



## Board of Veterinary Examiners Special Regulations Meeting

Alaska Division of Corporations, Business and Professional Licensing

### DRAFT MEETING MINUTES

Friday, March 21, 2025, 9AM AKST via Zoom

**These minutes have not yet been reviewed or approved by the board.**

Members Present: Hal Geiger, PhD; Ciara Vollaro, DVM; Sarah Johnson, DVM; Robert Gerlach, DVM, Chair.

Members Absent: Denise Albert, DVM.

Staff Present: Tami Bowman, Occupational Licensing Examiner; Keri Mell, Occupational Licensing Examiner; Rachel Billet, Program Coordinator I; Reid Bowman, Program Coordinator II; Alison Osborne, Regulations Specialist II.

#### Call to Order

##### Attendance

Members Present: Hal Geiger, Ph; Ciara Vollaro, DVM; Sarah Johnson, DVM; Robert Gerlach, DVM, Chair.

Members Absent: Denise Albert, DVM.

The meeting was called to order at 9:03 AM by Chair Dr. Gerlach and a quorum was established; he then read the board's mission statement onto the record. When asked if any board members had any conflicts of interest to declare, none were heard.

#### Review and Approve Agenda

Motion:

RESOLVED to APPROVE the agenda as written.

Motion moved by Dr. Geiger and motion seconded by Dr. Vollaro. The motion passed unanimously.

#### Public Comment

Several members of the public were present for public comment; their comments are reflected below.

**Speaker #1** - Dr. James Delker spoke to the board regarding House Bill 70 (HB 70) and is concerned that Brian Webb claims he has been working collaboratively with the board which does not seem to be the case. He asked that the board provide a position statement since the current interpretation by the public is that Mr. Webb is working with the board, implying board support. Dr. Delker expressed that he is not sure there is a real need for HB 70 but wants to allow it within reason.

**Speaker #2** - Dr. Mary Ann Hollick spoke to the board regarding HB 70 as she has followed it

closely and is concerned that it has been largely developed without collaborating with veterinarians, and that veterinarians that have tried to speak on the bill have been limited and been given very little opportunity for public comment. She cited several letters of opposition she has seen for the bill, and echoed Dr. Delker's comment that Mr. Webb implies that the board is in support of the bill and stated he has also been saying that veterinarians opposing the bill are not in support of first aid. She explained that what HB 70 is proposing are advanced procedures including administration of drugs without direction from a veterinarian, and she believes anything beyond first aid should be on the instruction of the veterinarian in which they are transporting the animal to. The board should make it clear that veterinary medicine must only be done by licensed veterinarians and anything beyond first aid should be under direct supervision or by the order of the veterinarian responsible for the animal.

**Speaker #3** - Dr. McKayla Dick called on behalf of the Alaska Veterinary Medical Association (AKVMA) and the North Pole Animal Hospital regarding HB 70. She believes the bill has pure intentions, but in listening to the hearings for the bill, instances where this care is needed are rare - there have only been 2. The AKVMA has been working with Representative Schrage and Mr. Webb to try and work collaboratively and said she sent several documents to the board this morning for review. They're willing to do a task force on the side and are in support of Representative Ruffridge's recent amendments, but there are still loopholes to be addressed. The EMS medical director who is not a veterinarian will be signing off on procedures and drugs administered, and training and oversight are not sufficient. Dr. Dick said during hearings she has heard animal medicine being compared to pediatrics, which is scary. The bill is moving quickly and will likely make it to the senate, and the AKVMA wants more stringent language and a position statement from the board.

**Speaker #4** - Dr. Rachel Berngartt spoke on HB 70 and doesn't think the amendments fix all her concerns, and believes the bill has good intent, but also doesn't feel personally that it's necessary. She compared how the medical board would react if veterinarians were attempting to get a similar bill but switching animals with humans. She cited Alaska Veterinary Statute 08.98.235(5) which says that if a veterinary licensee intentionally or negligently engaged in or permitted the performance of animal care by the person's supervisees which does not conform to minimum professional standards regardless of whether actual injury to the animal then they occurred then they could be subject to disciplinary sanctions. If a veterinarian is engaged with EMT's telling them what to do, she wants to be mindful that licensees may be negligently engaged in this treatment if they're a part of this. The legislation could be a burden on our licensees. She also cited 08.98.250(6)(c) which states that the practice of veterinary medicine means to use a description title, abbreviation, or letters in a manner or under circumstances tending to induce the belief that the person using it or them is qualified or licensed to do any act in (A) of this paragraph whether or not for compensation. She testified last week that she is not a member of the board but is the past chair and that she met with Mr. Webb before he showed the bill to the board, and she stressed to the committee that he is being misleading as the board has not given a position statement. She had additional concerns - who's paying for the drugs? what about informed consent? If drugs are being administered there is concern regarding the Prescription Drug Monitoring Program. She mentioned that we have been seeing increasing issues regarding expanding the scope of veterinary practice without approved credentials, and she is worried that support of this bill is a slippery slope.

