

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

**MINUTES OF MEETING
JUNE 13, 2008**

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 June 13, 2008, at the State Office Building, 333 Willoughby Ave., Conf. Rm. A, 9th Floor, Juneau, Alaska.

Call to Order/Roll Call/Agenda Review

The meeting was called to order by Dr. Steve Torrence, Chairperson, at 9:00 a.m.

Those present, constituting a quorum of the board, were:

Dr. Steve Torrence, Veterinarian, Chairperson
Dr. Timothy Bowser, Veterinarian,
Dr. David Hunt, Veterinarian
Martin Buser, Public Member

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

Brenda Donohue, Licensing Examiner – Juneau
Linette Lacy & Susan Winton, Investigators – Anchorage
Jennifer Strickler, Chief

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Agenda Item 1 Review Agenda

Dr. Torrence reviewed the agenda and asked for updates or additions. He read an email from Jacob Good, of Boards and Commissions, outlining the procedure for current Board members to advise Boards and Commission if they wish to be reappointed. There are no terms currently expiring.

Ms. Donohue noted the following additions to the agenda:

- Item #5, Investigative Report
Admin Law Judge Decision

- Item #10, Regulations
Letter from Rep. Berta Gardner
Letter from AK State Veterinary Medical Assoc.
Letter from AK State Veterinary Medical Assoc.

- Item #14, New/Old Business
Copy of 2004 Sunset Audit

Agenda Item 2 Review/Approve Minutes

The board reviewed the minutes of the February 1, 2008 meeting.

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

RESOLVED to approve the Feb. 1, 2008 minutes as presented.

Agenda Item 3 Ethics Disclosure

There were no ethics violations to report from any board members. Ms. Donohue pointed out the board packets contained a copy of the new Executive Branch Ethics Act Manual, and asked the members to review this document. She also noted she believes there is still to be training offered on the new Ethics Law, but she hasn't heard when. She will inform the Board regarding the dates of the training when she is advised about when this will be offered.

Mr. Buser noted he will recuse himself from voting on Veterinary Courtesy License, applications when they apply to his race. Dr. Bowser and Dr. Torrence noted they will each recuse themselves from a current complaint case if it comes before the board.

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Agenda Item 4 Budget Report

Upon review of the budget it was noted that expenses for FY 2008 as of 5/13/08 are \$84.1 thousand, and revenues are \$26.2 thousand. Revenues, will pick-up during the last two months of 2008 because of renewals. There is a carry-forward amount at the end of FY 2006 of \$45.5 thousand. Dr. Bowser requested that Chris Wyatt attend the Oct. 3, 2008 Board meeting to update the board on renewal fees, when was the last change in renewal fees, and the increase in fees paid to Administrative Services. Ms. Donohue stated she would pass along their request to Ms. Wyatt.

Agenda Item 6 Correspondence

The board reviewed the following correspondence presented.

AAVSB – Dr. Hunt is in contact with Erin, the person in charge of PAVE with AAVSB. He advised her to contact Ms. Donohue, and arrange to have a representative attend the Oct. meeting in Fairbanks. Ms. Donohue brought to the attention of the Board that a statute change will be required if they wish to include PAVE as an acceptable program for foreign-trained veterinarians, as ECVFG is the stated acceptable program in AS 08.98.165.

Senator Con Bunde – Dr. Torrence read the letter into the record. One area of concern Sen. Bunde brought up was whether or not a veterinarian can issue a prescription to a client over the phone, without having seen the animal within the previous year. Following discussion, the Board noted that currently this is not legal.

A second area of concern is the topic of abuse reporting. This topic will be covered under Agenda Item 10- Regulations.

Recess

**The board recessed at 9:40 a.m.;
reconvened at 9:47 a.m.**

Agenda Item 5 Investigative Report

Susan Winton and Linette Lacey joined the meeting, via teleconference, to present the Investigative Report at 9:50 a.m.

Ms. Lacey reported there are currently ten (10) open investigations, one (1) case has been closed since the last meeting, two (2) open complaints, two (2) complaints closed since the meeting, and one pending MOA, awaiting more information from the respondent. The Board wanted to discuss one of the open cases further, and determined to enter executive session.

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On a motion duly made by Dr. Bowser, 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 9:53 a.m.

Out of executive session at 9:59 a.m.

