



Board of Veterinary Examiners

Alaska Division of Corporations, Business and Professional Licensing

October 7, 2022, via Zoom and at the CBPL office of the Atwood Building, Anchorage, Alaska

These minutes were approved by the board at their June 8, 2023, meeting.

Present: Rachel Bergartt, DVM, chair; Hal Geiger, PhD; Ciara Vollaro, DVM; Denise Albert, DVM
Warren Gordon, examiner; Gerald Mayeda, examiner; Lacey Derr, supervisor; Dawn
Bundick, investigator

Call to Order

The chair called the meeting to order at 9:05 a.m. All members were present. The board reviewed the agenda and approved it as presented.

Dr. Geiger, Dr. Albert, and Dr. Bergartt both reported that they were personally contacted by a veterinary hospital that was assertively requesting that the board get caught up on approving pending licenses. They said they were surprised but kept the conversations productive and professional, declining to discuss any specific licenses with an employer. Dr. Albert and Dr. Bergartt stated that another licensee expressed concern to each of them about an investigation being conducted by another agency. They both referred them to the CBPL investigator. None of these contacts were determined to constitute an ethical concern about board member activity.

The chair read the position statement into the record.

AKVMA Symposium

RLS Derr explained that the division declined to cover all of the board member conference expenses because of the board's deficit fiscal position. Dr. Geiger thought funding one representative was reasonable and the entire board's attendance should not be funded by licensees. Dr. Albert agreed.

Dr. Bergartt said this was the first time this board would have a full update to the AKVMA in several years, due to COVID. She expressed concern that she could not receive information from staff timely to provide a PowerPoint presentation at the AKVMA conference, so her update to the industry would be verbal. She anticipated receiving questions about continuing education requirements and reinforced that since the board allowed fully online CE, there should not be reasons why licensees could not meet those renewal requirements.

Dr. Geiger hoped that members of the Board of Veterinary Examiners could be treated by the AKVMA with a warm welcome and hospitality, which he believed was lacking. He felt that it was in everyone's best interest for the two organizations to work well together. Dr. Bergartt agreed. Dr. Albert felt that the issues surrounding the PDMP helped increase the visibility of the licensing board; otherwise, veterinarians are not widely aware of the board. Members hoped that more veterinarians would call in to board meetings. Dr. Bergartt hoped a strong relationship would foster full board membership, as well.

Temporary Military License

RLS Derr stated that the regulations were being sent to the Lt. Governor's office soon. RLS Derr did not expect a large number of applicants but the license will be available to those who qualify—military

spouses—within the coming weeks. Chair Bergartt stated she would include this update in her AKVMA report.

Veterinary Technician Scope of Practice

Chair Bergartt noted that multiple questions have been received regarding vet tech scope of practice (12 AAC 68.300) and anticipated more, given the shortage of veterinarians in the state. Dr. Albert felt that the process of board review of this type of correspondence was taking too long. Dr. Vollaro stated that the vaccination question in front of them included new information and was not merely continued from the April meeting. Dr. Albert asked why these matters could not be considered via email or in OnBoard; RLS Derr indicated that the board cannot deliberate outside of a public meeting.

RLS Derr encouraged the board not to attempt to reinterpret the scope without assistance from Department of Law but to identify any areas where regulations may need to change to accommodate increases in capacity. The board debated how regulations applied to a vet tech—who was a North Slope Borough employee and a qualified rabies lay vaccinator through the State Veterinarian—who wished to provide distemper/parvo vaccination for no compensation in her area. Chair Bergartt provided an account of her understanding of the lay vaccinator program. She reinforced that, per current regulations, a vet tech can only practice under supervision of a veterinarian; Dr. Albert stated regulations included that the tech must be employed by the veterinarian. Dr. Geiger suggested that the board invite the State Veterinarian to join in the discussion. Chair Bergartt stated that the tech who wrote to the board should make that request, not the board. She mused whether the board should initiate regulations to add clarity to situations that fall into this gap.

