



## **Board of Veterinary Examiners Special Meeting**

Alaska Division of Corporations, Business and Professional Licensing

**Friday, November 8, 2024 at 11:00 AM AKST via Zoom**

**These minutes were approved at the February 14<sup>th</sup>, 2025 meeting of the board.**

Members Present: Rachel Bergartt, DVM, Chair; Denise Albert, DVM; Hal Geiger, PhD; Sarah Johnson, DVM.

Absent: Ciara Vollaro, DVM.

Staff Present: Tami Bowman, Occupational Licensing Examiner; Rachel Billet, Program Coordinator 1; Reid Bowman, Program Coordinator II; Alison Osborne, Regulation Specialist II.

### **Call to Order**

#### **Attendance**

Members Present: Denise Albert, DVM; Hal Geiger, PhD; Sarah Johnson, DVM.

Absent: Rachel Bergartt, DVM, Chair; Ciara Vollaro, DVM

Due to Chair Bergartt having a conflict this morning, the meeting was called to order by acting Chair Hal Geiger at 11:01 A.M. A quorum was established. Rachel Billiet read the board's mission statement into the record. When asked if any board members had any conflicts of interest to declare, Dr. Albert informed the board that she cannot participate in the discussion for agenda item 4 as she was the reviewing member for the applicant being discussed. Reid Bowman did clarify to the board that though Dr. Albert has declared her conflict, she will also need to ask the chair permission to be recused once the discussion starts.

Since the board only has 2 members able to discuss the investigative memo and application currently, acting Chair Geiger has suggested that following the conclusion of public comment at 11:15 A.M., the board take an at ease and return on the record at 12:30 P.M. At that time, they are hoping to have Chair Bergartt present and can resume the meeting then, beginning with agenda item 4. Rachel Billiet will reach out to all other staff invited to the meeting and notify them to the time adjustments.

**Motion by Dr. Albert to approve the agenda with the suggested amendments.**

Seconded by Dr. Johnson. **Passed by unanimous consent.**

Dr. Rammell, who has been granted a public discussion of his application following his email request received November 4<sup>th</sup>, 2024, was present at this time and acting Chair Geiger confirmed with him that he understands the need to postpone. He is available to return at 12:30 P.M.

### **Public Comment**

No members of the public addressed the board.

### **Break**

The board went off the record at 11:15 A.M. and returned at 12:30 P.M.

### **Attendance**

Members Present: Denise Albert, DVM; Hal Geiger, PhD; Sarah Johnson, DVM.

Absent: Rachel Bergartt, DVM, Chair; Ciara Vollaro, DVM.

Acting Chair Geiger explained that Chair Bergartt is not yet with us and asked the present board members what they feel we should do in regards to this application review. Dr. Johnson is not completely opposed to proceeding but does want to do right by the applicant. Dr. Albert feels it's best we have a full quorum for the discussion and also spoke to the reality that this is only Dr. Johnson's second meeting and if she were in her shoes she wouldn't want a license decision to be on herself and one other member. The applicant, Dr. Rammell, was also asked what his wishes were, and he indicated that he is practicing in Wyoming until at least next summer, so he is agreeable to the discussion being postponed as he isn't in any immediate rush. It was briefly discussed whether meeting later this month is possible, but Dr. Rammell said he is unavailable until after Thanksgiving and suggested waiting until after January 1<sup>st</sup>, 2025. Due to limited board member availability in January, it was decided that his application will be discussed at the next regularly scheduled board meeting on February 13<sup>th</sup> and 14<sup>th</sup>, 2025.

Dr. Albert began a motion to postpone when Chair Bergartt was able to join the meeting at 12:42 P.M. Dr. Albert asked her motion be tabled for the time being.

After Chair Bergartt was brought up to speed the board proceeded to agenda item 4.

### **Investigations**

#### **Investigative Memo and Application Review R.R.**

Prior to the discussion beginning, Rachel Billiet asked the applicant Dr. Rammell for confirmation that he wishes to have the discussion on the record today and he did confirm such. He further explained that due to the delay, his schedule does not allow him to remain on the call for today and he wishes to have his application review postponed as previously suggested.

**Motion by Dr. Albert to postpone the application discussion until the in-person meeting in Juneau on February 13<sup>th</sup> and 14<sup>th</sup>.** Seconded by Dr. Johnson. **Passed by unanimous consent.**

The board opted to take a short break as staff scheduled for discussion of agenda item 5 is not immediately available.

### **Break**

The board went off the record at 12:50 P.M. and returned at 12:56 P.M.

### **Attendance**

Members Present: Rachel Bergartt, DVM; Denise Albert, DVM; Hal Geiger, PhD; Sarah Johnson, DVM.

Absent: Ciara Vollaro, DVM.

### **Regulations**

#### **VCPR Regulations - Review Changes from LAW**

##### **Basic Clean Version**

The board reviewed the first version of the most recent draft of the VCPR regulations from LAW dubbed the “basic clean” version. The use of the word “infeasible” in 12 AAC 68.215(f)(1) was discussed at length as there were concerns as to whether that specific word would unintentionally put financial constraints into law when the feasibility of a service should be up to the veterinarian and the client. The board wanted to find a middle ground word that works for traveling to remote locations and captures the “spirit” of the regulation so that future board members interpret it as intended. AAG Burley weighed in suggesting that the board consider the scenario the regulation is speaking to when trying to define their intention here. It was ultimately decided that the word unreasonable would make a great replacement.

