



Board of Veterinary Examiners

Alaska Division of Corporations, Business and Professional Licensing

Minutes of the meeting held June 8, 2023, at 9:00 AM via Zoom

Approved at a meeting of the board held July 7, 2023

Members Present: Rachel Bergartt, DVM, Chair; Denise Albert, DVM; Ciara Vollaro, DVM;
Hal Geiger, PhD

Staff Present: Tami Bowman, Licensing Examiner; Sara Chambers, Department Board Advisor

Call to Order

The chair called the meeting to order at 9:00 a.m. and established a quorum was present.

Mission Statement

The chair read the mission statement into the record.

Review and approve agenda

Motion by Dr. Geiger to approve the agenda as written. Seconded by Dr. Vollaro. **Unanimously approved.**

Disclosure of conflicts of interest

All members confirmed no potential ethics conflicts to disclose.

Approval of minutes from February meeting

Motion by Dr. Geiger to adopt the February 2023 meetings as presented. Seconded by Dr. Albert. **Unanimously approved.**

Approval of older draft minutes

The board reviewed the draft minutes presented and requested the following changes:

- Date corrections in the headers of the October 2022 and August 2022 drafts.
- Correction of the spelling of "AAVSB" in the January 2022 draft.

Motion by Dr. Albert to adopt the minutes of meetings held October 2021, January 2022, April 2022, May 2022, August 2022, and October 2022, as amended. Seconded by Dr. Vollaro. **Unanimously approved.**

Ms. Chambers walked through the division's plan to maintain updated minutes and train staff on expectations going forward.

Upon review of the minutes of a previous meeting, the board had approved changes to 12 AAC 68.300(d). Ms. Chambers will check with the regulations specialist on the status of this request.

Division update

Fiscal, legislative, and staffing update

Presenter: Sylvan Robb, Division Director

Director Robb presented the latest fiscal report through March 30, 2023. Revenues were \$562,040 and expenditures were \$153,795 for FY23 YTD. With a carryforward deficit from FY22 of (\$82,611), the current cumulative ending surplus for this period is \$325,634.

Director Robb explained that various factors affect indirect expenses and will change annually. Ms. Chambers explained that indirect allocation methodology is presented in writing and orally at the meeting following the release of the year-end financial reports. She offered to provide the board with the FY23 documents.

Dr. Geiger asked about whether the general fund offset that was provided in FY22 would be provided in the future, and Director Robb said that there was no general fund in the FY24 budget. She explained that personal services time may increase because of collective bargaining adjustment increasing cost of staff. He also asked whether a fee decrease was warranted, and Director Robb said it might be too early to tell whether the current surplus would be continued, especially with a lack of future general fund support by the legislature. When final fiscal year numbers are available, the fiscal picture will be clearer.

Dr. Bergartt asked if the governor's proposal for general fund to cover investigative fees would be revisited in the future. Dr. Robb said it was the desire of the division but was too early to tell what legislation would move forward.

Director Robb stated that reinstating a full-time licensing examiner for the program was in progress but not yet final. She also mentioned that HB56 had not yet been transmitted to the governor, who has 20 days to sign. The bill has an immediate effective date upon signature. Chair Bergartt said she was in touch with the sponsor's office, who provided a tentative signing date of late June. When the bill is effective, veterinarians will lose access to the PDMP and PAVE will become a legal pathway to licensure. Board members indicated they might travel on their own, unofficially, to the signing ceremony.

Investigative report

Investigator Bundick provided a report that eleven cases were open and four cases were closed for this time period, February 15 – May 25, 2023. There were no PDMP cases for this time period. She explained that several cases had been open for an extended period of time and were moving forward slowly—due to competing priorities with investigations for other programs and delays on the part of respondents. When there is no board member eligible to perform the review due to conflict or lack of specialized experience, a board member may recommend an expert witness, who is then vetted and contracted. Investigator Bundick thanked the board for being prompt in their case reviews.

Dr. Albert asked what would happen if there is a PDMP case opened before HB56 becomes effective. Investigator Bundick stated that she would doublecheck and let the board know.

