

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

**MINUTES OF MEETING
MAY 7, 2010**

By authority of AS 08.01.070(2) and AS 08.98.040, and in compliance with AS 44.62, Article 6, a scheduled teleconference meeting of the Board of Veterinary Examiners was held on May 7, 2010, at Juneau, Sitka, Palmer, North Pole, Big Lake and Seward, AK.

Call to Order/Roll Call/Agenda Review

The meeting was called to order by Dr. David Hunt, Acting Chairperson, at 9:03 a.m.

Those present, constituting a full board, were:

Dr. David Hunt, Veterinarian - Sitka
Dr. Margaret Eastman, Veterinarian – North Pole
Dr. John Tuomi, Veterinarian - Palmer
Mr. Martin Buser, Public Member – Big Lake
Dr. Teresa Beck, Veterinarian - Seward

In attendance 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. Hunt reviewed the agenda and asked for updates or additions.

Ms. Donohue noted the following additions to the agenda:

- **Item #6 – Misc. Correspondence**
Email from Karen Campbell, RACE Committee, AAVSB

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Agenda Item 2 Review/Approve Minutes

The board reviewed the minutes of the January 8, 2010 meeting. There were no corrections or changes noted and Dr. Hunt called for a motion to approve.

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

RESOLVED to approve the January 8, 2010 meeting minutes as presented.

Roll call vote was taken due to teleconference.

Hunt – yea Eastman – yea Tuomi – yea Torrence – yea Beck - yea

Agenda Item 3 Ethics Disclosure

There were no ethics violations to report from any board members.

Agenda Item 4 Budget Report

FY 2010 figures as of April 12, 2010 reflect \$69.6 thousand in expenses, and \$22.3 thousand in revenue. The Board had no questions regarding the Budget.

The Board is ahead of schedule, and determined to move on to Agenda Item 6 until Ms. Bundick joins the meeting at 9:45 a.m. to give the Investigative Report.

Agenda Item 6 Miscellaneous Correspondence

The Board reviewed all correspondence presented at the meeting.

AAVSB – VTNE Memo requesting verification that AK will follow the AAVSB guidelines about retakes (5 times, then the applicant must apply to the AAVSB Board for approval, and show effort to become better prepared), and verifying that because AK allows on-the-job training as a pathway to qualification to sit for the VTNE, that AK will continue to approve applicants for eligibility, and then notify AAVSB of the approved names. The Board confirmed these items.

AAVSB – RACE Program Update. The RACE committee notification that they recently determined the Academy of Veterinary Homeopathy's 2009 Annual Conference (RACE #67-5826) does not meet the RACE criteria and has been denied recognition as a RACE approved program. The denial is specific to the referenced program (2009 Annual Conference) and does not impact the Provider recognition status of the Academy.

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AHVMA must utilize a modified Certificate of Attendance that clearly indicates which sessions are indeed RACE approved. Information only.

AAVSB Bylaws & Resolution Committee – Call for Resolutions. List of important dates for 2010 and the Resolutions Policy for Board review. Information only.

AAVSB Nominating Committee – Candidate Nominations for Upcoming Open Positions including AAVSB Board of Directors, NBVME Representative and the 2011 Nominating Committee. Information only.

William H. Hogan, Commissioner, AK Dept. of Health & Social Services – Commissioner Hogan's reply to George Utermohle, President, Grateful Dogs of Juneau, Inc. Mr. Utermohle petitioned Commissioner Hogan to authorize a temporary deferral of the rabies vaccination requirement for a dog during periods of illness or medical treatment. In order for dogs to be licensed in municipalities with animal control powers it is traditional practice to require dogs to be licensed, and a prerequisite of licensing is a current rabies vaccination. Commissioner Hogan noted in his response that regulatory edits offered by Mr. Utermohle appear directed toward jurisdictions that require animal licensing by local ordinance. He further stated the suggested edits would create a blanket expectation for exemption services and tracking by the Dept. of Health & Social Services, which is not feasible at this time. The Dept. does not intend to pursue a change to 7 AAC 27.022 at this time. Commissioner Hogan further stated in his letter he believed the issued warrants more study as well as input from the Board of Veterinary Examiners. Discussion followed, and the Board consensus is a temporary deferral of rabies vaccination due to illness or medical treatment seems to make sense, and should Public Health or municipalities choose to pursue changes, the Board wouldn't object. However, as the rabies statutes and regulations reside with the Public Health Division of the Dept. of Health and Social Services, they have no authority to change those. Information only.

Ms. Bundick joined the meeting. The Board will return to Miscellaneous Correspondence following her report.

Agenda Item 5 Investigative Report

Ms. Dawn Bundick joined the meeting to present the Investigative Report at 9:43 a.m.