It was next discussed that 12 AAC 68.215(a)(1) be changed to read as “conducts an initial physical meeting with the patient” instead of “patient and client” as the client is relevant overall but their physical presence is less relevant, and they may not always be available or easily identified. AAG Burley was in agreement here but pointed out that making this change isn’t that simple as these are the veterinary CLIENT patient relationship regulations they are dealing with, so if it is removed here, client will still need to be added somewhere else, otherwise the regulation is just for a veterinary patient relationship. It was then suggested that perhaps something to the affect of “conducts an initial meeting with the patient and establishes communications with the client” might work, so long as it’s made clear that there is mutual consent and the client is agreeing to follow the shared decisions that the client and veterinarian came to in regards to the treatment plan of the animal. The

board stressed the importance of establishing mutual assent, as the patient cannot provide this it must be very clear that it exists between the veterinarian and the client.

When reviewing 12 AAC 68.215(f) the board looked closely at the use of the word remote and suggested “remote region of the state” be changed to “remote region where the patient is located” to make it more clear that the regulation is speaking to the location of the patient and not just any remote region. AAG Burley spoke on this, suggesting that switching patient with client in F(1) so that it says the premises visit with the *patient* instead of the client is what that is unreasonable would remedy this situation. The board pointed out that their intention is to clarify the location of the animal, and that “remote region of the state” is not specific enough to make that distinction, as the client could be located anywhere, but the location of the patient is what is important in this regulation.

There was discussion regarding the wording of 12 AAC 68.215(a), as it currently reads “a licensed veterinarian” and it was suggested that better wording might be “a veterinarian licensed under Alaska statute 08.98” (may engage in xyz) to ensure that *Alaska* veterinarians are able to establish VCPR’s in the state, not any licensed veterinarian. Alison Osborne pointed out that as the board can only regulate those licensed by the board, it would be a redundant to include this specifying language and it would all but certainly be struck down by law. There was concern regarding the advent of corporate medicine and those who peruse state practice acts looking for loopholes, but Alison pointed out that 08.98.120 clears up and perceived issues with practice act by specifically stating that a person may not practice veterinary medicine, surgery, or dentistry unless the person is licensed as a veterinarian under this chapter. Dr. Albert brought up a question that has come up at the AAVSB national conference asking where is practice/what defines when one is practicing? Is it where the veterinarian is or where the patient is and is that covered in the statutes and regulation? Program Coordinator Reid Bowman stated that throughout multiple health care programs in the state the determination has been that where the patient is physically located is where the individual practicing must be licensed.

When asked if the board wants to move forward with the “basic clean” version with the discussed revision, they opted to put the discussion on the back burner for a moment and review the “super clean” version. Chair Bergartt concurred and suggested a short break first.

### **Break**

The board went off the record at 2:10 P.M. and returned at 2:19 P.M.

### **Attendance**

Members Present: Rachel Bergartt, DVM, Chair; Denise Albert, DVM; Hal Geiger, PhD; Sarah Johnson, DVM.

Absent: Ciara Vollaro, DVM.

## **Super Clean Version**

The “super clean” version, having been created by LAW in attempts to thoroughly encapsulate everything the board has discussed during their many lengthy VCPR discussions over the years so that the content can be ripped up and put back together, was reviewed and the board considered whether they should be combined with the ‘basic clean’ version already discussed. They were in agreement with much of what was written, but since some of the content comes from earlier discussions it seems that this version contains language the board has previously rejected. AAG Burley further clarified that the “basic clean” was created without touching the boards proposed language, and the “super clean” is meant to capture the essence of all discussion the board has had thus far.

Since the board did not seem satisfied with the “super clean” version it was asked whether more discussion was needed or if they were happy with the clean ups already done on the “basic clean”. Regulation Specialist Alison Osborne suggested looking at parts of the “super clean” version that the board might find suitable to be combined/ worked into the “basic clean” to create a hybrid version. As the newest board member Dr. Johnson was asked to weigh in before the board returns to the “basic clean” version, but she indicated she felt there was too much history here to properly give an opinion, and that she hasn’t had adequate time to review VCPR regulations in other states to do a comparison

**Motion by Dr. Geiger to accept VCPR basic clean version subject to amendments as discussed on the record. Seconded by Dr. Albert. Passed unanimously via role call vote.**

The board could not recall all the changes they requested to the “basic clean” version, but Alison indicated she had been keeping track and would create a new draft with these changes and the draft will come back to the board for confirmation that the written word is correct before sending it and the other items in this regulation project back to LAW.

## **Conceptual Statutory Changes**

### **AS 11.71.100 Controlled Substances Advisory Committee**

Last meeting the board had discussed some statute clean up and adding statute to pursue a veterinary technician on the board, but Chair Bergartt wants to discuss AS 11.71.100 and the controlled substances advisory committee. There is not a veterinary seat on that committee presently, but she feels it should be pursued with all the changes possibly coming down regarding gabapentin and xylazine. Dr. Geiger referred to the PDMP disaster and fully encouraged the boards involvement here, and Dr. Albert agrees and that they should have a seat at the table. The individual on the committee doesn’t necessarily need to be a board member, a licensed veterinarian of the state could suffice. Dr. Bergartt will

forward the discussion along with legislatures as she speaks to moving other legislative efforts forward on behalf of the board.

Dr. Albert asked whether the board would have summaries of the boards wants to distribute when the board is in Juneau in February for their meeting and legislative session and how else the board will be seeking support. Chair Bergartt intends to schedule time with different elected officials as possible, but she can't say anything for certain until after elections are certified. More to come in the following weeks.

### **Adjourn**

**Motion by Dr. Albert to adjourn the November 8 special meeting of the Veterinary Board.** Seconded by Dr. Johnson. **Passed unanimously via roll call vote.**

The board went off the record at 2:58 PM.