Licensing update

Current applications in process: 56

Initial Applications YTD: 82

New Licenses YTD: 106

Veterinarian: 21

Courtesy: 47

Student Permit: 19

Temp License: 1

Temp Permits: 5

Vet Tech: 13

Ms. Bowman forecast major form changes upcoming, especially in response to HB 56. She is hoping to reword a few statements on the form to reduce confusion by applicants. She explained that the continuing education audit is underway. 75 licensees are being audited. She said that most continuing education courses can be easily identified because of the board's streamlined process. There may be a dozen cases for the board to review and potentially resulting in board decision.

Annual Report due June 30

Ms. Chambers explained the annual reporting process and thanked Dr. Geiger for volunteering to draft the report. The board reviewed the FY22 report as a starting point and engaged in discussion regarding elements they would like to include in the FY23 report. He asked board members to email him any suggestions he could incorporate, then the draft will be forwarded to board members for approval in OnBoard. The report is due June 30 per statute.

Dr. Albert suggested the board perform a wholesale review of regulations, which Dr. Vollaro affirmed. Ms. Chambers mentioned that the commissioner's office will be refreshing the process of regulatory review and facilitating that with licensing boards in the coming year. Members indicated the board may want to evaluate whether the handbook should be updated or offered at all. They registered concern that the handbook requires regular updating to maintain consistency. Members also indicated ongoing review of the jurisprudence exam is necessary. Dr. Geiger stated he would have the draft to Ms. Bowman toward the end of next week.

The board took a break at 10:34 a.m. and was back on the record at 10:40 a.m. All members were present.

Board correspondence

Animal audiology: Conceptual discussion of allowable allied services

The board discussed the correspondence received from an audiologist who wished to practice on animals without a veterinary license. Chair Bergartt stated that would not be allowable under the board's current regulatory framework that requires a veterinary license to diagnose and treat. Dr. Vollaro agreed. Dr. Albert wondered if the audiologist could assist a veterinarian in performing this practice.

Chair Bergartt requested Ms. Chambers to ask the AAG to draft a response to assist the board in answering this question. Ms. Bowman can post the response in OnBoard for the board to review and vote on before sending.

Xylazine legislation

The board reviewed the correspondence from Ms. Sherrell, PDMP Coordinator, regarding the federal government's consideration of scheduling xylazine as a Class III controlled substance. No action was necessary since it was purely informational.

Wholesale drug distributor license

The board reviewed a question from an Alaska licensed wholesale drug distributor asking whether a veterinary license is required to distribute veterinary controlled substances. The board agreed that there is no additional licensure required by this board.

The board took a break at 11:02 a.m. and was back on the record at 11:45 a.m. All members were present.

Regulations changes re: NAVLE and VTNE approval

Ms. Bowman reviewed the current processes required by the board in regulation that require board preapproval to sit for the exam. She mentioned that most boards have eliminated this step since it doesn't add value and creates delays.

The board discussed the regulations changes proposed by staff. Dr. Geiger agreed that preapproval to sit for the exam doesn't add value to the process and wastes board, staff, and applicant time. Dr. Vollaro and Dr. Albert agreed.

Motion by Geiger to amend 12 AAC 68.010, 12 AAC 68.030, and any other regulations necessary to authorize the International Council for Veterinary Assessment to approve candidates to sit for the NAVLE. Seconded by Vollaro. Unanimously approved.

Motion by Geiger to amend 12 AAC 68.315 and any other regulations necessary to authorize the American Association of Veterinary State Boards to approve candidates to sit for the VTNE. Seconded by Vollaro. Unanimously approved.

Chair Bergartt asked whether the board could utilize the AAVSB Vault program to accept more documentation from applicants using that process. Dr. Albert pointed out how the Vault could streamline and expedite licensure. The board agreed this would be worth pursuing as a research project. Dr. Albert stated that she would perform this research and report back to the board at the October meeting. Ms. Bowman offered to share with Dr. Albert the contact information and resources she may have for the program.

Regulations changes re: PDMP/HB56

The board discussed changes required to comply with the changes in HB 56 removing veterinarians from the PDMP and adding the PAVE pathway for licensure.

