

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

**MINUTES OF MEETING
SEPTEMBER 18, 2009**

By authority of AS 08.01.070(2) and AS 08.98.040, and in compliance with AS 44.62, Article 6, a scheduled meeting of the Board of Veterinary Examiners was held on September 18, 2009, at the Atwood Bldg, 550 W 7th Ave, Suite 1860, Anchorage, Alaska.

Call to Order/Roll Call/Agenda Review

The meeting was called to order by Dr. Steve Torrence, Chairperson, at 9:03 a.m.

Those present, constituting a full board, were:

Dr. Steve Torrence, Chairman
Dr. David Hunt, Veterinarian
Martin Buser, Public Member
Dr. Margaret Eastman, Veterinarian
Dr. John Tuomi, Veterinarian

In attendance from the Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development:

Brenda Donohue, Licensing Examiner – Juneau

Dr. Torrence went on the record to recognize and welcome Dr. Tuomi, who has been appointed to complete the term for Dr. Timothy Bowser. Dr. Torrence noted the exemplary service to the Alaska Veterinary profession provided by Dr. Bowser during his term on the Board. He will be missed, and the Board wishes him well in his endeavors.

Agenda Item 1 Review Agenda

Dr. Torrence reviewed the agenda and asked for updates or additions.

Ms. Donohue noted the following additions to the agenda:

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- **Item #4 - Budget Report**
Correct 2nd Page
- **Item #6 – Misc. Correspondence**
State Responses to MBVME NAVLE Update of 8/27/09
Rebecca Pierce – Vet Tech Scope of Practice Inquiry
Safe Capture – Continuing Education Approval Request
Paul P. Masheimer, DVM – Application for Veterinary License
- **Item # 8 – Regulations**
Part B & Adoption Order for Regulation Project for Evidence
Of Good Standing Amendment to 12 AAC 68.041

Agenda Item 2 Review/Approve Minutes

The board reviewed the minutes of the May 15, 2009 meeting. There were no corrections or changes noted and Dr. Torrence called for a motion to approve.

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

RESOLVED to approve the May 15, 2009 minutes as presented.

Agenda Item 3 Ethics Disclosure

There were no ethics violations to report from any board members. Dr. Torrence explained the process of disclosing any ethics issues a board member may have encountered since the last Board meeting to Dr. Tuomi.

Agenda Item 4 Budget Report

Cathy Mason provided notification that she had researched the \$36.1 thousand expenditure for FY 2008 in Contractual Services the Board had asked about at the May meeting. She said the figure was correct, and the majority of the expense was for legal fees. The Board noted the \$46.2 thousand surplus monies for FY 2009. FY 2010 figures to date reflect \$5.2 thousand in expenses, and \$3.9 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.

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Agenda Item 6 Correspondence

The board reviewed the following correspondence presented.

Dr. Madan L. Khare – The Board reviewed a request from Dr. Khare for approval of a continuing education course he wants to offer on Alaska’s veterinary laws, rules, regulations and statutes. Due to the complexity, fluidity, and background of specific state laws, the Board determined that a generic course regarding how laws are developed and passed is fine, but a state-specific course is not acceptable. If licensee have questions regarding statutes and regulations governing veterinary medicine in Alaska, the Board wants them to be contacting the Division, or the Board directly.

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

RESOLVED to not approve Dr. Khare’s request to provide a state-specific statutes and regulations continuing education course. However, they will accept the RACE approved generic course pertaining to the process of developing statutes and regulations.

The Board will come back to Correspondence following review of the Investigative Report.

Agenda Item 5 Investigative Report

Dawn Bundick joined the meeting to present the Investigative Report at 9:45 a.m.

Ms. Bundick reported there are currently eleven (11) open investigations, nine (9) investigations/complaints have been closed since the last meeting; and eight (8) open complaints. She noted that eight of the open investigations are for one practitioner.

The board determined to enter executive session to discuss an Investigative case.

On a motion duly made by Mr. Buser, seconded by Dr. Hunt and approved unanimously, 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 Investigator.

Entered into executive session at 10:02 a.m.