**Speaker #5** - Dr. Katrina Backus with AKVMA and her own LLC and the medical director of North Pole Veterinary Hospital echoes most concerns already heard. She also shared that she is concerned about animals being treated by EMS professionals and then the animals being referred to her clinic which could result in them taking over a case that hasn't been well directed.

After the conclusion of public comment, Program Coordinator Rachel Billiet briefly introduced the board to Keri Mell. Ms. Billiet explained to the board that Ms. Mell started with the division this week, and as an occupational licensing examiner 3 she will be handling licensing for the Veterinary Program as well as taking over as board liaison once she has received proper training. Ms. Billiet told the board she will retain oversight of the program as Ms. Mell's supervisor, and that Occupational Licensing Examiner Tami Bowman will eventually be leaving the program after training Ms. Mell.

## **Regulations**

### **VCPR/ Additional Regulations Project Update**

Regulations Specialist Alison Osborne gave a brief update to the board on their current open regulation projects, starting with the project revising the veterinary-client-patient-relationship (VCPR) regulations as well as a few other regulations. In November of 2024 she emailed the board the current draft of the VCPR regulations, and did not receive any negative feedback or suggested edits, so she explained we now need it on the record that the language is approved, and this project can proceed. The board was concerned that the regulations didn't include some of the language that they wanted, but Ms. Osborne walked them through the entire document and showed them where the language was and confirmed everything the board wanted was there and that this is the exact version she emailed in November. She explained that the board can proceed one of two ways; either approve the entire packet in this project including the other regulations or split the project and have VCPR be separate from the other language. She recommends separating and creating two projects to expedite VCPR if the board doesn't think they can approve the other language today.

### **Motion:**

RESOLVED to APPROVE adopting the language in 12 AAC 68.215 regarding veterinary client patient relationships.

Motion moved by Dr. Geiger and motion seconded by Dr. Vollaro. Prior to voting on the motion a discussion took place.

Ms. Osborne confirmed for the board that the other items in the project are regulations the board has been trying to get through LAW for a while now, and that's why all of these regulations were combined into one project with VCPR. The board was in agreement that they do not have any concerns with the VCPR regulations and are satisfied with the motion made, and if they cannot agree on the other language then they will split the projects. The board reviewed the changes made by law to 12 AAC

68.030, specifically the replacement of the word “will” with the word “shall” in subsections a and b. After discussion on the legal differences between will and shall and, the board had Ms. Osborne edit the language in both subsections to read as “reports to” to clear up any confusion and remove the implication that the board is regulating the organizations referenced in the regulation, which they cannot do. Ms. Bowman asked if the board wants to have specific names of organizations in regulation since that would require a regulation project any time the name changes, but the board responded that getting names out of statute is important due to how long it takes to change those, but that names in regulation are ok because they are typically quite easy to fix. In this same regulation, Ms. Osborne suggested removing the language “no longer valid” as regulations are meant to be written in the positive, and she did not think the board had the authority to include this, but Ms. Billiet gave the statutory authority for the language and it was retained. The final change presented to and approved by the board was mirroring the language in 12 AAC 68.015(b) with 12 AAC 68.315(b) regarding subjects covered in the respective examinations. Ms. Osborne informed that board that she would be sending the project forward with the changes discussed on the record today, and when she sends the final draft to LAW she will also email a copy to the board. If members see anything wrong in that draft, they should email her immediately. Ms. Billiet asked for a corrected motion, as the motion on the floor was to adopt the VCPR regulations, but the language is not yet being adopted, only approved, and the board is approving the whole project as opposed to just VCPR. It was explained to the board that keeping this as one project won’t affect how quickly things progress, and that given the time spent on these changes the project is already a priority level 1.

**Motion:**

RESOLVED to APPROVE accepting the changes to the language in regulations project filing number 2024200261 suggested by the Department of Law.

Motion moved by Ciara Vollaro and motion seconded by Robert Gerlach. The motion passed unanimously via roll call vote. Dr. Geiger yes. Dr. Vollaro yes. Dr. Johnson yes. Dr. Gerlach yes.

Staff confirmed the board chair can second a motion, it's just not procedurally common or recommended.

**Review 12 AAC 68.230(b) edits**

Ms. Osborne presented the changes made by LAW to regulations project filing number 2024200496 regarding medical vs. non-medical continuing education credits. She explained that very few changes were made, and none were substantive. The board questioned the one large comment from LAW on the document, but Ms. Osborne clarified that only the structure of subsection c in the regulation was changed, none of the content. There were no further comments from the board.

**Motion:**

RESOLVED to APPROVE accept the changes to the language in regulations project filing number 2024200496 suggested by the Department of LAW.