Ms. Bundick reported there are currently three (3) open investigations, sixteen (16) investigations/complaints have been closed since the last meeting; and eleven (11) open complaints. She noted that eight (8) of the closed cases were for one practitioner.

Mr. Buser asked for an explanation of the complaint/investigative process, which Ms. Bundick provided. She will send an outline of the investigative process to Ms. Donohue who will forward that on to the Board members.

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Ms. Bundick asked if the Board would be interested in approving her to attend the AAVSB Annual Meeting in order to learn more about veterinary investigative process and network with other investigators. Dr. Hunt noted that he has attended that meeting, and it is not geared to investigators. The agenda is tailored to board members and administrators, with no investigation material. She thanked them for their consideration.

There being nothing further, Dr. Hunt thanked Ms. Bundick, and she left the meeting.

Agenda Item 6 Miscellaneous Correspondence (continued)

Div. of Commerce, Community & Economic Development – Letter from Sher Zinn, Records & Licensing Supervisor replying to Val Stuve, DVM, advising the Division has decided to not issue a press release regarding the matter of voluntary surrender of Dr. Eric Jayne's veterinary license, due to the confidentiality requirement of investigative information. The Division has responded to many inquiries from the press and private parties on this issue, as well as general license discipline and investigative processes. Other than the information disclosed at the January 8, 2010 Veterinary Board meeting regarding the Board accepting Dr. Jayne's voluntary surrender, no confidential information regarding the complaints or investigation has been or will be disclosed by the Division. Information only.

Dr. Margaret Eastman – Dr. Eastman passed on a question she had been asked regarding if it is permissible for a layperson or business to offer vaccinations for free.

AAVSB – RACE Program Update. Another email from the RACE Committee advising the denial of two applications for approval, as follows:

The American Association of Veterinary Acupuncture (AAVA) program, AAVA Annual Meeting 2010 (RACE #325-6444). This program is offered to non-regulated individuals (non-licensed veterinary personnel), who will be trained to perform veterinary medicine in a non-regulated environment (shelters), in potential violation of participating AAVSB Member Board regulations and laws. Furthermore, four of the five presenters do not meet the minimum Presenter Qualifications as detailed in the RACE Standards (2009 Standards, Article X).

Three programs of the Chi Institute for Chinese Medicine have been denied recognition:

1. Veterinary Acupuncture & Herbal Introductory Course: Clinical Application of Acupuncture and Chinese Herbal Medicine (RACE #111-6334)
2. Fall Veterinary Acupuncture Course (#111-6335)
3. Certified Veterinary Tui-Na Program (#111-6336)

All affected Providers were informed of these decisions on April 24, 2010, along with their appeal rights and a copy of the Policy and Procedures for Appeals of AAVSB Decisions Regarding RACE Approval document. Information only.

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

Agenda Item 5 Investigative Report (continued)

Ms. Karen Wilke, Paralegal, joined the meeting to present a Consent Agreement. Ms. Wilke is an addition to the Agenda as she received the signed Consent from the licensee this morning.

Ms. Wilke advised the Board they should enter Executive Session to discuss the case, and Ms. Donohue scanned the wording for the Executive Session to Dr. Hunt.

On a motion duly made by Dr. Hunt, seconded by Dr. Eastman and approved unanimously, by roll call vote, 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 an investigative case with the Paralegal.

Hunt – yea Eastman – yea Tuomi – yea Buser – yea Beck - yea

Entered into executive session at 10:15 a.m.
Out of executive session at 10:23 a.m.

On a motion duly made by Dr. Hunt, seconded by Mr. Buser and approved unanimously, by roll call vote, it was

RESOLVED to accept the license surrender in case #3102-10-001.

Hunt – yea Eastman – yea Tuomi – yea Beck – yea Buser - yea

There being no other business, Dr. Hunt thanked Ms. Wilke and she left the meeting.

Mr. Buser suggested the wording to correctly go into executive session be included in the Board Packet. Ms. Donohue thanked him for the excellent suggestion and noted she would include that in future packets.

Agenda Item 8 Regulations

Ms. Donohue drew the Board's attention to an email exchange she had with AAVSB where she asked if the AK Board maintained the on-the-job training pathway to qualify to sit for the VTNE, would AAVSB allow an applicant to sit for the exam if the AK Board removed the requirement where the Board must first approve the applicant. AAVSB

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responded they review eligibility for those jurisdictions that require graduation from an American or Canadian VMA accredited veterinary technology program. The jurisdictions which allow alternative programs must review and approve eligibility for their applicants. Therefore, the Alaska Board must continue to approve applicant eligibility. The Board agreed to withdraw that part of the regulation project they had initiated at the Jan. 8, 2010 meeting.