Out of executive session at 10:17 a.m.

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Following discussion of the report, Dr. Torrence thanked Ms. Bundick for her time, and she left the meeting.

Agenda Item 6 Correspondence (continued)

AAVSB – Commencing with the computer-based VTNE (June 2010), AAVSB will require a candidate to supply additional information stating what they have done to be prepared for the exam if they have failed it 5 times. The State Board can approve the candidate to sit for the exam, but in addition, the candidate must work with AAVSB. Once the exam goes computer-based a candidate will apply for and pay for the exam directly with AAVSB.

After 12/31/2010 a VTNE candidate must be a graduate of a veterinary technology program accredited by the AVMA or CVMA, **or a program approved by the regulatory board of the jurisdiction where the examination is given.** According to Cate Daniels with AAVSB, this means if the state licensing board approves On-The-Job training as a pathway for licensure, then AAVSB will accept that.

AAVSB – Memo from Jon Betts, AAVSB President and Chairman of the practice Act Model Task Force listing Proposed Amendment to the AAVSB Practice Act Model. Information only, no response necessary.

AAVSB – Memo from Robyn Kendrick, AAVSB Executive Director advising of the revised and updated RACE Standards document. Information only, no response necessary.

AAVSB – Memo from AAVSB Nominating Committee providing the 2009 Nominating Committee Report. Information only, no response necessary.

NBVME – Memo dated 8/27/09 advising the NAVLE fee will increase to \$550 for the 2010-2011 testing cycle.

The second item requests the board's input regarding eliminating the separate licensing board application and approval process, and have all NAVLE candidates apply only to the NBVME.

Dr. Hunt will be attending the AAVSB Annual Meeting in Minneapolis next week, and will relay the Alaska board has no objection to this procedure change.

Douglas J. Gordon – President, Superior Equine Pharmaceuticals, Inc. Letter asking the Board to educate veterinarians about and enforce the legal distribution of FDA approved drugs. He states the practice of selling compounded drugs from bulk raw material is illegal. Following discussion and review of the Practice Act, the Board feels this is an issue between the DEA and the licensed practitioner, and there are not statutes speaking

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to the subject. In order to initiate an investigation, an interested party must turn in a complaint to the Board's Investigator. Information only, no response necessary.

As it was 10:45 a.m. Dr. Torrence moved on to Public Comment. The Board will return to Misc. Correspondence following Public Comment.

Agenda Item 7 Public Comment

Dr. Eastman read into the record an email from Dr. Jeanne Olson, as follows:

“There are several issues of concern that I shall address. Please include these comments as part of the official meeting under public comments.

1. I wish that these meetings would be more available to the public, and most especially to veterinarians, whose lives your decisions effect the most. Also, that the Board encourages the Examiner's Office to assist you in this effort. I was unaware until I contacted the Juneau office last week to get a copy of the agenda, that the meeting had been moved to Anchorage and the date moved to a week later. I had blocked out appointments for last Friday, and several clients as well as another local veterinarian had also planned to testify in Fairbanks last Friday. I have a packed appointment schedule for tomorrow and was unable to find adequate openings to testify “live”, so I am submitting my comments in writing.

I mentioned this lack of communication last year when the Board was in Fairbanks. When I contact the Examiner's Office, Brenda is always quick to respond, but of course, it is only when I contact her. It seems that it would be a fairly simple matter to put together an address list via email to communicate the Board's activities in a timely manner. Also, many other Boards and Commissions (including our local Animal Control Commission) post their meetings on-line so that the public can stream them later. While I realize this isn't required, it would certainly seem appropriate in this modern age of communication. Reading the minutes aren't an acceptable alternative as many comments are left out and also can be misleading.

I realize that this is a big state and that the Board only meets three times a year. I know that it has been suggested that the Board meets the day before or day after the State Meeting which might allow more veterinarians access to your meetings. I also see that the Board is planning to meet again in Anchorage in January. Although it isn't very pleasant weather in Fairbanks at that time of year, I do hope that you consider setting up a live stream so that the LAO in Fairbanks could host the meeting for those of us who are interested in “attending.” It will be more than a year since you have met in Fairbanks.