The next item of discussion concerns a request from an emergency medical group asking if EMTs could administer emergency medical care to an animal at the scene of an accident. The Board determined that if an EMT rendered care, and the owner was not present, they should be covered under the Good Samaritan Law. If the owner was present, and requested the care, then the EMT would be liable for practicing veterinary medicine. Regarding the group's question asking if a Board member would be willing to act as a liaison in overseeing the standard of care, the Board does not believe this is in the scope or authority of the Board, and the group should maybe contact a local veterinarian to provide a course in animal emergency care to them.

Ms. Winton explained to the Board that she is working on an Omnibus bill that will address several of the centralized statute issues for all boards in areas that need clarification or updating. Another part of the Omnibus bill is where a specific board wants to clarify or correct a certain statute or they want to make sure they have the authority to do so. This effort by the Division is to help all 37 boards update statutes without going to the expense and time to draft proposed legislation, then find a Legislator willing to sponsor the changes.

One of the issues for the Veterinary Board to look at is scope of practice for veterinary technicians. Does the Board want to define the scope of practice more specifically in the interest of assisting in investigation of complaints filed? The investigators have some suggestions if the Board wishes to pursue this item. The Board will review the list of suggestions and get back with the Investigators this afternoon.

Further discussion ensued regarding a veterinarian referring treatment of an animal to a veterinary technician, who then reports back to the veterinarian after treatment. Is the veterinary technician contracted or employed? Is the veterinary technician accepting payment from someone other than the employing veterinarian? Is the veterinarian personally examining the animal following treatment, and doing all the billing for the services provided by the veterinary technician? The Board requests an opinion from Dept. of Law clarifying employed vs. contracted. Ms. Winton advised the Board that other boards have asked this question, and Dept. of Law has stated that contracted is not employed.

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Dr. Torrence expressed a concern about are the contracted technicians actually licensed veterinary technicians. He further stated that a former Board had determined there is no law that says someone cannot massage an animal as long as they don't charge for the service, or state that the massage is a cure for an ailment, unless it's done in the office of and under the supervision of a veterinarian. A massage therapist is not a veterinary technician, and falls under the category of a lay person.

Dr. Bowser pointed out that there are assistants who are not pursuing on-the-job training in order to qualify to sit for the VTNE. Approximately 25% of the unlicensed staff in a practice is pursuing the training to qualify for the exam. Once these people pass the VTNE it is expected they will obtain their veterinary technician license. Ms. Lacey asked how long can an employee work as an assistant for the purposes of obtaining on-the-job training. Dr. Bowser said further discussion will be needed to work out this issue. The scope of practice for a veterinary technician is going to require some research and discussion, and that a separate regulation project should be initiated at the Oct. meeting to begin to update these regulations.

Dr. Torrence provided some background regarding the difference between assistants and veterinary technicians. He noted there are approximately 260 veterinarians licensed in the state, and about 78 licensed veterinary technicians, some of whom are practicing. A previous Board did away with the language pertaining to licensed veterinary assistants, with the intent that those assistants would be veterinary technicians in-training in order to earn the two years of on-the-job training necessary to be approved to sit for the VTNE and once passing that exam, be licensed as veterinary technicians.

Ms. Lacey thanked Dr. Torrence for the clarification, and agreed that further discussion and research is needed to update the regulations. She stated that the intentions of the Board could be preserved if the assistants out there are actively pursuing their veterinary technician licensing in a relatively timely manner.

Dr. Bowser agreed with Ms. Lacey, but added the shortage of licensed staff has a large impact on the day-to-day functioning of a practice. Dr. Hunt added there is no economic incentive to encourage a person to become licensed as the pay is not positively affected by licensure.

Dr. Torrence remarked there is about a 50% failure rate on the VTNE, necessitating many applicants taking the exam several times before they pass. He further stated the exam is difficult, and, from what he's heard, even veterinarians would have trouble with it. He noted that a person who has been an assistant for ten years, in many cases, has more knowledge and skill than many of the VTNE applicants who have come out of veterinary technician programs.

