

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 *January 12, 2021*

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

13
14 ***Agenda Item 1a*** ***Call to Order/ Roll Call*** ***Time 9:02 a.m.***

15
16 *The meeting was called to order by Board Chair, Dr. Rachel Bergartt, at 9:02 a.m.*
17

18 Board Members present, constituting a quorum:

19 Rachel Bergartt, DVM- Juneau
20 Hal Geiger, PhD- public member- Juneau
21 Chris Michetti, DVM- Anchorage
22 Scott Flamme, DVM- Fairbanks
23 Denise Albert, DVM- Denali Park
24

25 Division Staff present:

26 Ilsa Lund, Occupational Licensing Examiner (Hereafter denoted OLE)
27 Melissa Dumas, Administrative Officer II (Hereafter denoted AO)
28 Erika Prieksat, Senior Investigator
29 Lisa Sherrell- PDMP Manger
30 Laura Carrillo- Executive Administrator for the Alaska Board of Pharmacy
31

32 Members of the Public Present:

33 Dr. Shelby Drake
34 Dr. Kathryn Martell
35 Dr. Karen Medkeff
36 Dr. McKayla Dick
37 Dr. Mary Ann Hollick
38 Dr. Rosemarie Lombardi
39 Dr. Sarah Coburn
40

41 In accordance with AS 44.62.310(e) and AS 44.62.175, this meeting of the Alaska Board of
42 Veterinary Examiners was public noticed in the Alaska Online Public Notice System on

43 December 11th and in the Anchorage Daily News on December 13th. Notification was also
44 posted on the board webpage and sent to interested parties via the board ListServ.

45

46 Dr. Bergartt began the meeting by reading the mission statement of the Board of Veterinary
47 Examiners:

48 **To protect the health, safety, and welfare of Alaskans by ensuring that**
49 **veterinarian practitioners possess and maintain a level of skill and knowledge**
50 **necessary to provide safe, competent professional veterinary services to consumers**
51 **and to protect the public from veterinary practitioners who pose a risk to the**
52 **public’s health, safety, and welfare.**

53

54 *Agenda Item 1b* Review Meeting Agenda *Time 9:05 a.m.*

55 **On a motion duly made by Dr. Michetti, seconded by Dr. Flamme, and with unanimous**
56 **approval it was:**

57 **RESOLVED to APPROVE the agenda for this meeting as written.**

58

59 *Agenda Item 1c* Review Past Meeting Minutes *Time 9:07 a.m.*

60 **On a motion duly made by Dr. Geiger, seconded by Dr. Michetti, and with unanimous**
61 **approval it was**

62 **RESOLVED to APPROVE the November 16, 2020 meeting minutes as written.**

63

64 The October 2020 meeting minutes need more editing and will be approved later –either by
65 electronic means or during the next meeting.

66

67 *Agenda Item 1d* Ethics *Time 9:12 a.m.*

68 Dr. Bergartt disclosed that she has been in communication with Dr. Sarah Coburn of the Alaska
69 Veterinary Medical Association (AKVMA), specifically regarding Prescription Drug Monitoring
70 Program (PDMP) legislative exemption for veterinarians. She also reached out to Senator Jesse
71 Kiehl regarding this matter, but did not receive a response.

72 The Chief of Police of Yakutat, Jim Capra, and a biologist from the U.S. Forest Service reached
73 out to Dr. Bergartt regarding the Euthanasia of Domestic Animals Permit Program (EUT). She
74 referred them to OLE Lund. Dr. Bergartt also spoke with a licensee about the Mat-Su Borough
75 Assembly proposed ordinance change regarding domestic animal euthanasia. Dr. Bergartt was
76 prepared to testify about the board’s position on this matter, but due to technical difficulty, was
77 unable to make that statement on the record during the Assembly meeting. In the end, the matter
78 was tabled.

79 Dr. Bergartt also had communication with DEA Agent, Shane Pitts –after being introduced
80 during the biweekly PDMP Board Chairs’ meeting –to discuss permitting issues primarily related

81 to the EUT program. Ultimately, Agent Pitts was referred to OLE Lund for any necessary
82 follow-up.