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2. I provided a lengthy testimony about Alternative Medicine to the Board last Fall, while my comments were officially acknowledged in those minutes in less than one sentence (along with Dr. Stuve's comments). I feel the need to reiterate them, since the February 1, 2008 Minutes included several paragraphs about how another colleague felt about alternative medicine and the practice of veterinary medicine. I am including some communication from the Alternative Veterinary List Serve (blank) so that you can see that this is a concern from other holistic colleagues. I speak from over 20 years experience in the holistic field, who has had human acupuncture and chiropractic professionals as teachers and still contact them today with difficult cases.
3. A growing number of states have passed laws to cut red tape for veterinary volunteers in emergencies. The Uniform Law Commission has been working to get each state to adopt its Uniform Emergency Volunteer Health Care Practitioners Act, but Alaska is not on board yet. Is this something that you can work on? I would assume so. You can review a boilerplate version of the UEVH-PA at (blank)
4. I am sending this document with Dr. Eastman, who generously spent a bunch of time on the phone with me yesterday evening. She provided explanations and details of discussions that are simply unascertainable in the written minutes. It is encouraging to have a Board member from the Interior, who will provide communication and information to the local veterinary community.

Dr. Torrence thanked Dr. Eastman for bringing Dr. Olson's testimony to the meeting, and he thanked Dr. Olson for her comments.

Ms. Donohue advised the Board that Dr. Olson, as well as Dr. Love, the President of the Interior VMA, and Vicki Smith, the Executive for the AK Veterinary Medical Association, are included on the Interested Parties List, which is emailed the Agenda once the Board Packet has been mailed, two weeks prior to the meeting. The date by which the Board Packet must be sent to the Board is stated in the Administrative Code. The Agenda is not set until the day the Packet is mailed, and Ms. Donohue makes every effort to disperse the Agenda to the Interested Parties List in a timely fashion.

Any person interested in receiving the Agenda or the meeting minutes is welcome to be included on the Interested Parties List. They must only contact Ms. Donohue and she will be happy to add them. Email addresses are not captured in the Division's database, so the IP List is the mechanism used to address this concern. If email addresses were captured in the Division's database they would become public information, as required by state law. The Veterinary Board has no statutory authority to capture email addresses, and if that were to change, the project to add this data field to the database would be placed in the Department's priority list.

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The technology to put the recorded minutes on-line is not available to the Division at this time, and would be an issue to address to the Legislative Information Office, or the Governor's Office.

The Board is not familiar with the Uniform Law Commission's Uniform Emergency Volunteer Health Care Practitioners Act. Nor are they aware if the State of Alaska is pursuing this issue. The Board did go on the record following Hurricane Katrina as being supportive of streamlining licensing displaced veterinarians as much as state law allows.

The Board is also very happy the Governor appointed Dr. Eastman to the Board, not only for her dedicated service, but also because she represents the Interior region of the State. In addition, the Governor has appointed members from the Southeast and Southcentral regions in an effort to provide representation from as many parts of our large State as possible.

Agenda Item 8 Regulations

The Board reviewed the additions of the language **and evidence of good standing as set out in 12 AAC 68.048** to 12 AAC 68.041(b)(4)(A) and (b)(4)(C). The Board discussed the cost to private persons of the regulatory action being taken and determined there would be no costs incurred.

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

RESOLVED to adopt the amendments to 12 AAC 68.041 following consideration of public comments and paying special attention to the cost to private persons of the regulatory action.

Dr. Torrence signed the Adoption Order. Ms. Donohue will deliver the Order to the Division's Regulation Specialist, Mr. Maiquis to file.

Agenda Item 6 Correspondence (continued)

Molly Steinberg, DVM – Letter from Director Smith to Dr. Steinberg advising her the Board is in support of the Legislature adding PAVE as an acceptable option for the education required to obtain a veterinary license in Alaska. Information only, no response necessary.