Ms. Winton remarked that the area of concern with the regulations not representing actual practice is enforcement when complaints are submitted to the investigators. She added the two areas to be addressed in updating the veterinary technician regulations are:

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define the scope of practice sufficiently to encompass acts currently being performed without supervision of a licensed veterinarian, and not specifically prohibited by statute or regulation, e.g. equine dentistry, homeopathic procedures (massage and acupressure, etc.); and, the length of time a person can practice under the guise of on-the-job training. Two suggestions offered by Ms. Winton and Ms. Lacey are: write a regulation to include a maximum time limit that a candidate for licensure may work to complete the required two years of on-the-job training; or, write regulations outlining the process and requirements for the application and issuance of a temporary permit or apprenticeship for the period a person is working to complete two years of on-the-job training.

In addition, the Investigators offered the following suggestions regarding possible scopes of practice:

VET TECH: Teeth cleaning, polishing, removal of calculus, soft deposits, plaque and stains, smoothing, filing, polishing, **rasping or floating ?**, or dressing of teeth,. May not administer any sedative, tranquilizer, analgesic, prescription medication or drug to accomplish these acts. Must be under the direct supervision and direct physical presence functioning under the control and responsibility of the licensed veterinarian.

VETERINARIAN: Dental extraction including operative dentistry, oral surgery, diagnosis and performance of surgical procedures that constitute operative dentistry/oral surgery, including the prescribing of treatment, dental prophylaxis, diagnose, make prognoses, prescribe or initiate treatment or surgery, suturing of existing surgical skin incisions, prognosticate.

The Board moved on to review of the Memorandum of Agreement in case # 3101-07-002.

On a motion duly made by Dr. Hunt, seconded by Dr. Bowser 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 discussing the Memorandum of Agreement in case # 3101-07-002 with the Investigator.

Entered into executive session at 10:34 a.m.
Out of executive session at 10:49 a.m.

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

RESOLVED to adopt the Memorandum of Agreement in case # 3101-07-002 following examination of the MOA and Proposed Decision and Order.

For the record Dr. Torrence noted the licensee in this case is John Joseph Sykes, holding Alaska Veterinary License #578.

Ms. Winton drew the Board's attention to bullet point three under Agenda Item 10, Regulations, that says " 12 AAC 68.100 add subsection to clarify a veterinarian who reports abuse, in good faith, is immune from prosecution". There is new language included in the Omnibus bill that will cover this, and is for the benefit of all boards, so the Board won't need to deal with that item if they choose not to.

Ms. Donohue responded that she had asked Jennifer Strickler, the Division Chief, if the Board would need to address this topic, knowing that it was being included in the Omnibus bill. Ms. Strickler's advice was that, because of the amount of concern brought to light during the past legislative session, and the discussions about making veterinarians mandatory reporters, that the Board include a new subsection in their regulations to show they are aware of and responsive to these concerns. Ms. Winton agreed that would be fine, and she just wanted the Board to be aware the issue was being addressed in other legislation. However, it is understandable the Board may also want this language in their regulations so applicants and licensees don't have to look in other places when seeking clarification of this issue.

Following discussion of the report, Dr. Torrence thanked Ms. Lacey and Ms. Winton for their time, and they left the meeting.

Agenda Item 7 Public Comment

Dr. Kevin Wellington addressed the Board, and stated what an enlightening experience it is to observe a board meeting, and gain a clearer understanding of how the Board conducts its business. He was particularly interested in the discussion on scope of practice for veterinary technicians, and the requirements they be employed by a veterinarian. He noted that he has been deployed, and is just getting his practice up and running again, and it's very difficult to employ a full-time licensed veterinary technician. He requested the Board ask Dept. of Law for a clarification on "contracted" versus "employed", as he uses contracted personnel as a way to avoid long-term employment of staff. The Board agreed to ask for this information. Dr. Torrence thanked Dr. Wellington for taking the time to attend the meeting to provide input and observe the process.

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Next Dr. Jim Hagee addressed the Board with concerns about providing veterinary care to the Bush areas, and the constraints of providing such care with the way the laws are currently written in respect to veterinary technicians. His particular concerns were the requirement that the employing veterinarian must “personally examine” animals to be treated, and then delegate to the veterinary technician, and then examine the animal after treatment was carried out. He, like Dr. Wellington, uses contracted people for help in his bush practice, and sends that person a 1099 form at the end of the year. He also expressed what an education it is to observe a board meeting and gain a better understanding of the process. Dr. Hagee told the Board that he’d be willing to sit on a committee or task group assigned to review the veterinary technician regulations, and veterinary practices for bush practitioners.