83 There were no other ethics disclosures or potential conflicts made by the other board members,
84 and no further action is required regarding the disclosures that Dr. Bergartt made.

85
86 ***Agenda Item 2*** **Division Update** ***Time 9:14 a.m.***

87 **Fiscal Report**

88 AO Dumas went over the board’s finances for the Fiscal Year 20 4th Quarter and FY 21 1st
89 Quarter reports¹.

	FY20	FY21- 1 st Quarter
Total Revenue	\$59,262	\$6,925
Non- Investigation Expenditures	\$90,710	\$14,768
Investigation Expenditures	\$48,627	\$20,873
Cumulative Surplus (Deficit)	(\$71,595)	(\$117,483)

90
91 Dr. Geiger commented that, compared with the previous bienniums dating back to FY14, the
92 board’s investigative costs have gone up astronomically. He asked to know exactly what
93 individuals are drawing from board funds that may not have been back in FY14. Dr. Michetti
94 stated that she would also like to see more specific information as to who is charging the board
95 and what for. AO Dumas said that she would have to perform some further analysis in order to
96 provide that information.

97
98 Dr. Bergartt further remarked that in FY 18 and 19, the total Investigation Expenditure was
99 \$50,218 for the biennium. It is shocking that, just in FY20, the Investigation Expenditure is
100 \$48,627 which would put the board on track to more than double Investigation Expenditure
101 within a short period of time. If the trend continues, the board could potentially be billed for
102 over \$80,000 in Investigation Expenditures in FY 21. It is assumed that the increase in
103 Investigation Expenditure is directly related to the PDMP, and the board would like to know
104 exactly what is being charged. FY 14 is the only outlier, and Dr. Bergartt would like to know
105 what may have happened that year to cause the spike in Investigation Expenditure. AO Dumas
106 clarified that information of that nature would need to come from Investigations.

107
108 AO Dumas informed the board that \$80,000 in grant money was received by the division from
109 Health and Social Services, specifically to pay for PDMP investigative costs. So far for this FY,
110 all Board of Veterinary Examiners (BOVE) related PDMP investigative costs have been paid by
111 that grant money. Additionally, there may be some charges that were not billed within enough

¹ Board Financial Reports are available to the public at <https://www.commerce.alaska.gov/web/cbpl/DivisionReports.aspx>

112 time to get them in to the report. A more up-to-date fiscal analysis can be provided with the FY
113 21 2nd quarter report during the next meeting.

114

115 ***Agenda Item 3*** **Investigations** ***Time 10:15 a.m.***

116 Investigator Prieksat presented a report that covered the timeframe from October 14, 2020
117 through January 4, 2021. During that time, two cases were closed. The board currently has 58
118 open investigations. The majority of these are PDMP related.

119

120 Investigators are working with PDMP staff to find a way to best handle the alleged PDMP
121 violations. The goal is to not expend more investigative resources than necessary. The PDMP
122 cases that are now open are not at a standstill, but in a holding pattern, to ensure that the best
123 possible route is taken to a clear resolution. At this time, there is no timeframe for board
124 member review. Investigator Prieksat was unable to answer any questions posed by the board
125 members –either due to confidentiality or not having the information requested.

126

127 ***Agenda Item 4*** **Board Business** ***Time 10:36 a.m.***

128 **Renewals**

129 From the time veterinary license renewals were launched at the beginning of November to the
130 deadline for renewal on December 31, 2020, 366 veterinarians renewed their license. Sixty-five
131 veterinarians did not renew. That is an 85% renewal rate, which is the standard for renewals
132 across the division. There are 217 veterinary technicians that renewed their license. Seventy-
133 two did not renew, putting that renewal rate at 72%, which is lower than average. It is expected
134 that a few more renewals will trickle in over the coming weeks.

135 At the request of the Division Director, lapsed license notifications were sent to all veterinarians
136 and vet techs who had opted in for electronic correspondence. Since the deadline for renewal
137 has passed, anyone wishing to renew their license must do so by submitting a paper form by fax
138 or mail. Electronic renewals for the veterinary program were taken offline after the renewal
139 deadline of 12/31/2020.

