

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
4

5 **ALASKA STATE BOARD OF VETERINARY EXAMINERS**
6 **MINUTES OF MEETING**
7 **OCTOBER 12, 2018**
8

9 By authority of AS 08.01.080(2) and in compliance with the provision of AS 44.62, Article 6, a scheduled
10 meeting of the Board of Veterinary Examiners was held on October 12, 2018,
11 at 550 West 7th Avenue, Suite 1500, Anchorage, AK.
12

13 **Agenda Item 1 - Call Meeting to Order**
14

15 Dr. Hagee called the meeting to order on Friday, October 12, 2018, for the Board of Veterinary
16 Examiners at 9:15 a.m. This meeting was public noticed on September 14, 2018, on the Alaska Public
17 Notice system and in the Anchorage Dispatch News.
18

19 Present, constituting a quorum of the board were:

20 James Hagee, DVM, Chairman, Trapper Creek, AK
21 Hal Geiger, PhD, Secretary, Public Member, Juneau, AK
22 Tamara Rose, DVM, Fairbanks, AK
23 Rachel Bergartt, DVM, Juneau, AK
24 Chris Michetti, DVM, Anchorage, AK
25

26 Present from the Division of Corporations, Business and Professional Licensing:

27 Sara Chambers, Deputy Director
28 Jeanette Akers, Investigator III
29 Patricia Lonergan, Licensing Examiner
30

31 **Agenda Item 2 – Approve Prior Meeting Minutes**
32

33 Dr. Hagee asked if everyone had an opportunity to review the meeting minutes from the May 11, 2018
34 meeting. Dr. Geiger advised that titles used within the meeting minutes were not consistent and should
35 be amended. The board had no other revisions to the meeting minutes.
36

37 **Deviated to Agenda Item 4 - Ethics**
38

39 Dr. Bergartt and Dr. Geiger signed the Ethics Disclosure Form as the American Association of Veterinary
40 State Boards paid for Airfare, Lodging, Meals, Ground Transportation and Parking for both Dr. Bergartt
41 and Dr. Geiger to attend the annual meeting. Dr. Hagee approved the disclosures as the Ethics
42 Supervisor. Dr. Hagee reminded all board members that if they are contacted by licensees regarding any
43 concerns the licensees may have, board members need to refer the licensees to the licensing examiner.
44

45 **Agenda Item 3 – Review and Approve Agenda**
46

47 The board reviewed and made no changes to the agenda.
48

49 **Agenda Item 5 – Correspondence**

50

51 The board reviewed a request from a licensee for board consideration under 12 AAC 68.047(f)(1) for an
52 extension to complete continuing education this renewal cycle.

53

54 On a motion duly made by Dr. Tamara Rose, seconded by Dr. Hal Geiger and approved
55 unanimously it was:

56

57 Resolved to approve per 12 AAC 68.047(f)(1) that Dr. James Leach has until conclusion of the
58 NWRA seminar in St. Louis, March 5-9, 2019 to complete required continuing education credits.

59

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Rachel Bergartt	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		

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62 **Agenda Item 6 – Investigative Report**

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64 Investigator Jeanette Akers joined the meeting advising the board that currently there are 5 open cases,
65 two cases have been closed, and one licensee is in compliance and in good standing on probation. The
66 board reviewed the probation process with Investigator Akers.

67

68 **Agenda Item 7 – Budget Report**

69

70 Staff advised that 4th quarter financials are not yet available.

71

72 **Agenda Item 8 – Old Business/Tasks**

73

74 The board reviewed and discussed the letter to the governor that Dr. Hagee drafted as the Chairman of
75 the Board of Veterinary Examiners and the letter that Dr. Hagee drafted as a private individual. The
76 board resolved to send the original letter they previously approved to the governor and to the
77 legislature. The board also discussed sending a letter to the Board of Pharmacy.

78

79 On a motion duly made by Dr. Geiger, seconded by Dr. Michetti, and approved unanimously it
80 was:

81

82 Resolved to move forward with the draft letter as currently written to the governor with the
83 board concerns regarding the PDMP, to submit it to staff for possible revisions, the final letter to
84 be on board letterhead and to send the letter to the governor and legislature within two weeks.

