

1 State of Alaska  
2 Department of Commerce, Community and Economic Development  
3 Division of Corporations, Business and Professional Licensing  
4

5 **BOARD OF VETERINARY EXAMINERS**

6  
7 MINUTES OF THE MEETING

8 Monday, March 23, 2020  
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10  
11 **By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.61, Article**  
12 **6, a scheduled meeting of the Board of Veterinary Examiners was held by teleconference.**  
13

14  
15 **Agenda Item 1** **Call to Order/ Roll Call** **Time 9:03 a.m.**

16  
17 The meeting was called to order by Board Chair, Dr. Rachel Bergartt, at 9:03 a.m.  
18

19 Board Members present, constituting a quorum:

20 Rachel Bergartt, DVM  
21 Hal Geiger, PhD- public member  
22 Chris Michetti, DVM  
23 Scott Flamme, DVM  
24

25 Division Staff and State Employees present:

26 Ilsa Lund, Occupational Licensing Examiner (Hereafter denoted OLE)  
27 Sher Zinn, Regulations Specialist (Hereafter denoted RS)  
28 Bob Gerlach, DVM- State Veterinarian  
29

30 Members of the public were present, but no public comment was accepted.  
31

32 **Agenda Item 2** **Review/ Approve Agenda** **Time: 9:04 a.m.**

33  
34 The agenda was unanimously approved by the board members present.  
35

36 **Agenda Item 3** **Review/ Approve Past Meeting Minutes** **Time: 9:06 a.m.**

37  
38 The minutes were reviewed electronically by the board as well as OLE Lund's supervisor. All  
39 suggested changes have already been made.  
40

41 The minutes from the February 24, 2020 meeting were unanimously approved by the board  
42 members present.  
43

44 **Agenda Item 4**

**Ethics**

**Time: 9:08 a.m.**

45

46 Dr. Michetti reported having two people contact her regarding telemedicine and she directed  
47 them to the State [Telemedicine Business Registry \(TBR\) webpage](#).

48

49 Dr. Geiger told of having a few *ex parte* communications. He spoke with Dr. Nathan Peimann  
50 about a letter written to the House Health and Social Services Committee regarding HB 184 and  
51 the concerns the Professional Organization of Emergency Medical Physicians have with the  
52 PDMP. Dr. Geiger also spoke with several legislative offices. He answered questions they had  
53 previously posed to him.

54

55 Dr. Bergartt had contact with Dr. Sarah Coburn of the AKVMA regarding the governor's health  
56 mandate 5.1, which included the language "providers". There was some question as to whether  
57 the mandate applied to veterinarians. Dr. Bergartt worked with OLE Lund to get clarifying  
58 information out to licensees the following day.

59

60 **Agenda Item 5**

**Regulations**

**Time: 9:10 a.m.**

61

62 OLE Lund drew board members' attention to the Regulation Changes Questionnaire worksheet  
63 included in the meeting packet. Regulations staff require this form to be filled out for every  
64 regulation before the regulation goes out for public comment. This will assist staff with  
65 answering questions posed by the public as to the need for the regulation change, the board's  
66 intent in making the change, the direct effect on licensees, etc.

67

68 Right now, the Regulations Specialists are working on emergency regulations for medical  
69 providers, due to the coronavirus pandemic. All other regulations are going to be put on hold,  
70 for now, until the emergency regulations are finished. RS Zinn recommended, for any  
71 regulations not directly related to the pandemic or emergency health mandates, the board hold  
72 off on submitting the regulations for public comment for at least a few weeks –especially since a  
73 few of the regulations will need to go out for oral comment. RS Zinn went on to say there may  
74 not be much public interest in these particular regulations at the moment, so it would be in the  
75 best public interest to delay the regulations. She asked board members to keep in mind the  
76 current logistical challenges of holding a public oral commenting event. Once the information  
77 for oral comment goes out for public comment, the board would not be allowed to cancel or  
78 postpone the event.

79

80 Dr. Bergartt thanked RS Zinn for the helpful information and then went on to volunteer herself  
81 to fill out the questionnaire worksheets for all the proposed regulation changes. Dr. Michetti  
82 offered to assist Dr. Bergartt if needed.

83

84 Dr. Bergartt went on to detail how timing the public comment, especially for the VCPR  
85 regulations, will be critical particularly due to the high interest in this topic from licensees. She  
86 stated the board needs to think critically about when they want to try to schedule the public

87 meeting for these regulation changes -considering the COVID-19 situation- so the board is in  
88 sync with the Division's resources and what the public's interest is going to be.

89  
90 The board's next scheduled meeting is already set for Monday, April 27, 2020, at which time the  
91 members will discuss when a public comment event may be able to be held.

92  
93 Dr. Bergartt believes the board should hold the April meeting as scheduled to discuss any  
94 emergency provisions, particularly regarding potential CE waivers to accommodate licensees  
95 since many conferences are being cancelled.