140 **Correspondence**

141 A letter was sent to the board from the American Academy of Veterinary Acupuncture (AAVA)
142 introducing their position statement regarding the use of acupuncture for the treatment of animals
143 in the U.S.A. Dr. Bergartt highlighted that the AAVA opposes the practice of acupuncture on
144 animals by anyone that is not a licensed veterinarian –even human licensed acupuncturists. This
145 is of note because effective and safe application of acupuncture requires a thorough history,
146 physical examination, diagnosis and prescription of therapy, which shall only be performed by a
147 licensed veterinarian. The board will not draft a position statement on this topic at this time, but
148 if the need arises, the board will use the position statement from the AAVA to inform their own
149 position.

150 **Board Appointments**

151 Due to COVID-19, the legislative session ended early last year before the governor’s board
152 appointees could be confirmed by the legislature. Senate Bill 241 gave appointees the authority
153 to serve while unconfirmed until officially confirmed by the legislature or until December 15th,
154 2020 –whichever came first. As a result, 4 of the 5 current members of the board are
155 unconfirmed, which leaves everyone in limbo. The Division is working with Department of Law
156 to figure out that steps need to be taken. More information is forthcoming.

157 DEA- New AK Diversion Division

158 The DEA now have a dedicated lead agent who will be compiling a team of staff who will be
159 located in Anchorage. Previously, all Alaska DEA related matter had to go through Washington.
160 The lead agent is Shane Pitts and he was introduced to several board chairs at a recent PDMP
161 Board Chairs’ meeting. While it has always been a possibility that a DEA registered practitioner
162 or DEA registered facility (registrant) could be subject to an unannounced inspection, the
163 possibility of that is more likely, now, with a dedicated team of agents in Alaska. Occasionally a
164 registrant will get a call or email in advance, but for agent safety, the inspections are generally
165 unannounced. Generally, the three key aspect of an inspection are record keeping, security, and
166 inventories.

167 The board would like to meet with a representative from the DEA in the future to discuss the
168 PDMP.

169 COVID Vaccine for Veterinarians

170 There was a bit of confusion about this topic. Originally, the guidance issued by Health and
171 Social Services (HSS) made it seem like veterinarians and veterinary staff would qualify to
172 receive the vaccine because they had previously been classified as essential frontline workers.
173 However, after reports from veterinarians were received about being turned away from vaccine
174 appointments, further information was requested. After that time, HSS amended the vaccine
175 eligibility guidance to clarify that only frontline health care workers with direct contact with
176 human patients qualify for the vaccine. Of course, if a veterinarian or veterinary staff member
177 falls under the eligibility qualification of being 65 or older, then they may receive the vaccine
178 where available.

179 **Agenda Item 5** Lunch **Time 11:35 a.m.**

180 *Off record at 11:35 a.m.*

181 *On record at 1:01 p.m.*

182 **Agenda Item 6** Applicant- Drake **Time 1:01 p.m.**

183 Dr. Drake’s initial application for licensure was tabled until the board could convene to discuss
184 the application. Dr. Drake requested a public discussion. The board listened to testimony
185 directly from Dr. Drake, as well as the veterinarians from Veterinary Centers of America (VCA)
186 that will be overseeing Dr. Drake’s 90-day mentorship program.

187 **On a motion duly made by Dr. Albert, seconded by Dr. Geiger, and with unanimous**
188 **approval it was**

189 **RESOLVED to APPROVE Dr. Shelby Drake for licensure.**

190

191 ***Agenda Item 9*** **PDMP Regulations- Board of Pharmacy** ***Time 1:15 p.m.***

192 The Alaska Board of Pharmacy has proposed in regulation that the mandatory timeframe for a
193 licensee to fully register with the PDMP within 30 days of obtaining licensure or a DEA
194 registration, whichever comes later. This will take that mandating of that timeframe away from
195 individual boards. For example, as it stands, the BOVE allows a grace period of 180 days for
196 licensees to register with the PMDP. However, it is illegal for a licensee to prescribe, dispense
197 or administer federally controlled substances before registering with the PDMP. Having a
198 centralized deadline for registration will make tracking registration compliance easier for
199 division staff.

