

Annual Report

Fiscal Year 2020

Board of Veterinary Examiners



**Department of Commerce, Community
and Economic Development**

**Division of Corporations, Business
and Professional Licensing**

This annual performance report is presented in accordance with
Alaska statute AS 08.01.070(10).

Its purpose is to report the accomplishments, activities, and the
past and present needs of the licensing program.

**Board of Veterinary Examiners
FY 2020 Annual Report**

Table of Contents

Identification of the Board	Page 3
Identification of the Staff	Page 4
Narrative Statement	Page 5
Budget Recommendations	Page 6
Proposed Legislative Recommendations	Page 9
Regulatory Recommendations	Page 10
Goals and Objectives	Page 11
Sunset Audit Recommendations	Page 15

**Board of Veterinary Examiners
FY 2020 Annual Report**

Identification of Staff

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Board of Veterinary Examiners FY 2020 Annual Report

Narrative Statement

The Board of Veterinary Examiners met seven times during FY20:

- October 4, 2019- In Anchorage
- November 26, 2019- Teleconference
- January 10, 2020- Teleconference
- February 24, 2020- Teleconference
- March 23, 2020- Teleconference
- April 27, 2020- Teleconference
- June 2, 2020- Teleconference

Current Board Members are:

- Rachel Bergartt, DVM, Chair- Juneau
- Hal Geiger, PhD, Public Member- Juneau
- Chris Michetti, DVM- Anchorage
- Scott Flamme, DVM- Fairbanks
- Denise Albert, DVM- Denali Park

Our licensing examiner is Ilsa Lund in Juneau. Our state investigators working for the Board this year are Greg Francois and Erika Prieksat. The Investigation Staff works diligently to handle cases discreetly, thoroughly, and in a timely fashion.

The Board works with the Division of Corporations, Business and Professional Licensing and its investigators to monitor compliance with Alaska statutes and regulations as they pertain to public health and safety, animal welfare, and practice competency. Individual board members review complaints when requested by the investigator and have approved consent agreements presented at the conclusion of an investigation.

The COVID-19 pandemic brought unprecedented challenges to the State, the nation, and the world. At the Board's April and June meetings, the Board discussed best practices and guidelines for licensees and subsequently published that information to our website, as well as published interpretation of the Governor's mandates and how they applied to the practice of veterinary medicine. Dr. Rachel Bergartt, attended the COVID-19 Boards Chairs weekly meetings beginning on March 30, 2020 and continued to participate in the weekly meetings through the beginning of May, bringing back relevant information to the Board of Veterinary Examiners (BOVE) and sharing how the BOVE was advising licensees about best practices with the Board's Chairs group. Also, the Board posted information on coronavirus guidance for pet animals.

Coronavirus legislation, SB 241, gave authority to the Boards to pass emergency regulations or issue policy statements regarding the COVID-19 pandemic. The Department of Law educated the BOVE on the emergency regulation process, and the BOVE subsequently issued a policy statement related to waiving continuing education credits and audit for the 2020 license renewal cycle due to the shutdown of conferences and travel nationwide because of COVID-19. The Board also published information on the telemedicine business registry, as SB 241 promoted telemedicine, but did not waive the business registry requirement. The Board also reviewed our current jurisdictional licensing exam practice and courtesy license application process and determined that our process was already effective to operate unchanged during the pandemic. We also removed the requirement for a notary for application materials during the ongoing pandemic.

FY 2020 Narrative Statement (continued)

The Board continued to monitor and comment on legislation relevant to the practice of veterinary medicine, mindful of our duty to protect the public. This legislative session was particularly busy as our Board was involved in testifying in support of and educating legislators regarding proposed veterinary exemption from the Prescription Drug Monitoring Program (HB 184). Drs. Flamme and Bergartt were elected to speak publicly for the Board, including directly to legislators, regarding PDMP exemption. The broad points of BOVE support for the bill centered around ineffectiveness of protection of the public in any meaningful way through veterinary participation in the PDMP, human privacy concerns, and fiscal concerns. However, due to the COVID 19 pandemic, the legislative session was cut short and HB 184 never made it out of committee. We anticipate renewing the legislative educational effort after the November 2020 elections in preparation for the 2021 Legislative session. Notably, due to all of the problems in administration of the PDMP, the Board of Pharmacy, in charge of administering the PDMP, did not oppose HB 184 making veterinarians exempt from the PDMP.