The Board further reiterated their strong support of the on-the-job training pathway to examination eligibility and licensing, and voiced their appreciation that AAVSB will defer to individual state's laws.

Agenda Item 9 Applications

On a motion duly made by Dr. Eastman, seconded by Dr. Tuomi and approved unanimously, by roll call vote, it was

RESOLVED to accept the Care and Rehabilitation of Oiled Sea Otters Symposium for March 8, 2008, March 28, 2009 and March 13, 2010 for 8 hours of continuing education hours for veterinary technicians.

Hunt – yea Eastman – yea Tuomi – yea Beck – yea Buser - yea

Agenda Item 7 Public Comment

There were no members of the public in attendance for Public Comment. Ms. Donohue noted there were no letters submitted to her office to be read into the record at Public Comment.

Agenda Item 11 New/Old Business

Dr. Hunt put forth that he would be interested in attending the AAVSB Annual Meeting. He has attended that meeting for the past three years and feels it's valuable for the presentations offered on current topics of concern to licensing boards, as well as networking with other state's licensing board members. He promoted the continued attendance of an Alaska Board member and noted this would be his last year on the Board.

On a motion duly made by Dr. Eastman, seconded by Mr. Buser and approved unanimously, by roll call vote, it was

RESOLVED to approve Dr. Hunt to attend the AAVSB Annual Meeting Sept. 16-18, 2010 in Baltimore, MD.

Hunt – yea Eastman – yea Tuomi – yea Beck – yea Buser - yea

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The next topic was discussion of the upcoming Annual Report. Ms. Donohue noted that Dr. Hunt would be writing the Narrative Report this year. She will send him a copy of last year's to use as a guide. She will be gathering the administrative/statistical information as usual. She stressed that it is important to be thorough on the Legislative Recommendations section of the Annual Report as that is the only way the Division will know what Practice Act changes the Board wants. The Division will review all the licensing board's annual reports to determine which, if any, recommendations they can support and present to the Legislature. The due date for this report is July 31.

Ms. Donohue gave an update on the PAVE legislation. Rep. Peggy Wilson introduced a bill to change the language in the Practice Act to allow "a graduate of a non-accredited veterinary school and has successfully completed a certification program approved by the board". The wording to be deleted is "has successfully completed the Educational Commission for Foreign Veterinary Graduates (ECFVG) certification process". The bill was read into the record on 1/19/2010. There was no movement of the bill, and it died when the Legislative session ended on April 19, 2010.

Discussion followed regarding the state association coming out against a change to allow for acceptance of the PAVE program. Dr. Eastman said her discussion with other veterinarians was that the Association's concern was opening the Practice Act, not necessarily an objection to accepting PAVE. Ms. Donohue noted that once Rep. Wilson introduced her bill, the Practice Act was open. If a bill is introduced to make any changes to a Practice Act, that opens the Act, and any Legislator can introduce such a bill. Also, other Legislators can add to the initial bill. Ms. Donohue offered that once a Practice Act is open, any interested party will want to watch closely, and be sure to contact their Legislator, or the bill's sponsor to voice their position.

Agenda Item 12 Office Business

- Sign Wall Certificates - Ms. Donohue will mail the Certificates to Dr. Hunt and Mr. Buser for signature.
- Confirm Next Meeting Date

Oct. 29, 2010
Fairbanks, AK.

- Sign Minutes

Ms. Donohue will mail Dr. Hunt a final draft of the approved minutes for the Jan. 8, 2010 meeting for his signature.

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- Election of Officers

On a motion duly made by Mr. Buser, seconded by Dr. Eastman and approved unanimously, it was

RESOLVED to elect Dr. Hunt to serve as the Board Chair for the next year.

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

RESOLVED to elect Dr. Eastman to serve as the Board Vice Chair for the next year.

On a motion duly made by Dr. Hunt, seconded by Dr. Eastman and approved unanimously, it was

RESOLVED to elect Mr. Buser to serve as the Board Secretary for the next year.

Ms. Donohue noted there may be several members of the public in attendance at the October meeting, and went over the guidelines for public comment. Dr. Eastman asked if a copy of the investigative process can be provided in the board packet for that meeting as well as to hand out to the public. Ms. Donohue said she would include that, as well as email a copy to Board members as soon as provided to her by the Investigator.


Agenda Item 13 Adjourn

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

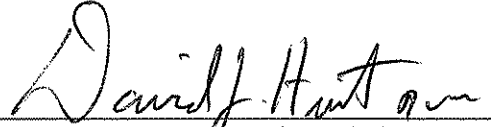
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The board adjourned the meeting at 11:04 p.m.

Respectfully submitted:


Brenda Donohue, Licensing Examiner

Approved:


David Hunt, DVM, Acting Chairperson
Alaska State Board of Veterinary Examiners

Date: 10-29-10