200 The board is opposed to the regulation change because, as it is written, it is unclear how the
201 regulation relates to and will affect veterinarians; however, the board is not opposed to the 30-
202 day deadline to register. The regulation would be much clearer if section (a) of 12 AAC 52.855
203 was broken into different subsections, or if the one section only referenced prescribers and not
204 pharmacists as well. At this time, it is unclear to the board whether pharmacist is also intended
205 to include dispensing practitioners as well.

206 Dr. Bergartt assigned the writing of the board's position statement to Dr. Albert. Public
207 comment of this proposed regulation change must be submitted by February 11th at 4:30 p.m., so
208 the position statement will be approved by electronic means before submitting that letter to the
209 Regulations Specialist.

210 ***Agenda Item 10*** **Verification of Licensure** ***Time 1:38 p.m.***

211 Often times, the biggest speed bump to licensure is receiving license verification from other
212 jurisdictions; however, in this digital age, many jurisdictions are offering electronic primary
213 source database verifications through their jurisdictional websites. OLE Lund has been utilizing
214 this electronic means of verification frequently, as of late, in order to expedite the sled dog race
215 season Courtesy License application influx.

216 Unfortunately, it was brought up by a board member that a verification obtained through this
217 method did not look legitimate. There was a misunderstanding where it was assumed that the
218 applicant has submitting a page printed off a website in lieu of contacting the corresponding
219 jurisdiction on order to obtain the records. OLE Lund assured the board that this is not the case
220 and that she, personally, obtains those records to submit to the board. In order to not waste
221 anyone's valuable time, OLE Lund ensures that the electronic verifications contain all of the
222 information required under 12 AAC 68.048 before presenting the verification to the board.
223 There is no requirement in BOVE regulation that mandates a verification must be physically
224 signed by the verifying jurisdiction's registrar. In fact, there are several jurisdictions, Colorado
225 for example, that no longer provide registrar signed verification at all. Washington State is also
226 moving in this direction.

227 A concern was brought up that, if the verification is request is not reviewed and signed by a
228 registrar, then the BOVE would not receive information about pending investigations, or other

229 things of that nature. OLE Lund countered this concern by explaining that, just as in Alaska,
230 many jurisdictions do not disclose any information about pending investigative matters due to
231 confidentiality laws. Any information that is publicly available would be included in the primary
232 source database.

233 Most of the board members were of two-minds about this issue. As a compromise, the board
234 agreed to accept primary source electronic database verifications for Temporary Permits, and
235 Courtesy Licenses. The thought behind this being that applicants must attest that they have not
236 recently been subject to any sort of disciplinary action, only one jurisdiction is required to
237 provide verification of license for these license types, and most importantly, these license types
238 require the application to be signed by an Alaska licensed veterinarian who has agreed to sponsor
239 the individual to practice in Alaska. That way, there is one individual who can be held
240 accountable for the actions of the individual holding any of these short-term licenses. However,
241 since an applicant for full veterinary licensure in Alaska must disclose and provide verification
242 for every jurisdiction in which they have ever held a license, the board will require those
243 verification to come directly from and be signed by the corresponding jurisdiction's licensing
244 registrar.

245 **On a motion duly made by Dr. Geiger, seconded by Dr. Michetti, and with unanimous**
246 **approval it was**

247 **APPROVED to ACCEPT primary source database electronic verifications as**
248 **evidence of good standing towards licensure only for veterinary courtesy licenses, and**
249 **temporary permits.**

250

251 *Agenda Item 7*

Public Comment

Time 1:45 p.m.