The Board also commented upon HB 242 which was a proposal to standardize prescribing practice by milligram morphine equivalents (MME). There was no veterinary exemption in the proposed legislation, and standardization of prescription by MME for veterinarians is grossly inappropriate, as our profession treats everything from mice to moose and all species in between. Again, due to the COVID 19 pandemic legislative shutdown, HB 242 never made it out of committee either.

The Board spent a considerable amount of time focusing on the legal and practical aspects of the PDMP with a multitude of meetings with Division staff and PDMP staff. Dr. Bergartt attended a Board of Pharmacy meeting (February 7, 2020) to provide information about current challenges to the veterinary profession regarding PDMP implementation and to dialogue directly with the Board of Pharmacy so as to seek their input in mediating these challenges. At this meeting, the Board of Pharmacy voted on the record to non-oppose veterinary exemption from the PDMP. Additionally, Drs. Flamme and Bergartt attended a remote "town hall" meeting regarding the PDMP put on by the Alaska Veterinary Medical Association. Dr. Bergartt spoke regarding clarification of licensee discipline. The Board has also worked with Department of Law and the Division regarding necessary training for Board members and licensees. The PDMP will be an ongoing focus for the Board, with upcoming regulations projects and evolving disciplinary matrixes for non-compliance.

Drs. Flamme and Geiger traveled to St. Louis to attend the American Association of Veterinary State Boards (AAVSB) annual meeting. Dr. Flamme was the voting delegate for Alaska and Dr. Geiger was the alternate delegate for Alaska. (Dr. Bergartt was also in attendance at the meeting as a member of the Regulatory Policy Task Force, not as an Alaska delegate.) Drs. Flamme and Geiger brought information back to the Board on topics such as but not limited to current challenges facing veterinary boards nationwide (such as regulation of telemedicine and corporate veterinary practice), top legal cases involving veterinary state boards, and the AAVSB Practice Act Model.

The Board has done considerable research on updating our regulations to include a definition of Veterinary-Client-Patient-Relationship (VCPR). This is a major regulatory undertaking considering Alaska's vast land mass and diverse public needs, telemedicine, and the Federal FDA Veterinary Feed Directive. We recently held noticed public comment (June 2, 2020) and received a great deal of public participation because this is such an important regulation, as it defines the legal relationship between a veterinarian, their patient and the client. The Board had a number of other regulatory projects that included updating application requirements to reflect current trends to improve ease of the application process.

The Board reviews the Veterinary Handbook and, in conjunction with the State Veterinarian, makes changes as needed. The Board also reviews the Jurisprudence Examination completed by applicants for licensure to be sure the questions accurately reflect the statutes, regulations, and the Veterinary Handbook.

**Board of Veterinary Examiners
Fiscal Year 2020 Annual Report**

Budget Recommendations for FY 2021

The Budget Recommendations section anticipates the board’s fiscal priorities for the upcoming year. Please complete all parts of this section with details about anticipated meetings, conferences, memberships, supplies, equipment, to other board requests. Meeting expenses that are being funded through third-party reimbursement or direct booking must be identified separately from expenses paid through license fees (receipt-supported services or RSS). Be sure to explain any items listed as “other” so they may be tracked appropriately.

Board Meeting Date	Location	# Board	# Staff
July 7, 2020	Teleconference	5	7
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input checked="" type="checkbox"/> Other:			\$1,000.00
Total Estimated Cost:			\$1,000.00

Board Meeting Date	Location	# Board	# Staff
October TBD, 2020	Teleconference	5	5
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input checked="" type="checkbox"/> Other:			\$1,000.00
Total Estimated Cost:			\$1,000.00

Board Meeting Date	Location	# Board	# Staff
January TBD, 2021	Teleconference	5	5
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input checked="" type="checkbox"/> Ground:			\$0.00
<input checked="" type="checkbox"/> Other:			\$1,000.00
Total Estimated Cost:			\$1,000.00

Budget Recommendations for FY 2021 (continued)

Board Meeting Date	Location	# Board	# Staff
March TBD, 2021	Teleconferenece	5	5
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input checked="" type="checkbox"/> Other:			\$1,000.00
Total Estimated Cost:			\$1,000.00

Board Meeting Date	Location	# Board	# Staff
April TBD, 2021	Teleconference	5	5
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input checked="" type="checkbox"/> Other:			\$1,000.00
Total Estimated Cost:			\$1,000.00