85

86

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		

Dr. Rachel Bergartt	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		

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On a motion duly made by Dr. Bergartt, seconded by Dr. Michetti and approved unanimously it was:

Resolved to send the Board of Pharmacy a letter explaining the Board of Veterinary Examiners concerns of our profession regarding the PDMP along with copy of the board’s letter to the governor. Dr. Bergartt will draft the letter and send it to staff. This letter to the Board of Pharmacy should be sent within two weeks of the letter to the governor.

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Rachel Bergartt	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		

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The board reviewed the public comment from the fee increase and the email from Director McCullough included in the board packet. The board acknowledged that they were not against any type of fee increase, they were in favor of a much more modest increase, and wanted to protect Veterinary Technicians and newly graduated incoming Veterinarians to the extent possible. Dr. Bergartt shared with the board that she had a conversation with Sher Zinn, Regulations Specialist II, regarding what happens with the public comments that are received. Dr. Bergartt advised that public comment is considered, not necessarily acted upon. Dr. Bergartt clarified that the board wanted to help out newly graduated Veterinarians who were financially disadvantaged after graduating from college, not necessarily, all new Alaska Veterinarians, and it does not appear that was parsed out in the Director’s recommendations. Chairman Hagee raised concern that the Department does not realize they are spending licensee money without the consent of the licensees, and appears to be continuously raising fees without any fiscal saving or cutbacks. Dr. Geiger commented that actually, the spreadsheet they were provided in the last board meeting showed that fees had been decreased multiple times, until they were lowered too much. Dr. Geiger reminded the board that is not the role of the Board of Veterinary Examiners to determine how the executive branch should be run. The board should be communicating comments in a helpful manor to the Director, and should provide constructive comments about the fees. Dr. Michetti suggested that in the future the board can recognize that fees need to be addressed, provide a more detailed recommendation, while acknowledging their hope that the department is being fiscally responsible. The board also agreed they should encourage licensees contact the licensing examiner and their legislative representatives, should they be asked about licensing fees.

The board discussed Veterinary Facility Definition and Veterinary Manager and reviewed the AAVSB Practice Act Mode. Dr. Geiger reviewed that 12 AAC 68.910(a) states a licensed veterinarian or veterinary medical facility shall maintain an individual record on every client or patient consultation. However, no definition is provided for what a medical facility is and without a definition for what a medical facility is, regulatory oversight is not possible. Over the last several meetings the board realized

123 that one specific veterinarian is not necessarily assuming control over the records, there is a notion of a
 124 senior veterinarian, or a veterinarian manager within the facility that is responsible for the records. A
 125 visiting veterinarian performing relief work does not take all the medical records with them for the
 126 animals they have seen once they leave. There is a perception that the veterinarian, who we license,
 127 keeps the records, but in actual practice it is the facility where the services are performed that maintains
 128 the records. The board would like to update regulations to reflect how the business of the practice is
 129 actually operating. The board recognizes that there is usually a senior veterinarian with some ties to a
 130 legitimate veterinary facility and that is the person who should be responsible for the records. Dr.
 131 Bergartt provided the example of a veterinarian who is working at a shelter with the shelter software,
 132 they do not take those records with them when they leave, the shelter keeps the records and currently
 133 we do not have the ability to regulate the shelter facility. The board does see a need to ensure that the
 134 facility keeps the patient records and be able to provide those copies to owners of the patient. The
 135 board briefly discussed registering veterinarian medical facilities, as most other states require that
 136 veterinary medical facilities be registered, so it's not just having a business license, but also having a
 137 facility permit. The board believes there should be a regulation defining what a Veterinary Facility is and
 138 defining the responsibilities of a Veterinary Manager of a facility. This will resolve a long standing
 139 inconsistency within current regulations and provides for public protection.

140
 141 On a motion duly made by Dr. Bergartt, seconded by Dr. Michetti and approved unanimously it
 142 was:

143
 144 Resolved to start the process of regulation of Veterinary Facilities and Veterinary Manager
 145 based on the guidelines within the AAVSB Practice Act Model.

146
 147 Veterinary Facility means any building, place or mobile unit from which the practice of
 148 Veterinary Medicine and Veterinary Technology is conducted.