Dr. Torrence thanked the members of the public for their input, and noted the Board would take their concerns into consideration when looking at the regulations pertaining to veterinary technicians.

Agenda Item 6 Correspondence

Ms. Donohue advised the Board that a veterinarian who wanted to apply for Alaska license, had taken the NAVLE more than 60 months prior to application, but had not yet acquired 5 years of practice, so could not apply by either examination or by credentials. The Board stated they would be supportive of legislation to change the statutory requirement that an applicant must have passed the NAVLE not more than 72 months, or six years, prior to application. They will include this item in the Legislative Recommendations portion of the Annual Report.

They reviewed Senator Bunde’s letter, and noted that the second concern he voiced, regarding abuse reporting, will be addressed under Agenda Item 10 – Regulations.

AAVSB – 2007 Discipline Report. Includes discipline cases reported to AAVSB between 1/1/07-12/31/07. Alaska had two cases reported. Information only.

AAVSB – VTNE 2010 Eligibility Requirements. The AAVSB Board of Directors has approved the following policy regarding eligibility to sit for the VTNE: “After December 31, 2010, a VTNE candidate must be a graduate of a veterinary technology program accredited by the AVMA or the CVMA or a program approved by the regulatory board of the jurisdiction where the examination is given”. Ms. Donohue advised the Board that she had contacted Cate Daniels at AAVSB to clarify that OJT would still remain an avenue toward qualification to sit for the exam in jurisdictions that regulated veterinary technicians, and allowed for OJT. The response from Ms. Daniels did not clearly state this would occur. However, another statement in the correspondence states “In the jurisdictions which do not regulate or license veterinary technicians AAVSB will continue to offer the VTNE on the same schedule as it has been to date and will enforce the education requirements which have already been in place since the first AAVSB administration”. The Board interprets that statement to mean that jurisdictions

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that do regulate and license veterinary technicians, can continue to do so as they have, and as their laws are written. Further follow-up may be required to obtain a definitive response from AAVSB. Discussion followed about the possibility of not requiring the VTNE for licensing, or Alaska developing it's own exam.

AAVSB – 2008 Nominating Form for Suggested Candidates for Nominating Committee Consideration. Information only.

AAVSB List Serve – conversation regarding if placing micro-chips is the practice of veterinary medicine. A prior Board had determined that it was. Information only.

Dr. Bowser requested that Ms. Donohue pull archived Board meeting minutes to try to find discussion regarding equine dentistry, and bring the information to the Oct. meeting.

AVMA – Accreditation of the Univ. College, Dublin Faculty of Veterinary Medicine. Information only.

CVTEA – Semi-Annual Report. Information only.

Agenda Item 8 Practice Act/Legislation Updates

HB 297 – Has been transmitted to the Governor, and is awaiting signature. It was hoped she would be able to sign it at this meeting, but due to the Special Session, and the Governor's travel requirements, she will not be able to attend the meeting. There is a signing opportunity for June 24-26, maybe at Mr. Buser's kennel in Big Lake.

Dr. Torrence reviewed the content of HB 297 noting that it provided for the issuance of a student permit to allow fourth-year veterinary students to partake in an externship under the sponsorship of an Alaska licensed veterinarian. As to that sponsorship, the regulations should clarify that if the student's sponsor is absent from the practice, another veterinarian in the practice can provide supervision. Dr. Bowser offered that the regulation could read the student must be under the direct supervision of a veterinarian, but sponsored by a specific veterinarian.

Ms. Donohue asked for permission to interrupt the discussion to introduce the Division's new Paralegal, Karen Wilke, to the Board. Introductions were made, and Dr. Torrence welcomed Ms. Wilke.

Dr. Torrence outlined that in addition to the student permits, the following exemptions were provided for: a veterinary medical office in the military service in the discharge of official duties or as an employee in the federal or state government performing veterinary medical services within the scope of the person's official duties; a veterinarian who is licensed in another jurisdiction, or a person whose expertise a veterinarian licensed in this state believes would benefit an animal, and who provides only consultation to the Alaska licensed veterinarian; a veterinarian licensed and residing in another state who provides

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assistance, as requested by and under the supervision of a veterinarian licensed in this state, for the purpose of providing skills not otherwise available in this state in conducting research or other practice of veterinary medicine on captive or free-ranging wildlife. The assistance is limited to not more than three events in a calendar year for not more than a total of 60 days in the year.