Dr. Geiger suggested the board respond to encourage the North Slope Borough employee who specifically inquired about administering vaccinations to contact the borough's attorney. He did not believe the board should be offering legal advice in this arena. Dr. Bergartt did not want to defer to the borough's attorney when the board's help was requested.

RLC Derr suggested some regulations changes for the board to consider. She also suggested that the board reach out to AKVMA to organize vaccine clinics in rural areas. Dr. Bergartt felt that a regulations change was a better pathway since veterinarians were already understaffed and having trouble keeping their doors open. The board explored further ideas about resolution to this issue. Dr. Vollaro said she would draft a response to the correspondence for RLS Derr to send out for approval in via OnBoard.

Motion by Dr. Geiger: I move to amend the following regulations:

- **12 AAC 68.300(d) to remove “is employed by the supervising veterinarian to” and add “veterinarian licensed under AS 08.98” after “supervising veterinarian” in line three and**
- **12 AAC 68.300(d)(2) to replace “employing veterinarian” with “supervising veterinarian licensed under AS 08.98”**

Seconded by Dr. Vollaro. **Motion was unanimously approved.**

Continuing Education

The topic of continuing education (CE) was added to the agenda as a reminder to all licensees that CEs would be required for this renewal and would be auditable. There would be several opportunities to

gain credit at the Symposium this weekend. Dr. Albert stated that she receives many opportunities for online CE so there should be ample opportunities for everyone.

AAVSB Meeting Debrief

Chair Bergartt, Dr. Geiger, and Dr. Albert attended the AAVSB Meeting and offered a summary of high points for the benefit of Dr. Vollaro and licensees. Dr. Geiger said that NAVLE passing rates appeared to be going down nationally—from 94% to 90%. This trend appears to be similar across various national high-stakes health care licensing exams. He also attended a seminar on drug diversion, which revealed new drugs being diverted and mixed with fentanyl. There is competition to new entrants: 2.4 applicants for every seat in veterinary school. He also felt that there were disincentives to becoming a veterinary tech, as was discussed earlier in the meeting. He encouraged developing incentives to encourage people to enter the profession. He wished there were more midlevel opportunities for practice—between veterinarian and vet techs—and asked the board to think about how they might adjust statutes and regulations to create opportunities.

Dr. Albert stated that Xylazine was one of the key drugs being diverted. She mentioned that there was a three-level program for veterinary technicians that progressively increased responsibilities and earning potential for that license, with the highest level including specialization. She said the meeting was very welcoming and open, breaking down barriers and increasing conversations across the US and Canadian jurisdictions.

Chair Bergartt said that Dr. Albert was the board's delegate to the meeting and represented them well. The Regulatory Policy Task Force, on which Chair Bergartt sits, is working on language for the Practice Act Model (PAM). Some changes in the works include VCPR/telemedicine and a pathway to a midlevel practitioner diploma—something that doesn't yet exist in any jurisdiction. Arkansas might be the first state to adopt this license type. She also learned that vet techs typically have a career life of five years. This is generally a dip in service of veterinarians after five years—with a looming mass retirement of veterinarians who have served long careers. How can we retain and keep new entrants, especially with such a shortage in veterinary services? She stated that there was no compact legislation currently under discussion at a national level. Dr. Albert suggested veterinary practice may not be well-suited to compact legislation due to the variety of species and differences in jurisdictions.

Dr. Albert registered concern about how slowly processes move, so the board needs to stay future-focused.

Public Comment

Dr. Coburn, Assistant State Veterinarian, suggested the board reach out to the University of Alaska Fairbanks, which is operating a veterinary program with outreach to Southwestern Alaska and Bethel. State agencies like the Department of Environmental Conservation (State Veterinarian) and Department of Health should also be included. She advised to anticipate additional situations, potential problems, and unanticipated consequences. No other public persons were in attendance.

Division Update

Division Director Sara Chambers stated that they would not need to discuss HB 265 since the legislation doesn't apply to this program. She pointed out that the "definitions" section of the bill excludes veterinarians.