AK Dept. of Labor – Dept. of Labor is interested in developing an apprenticeship as a method of workforce development for veterinary technicians. Ms. Donohue advised that they would need to provide the Board with a request outlining exactly what they are trying to develop. Currently, veterinary technicians are able to qualify for an Alaska Veterinary Technician license by two methods: by graduating from an AVMA accredited

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veterinary technician program, or by earning two years of on-the-job training. Information only at this time.

Rebecca Pierce – Ms. Pierce has asked the Board to define “surgery” in reference to veterinary technicians extracting teeth. The Board responded that any procedure that includes the cutting of tissue is considered “surgery”. They will be including this definition in the regulation project they are developing to update the veterinary technician regulations. They asked Ms. Donohue to respond to Ms. Pierce with this information, as well as reiterate that her licensed veterinary employer has the ultimate responsibility of the duties delegated to staff, and it is both her responsibility as a license holder, and the employer’s responsibility as a license holder to abide by the statutes and regulations governing veterinary medicine.

Safe Capture – Request from Dr. Keith Amass with Safe Capture International, Inc. to approved the continuing education course “Chemical Immobilization of Animals” for 16 CE hours. He provided an outline of the course showing content and time, and background information on the instructors.

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

RESOLVED to approve the course “Chemical Immobilization of Animals” for 16 hours of continuing education.

Agenda Item 9 Goals & Objectives

The Board reviewed their Goals and Objectives and feel they are on track with their Goals as listed below.

**GOALS AND OBJECTIVES
FY 2010**

1. Continue membership in the American Association of Veterinary State Boards and send one member to a national regulatory board meeting.
2. Continue to implement, monitor, and develop the jurisprudence mail-out state examination. The jurisprudence exam will be reviewed for accuracy annually at the Jan/Feb. meeting.
3. Continue licensing veterinarians and veterinary technicians and continue monitoring continuing education hours.
4. Continue to review and evaluate current statutes and legislative proposals and develop new proposals as needed.

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5. Monitor investigations and continue to support alternate methods to expedite the investigative process.
6. Monitor current probation cases.
7. Resolve ongoing investigations/litigation in a timely fashion through direct involvement of the board in the early review process.
8. Continue to update the Veterinary Handbook annually at the October meeting. A mailing of the Handbook will occur following a major revision.
9. Continue to review and evaluate current regulations and regulatory fees and develop new regulations as needed.
10. Continue to monitor continuing education programs and requirements.
11. Continue to monitor budget as it pertains to the self-supporting fees.
12. Continue to pursue the mission and vision statements of the board.
13. Investigate AVMA (ECVFG) and AAVSB (PAVE) guidelines for licensing foreign educated veterinarians.
14. Promote on-line license renewal.
15. Review issues and update veterinary technician regulations.

LUNCH

Off record at 11:50 a.m.

Back on record at 1:03 p.m.

Agenda Item 8 Regulations (continued)

The Board took up discussion reviewing possible changes to the veterinary technician regulations. Dr. Torrence reminded the members the reason this discussion was initiated is the possibility that the American Association of Veterinary State Boards, (AAVSB), who owns the Veterinary Technician National Exam, (VTNE), will do away with the on-the-job pathway to become eligible to sit for the exam. The concern is that will impose a hardship on Alaska due to our geography and the absence of any veterinary technician program in the State. Upon further review of the correspondence from AAVSB, it seems clear they will honor a program approved by the State licensing board in those states that regulate veterinary technicians. For those jurisdictions that do not regulate technicians, they will require a degree from an accredited veterinary technician program. On-the-job

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training will remain a pathway to eligibility for Alaska applicants as the Board has no plans to delete it from regulations.

To further clarify and strengthen the current veterinary technician regulations, the Board will add a definition for “surgery”, and add a provision where a veterinary technician must keep the division advised of the name and practice address of their current employing veterinarian. Dr. Torrence requested that all members research and bring definitions for “surgery” to the January meeting. He asked Ms. Donohue to research if the state Medical Board has a definition for surgery, and provide that if so. Ms. Donohue will query the veterinary list serve and research what other state’s definition is for surgery and extraction in relation to scope of practice for veterinary technicians, and review the AVMA Model Practice Act for a definition.