LUNCH

Off record at 11:55 a.m.

Back on record at 1:00 p.m.

Agenda Item 10 Regulations

Dr. Bowser asked Ms. Donohue to pull archived meeting minutes to search for prior Board's discussions regarding animal dentistry. In addition, he would like to review Board actions that repealed the regulations pertaining to veterinary assistants and put in place the current regulations for veterinary technicians. The background information will be very helpful in the Board's efforts to update the veterinary technician scope of practice regulations. Ms. Donohue stated she will retrieve this information and get copies to the Board members as soon as possible.

Discussion ensued pertaining to 12 AAC 68.010, specifically, does the Board consider a Bachelor of Veterinary Science (BVS) degree equivalent to a Doctor of Veterinary Medicine (DVM) degree. The Board determined that if AVMA accredits a school that issues a BVS degree, it is equivalent to an AVMA accredited school that issues a DVM. This discussion is intended to clarify concerns that have arisen over the past couple of years about these degrees being equivalent. There has never been a case of an applicant being denied Veterinary licensing because they held a BVS instead of a DVM, as long as the BVS was issued by an AVMA accredited school.

Ms. Strickler joined the meeting.

Next the Board moved to review and discussion of 12 AAC 68.100, specifically reporting animal abuse. During the transit of HB297 through the Legislature, an important concern came to light regarding a veterinarian's ability to report abuse they encounter in their practice. 12 AAC 68.100 CONFIDENTIAL RELTIONSHIP, states "A licensed veterinarian shall maintain a confidential relationship with the client or the client's authorized agent.", and some practitioners testified they felt this regulation prohibits them from reporting abuse of an animal that is their client.

Dr. Bowser stated he has given this a lot of thought since going to Juneau and testifying in support of HB297, and he feels it would be helpful if the Board can get a copy of the failed abuse amendment that was proposed to be attached to the bill. The concern about being able to report abuse is there and the Board needs to address it now that they are aware of it.

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There are two things he is concerned about, in addition to that of animal welfare. The first is the strong link between animal abusers and human abusers. This concern is something the Board has not thought about and may be at the core of some concerns expressed during the legislative session.

Another concern is the understanding of the public at large that the majority of animals who exhibit negative character traits have been abused. Every day in his practice he encounters animals that cower away, and the owner remarks that the animal was abused before they owned it, or that they got the animal from a shelter and it had been abused. He is fully aware there is abuse and neglect, but as a professional, he can state the majority of animals who exhibit these traits are not abused.

Dr. Hunt agreed, and noted that abuse is subjective.

Dr. Torrence added that during legislative testimony he heard abuse defined, and it is very simple. He doesn't recall exactly, but does remember it deals with providing adequate food and shelter. The biggest concern he has regarding legislating animal abuse at the state level is whatever we do has to be good for the whole state. We cannot sit here as urban dwellers and make laws that will hogtie people who live in other areas or who have different pursuits. Animal abuse is a big issue and is going to be very difficult to legislate.

Dr. Bowser suggested that to clarify the confusion on the ability of a veterinarian to report abuse he'd be in favor of amending the current regulation with the language from the AAVSB Model Practice Act. There should be no question in a veterinarian's mind that they have the authority to report abuse. He voiced his strong concern about staff reporting abuse. The proper chain of command is for the staff person to go to the veterinarian, who will make the professional diagnosis of abuse, and report.

In support of that concern, Dr. Torrence noted that labeling animal abuse is a medical diagnosis to be made by a professional.

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

RESOLVED to initiate a regulation project to amend 12 AAC 68.100 with the following subsection: (b) Any veterinarian licensed in this state who reports, in good faith and in the normal course of business, a suspected incident of animal cruelty, as described by law, to the proper authorities shall be immune from liability in any civil or criminal action brought against such veterinarian for report such incident.

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Ms. Donohue read a letter from the AK Veterinary Medical Association that they had requesting be presented during the discussion on animal abuse. First, the Association thanked the Board for their efforts on behalf of HB297. The letter then voiced a concern of the Association membership about possible revision of current regulations pertaining to the reporting of animal abuse. The Association is not in support of any changes for the following reasons: 1) Current regulations do not prohibit veterinarians from reporting suspected cases of animal abuse to the appropriate authorities; 2) the Veterinarian's Oath, adopted by the AVMA House of Delegates in 1969 and taken by veterinarians upon admission to the profession, states that veterinarians "use [their] scientific knowledge and skills for the benefit of society through the protection of animal health, the relief of animal suffering, the conservation of livestock resources, and the promotion of public health, and the advancement of medical knowledge." They noted this is similarly stated in 12 AAC 68.130 OBJECTIVES OF THE PROFESSION. They noted that part of relieving animal suffering is identifying abuse and reporting it.