She presented the board's FY22 third quarter fiscal report and stated that the program received \$250,000 in general fund revenue in FY23 to offset increases in fees. She clarified that any surplus

would carry forward across fiscal years, just as any deficit would do. She reminded the board that PDMP-only investigative expenses have been covered by a federal grant but that any violations of veterinary statutes and regulations are charged to the veterinary licensing program. She said the board should expect to receive PDMP investigative updates just as they receive periodic board-related investigative summaries. Dr. Geiger appreciated that investigative expenses are coming down. Dr. Albert asked if the division could separate out the PDMP/investigative expenses on the fiscal report. Director Chambers said she would forward the request to the Administrative Operations Manager to see what might be possible. She forecast some additional strategies that the division was working on to further stabilize revenues and expenditures. Dr. Geiger expressed surprise that the program received so much value from AAVSB for the low membership fee of \$500. Chambers stated that the division had performed a cost-benefit analysis in previous years to prove that national licensing board memberships were well worth the investment. Chair Bergartt, Dr. Geiger, and Dr. Albert expressed appreciation for the division's support in seeking general fund assistance. Director Chambers said she would pass along the board's support to the Administration.

Licensing Challenges

RLS Derr alerted the board to a clinic that was abusing the expedited review form and encouraging applicants to contact their state and U.S. legislators when they are not licensed within two weeks. She said that the division is typically licensing veterinarians within 30 days of receipt of an initial application, and faster if the application is submitted fully complete. This particular clinic has received four new licensed veterinarians in the last five months. Ms. Derr wanted the board to know about the public relations concern, as well as why board members are receiving personal calls from this clinic. Chair Bergartt appreciated how the division is keeping up with veterinary licensure and knows that other programs may not be faring as well. She recognized that veterinary services are under a great deal of stress from a variety of factors. She felt this was a great reminder of the board's role in expediting licensure. Dr. Geiger and Dr. Albert said they were fine with receiving the occasional call from the public as long as people could remain polite. Dr. Albert wondered if expedited service for emergencies was becoming a routine request. Dr. Bergartt hoped everyone would treat each other with grace and respect and encouraged creative solutions.

RLS Derr reinforced that any discussion of applications should be performed on the record and not in executive session unless there was a qualifying circumstance. An executive session would have to be part of a publicly noticed meeting. Ms. Derr said that the board could convene a quick meeting to discuss an application; however, it would have to go through the public notice process first.

Examiner Gordon said that 80% of applications are submitted incomplete. The two documents that are most frequently omitted in an initial application are the reference forms and affidavits of active practice; these must come directly from the person submitting the document. Often, the person submitting doesn't indicate that s/he is a practicing veterinarian, which also slows the process.

The board recessed at 12:15 p.m. for lunch. The board reconvened at 1:10 p.m. and maintained a quorum with all members present.

Investigative Report

Investigator Dawn Bundick presented the board's most recent summary of investigative activity. There were 16 open cases and six cases closed during the reporting window. She introduced Carmen Pora, PDMP Investigator, and Senior Investigator Jenni Summers. Dr. Geiger asked why so many 2021 cases were on the books. Inv. Bundick said that some she inherited due to licensing turnover and some were just awaiting their turn. There was nothing inherently complicated about the cases, but that the

process just took time—including time awaiting responses from licensees, their attorneys, and reviewing board members. Investigator Pora said that there were no PDMP cases involving veterinary licensees. Investigator Bundick provided a brief overview of the types of communication that can occur with licensees under investigation, as well as the process involved. Dr. Albert asked if there was a need for licensees to respond to non-disciplinary letters of advisement. Investigator Bundick said there was no need for further correspondence, but that occasionally licensees will contest those, as well. She asked if the board would benefit from an investigative training, and the board encouraged that to happen since there were two newer members. RLS Derr recalled the last training was in 2021.