Board Meeting Date	Location	# Board	# Staff
June TBD, 2021	Teleconference	5	5
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input checked="" type="checkbox"/> Other:			\$1,000.00
Total Estimated Cost:			\$1,000.00

Travel Required to Perform Examinations

Not applicable

Date	Location	# Board	# Staff
Description of meeting and its role in supporting the mission of the Board:			
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input type="checkbox"/> Conference:			\$0.00
<input type="checkbox"/> Other:			\$0.00
Describe "Other" (break out all sections):			
Total Estimated Cost:			\$0.00

Budget Recommendations for FY 2021 (continued)

Out-of-State Meetings and Additional In-State Travel (Rank in order of importance)

#1 Rank in Importance or Not Applicable

Date	Location	# Board	# Staff	
Spring 2021- TDB	St Louis, MO	1	1 (alternate)	
Description of meeting and its role in supporting the mission of the Board:				
This travel is required to attend the AAVSB's Board Basics and Beyond Training. This training is invaluable for new board members or staff. Training includes walk through of terminology, Practice Act models, board authority, basic operations, conflicts of interest, etc.				
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$0.00	\$0.00	\$700.00	\$700.00
<input checked="" type="checkbox"/> Hotel:	\$0.00	\$0.00	\$400.00	\$400.00
<input checked="" type="checkbox"/> Ground:	\$0.00	\$50.00	\$0.00	\$50.00
<input checked="" type="checkbox"/> Conference:	\$250.00	\$0.00	\$0.00	\$250.00
<input type="checkbox"/> Other	\$0.00	\$0.00	\$0.00	\$0.00
Describe "Other" (break out all sections):				
Net Total:	\$250.00	\$50.00	\$1,100.00	\$1,400.00

Non-Travel Budget Requests

- Not Applicable Resources Examinations
 Membership Training Other

Product or Service	Provider	Cost Per Event
Membership	AAVSB	\$500.00

Description of item and its role in supporting the mission of the Board:

The AAVSB provides many services to the board that are essential in the licensing process. Services include, but are not limited to, administration and transfer of national exam scores for both veterinarians and veterinary technicians, verifying license verifications and other licensing documents, and approving continuing education courses.

Summary of FY 2021 Fiscal Requests

Board Meetings and Teleconferences:	\$6,000.00
Travel for Exams:	\$0.00
Out-of-State and Additional In-State Travel:	\$1,400.00
Dues, Memberships, Resources, Training:	\$500.00
Total Potential Third-Party Offsets:	-\$1,150.00
Other:	\$0.00
Total Requested:	\$6,750.00

**Board of Veterinary Examiners
Fiscal Year 2020 Annual Report**

Legislation Recommendations Proposed Legislation for FY 2021

No Recommendations

The Board has no recommendations for proposed legislation at this time.

Recommendations

The Board has the following recommendations for proposed legislation:

- 1) Veterinary exemption from the PDMP, with profession-appropriate CE requirements to be placed in regulations specific to opioid use and monitoring in practice.
- 2) Statutory change to include oversight of “Veterinary Medical Facilities.”
- 3) Statutory change to include acceptance of “other foreign graduate assessments as the Board deems appropriate” for licensing of foreign graduates.

**Board of Veterinary Examiners
Fiscal Year 2020 Annual Report**

Regulation Recommendations Proposed Legislation for FY 2021

No Recommendations

The Board has no recommendations for proposed regulations at this time.

Recommendations

The Board has the following recommendations for proposed regulations:

- 1) Continue to move forward with VPCR regulation.
- 2) Continue to move forward with telemedicine regulation.
- 3) Continue to move forward with PDMP regulation.

**Board of Veterinary Examiners
Fiscal Year 2020 Annual Report**

Goals and Objectives

Part I

FY 2020's goals and objectives, and how they were met:

- 1) Continue membership in the American Association of Veterinary State Boards and send two members (one voting member and one alternate) to the national regulatory Board meeting if the meeting is scheduled in the western states.

Membership was maintained throughout FY2020 and Drs. Flamme and Geiger attended the national meeting in September, 2019.

- 2) Continue to implement, monitor, develop and review as necessary the jurisprudence state examination.

The Board has discussed the jurisprudence exam, particularly in light of the current COVID-19 pandemic. The method of administering the exam was deemed satisfactory regarding ease of access and timeliness.

- 3) Continue licensing veterinarians and veterinary technicians and continue monitoring continuing education hours.

