

**STATE OF ALASKA
DEPARTMENT OF COMMERCE COMMUNITY AND
ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING
BOARD OF VETERINARY EXAMINERS**

**MINUTES OF MEETING
JANUARY 20, 2012**

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 January 20, 2012, at the Princess Riverside Lodge, 4477 Pikes Landing RD., Riverview Room, Fairbanks, Alaska

Call to Order/Roll Call/Agenda Review

The meeting was called to order by Dr. Margaret Eastman, Chairperson, at 9:10 a.m.

Those present, constituting a quorum, were:

Dr. Margaret Eastman, DVM – North Pole
Dr. John Tuomi, DVM - Palmer
Dr. Teresa Beck, DVM – Palmer
Dr. Tamara Rose, DVM, Fairbanks

Those absent and excused were:

Mr. Martin Buser, Public Member – Big Lake

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

Brenda Donohue, Licensing Examiner – Juneau

Agenda Item 1 Review Agenda

Dr. Eastman reviewed the agenda and asked for updates or additions.

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Ms. Donohue noted the following additions to the agenda:

- **Item #4 – Budget Report**
- **Item #5 – Miscellaneous Correspondence**
 - Email from Nick Masino RE: Compounding Drugs
- **Item # 12 – Regulations**
 - Draft of Regulation Project adopted at 10/7/11 Mtg.
 - PRRF Form for Regulation Project
- **Item # 11 – New Business**
 - Legislation – HB 251
 - Sponsor Statement for HB251
 - Sectional Analysis for HB251

Agenda Item 2 Review/Approve Minutes

The board reviewed the minutes of the October 7, 2011 meeting.

On a motion duly made by Dr. Tuomi, seconded by Dr. Beck, and approved unanimously, it was

RESOLVED to approve the Oct. 7, 2011 meeting minutes as presented.

Agenda Item 3 Ethics Disclosure

There were no ethics violations to report from any board members. Ms. Donohue reviewed the Executive Branch Ethics Law.

Agenda Item 4 Budget Report

2nd Quarter FY 2012 figures reflect \$49,214 in expenses, and \$9,900 in revenue, Annual Surplus(Deficit) of \$(39, 314) and an ending balance of \$69.896. Ms. Donohue reminded the Board that 2012 is a renewal year and the Revenues will reflect high revenues. There were no questions or concerns about the Budget.

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Agenda Item 5 Miscellaneous Correspondence

The Board reviewed all correspondence presented at the meeting.

Nick Masino, Esq. – Inquiry if Alaska permits veterinarians to dispense compounded drugs to patients, and can vets in Alaska order compounded drugs for office use. The Board’s response is that in accordance with 12 AAC 68.900 everything that leaves the veterinarians office must be properly labeled. Beyond that the statutes and regulations are silent on the issue of compounded drugs. Ms. Donohue will forward the Board’s response to Mr. Masino.

Anchorage Daily News – article noting that the Office of the State Veterinarian is beginning work on drafting animal health care standards for sled dogs, pets, horses and other animals. Information only.

Fairbanks News Miner – article noting the Univ of Alaska Fairbanks will enter a partnership to provide a veterinary degree program for Alaska students. Dr. Eastman added that she learned in her discussion with the University that admissions to the UAF veterinary program will be coordinated with Colorado State’s veterinary school. CSU will have a say, but the students will officially be UAF students for the first two years of the program. Information only.

A list of correspondence reviewed will be attached as an integral part of the minutes.

The Board is ahead of schedule, and determined to move on to Agenda Item 7 until Ms. Bundick joins the meeting at 10:00 a.m. to give the Investigative Report.

Agenda Item 7 Application Review

Continuing Education Course Approval

The Board took up discussion of two applications that had been tabled on a mail ballot. The courses are presented by OnlineContinuingED, LLC, doing business as OnlineCE.com, and the instructor is Linda J. Dupont, DVM.

On a motion duly made by Dr. Rose, seconded by Dr. Tuomi, and approved unanimously, it was

RESOLVED to accept “Parasitology for Vet Tech 201, and Parasitology for Vet Tech 202 if the courses are RACE approved.

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Agenda Item 6 Investigative Report

Ms. Bundick joined the meeting via telephone to present the Investigative Report at 9:48 a.m.

Ms. Bundick reported there are currently six (6) open investigations and one (1) open complaint, and two (2) intakes. There are three (3) cases that were closed since the last meeting.

Ms. Bundick then advised the Board should go into Executive Session to discuss a case.

On a motion duly made by Dr. Eastman, seconded by Dr. Beck 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 a case.

Entered into executive session at 9:58 a.m.

Out of executive session at 10:05 a.m.

On a motion duly made by Dr. Rose, seconded by Dr. Tuomi and approved unanimously, it was

RESOLVED to approve the application for Veterinary License for Robert Vogelsang, DVM.

There being no further Investigative business, Dr. Eastman thanked Ms. Bundick and she left the meeting at 10:10 a.m.

Recess

The board recessed at 10:10 a.m.;

Reconvened at 10:25 a.m.

Agenda Item 7 Application Review (cont'd)

Veterinary Courtesy Application Review

2012 Iditarod application files will be sent to the Board members on a Mail Ballot. Ms. Donohue was to bring those to the meeting, but was unable to depart Juneau due to airline cancellations.

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Agenda Item 10 Jurisprudence Exam Review

Following review of the Veterinary Board's Jurisprudence Exam no changes were made as the exam is still in accordance with current statutes and regulations.