Prescription Drug Monitoring Program

Lisa Sherrell, PDMP Program Coordinator, was unable to join since her plane was diverted and currently in the air. The board went over the report Ms. Sherrell had provided. Chair Bergartt explained that the division had hired a research firm to reach out to a cross-section of stakeholders to provide feedback on the PDMP and opportunities for improvement. She was not optimistic that the report would help the goals of this board but said that she and a few other veterinarians, to her knowledge, were interviewed. RLS Derr provided some information about delegate registration and reinforced that the fee was still zero. The renewal form has been updated to make registration easier and more straightforward. No registrations had been referred to investigations so far this year. Dr. Geiger and Dr. Albert applauded Ms. Sherrell and staff for the work they had done to streamline and minimize impacts on PDMP users. Chair Bergartt asked for additional information on statewide integration. RLS Derr suggested that board members refer any remaining questions to Ms. Sherrell. Chair Bergartt recommended that staff use the ListServ and alert AKVMA to these changes to help get the word out.

Licensing Report

RLS Derr provided an update on the status of launching the fall licensing renewal, including the division's new regulation extending license expiration dates during renewal review for three months for qualifying applicants. She introduced licensing examiner Gerald Mayeda as the new full-time staff to the veterinary program. The board welcomed Gerald and thanked outgoing examiner Warren Gordon for his time with this program.

Chair Bergartt asked whether an attorney has recently reviewed the professional fitness questions to determine whether mental/physical health information is as relevant as possible without exploring beyond what is required. RLS Derr explained the questions are standard and have been vetted by LAW. Chair Bergartt said the definition of "impairment" was a hot topic at the AAVSB meeting.

RLS Derr unpacked her experience processing applications for veterinarians working on sled dog races and said there were a lot of improvements having gone through the procedures this year. She stated that PDMP registration and compliance is required of veterinarians holding DEA licenses. The board discussed how this would occur if veterinarians don't have internet access at checkpoints and believed the race organizers would need to accommodate that. The exemptions built into statute should cover most situations. RLS Derr is planning to include Ms. Sherrell when she meets with race organizers to plan for the next year.

New Business

The board scheduled its next meeting in Juneau on February 23-24, particularly to advance legislation. Chair Bergartt said that AKVMA was concerned about removing the specific PAVE wording in legislation. She asked RLS Derr to find out whether the Administration would support the board's proposed change. Dr. Albert asked for guidance on the process of seeking legislation. Dr. Geiger

suggested that the board develop policy statements supporting its legislative goals, which can then be distributed to legislators. He suggested a brief virtual meeting prior to the February one and asked that the chair provide leadership in drafting ahead of time. The chair was willing and suggested waiting until January after elections were final and the PDMP report was released. The board scheduled a two-hour videoconference for January 6.

Motion by Geiger: I move to send new board members to AAVSB Board Basics and Beyond on April 14-15 in Kansas City, MO, with staff as an alternate. Seconded by Vollaro. **Unanimously approved.**

The chair recommended the board schedule a regular day-long meeting May 12, 2023. The board tentatively agreed but would touch base closer to time.

RLS Derr stated that she had moved the VCPR regulations forward to the regulations specialist in August. The chair would like to know when public comment would take place so she can alert AKVMA. The board also reminded itself that it had placed exam review on its "to do" list. Dr. Albert and Dr. Vollaro had sent Mr. Gordon some suggestions of questions the board could review. The board also planned to review qualifications for licensure in AS 08.98.165 and AS 08.94.184 to eliminate the gap between taking the NAVLE and not having practiced in five of the last seven years.

Task List:

Staff:

- Ensure there is a representative of the board at all AKVMA meetings
- Look into potential for rural healthcare events with AKVMA/UAF
- Take next steps to move forward regulations project drafted at this meeting
- Schedule planning meeting with sled dog race coordinators and Ms. Sherrell
- Ask Ms. Sherrell to provide clarity on statewide integration processes
- Check with Director Chambers on Administration's opinion on PAVE proposal
- Prepare for 2023 board meetings: January 6, February 23-24, May 12

Board members:

- Consider changes to eliminate the five-year/60-month problem in statute at the January meeting
- Schedule exam review for the February meeting
- Dr. Vollaro will draft vet tech correspondence and send to Ms. Derr

Seeing no further business to come before the board, the meeting adjourned at 3:08 p.m.