252 **Dr. McKayla Dick**-Thank you for giving me a chance to speak. And thanks, in general. Sorry
253 to take it back to the PDMP, but I did want to make a couple comments on that one. I was
254 listening in this morning. It's definitely concerning, the number of cases, and then looking at the
255 cost. That whole four-fold increase is alarming. Ultimately, for \$20,000 –I think quarter is the
256 right terminology for that –I think it's fair to get a breakdown with the issues. What are they
257 exactly? Is it the querying? Is it the registering? Is it really inappropriate dispensing, or just
258 administrative? I think you guys are asking all the right questions. It sounds like a little bit of a
259 run around. Everyone points in a different direction for the answers. Ultimately, fifty-eight
260 cases with only two closed –can we afford to move at that pace? I don't think so. But, in
261 general, we're on the same team. I just want to let you guys know, if you guys need anything
262 PDMP related, the AKVMA is paying attention. We're trying to listen. We're trying to get
263 everyone re-excited about it –talking to legislators. And I'm actively trying to get an invitation
264 to talk with Prax. So, I'm working on that –trying to get more people to understand our side.
265 Thank you so much for the COVID vaccine clarification. We did send out an email recently.
266 Super helpful. I really appreciate that. If you guys have any more COVID information, feel free
267 to send it our way, and we can help you with that –at least distribute it. And then lastly, I wanted
268 to let you guys know we have updated our website. It's got a cool husky in the background.
269 We're working really hard to stay in contact with our members. We have a newsletter to get

270 sensitive information, whether it be COVID or PDMP related, out to our members. You can also
271 renew. So, (if you guys aren't members) you can renew your membership online. Let me know
272 if you guys need anything. Please don't hesitate to ask. And, all your meeting information today
273 was great. Thank you.

274

275 ***Agenda Item 8*** ***Prescription Drug Monitoring Program (PDMP)*** ***Time 2:09 p.m.***

276 PDMP Manger, Lisa Sherrell, presented to the board. This was the first PDMP report that Lisa
277 has been able to present to a board after the program renewals. As a result, the information in
278 the report is a much better reflection of actual compliance since all of the relevant data was
279 collected on the renewal applications.

280 Alaska veterinarians now have a 95% PDMP registration compliance rate. In October, it was
281 reported to the board that there were 171 veterinarians registered with the PDMP. As of the time
282 of this report, there were 313 veterinarians registered with the PDMP, indicating that renewals
283 successfully acted as a net to increase registration compliance.

284 In terms of querying (where a veterinarian looks up the client in the AWAxRxE database before
285 prescribing a scheduled II or III controlled substance before prescribing to a patient), compliance
286 was only 1.46% between October and December. Out of 205 prescriptions written, only three
287 had a query performed before being prescribed. The board is encouraged to remind their
288 licensees about querying requirements to increase the compliance percentage.

289 Sixty-three veterinarians indicated on their license renewal that they directly dispense federally
290 scheduled II-IV controlled substances. Since this has only begun being tracked, compliance data
291 on dispensing will be provided at the next meeting. PDMP staff is working with Appriss to
292 come up with a way to alert dispensing practitioners if they have missed a day of reporting. A
293 prescriber would then be able to belatedly submit any reporting data to make up the deficiencies
294 in the daily reporting requirement mandated under AS 17.30.200(b).

295 Appriss has been officially renewed as the vendor for the State of Alaska's PDMP database. The
296 State is in the process of finalizing contracts. This is good news because this means that there
297 will be no changes and users will not have to learn an entirely new interface. The contract will
298 be for one year with three two-year extensions. There are now 44 states and territories that use
299 Appriss as their PDMP vendor. This allows the Alaska PDMP staff to coordinate with their
300 counterparts in other states to find solutions to issues. The PDMP was also recently awarded
301 several grants.

302

303 The board scheduled their next full day meeting for Tuesday, March 9, 2021.

304 The board chair adjourned the meeting at 2:53 p.m.

305

306

307

308 **Respectfully Submitted,**

309

310

311

Ilsa Lund

March 11, 2021

312 **Ilsa Lund, Licensing Examiner**

Date

313

314

315

316

Rachel K Bergartt, DVM, JD

March 10, 2021

317 **Rachel Bergartt, DVM**

318 **Board Chair, Board of Veterinary Examiners**

Date

319