149 Veterinary Manager is a Veterinarian who registers to assume responsibility for the Veterinary
 150 Facility registration, management and operation of a Veterinary Facility.

151

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Rachel Bergartt	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		

152

153 The board completed the regulation change questionnaire indicating questions they need clarification
 154 on from the regulations specialist. The purpose of the board in starting this regulation process is to put
 155 safeguards in place to ensure the minimum amount of administrative processes and no fee or minimal
 156 fee be put in place to accomplish the goal ensuring clients can obtain their pet medical records and that
 157 facilities have standards that are equivalent throughout the profession. The board wants to ensure that
 158 if someone has their animal spayed at the fire hall during a spay/neuter clinic, they have access to those
 159 records after the event has ended.

160

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164 **Agenda Item 9 – Veterinary-Client-Patient Relationship**

165
166 The board reviewed the Veterinarian-Client-Patient Relationship within the AAVSB Practice Act model
167 and has had time to contemplate the previous comments from Dr. Gerlach and Dr. Michael Murphy
168 presented to the board at the May 11, 2018 board meeting.

169
170 On a motion duly made by Dr. Bergartt, seconded by Dr. Michetti and approved unanimously it
171 was:

172
173 Resolved to start the process beginning a regulations project defining the veterinarian-client-
174 patient relationship.

175
176 Veterinarian-Client-Patient Relationship (VCPR) exists when:

- 177
178 1) Both the Veterinarian and Client agree for the Veterinarian to assume responsibility for
179 making medical judgments regarding the health of the Animal(s); and
180 2) The Veterinarian has sufficient knowledge of the Animal(s) to initiate at least a general or
181 preliminary diagnosis of the medical condition of the Animal(s); and
182 3) The practicing veterinarian has made provision for follow-up in case of adverse reactions or
183 failure of the regimen of therapy.

184

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Rachel Bergartt	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		

185
186 The board completed the regulation change questionnaire for the Veterinarian-Client-Patient
187 Relationship. The board believes it is important to define the Veterinarian-Client-Patient Relationship as
188 the FDA has amended their animal drug regulations. If the board does not define the VCPR,
189 veterinarians in the state of Alaska will be responsible for meeting the federal definition. The board will
190 also need to ensure that the Veterinary Feed Directive is incorporated within the VCPR language to
191 ensure the federal VFD would not create an undue burden on Alaska fish hatcheries, the board would
192 like to make sure they receive guidance from the regulations specialist, or the attorney to ensure the
193 regulation meets all necessary requirements.

194

195 **Agenda Item 10 – Public Comment**

196
197 There were no members of the public in attendance at the meeting nor did any member of the public
198 call into the meeting.

199

200 **Agenda Item 11 – PDMP Legislative Options**

201
202 Deputy Director Sara Chambers joined the meeting via teleconference. She advised the board that she
203 wanted to assist the board where she is able in adopting regulations needed to comply with the existing
204 PDMP state law and help the board navigate the process of changing the existing PDMP state law, if that

205 is their goal. Deputy Director Chambers confirmed that the board would like to be exempt from
206 participating in the PDMP. Dr. Geiger advised that earlier in the meeting the board had approved the
207 letter Dr. Hagee authored, as the board wanted to document their consensus of issues impacting the
208 board's ability to enforce the law and the problem for licensees to comply with the PDMP law. Deputy
209 Director Chambers advised the board that she would be willing to make sure that letter was delivered to
210 the governor's legislative office. Deputy Director Chambers also confirmed with the board that it is a
211 ceremonial letter, and noted that is different than seeking legislative change through the governor's
212 office.

213
214 Deputy Director Chambers asked if the board had invited an attorney to speak with the board regarding
215 the PDMP and the law's requirements. The board advised that they had requested to have an attorney
216 but were advised that one could not be requested. Deputy Director Chambers indicated that the board
217 had every right to request an attorney and that the PDMP law has been in effect for a year and the
218 board and licensees are at risk for not fully complying with those mandates. The board reiterated that
219 there is currently not a unique identifier for animals and that prescriptions are made out for the owner
220 of the animal. One animal could be presented to multiple veterinarians and each person who presented
221 themselves as the owner of the animal would receive that prescription. The board does not have a way
222 to regulate the general public and veterinarians do not have a way to know a specific animal has already
223 been presented for evaluation and treatment. Dr. Hagee read the abstract from Robert Simpson, DVM
224 treatise on Prescription Drug Monitoring Programs.