Motion by Geiger to amend regulations to conform with HB 56, including 12 AAC 68.930 and 12 AAC.68.935 regarding the controlled substance prescription database and 12 AAC 68.010, 12 AAC 68.035, 12 AAC 68.041, 12 AAC 68.045, and 12 AAC 68.046 regarding adding the PAVE pathway—in addition to any other areas of regulation consistent with this goal. Seconded by Vollaro. Unanimously approved.

Ms. Osborne and Ms. Chambers explained that while regulations may be in conflict with statute for a period of time, the statutory requirements will be in effect the day after the governor signs the bill. There should be no substantial concern about accepting PAVE applicants at that point, and there will be no expectation that veterinarians will register or use the controlled substance prescription database then, as well. Ms. Bowman mentioned that staff was already working with the PDMP software vendor to turn off veterinarian access the day the bill becomes law.

Public comment

Dr. Kayla Dick provided comment from AKVMA regarding HB56 and the symposium Oct 6-8 in Anchorage.

Report on AAVSB conference

Dr. Vollaro mentioned that pre-training for board members is incredibly important and that AAVSB is considering providing instruction ahead of appointment for people considering serving on the board. Dr.

Albert mentioned that the Alaska board is one of the smallest in the country. She recommended that a veterinary technician seat be added to the board, which Dr. Geiger said he would add to the board's statutory recommendations for the annual report. She mentioned that other boards often have an attorney present to guide the board throughout each meeting. This helps identify when legal help is needed. She also said that other boards appear to be "tougher" than this board and that their investigations often involve review by multiple board members. Ms. Chambers reinforced that there will be new training and education for board members under her role in the commissioner's office. Chair Bergartt reinforced that Alaska's economies of scale are different than most states, so certain practices are less relevant or practical here.

The board took a break at 1:18 p.m. and was back on the record at 1:26 p.m. All members were present.

VCPR and Animal Massage FAQ discussion

Ms. Chambers set the stage for the discussion and introduced AAG Burley. AAG Burley offered her apologies that she misunderstood the request and was not fully prepared to provide specific advice on the VCPR FAQs provided. She would prioritize this review and send to Ms. Chambers for distribution to the board for discussion at a future meeting.

The board, AAG Burley, and Ms. Chambers offered input on the wisdom of seeking legal advice and input prior to issuing guidance outside of regulations. Ms. Chambers reminded the board of existing advice relating to regulations vs. policy and that this differentiation would be the topic of forthcoming board training.

AAG Burley evaluated the board's "Position Statement on Animal Massage – Adopted 11/16/2020." The statement takes an advocacy stance allowing animal massage, which *may* be in conflict with the statutory definition of veterinary practice. Chair Bergartt said the goal of the position statement was to provide an FAQ on animal massage, received in response to a question about whether animal massage was allowable without a veterinary license. AAG Burley recommended that the board remove the document from the web site and redraft it as an FAQ using more neutral language.

Motion by Geiger to remove the animal massage position statement from the web site for further board review. Seconded by Vollaro. **Unanimously approved.**

CBD Q&A

*Presenters: Joan Wilson, DCCED, Division Director, Alcohol and Marijuana Control Office;
Rob Carter, DNR, Division of Agriculture, [Industrial Hemp Program](#)*

Director Wilson provided an overview of the differences between industrial hemp and marijuana, including how these differences relate to CBD. Rob Carter indicated that he is the leader of the state's Industrial Hemp Program (IHP), which is currently promulgating [regulations](#) affecting the program.

Mr. Carter stated all CBD products sold in Alaska should show evidence that they comply with and have been tested according to the standards of the program. He recommended that Alaska veterinarians utilize Alaska-endorsed products, if they plan to use them in their practice. Sales of CBD products by Alaska veterinarians require additional permits from the Division of Agriculture. The FDA has not approved any CBD products for veterinary use at this time, and very few for human consumption; this is why they are termed "wellness" products and not medicine.

The IHP can't say what may happen to a DEA license if using CBD because it is outside of their purview. CBD products that are associated with higher THC are also regulated by AMCO and are only sold in authorized AMCO retailers. If a veterinarian was selling/dispensing and not simply applying/administering CBD, the veterinarian would need to be registered as a retailer with the appropriate agency (IHP or AMCO). It's important to pay attention to the IHP endorsement to safeguard patients.