Motion moved by Dr. Geiger and motion seconded by Dr. Johnson. The motion passed unanimously.

**Break**

The board went off the record at 10:54 am and returned on the record at 11:01 am.

**Attendance****Present:**

Members: Sarah Johnson, none. Hal Geiger, Robert Gerlach, Ciara Vollaro

**Absent:**

Members: Denise Albert

**Review First Draft of Project Opened 10/3/24**

At the October 3<sup>rd</sup>, 2024, meeting of the board, a regulations project was opened to make several small changes to licensing requirement regulations and veterinary technician regulations. Ms. Osborne presented her first draft of the project to the board for review, and there were no changes suggested by board members.

**Motion:**

RESOLVED to APPROVE the language drafted by the regulation specialist to be submitted to the Department of LAW for public comment pending any changes.

Motion moved by Dr. Vollaro and motion seconded by Dr. Johnson. The motion passed unanimously.

Before Ms. Osborne's departure from the meeting, Ms. Billiet informed the board that she will be leaving the division at the end of the month, and that Stefanie Davis will be handling all regulation projects until her position is filled, so there are going to be some expected delays. The board thanked Ms. Osborne for her work with them over the years.

**Update from sub committee**

Dr. Vollaro summarized the changes she and Dr. Albert have made to the draft of 12 AAC 68.910, 12 AAC 68.080, and 12 AAC 68.140 since the board last reviewed them at the October 3<sup>rd</sup>, 2024, meeting of the board. She explained that they looked at more than half of what other states have in regulation, as well as the AAVSB practice model, and used those findings to make edits. She informed the board that key items are likely still missing due to the unique landscape of Alaska, and that she and Dr. Albert are drafting these regulations with the intent to not unduly affect those in rural regions. she noted

that importance has been added of identifying the author of medical records, and board members shared several thoughts, including a concern that the regulations are being written only for small animals, and that it would be best to specifically define “herd animals” within an animal groups species/breed. It was decided that before the next regularly scheduled meeting, board members would send their comments on the current draft to Ms. Billiet for distribution to Dr. Albert and Dr. Vollaro, and that Ms. Bowman will help clean up the document grammatically and structurally. Dr. Vollaro asked what the board thought about adding sled dogs to the definition of herd health for the purposes of streamlining the process for veterinarians in those large animal population situations, and whether members felt like the intent to categorize them as herd animals but still require individual records when individual treatment is given (surgery, prescriptions, etc.) has been captured in the current draft. Dr. Gerlach stated that he believed it was captured since he didn’t see it as a concern when he read through these for the first time, but said he will do an additional review. There was also discussion regarding the requirement that medical records remain unchanged and can only be corrected via an addendum, as the drafted regulations are written mostly with electronic records in mind, and additional thought should be put into these regarding paper records to allow the strikethrough method as opposed to an addendum. After discussion on large animals and the current drafted requirements for anesthesia/ sedation records and how that might work in large animal care, the board agreed there may need to be an addition for emergency situations, and that they will individually reach out to large animal practitioners that they know to gain additional knowledge/ guidance.

#### **12 AAC 68.310(b)(4)(B)**

Ms. Billiet reintroduced a possible regulation project which was first brought to the board by former Chair Dr. Berngarttt at the October 3<sup>rd</sup>, 2024, meeting of the board. Dr. Montablano with the University of Alaska Veterinary Technician program has indicated that the program may not gain accreditation by the time the current class graduates, and Dr. Berngarttt had asked board members what they thought of editing 12 AAC 68.310(b)(4)(B) to allow the current cohorts education hours to count towards the required 700 working hours for licensure via on the job training. No discussion took place in October, as Dr. Berngarttt wanted to conduct further research first to ensure editing the regulation wouldn’t have any negative affects, but as she has since left the board, Ms. Billiet asked the board whether this was a change they are interested in pursuing. It was suggested that perhaps another subsection could be added to the regulation to allow just this current class of graduates to use their education hours this way, so Ms. Billiet will research this possibility and report back to the boarda at their next regularly scheduled meeting.

### **Discuss HB 70 - Tentative**

Ms. Billiet asked the board whether they wished to stay late to discuss HB 70 or whether they felt a discussion on the bill was needed at all. Dr. Gerlach expressed that he has concerns about the bill and would like to hear what the other board members think but in the interest of time asked staff to schedule a special meeting for the discussion. Ms. Billiet will email out a collection of possible dates to vote on.

Dr. Vollaro had to leave at 12:02 pm just before the board adjourned. Quorum was not affected.

### **Adjourn**

#### **Motion:**

RESOLVED to APPROVE adjourning the March 21st, 2025, Special Meeting of the Board of Veterinary Examiners.

Motion moved by Sarah Johnson and motion seconded by Hal Geiger. The motion passed unanimously. The board went off the record at 12:03 pm.