The Board currently licenses veterinarians and technicians and has monitored CE hours.

- 4) Continue to review and evaluate current statutes and legislative proposals and develop new proposals as needed.

The Board has been very active in reviewing, evaluating, and commenting on proposals.

- 5) Resolve ongoing investigations/litigation in a timely fashion through direct involvement of the Board in the early review process.

The Board promptly responds to investigation requests. We have no current litigation issues.

- 6) Continue to update as necessary the Veterinary Handbook. A mailing of the Handbook will occur following a major revision.

The Board continues to evaluate the Veterinary Handbook. No revisions occurred in FY2020.

**Board of Veterinary Examiners
Fiscal Year 2020 Annual Report**

Goals and Objectives (continued)

Part I (continued)

FY 2020's goals and objectives, and how they were met:

- 7)** Continue to pursue the mission and vision statements of the Board.

The mission statement is now read at the beginning of each meeting to set the tone for every meeting.

- 8)** Continue to review and evaluate current regulations for veterinarians and veterinary technicians and regulatory fees and develop new regulations as needed.

The Board is actively involved in developing new regulations to reflect the changing times especially considering telemedicine, the Federal Veterinary Feed Directive, and the intersection with the veterinary-client-patient relationship.

- 9)** Continue to monitor continuing education programs and requirements.

The Board actively monitors (and has posted) guidelines for licensees seeking CE approval of non-RACE approved programs.

- 10)** Continue to monitor budget as it pertains to the self-supporting fees.

The Board is actively involved in fiscal responsibility of determination of financial priorities, including judicious use of Division staff resources, Investigations resources, and Department of Law resources.

**Board of Veterinary Examiners
Fiscal Year 2020 Annual Report**

Goals and Objectives

Part II

FY 2021's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

- 1) Continue membership in the American Association of Veterinary State Boards and send two members (one voting member and one alternate) to the national regulatory Board meeting if the meeting is scheduled in the western states.
- 2) Continue to implement, monitor, develop and review as necessary the jurisprudence state examination.
- 3) Continue licensing veterinarians and veterinary technicians and continue monitoring continuing education hours.

Currently, the Board has enacted an emergency regulation regarding waiver of CE requirements for the 2020 renewal period. This will be reevaluated for 2021. Furthermore, CE requirements specific to include opiate education will be a focus for FY2021.
- 4) Continue to review and evaluate current statutes and legislative proposals and develop new proposals as needed.
- 5) Resolve ongoing investigations/litigation in a timely fashion through direct involvement of the Board in the early review process. Continue to update as necessary the Veterinary Handbook. A mailing of the Handbook will occur following a major revision.
- 6) Continue to review and evaluate current regulations for veterinarians and veterinary technicians and regulatory fees and develop new regulations as needed.
- 7) The Board has struggled with crafting regulations related to the PDMP due to a lack of educational resources. Recently, (June 10, 2020), Dr. Bergartt met with PDMP staff, Regulations staff, Dept of Law staff and OLE Ilsa Lund to work on access to resources. The meeting was fruitful and resulted in DOL compiling applicable statutes and opinions and PDMP staff contacting Appriss to create a training video specific to veterinarians. The PDMP has also now invested money in the AWARxE interface to add an animal icon next to where animal prescription information needs to be input. These recent steps will hopefully improve the regulations process.
- 8) Continue to monitor continuing education programs and requirements.
- 9) Continue to monitor budget as it pertains to the self-supporting fees.

Fiscal responsibility is of paramount importance to the Board. The Board will need to address issues relating to a significant increase in investigatory fees resulting from PDMP alleged violations, despite the well-known problems with the PDMP. The Board will develop a resolution to convey continued investment in and ownership of our budget. Current challenges also include a suspension of scheduled fee increase due to COVID 19 financial impact.
- 10) Continue to pursue the mission and vision statements of the Board.

**Board of Veterinary Examiners
Fiscal Year 2020 Annual Report**

Sunset Audit Recommendations

Date of Last Legislative Audit: 3/18/2016
Board Sunset Date: 6/30/2025

Audit Recommendation: Board chair writes the annual report and staff assists to ensure the information is correct and complete before submitting the final version to the division.

Action Taken: Board chair, Dr. Bergartt, authored the narrative sections of this report and reviewed with OLE Ilsa Lund.

Next Steps: n/a

Date Completed: 6/25/2020