The letter voiced another concern that alteration of the current regulations could lead to the recommendation that reporting of animal abuse by veterinarians be mandatory. They stated because of liability issues, this could lead to the reporting of animal abuse cases in which there is actually no abuse. This could jeopardize the sacred veterinarian-client-patient relationship. Doing so could have an adverse effect on animal care in general if animal owners fear the accusation of abuse if they present the veterinarian a sick or injured animal.

In their survey of many Alaskan veterinarians, and Association board members, they have found no indication that veterinarians feel restricted from reporting cases of animal abuse.

Next Ms. Donohue read a letter from Rep. Gardner, where she reported that she has been contacted by some Alaskan veterinarians who believe that regulation 12 AAC 68.100 is in effect a prohibition on reporting of animal cruelty to law enforcement when the abuse is a client of the veterinarian. In addition she provided a copy of a research document she had asked Legislative Research to prepare, to find examples of legal cases in which a veterinarian has contacted law enforcement to report cruelty. She noted the report showed not one case of a report from a veterinarian.

Rep. Gardner stated her hope is that at this meeting the Board will clarify the issue (of authority to report animal abuse) and ensure that each Alaskan veterinarian in all cases has the right to use, and is encourage to use, his or her own conscience and professional judgment in deciding whether to report cruelty.

Dr. Bowser remarked that he did not know what AS 11.61.140 was, so he was not sure what Rep. Gardner was referring to when she wants the Board to be certain their regulations do not interfere with this statute. Ms. Strickler advised that she would look up AS 11.61.140 and get back to the Board. Dr. Bowser then stated that he feels the preceding discussion has addressed Rep. Gardner's concerns.

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The Board noted they would take into consideration the concerns of the AK Veterinary Medical Association, Sen. Con Bunde and Rep. Gardner.

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

RESOLVED to add to the regulation project for 12 AAC 68.100 another subsection as follows: (c) nothing in this regulation is intended to limit or interfere with a veterinary licensee in reporting animal abuse.

Ms. Strickler reported to the Board that AS 11.61.140 is a lengthy statute contained in Title 11 – Criminal Law, that defines animal cruelty, and the penalties for such acts.

Dr. Torrence next read into the record a letter from the AK Veterinary Medical Association. The letter expresses the Association’s position on complementary and alternative veterinary medicine, and that the only individuals who should be allowed to diagnose and treat non-humans, for compensation, in Alaska are veterinarians who are licensed to practice veterinary medicine in Alaska.

The Board had drafted a section including complementary and alternative veterinary medicine in the definition of the practice of veterinary medicine in the initial project given to Rep. Neuman when he agreed to sponsor of HB297. However, that section was removed from the proposed legislation because it was considered to be controversial, and could stall the entire project.

The Board then moved on to review of 12 AAC 68.041 – Courtesy License. Ms. Donohue drew the Board’s attention to subsection (b)(8)(A), which states “attests that the applicant has not.....had a veterinary license suspended or revoked in any jurisdiction”. If there is any other type of discipline on the license of a veterinarian applying for Courtesy License, the Board has no discretion to deny that applicant unless the license has been suspended or revoked. Does the Board like the regulation, as written, or do they want to allow more discretion to look at the seriousness of other license actions?

Following discussion, the Board determined the following:

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

RESOLVED to ask the division’s Regulation Specialist to help draft language to amend 12 AAC 68.041(b)(8)(A) that gives the Board discretion to review all license actions on an applicant for Courtesy License, and determine on the basis of their seriousness, whether to approve or deny the application.

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Recess

**The board recessed at 1:55 p.m.;
reconvened at 2:03 p.m.**

Dr. Torrence thanked Jenny Strickler for all her help with the passage of HB297. He really appreciated all her guidance and the endless hours of effort and time she and Beth Schneider, aide to Rep. Neuman, devoted to seeing this legislation through the process.

