 12:22 p.m. Chair Bergartt, Dr. Geiger, Dr. Vollaro, and staff were present.

PAVE

The board discussed whether the legislature or the board should set the exam requirements for veterinary licensure. Dr. Geiger said that it was more practical and reasonable for the board, not the legislature, to set that requirement in regulation.

Motion by Dr. Geiger to recommend the legislature amend its bill to reflect PAVE as the only foreign equivalency. Seconded by Dr. Vollaro. Unanimously approved.

Chair Bergartt indicated she would work with Mr. Gordon to issue an updated letter from the board to the legislature.

Correspondence

- **PAVE:** Dr. Landry's question was addressed in the prior section of the meeting.
- **Euthanasia:** Mr. Gordon received a question regarding whether a non-veterinarian can offer euthanasia services under the veterinarian's DEA license. The shelter did not have a DEA license. Chair Bergartt drew from her experience working as a shelter veterinarian and indicated that under the DEA, every facility—not just the veterinarian—needed to have a license if storing euthanasia drugs. Aside from the shelter needing a DEA license, she did not have concerns about the employee providing euthanasia services at the discretion of the veterinarian as outlined in statute.

She explained that euthanasia permits were issued to qualified non-veterinarians—typically municipalities—who could then purchase sodium pentobarbital under a separate statute. Since no additional medications, such as sedation drugs, had been adopted in regulation, no other medications, such as sedation drugs, were authorized for use by the agency. Since the program is not under the board but under the division, she suggested that the board could draft euthanasia regulations for the division to consider. Dr. Vollaro and Dr. Geiger agreed with the points discussed. Chair Bergartt offered to write a letter to the inquirer and work with the division on regulations.

- **Veterinary nurse and veterinary technologist:** Questions arose regarding the use and scope of these terms. They do not currently exist under state law. Supervisor Derr said it was not a licensed profession in veterinary practice and could not be used. She suggested that individuals working in the veterinary field needed to be called technicians or veterinarians until statute changes. Chair Bergartt thought that anyone using the term “nurse” in a veterinary context would likely be investigated by the Board of Nursing for unlicensed practice. She stated the Board of Veterinary Examiners would not be inclined to pursue discipline against a person practicing under a veterinary technician license but calling themselves a “veterinary nurse.” Chair Bergartt asked Mr. Gordon to let her know when the next Board of Nursing meeting was scheduled so she could address them on this topic. He planned to draft an email for board review in OnBoard.

- **Rural veterinarian availability:** The board continued review of Ms. Hofland's concern about distemper vaccination without a veterinarian's supervision. Chair Bergartt reminded the board that lay vaccinators are certified through the state veterinary office within DEC, which is specific to rabies vaccination, not others. This is completely separate from licensure. Dr. Vollaro registered concern about the lack of efficacy due to OTC vaccinations for Parvo. Chair Bergartt stressed the importance of vaccinations to be obtained through reputable sources, not mail-order OTC sources. Dr. Geiger stated that the technician could legally perform vaccinations without compensation if she is not under supervision of a veterinarian. Due to time, the chair tabled the discussion.

Investigative Report

Senior Investigator Summers provided the January-April 2022 investigative report. There were 17 open cases, 16 of which were veterinarians. Some cases persisted from FY19 that had not yet been closed. Three cases had been closed. Summers said that unprofessional conduct cases can take longer than others. She assured the board that each case is being actively investigated. Dr. Geiger appreciated the lower number of PDMP cases and asked why there were more cases than in the past. Inv. Summers said she was not familiar with the licensing trends since she was fairly new to supervising this program but would be happy to follow up.

Correspondence, continued

- **Rural veterinarian availability, continued:** The chair recalled that state law indicates a vet tech must be the employee of a veterinarian and cannot work independently. Mr. Gordon directed the board to the advice in the meeting packet provide by Department of Law regarding this issue. She and Dr. Geiger mentioned the need to explore mid-level practitioners to address rural issues such as vaccinations. This topic would be added to the next meeting agenda. Chair Bergartt offered to work with Mr. Gordon on a response to the email that would be reviewed by the board in OnBoard.
- **Questions from the Spay Alliance:**
 - **Spay/neuter surgery:** Vet techs are currently not allowed to perform spay/neuter surgeries.
 - **Telemedicine regulations statutes:** The chair asked for an update on the board's telemedicine regulations. Mr. Gordon said he was awaiting a signature on the regulations affidavit from Dr. Albert, who had chaired the previous meeting.
 - **Vaccinations by vet techs:** Answered in discussions in this meeting.
 - **Practice act revision:** An inquirer wondered when the practice act was last revised. Chair Bergartt would look into this and work with Mr. Gordon to provide a response.

Next Meeting

The next meeting was scheduled in person October 7 in conjunction with the AKVMA meeting. The chair asked Mr. Gordon to assist the board with making travel arrangements.

Supervisor Derr reminded the board that their annual report is due June 30. Chair Bergartt and Dr. Geiger offered to draft it. Ms. Derr said the board could approve it in OnBoard and hold a quick public meeting if needed.

The board recessed for a break at 1:35 p.m. and reconvened at 1:45 p.m.

Application/OnBoard Training

Mr. Gordon led a discussion on application review and use of the OnBoard platform. The board discussed tips and other helps to Mr. Gordon and each other to streamline the application review process. The chair asked about the legal permissibility of certain professional fitness questions, especially those pertaining to physical and mental health. The board asked for reassurance from the Department of Law and asked to include suggested rewording of those questions.

The board adjourned at 2:46 p.m. when Dr. Vollaro left the meeting and quorum was lost.