96  
97 The board started addressing regulations with a change recommended by RS Zinn for 12AAC  
98 68.075 regarding Veterinarian-Client-Patient-Relationship (VCPR). The regulation, as drafted  
99 and written by the VA Veterinary Board excluded "an equine", which did not make sense for the  
100 AK regulation. Dr. Bergartt stated the regulation wording is extremely different in its current  
101 state than the regulation she thought the board was moving forward to adopt at the last meeting.

102  
103 RS Zinn explained, as noted by Mr. Dale Atkinson of the AAVSB at the last meeting, how the  
104 wording of the original VA regulation was quite cumbersome. The regulation, as is currently  
105 presented to the board, still has all the components of the regulation as was originally drafted but  
106 in a much more sensible manner. Additionally, as a Regulations Specialist, RS Zinn must  
107 comply with State drafting requirements. The way the VA regulations were written would not  
108 have been approved by the AK Department of Law. For example, groups of animals did not need  
109 to be repeated. The way the regulation was presented to the board at this meeting adheres to the  
110 guidelines of the Division and makes the regulation much easier to understand.

111  
112 **On a motion duly made by Hal Geiger, seconded by Chris Michetti, and with unanimous**  
113 **approval it was:**

114  
115 **RESOLVED to ACCEPT the draft regulation of 12 AAC 68.075 regarding VCPR as**  
116 **drafted after the phrase "but does not include an equine" is removed and a**  
117 **reference to the statute definition of an animal (Sec. 08.98.250(2)) is added.**

118  
119 **On a motion duly made by Hal Geiger, seconded by Scott Flamme, and with unanimous**  
120 **approval it was:**

121  
122 **RESOLVED to ACCEPT the draft regulations of 12 AAC 68.015(c), 12 AAC 68.045**  
123 **(a)(3), 12 AAC 68.046 (a)(3), and 12 AAC 68.990 (6) as written.**

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125  
126  
127 **Agenda Item 6** **Board Business** **Time: 9:31 a.m.**

128

129 Dr. Geiger inquired as to the state of the letter he wrote in response to Dr. Peimann’s letter to the  
130 House HSS Committee. Since the letter now has quorum approval from the board, OLE Lund  
131 will send a copy of the letter on board letter to Dr. Geiger for dissemination.

132  
133 Dr. Geiger also asked about the state of the board members’ legislative confirmation hearings –  
134 when will they be rescheduled since the hearing was cancelled last Wednesday? OLE Lund had  
135 not heard any update. Dr. Bergartt mentioned legislation was introduced (HB309) that, once  
136 passed, would change the procedure for confirmation of the governor’s board appointments. Dr.  
137 Bergartt said, from her understanding of the bill, appointments will likely not happen for some  
138 time, or they will be very last minute. She urged board members up for appointment to keep  
139 checking their email.

140  
141 Dr. Geiger asked if any board members had updates on HB 184 or HB 242, which are of interest  
142 to the board. Dr. Flamme informed Dr. Geiger that everything has been put on hold. The board  
143 is not optimistic that these issues will be addressed under the current circumstances, but will be  
144 ready to move forward with these issues when the time is appropriate.

145  
146 Dr. Bergartt asked OLE Lund, after sending out the interpretation of “provider” included in  
147 Health Mandate 5.1 from the governor, if she received any feedback from licensees. OLE Lund  
148 said she did receive some feedback from licensees asking for further clarification that  
149 veterinarians were included under the mandate. OLE Lund encouraged those who reached out to  
150 her to do everything they can to conserve personal protective equipment (PPE) as required by the  
151 mandate.

152  
153 Dr. Bergartt said the board needs to be protective of people’s civil right to earn a living, but we  
154 are all living through a different situation right now. Her goal for the board is that members be a  
155 source of information and support for licensees and the public during this time. The State has  
156 provided a lot of information about [COVID-19](#). OLE Lund pledged to add any pertinent  
157 information to the board website, but the Publications Team has been overloaded with requests,  
158 so there is no guarantee that information will be posted in a timely manner.

159  
160 Dr. Michetti requested for the definition of telemedicine and instructions for registering with the  
161 TBR on the webpage be simplified. With everyone in panic mode, people may have trouble  
162 reading and interpreting telemedicine regulation.

163  
164 **Board of Veterinary Examiners**  
165 **Mission Statement**  
166

167 To protect the health, safety, and welfare of Alaskans by ensuring that veterinarian practitioners  
168 possess and maintain a level of skill and knowledge necessary to provide safe, competent  
169 professional veterinary services to consumers and to protect the public from veterinary  
170 practitioners who pose a risk to the public’s health, safety and welfare.  
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*Meeting adjourned by the board chair at 9:40 a.m.*

**Respectfully Submitted,**

*Ilsa Lund*

**Ilsa Lund, Licensing Examiner**

**Ilsa Lund**  
4/29/2020  
Digitally signed by Ilsa Lund  
Date: 2020.04.29 14:07:45 -08'00'

**Date**

*Rachel K Bergartt, DVM*

**Rachel Bergartt, DVM**

**Board Chair, Board of Veterinary Examiners**

4/30/2020

**Date**