Dr. Torrence pointed out for the record that an assistant cannot perform any of the duties delineated in the scope of practice for licensed veterinary technicians, and that a person pursuing on-the-job training to become eligible to sit for the VTNE must work under the “direct” supervision of a licensed veterinarian or licensed veterinary technician.

The Board moved on to review and discussion of complementary/alternative medicine and equine dentistry.

In accordance with AS 08.98.120 a person may not practice veterinary medicine, surgery or dentistry unless the person is licensed as a veterinarian under this chapter. The Board interprets that to mean in order to perform any aspect of equine dentistry, a person must hold an Alaska veterinary license.

Dr. Wellington added that you cannot effectively float a horse’s teeth without sedation, and only a licensed veterinarian can administer sedation to an animal. Dr. Torrence explained that floating teeth is different than equine dentistry, and that because a person can float teeth does not make them an equine dentist. He used the example of a person presenting themselves as an equine dentist because they float teeth. If they were to use the term “equine tooth floater” that would present a different perception to the public.

Dr. Hunt inquired how it came about that Lisa Barnes got into trouble. Dr. Torrence explained that there was a complaint filed that she was practicing independently, which is not allowed by state law unless she is an Alaska licensed veterinarian. If she is employed by an Alaska licensed veterinarian, she can assist that employer, but she cannot practice on her own. Dr. Wellington added that her case was dismissed as the Investigator was unable to verify that Ms. Barnes was advertising her equine dental services as an independent practitioner.

The Board is agreed that any person practicing and offering services for any of the elements identified in AS 08.98.120 and AS 08.98.250 must hold an Alaska Veterinary license. Complementary and alternative veterinary medicine and practices cannot be authorized and/or performed by anyone other than a properly licensed veterinarian.

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Agenda Item 11 New/Old Business

The Board reviewed the updated Veterinary Handbook. There is an administrative change required, updating the Board information and adding Dr. Tuomi as a new member replacing Dr. Bowser. There was discussion on the changes the State has made to the lay-vaccinator program, specifically that to be certified as a lay-vaccinator a person must be sponsored by an appropriate public health agency, and be located in Western or Northern Alaska.

The Board will review the Jurisprudence Exam at their January meeting to assure the questions are consistent with changes to the Handbook and updated statutes and regulations.

Ms. Donohue advised the Board they needed to elect a new Vice Chair/Secretary as Dr. Bowser had held that position, and it is now vacant.

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

RESOLVED to appoint Dr. Eastman as the Board Secretary.

The Board returned to review of the application for Veterinary license for Paul P. Masheimer. Dr. Masheimer had “yes” answers on his application, and is now ready for the Board’s review following Investigation’s follow-up.

On a motion duly made by Mr. Buser, seconded by Dr. Eastman and approved unanimously, 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 Dr. Masheimer’s Veterinary application.

Entered into executive session at 2:31 p.m.

Out of executive session at 2:34 p.m.

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

RESOLVED to approve the application of Paul. P. Masheimer for Veterinary license.

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Agenda Item 12 Office Business

- Travel Authorizations

The board members signed and submitted all available receipts for Travel Authorizations.

- Sign Wall Certificate

Dr. Torrence and Dr. Eastman signed wall certificates.

- Confirm Next Meeting Date

January 8, 2010
Anchorage, AK.

- Sign Minutes

Dr. Hunt signed the approved minutes of the May 15, 2009 meeting.

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Agenda Item 13 Adjourn

There being no further business Dr. Torrence called for a motion to adjourn the meeting.

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

RESOLVED to adjourn the meeting of the Board of Veterinary Examiners.

The board adjourned the meeting at 2:40 p.m.

Respectfully submitted:

Brenda Donohue, Licensing Examiner

Approved:

Steve Torrence, DVM, Chairperson
Alaska State Board of Veterinary Examiners

Date: _____

Task List

Dr. Steve Torrence:

Dr. Timothy Bowser

Dr. David Hunt

Dr. Margaret Eastman

Martin Buser

Brenda Donohue