225
226 Deputy Director Chambers reviewed with the board that the PDMP law has been in effect for the last
227 year and if the board would like to seek legislative change they need to find a legislator that would be
228 willing to draft legislation, introduce the legislation in January and carry it through the legislative session
229 and that the board will need to pursue that on their own. The division would only become involved once
230 a bill is introduced by a legislator. Until the law is changed the board is empowered and mandated to
231 comply with the current law. The board reiterated that the goal of the letter being sent is to raise
232 awareness with the Governor and legislators, to start a conversation about how the profession is
233 impacted by the legislation. The board's goal is to raise awareness that this is an actual problem. Deputy
234 Director Chambers advised that in her experience legislators are unlikely to devote time to something
235 that doesn't have a bill during legislative session, but if the board is having trouble finding a sponsor or
236 don't know someone who would like to sponsor you can send a letter to the legislature and say you are
237 looking for someone to sponsor legislation, that may lead to a sponsor. The board thanked Deputy
238 Director Chambers for her time and discussing the available options.

239
240 The board discussed the importance of having a member of the board pursue a relationship with a
241 legislative representative, and that they could not turn over that role to the AKVMA as the board has a
242 responsibility to protect the public. The AKVMA is strictly a professional veterinary association. The
243 board also discussed their surprise to hear that there is information that was presented to the
244 legislature that specifically dealt with a national problem with veterinary prescribing, they believed
245 inclusion in the PDMP was driven strictly by whoever held a DEA registration number.

246
247 Task: Finalize and send board letter to the Governor
248 Task: Schedule a conference call with the attorney to discuss the PDMP

249
250 **Agenda Item 11 – PDMP Regulations**

251
252 The board reviewed the proposed PDMP regulation language from AAG Megyn Weigand.

253
254 On a motion duly made by Dr. Bergartt, seconded by Dr. Geiger, and approved unanimously it
255 was:

256
257 Resolved to move forward the Prescription Drug Monitoring Program Registration regulation to
258 the regulation specialist.

259
260 A licensee who has a Federal Drug Enforcement Administration registration number shall
261 register with the controlled substance prescription database under AS 17.30.200(o).
262

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Rachel Bergartt	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		

263
264 The board completed the regulation change questionnaire for the Veterinarian-Client-Patient
265 Relationship.

266
267 **Agenda Item 11 – PDMP RX Searches**

268
269 The board reviewed the PDMP RX search document.

270
271 On a motion duly made by Dr. Michetti, seconded by Dr. Geiger, and approved unanimously it
272 was:

273
274 Resolved to table the issues of the PDMP RX Searched until the board has more information,
275 and has met with an attorney. Until then, we recommend that licensees with a DEA registration
276 number continue to use their best judgment when using the PDMP RX Search.
277

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Rachel Bergartt	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		

278
279 **Agenda Item 11 – AKVMA Board Report**

280
281 The board reviewed and discussed the fee increase they had request that fees not increase for
282 Veterinary Technicians and newly graduated Veterinarians and initial license fees were not increased for
283 both. They then discussed PDMP regulations that Dr. Hagee will review at the AKVMA meeting. The
284 board recommends that licensee continue to use their best judgment when utilizing the PDMP. The
285 board also suggested that licensees contact their legislators. The board discussed potentially having a
286 board suggestion box, or a booth to hear from licensees and the public.

287
 288 The board addressed continuing education and drug company sponsorship of continuing education.
 289 RACE standards were discussed and staff was asked to provide a proposal for approving continuing
 290 education at the next board meeting.

291
 292 On a motion duly made by Dr. Geiger, seconded by Dr. Michetti and approved unanimously it
 293 was:

294
 295 Resolved to send the licensing examiner to the AAVSB Board Basics and Beyond training
 296 sponsored and paid for by the AAVSB.