Mr. Carter felt there isn't enough scientific literature to determine safe dosing in animals. In the meantime, he recommends starting with the lowest concentration, tracking effects, and making adjustments. This is a new space, with regulation and safety data and experiences just emerging. Most information is anecdotal.

Questions from the board to Mr. Carter and Director Wilson:

Q: If a vet obtains CBD from outside Alaska and resells it, must they be a registered IHP retailer?

A: Yes.

Q: How does a vet ensure the CBD product being sold or used in clinical practice is endorsed by the IHP?

A: The vet needs to contact the IHP to ensure it meets Alaska standards.

Q: How would a vet identify endorsed products?

A: The current list of endorsed products is on the [IHP web site](#) and can be checked anytime.

Q: Is there an emblem on the product that would identify an endorsed product?

A: No, the list is available online.

Q: If a vet applies CBD to a patient but does not charge for it, does the vet need to be a registered retailer?

A: No, but the product does need to be registered with the Alaska IHP.

Q: How is the COA determined to be safe for animals?

A: IHP regulates industrial hemp, but not other ingredients that may be harmful to animals, such as xylitol or allium derivative. IHP tests for cannabinoids, terpenes, heavy metals, toxins, solvents, and other related ingredients.

Q: What can we do as a board to help protect the health, safety, and welfare of animals in this space?

A: It may be best to recommend use of an isolate or distillate that is not combined with other ingredients. Vets must do their own due diligence in a space that does not provide a great deal of clarity. Obtain proper endorsements and permissions from the IHP. Take care that the use of CBD by the vet or client doesn't conflict with medications prescribed. Ensure the client discloses use of CBD on the patient.

The board took a break at 3:07 p.m. and was back on the record at 3:20 p.m. All members were present.

Other board business

Handbook review

The board discussed whether to revise or maintain the handbook as an element of the jurisprudence exam. Licensed members stated that they thought it was useful as a test study tool but not as an ongoing resource for practice. Ms. Chambers advised the board that the handbook was ten years old and could be a liability to licensees since it was not updated. Dr. Geiger pointed out that the handbook was 158 pages and would be a heavy lift for board members and staff to maintain.

Ms. Bowman confirmed that a state examination is required per AS 08.98.165. She offered to perform a quick review of the exam to determine what questions are pulled from board statutes and regulations and which are from other sources in the handbook. Her goal would be to provide this analysis via email to members by early July. Members are requested to respond individually to her, and she will compile results for review during executive session at a future meeting. Chair Bergartt recommended meeting in August to review and make revisions to the handbook or exam.

Special board meeting via Zoom in August

The board scheduled a meeting from 9:00 a.m. to noon on Wednesday, August 23, to discuss:

- Pending action on regulations
- Review of the exam/handbook
- FAQ review from Department of Law
- Any other board business

AAVSB September 28-30 in Kansas City

The board discussed their preference for newer members to attend the national conference. Dr. Geiger preferred that two members attend. The board hoped a new board member would be appointed by then.

Motion by Geiger to recommend sending two members to the meeting, and if two members are not available, recommend that staff fill those spots. Seconded by Vollaro. **Unanimously approved.**

Chair Bergartt informed the board that she was no longer serving on an AAVSB committee due to her work schedule.

AKVMA/Fall Board Meeting

The board selected 9:00 a.m. - 3:00 p.m. on October 6 in Anchorage in conjunction with the AKVMA meeting as the next scheduled regular meeting date. Dr. Geiger asked to be excused from the meeting due to his international travel, which was approved.

Chair Bergartt asked if the board still affirmed her as their emissary to provide the official update from the board to the AKVMA. The board unanimously approved her to attend as the board's representative.

Motion by Geiger to send one member to officially represent the board at the AKVMA, including covering the cost of lodging and M&IE. Seconded by Albert. **Unanimously approved.**

Ms. Bowman offered to send an email to board members clarifying their intent to pursue upcoming travel. She will ask members to complete the travel request form and return to the CBPL Travel Desk as soon as possible. Ms. Chambers reminded members that if they traveled without going through the official approval process, they would be doing so as individuals and not on behalf of the board.

There were no licensing applications or investigative matters to come before the board.

Motion by Geiger to adjourn at 4:17 p.m. Seconded by Vollaro. **Unanimously approved.**