Ms. Donohue suggested the Board include consideration of an amendment to 12 AAC 68.310 to include a requirement that veterinary technicians keep the Board advised of their current employing veterinarian in the project to review and update veterinary technician regulations at their Oct. meeting. The Board agreed this would be a good idea.

The Board then moved on to developing regulations to implement the issuance of student permits, as allowed in HB297.

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

RESOLVED to initiate a regulation project to implement the following criteria to establish education, training and supervision/sponsor requirements for issuing permits to 4th year veterinary students to participate in a veterinary externship in Alaska:

- 1) a letter of good standing from the Dean of the applicant's veterinary school verifying the applicant is in their fourth year of veterinary school;**
- 2) signed sponsor statement by an Alaska licensed veterinarian;**
- 3) student will be under the sponsorship of the designated Alaska licensed veterinarian, however may work under the appropriate supervision of another Alaska licensed veterinarian in the same practice as the sponsor.**

Ms. Donohue then asked if they could return to Agenda Item 5-Investigative Report, and Dr. Torrence agreed. She drew the Board's attention to Administrative Law Judge decision in hearing for Dana King, DVM, who's Courtesy License application was denied by the Board at their Feb. 1, 2008 meeting. She advised them Dr. King had requested a hearing, the hearing had taken place in April, and the Judge had issued a decision for them to consider.

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Following review of the decision the Board took the following action:

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

RESOLVED to adopt the decision regarding Dana King, DVM in OAH Case # 3150-08-002.

Dr. Torrence signed the Order, and Ms. Donohue will return the documents to the Office of Administrative Hearings to disperse.

Agenda Item 12 Goals & Objectives

The Board reviewed their Goals and Objectives, and updated for FY 2009 as follows:

**GOALS AND OBJECTIVES
FY 2009**

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.
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.

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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.

Agenda Item 13 Annual Report Review

The Board reviewed last year's Annual Report, and Dr. Torrence assigned each member a section to complete. Ms. Donohue requested they attempt to get their drafts to her office by mid-July, as she will turn in the report August 1, 2008.

Dr. Torrence - narrative draft

Dr. Hunt – Legislative Recommendations

Ms. Donohue – Statistical Overview, Budget Recommendations and Regulatory Recommendations.

Agenda Item 14 New/Old Business

Legislative Audit will be performing a sunset review of the Board of Veterinary Examiners this summer. Two auditors, Melanie Helmick-Murphy and Sam Hughes, have been in attendance at this Board meeting to observe, and, Nikki Rouget has joined them to give the Board a brief description of what the audit entails and answer any questions.

Ms. Rouget proceeded to describe the process. There were no questions from the Board.

Dr. Torrence thanked Ms. Rouget for her time.

Agenda Item 15 Office Business

- Travel Authorizations

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

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- Sign Wall Certificate

Dr. Torrence and Dr. Bowser signed wall certificates.

- Confirm Next Meeting Date

Oct. 3, 2008
Fairbanks, Alaska

- Sign Minutes

Dr. Torrence signed the minutes of the Feb. 1, 2008 meeting.

- Topics for Oct. 3, 2008 Meeting

- Review and initiate regulation project to update veterinary technician regulations
- Review the constraints for veterinarians who have practices located in the Bush, and employing veterinary technicians to maintain those locations, and look at the issue of telephone conferences with clients in the bush, when the veterinarian is in a different location.
- Review complementary/alternative medicine, equine dentistry
- Review Dept. of Law's opinion of contracted vs employed status for veterinary technicians
- Review and determine if micro-chipping is the practice of veterinary medicine

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Agenda Item 16

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

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

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

The board adjourned the meeting at 3:10 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:

Annual Report Narrative Statement

Dr. Timothy Bowser

Dr. David Hunt

Annual Report Legislative Recommendations

legislation to change the statutory requirement that an applicant must have passed the NAVLE not more than 72 months, or six years, prior to application.

Martin Buser

Brenda Donohue

Pull and research archived meeting minutes for discussions on equine dentistry and discussion on repealed regulations for veterinary aides and assistants. Regs were repealed in 1992 and 1998.

Work with AAVSB representative, Erin XXXXX, to arrange for someone from AAVSB to attend the Oct. 3 meeting to present the PAVE program and answer questions.

Send copy of updated Goals & Objective with draft of minutes.

Annual Report Statistical Overview, Budget Recommendations and Regulatory Recommendations