297

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Rachel Bergartt	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		

298

299 **Deviated back to Agenda Item 8 – AAVSB Report to the Board**

300

301 Dr. Geiger and Dr. Bergartt both attended the Annual AAVSB meeting and highly recommend that
 302 members of the board attend this conference every year. The AAVSB sponsors and pays all travel fees.
 303 They both advised it was an informative meeting, providing a broader perspective and they both
 304 appreciate the board allowing them to attend. Dr. Geiger said the meeting was very relevant and that
 305 the board has used tools provided by AAVSB in this meeting today to solve some outstanding issues. Dr.
 306 Bergartt indicated that the presentation by the Executive Director of AAVSB was a live interaction with
 307 a devise connected to the internet and an algorithm of artificial intelligence that is based off of 45,000
 308 text messages between veterinarians and clients. Telemedicine is something the board will need to
 309 address. Dr. Geiger shared with the board a conversation he had with a Canadian veterinarian that had
 310 started practicing telemedicine who was very critical of answers he was provided when he was giving
 311 out signs and symptoms of rabies, in an area where rabies were a concern and it went right over the
 312 head of the person on the other end of the phone. Telemedicine is coming, there are huge dangers that
 313 we need to address. Dr. Bergartt shared with the board that the most beneficial aspect of attending
 314 the AAVSB meeting was hearing from the FTC attorney. It was stressed continuously during the
 315 presentation that the role of the board is to regulate the profession. It was encouraged during the
 316 presentation that a state attorney should attend every board meeting, it would show that the board is
 317 not just a group of market participants and ensure that the state and public interest are all being met.
 318 The importance of building relationships with other boards was also discussed. The FTC does look at
 319 what boards do, we need to be proactive and make sure that we have appropriate state oversight and we
 320 continue to do our job of protecting the public. It is important for us to be proactive about telemedicine
 321 and educate public consumers about how important a physical examination is, that yes, there is
 322 information via telemedicine, but it is not the same as receiving a physical examination. A better
 323 informed public is going to be a safer public and ultimately why we are all on this board.

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Agenda Item 12 – Applications

The board reviewed a list of ongoing items.

On a motion duly made by Dr. Geiger, seconded by Dr. Bergartt and approved unanimously it was:

Resolved to update 12 AAC 68.045(3) and 12 AAC 68.046(3) to include “or official transcripts”.

12 AAC 68.045(3) a notarized copy of a diploma showing graduation from an accredited veterinarian college, **or official transcripts from an accredited veterinary college**, or Education Commission for Foreign Veterinary Graduates certificate; and

12 AAC 68.046(3) a notarized copy of a diploma showing graduation from an accredited veterinary college, or official transcripts from an accredited veterinary college, or official records showing completion of the Educational Commission for Veterinary Graduates certification process required by AS 08.98.165(a)(1);

Board Member	Yea	Nay	Recuse
Dr. Hal Geiger	X		
Dr. Rachel Bergartt	X		
Dr. Chris Michetti	X		
Dr. Tamara Rose	X		
Dr. James Hagee	X		

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The board discussed 08.98.186, temporary. There is clear language in the statute indicating that a temporary permit is valid no longer than 60 days after issuance, but may be renewed. Staff has been issuing permits for 60 consecutive days.

Agenda item 13 – Schedule Meetings

Teleconference – December 14, 2018, 10:00 AM – 12:00 PM
PDMP & Building board relationships, maintaining a regulatory focus
VCPR
Medical Records/Medical Facility registration

January 25, 2019 – Teleconference
May 17, 2019 – Teleconference

Agenda Item 14 – Adjourn

The board completed the travel action summary. Dr. Hagee and Dr. Geiger signed wall certificates.

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369 Dr. Hagee adjourned the meeting at 4:10 PM

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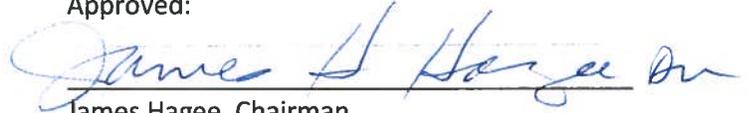
Respectfully Submitted:

CBPL


Patricia Lonergan, Licensing Examiner

February 20, 2019
Date:

Approved:



James Hagee, Chairman
Alaska Board of Veterinary Examiners

Jan 25, 2019
Date