Agenda Item 11 New/Old Business

Dept. of Law Request - Ms. Donohue reported there is no response yet from Dept. of Law regarding the Board's request seeking advice regarding referring clients to non-veterinary health care professionals who hold a license in other health provider areas such as chiropractic and physical therapy, acupuncture, etc.

New Legislation – HB251 – Following review and discussion of HB251 the Board took the following position on the Legislation:

Section 1:

The Board recognizes that access to veterinary care in many Alaskan communities is minimal at best, and the cost of bringing veterinary professionals to remote locations may be prohibitive. The statutes currently allow veterinarians licensed in other states to practice in Alaska without providing any credentials to the Board of Veterinary Examiners as long as they are not compensated for their services. The Board has no objection to legislation that clarifies what is meant by "compensation." However, because these volunteer veterinarians fall outside the jurisdiction of the Board, the Board cannot address any concerns a member of the public may have regarding the care their animal received, and the onus for determining if the volunteer veterinarian is licensed in another state would fall upon the organizer of the visit.

Section 2:

The Board recognizes the rights of a license holder to maintain, surrender, or allow his or her license to lapse. We should not have the authority to force any professional to maintain his or her Alaskan veterinary license regardless of its standing.

Section 3:

The addition of language to AS 08.98.235(7)(A) to further define "professional incompetence" and "negligence" is open to interpretation that could easily result substandard veterinary care. AAC 68.080 states, "A licensed veterinarian shall exercise the degree of care, skill and diligence in treating patients that is ordinarily used in the same or similar circumstances by average members of the veterinary community in which the veterinarian practices." The Board recognizes that Alaskan communities are among the most diverse in the country and that in many rural communities, dedicated medical facilities are unavailable. Veterinarians serving these areas should do the best they can to utilize a clean, safe setting in which to provide care. We believe the code supports this acknowledgement and in no way stipulates what physical facilities are required to provide adequate services. Medical practices that are "unconventional or experimental in nature" may be necessitated by the remote location of the veterinarian, or it can be argued

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that therapies that fall outside of what is indicated, prudent or safe are “unconventional or experimental.” Accepted protocols for field anesthesia and pain control exist, and most sound veterinary medical principles can be exercised regardless of location. The code requires veterinarians do the best they can with the resources they have where they are. The people and animals of this state deserve at least that much assurance, regardless of their location.

Section 4:

The Board believes that no Alaskan can be prevented from filing a complaint against any professional. Ideally, any complaint alleging failure to meet standard of care for an individual animal is made by that animal’s owner or caretaker. However, there are aspects of the statutes and administrative code where violation may not directly result in harm to an animal, but failure to comply with them may have public health implications. For example, the code is clear about what is required information on a prescription label. An inadequately labeled medication may not cause the veterinary patient harm, but it can delay proper treatment for a child that ingests that same medication. In this case no animal was harmed, and should the attending physician be prevented from filing a complaint? All complaints go through the same investigative process, and many of them are found to be without basis regardless of their source. The board believes it is the right of any Alaskan to file a complaint with a professional board, and it is the division’s responsibility to assess the complaint’s validity.

It should be noted also that members of professional examining boards rarely participate in disciplinary hearings. A hearing judge presides over the proceedings and the consent agreement reached between parties is approved by the board once it is finalized.

The Board understands the intent of HB 251 and does not wish to hamper the efforts of communities to attain affordable veterinary care. However, we cannot support the bill in its entirety for the reasons discussed. Facilitating the medical care of animals in our rural areas is a complex issue, but limiting the consumer’s ability to hold Alaskan veterinarians to a reasonable standard of practice will not improve care for anyone.

Agenda Item 8 Public Comment

Dr. Eastman noted there were no members of the public present.

The Board determined to take a short break, and work through lunch.

Recess

The board recessed at 11:58 a.m.;

Reconvened at 12:03 p.m.

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Agenda Item 12 Regulations

The Board reviewed and discussed the draft copy of the regulation project initiated at the Oct. 7, 2011 meeting. They approved the draft with the following additions, and indicated it was ready to go to public notice:

On a motion duly made by Dr. Beck, seconded by Dr. Tuomi and approved unanimously, it was

**RESOLVED to add to the current regulation project the following:
12 AAC 68.230(3) add “or local” and (6) delete “correspondence”;
12 AAC 68.900(a), delete the word “legend”.**

They reviewed and added comments to the Proposed Regulation Recommendation Form, and directed Ms. Donohue to provide a copy to Mr. Maiquis along with the above changes to the project.

Agenda Item 13 Goals & Objectives FY 2012

The Board reviewed the Goals and Objectives for FY 2012 and determined there were no changes.

Agenda Item 14 Office Business

- Confirm Next Meeting Date

May 4, 2012
Juneau, AK.

- Sign Minutes

Dr. Eastman will sign the minutes for the Oct. 7, 2011 meeting and mail to Ms. Donohue.

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Agenda Item 16 Adjourn

There being no further business Dr. Eastman called for adjournment of the meeting.

The board adjourned the meeting at 12:31 p.m.

Respectfully submitted:

Brenda Donohue, Licensing Examiner

Approved:

Margaret Eastman, DVM, Chairperson
Alaska State Board of Veterinary Examiners

Date: _____

Task List

Dr. Teresa Beck

Dr. John Tuomi

Dr. David Hunt

Dr. Margaret Eastman

Martin Buser

Brenda Donohue