

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

**MINUTES OF MEETING
OCTOBER 29, 2010**

By authority of AS 08.01.070(2) and AS 08.98.040, and in compliance with AS 44.62, Article 6, a scheduled meeting of the Board of Veterinary Examiners was held on October 29, 2010, at the Legislative Information Office, 1292 Sadler Way, Fairbanks, Alaska.

Call to Order/Roll Call/Agenda Review

The meeting was called to order by Dr. David Hunt, Chairperson, at 9:02 a.m.

Those present, constituting a full board, were:

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

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

Brenda Donohue, Licensing Examiner–Juneau
Don Habeger, Director, CBPL
Curtis Thayer, Deputy Commissioner, DCCED

Agenda Item 1 Review Agenda

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

Ms. Donohue noted there were no additions to the agenda.

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Agenda Item 2 Review/Approve Minutes

The board reviewed the minutes of the May 7, 2010 meeting and the Sept. 28, 2010 teleconference meeting. There were no corrections or changes noted and Dr. Hunt called for a motion to approve.

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

RESOLVED to approve the May 7, 2010 meeting minutes as presented.

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

RESOLVED to approve the Sept. 28, 2010 teleconference meeting minutes as presented.

Agenda Item 3 Ethics Disclosure

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

Agenda Item 4 Budget Report

FY 2011 figures as of Sept. 28, 2010 reflect \$9.6 thousand in expenses, and \$5.6 thousand in revenue. Ms. Donohue reminded the Board this is a renewal year, and the revenue figure in increase significantly in December. She also advised the renewal fees have increased, with the Veterinary renewal going from \$325 to \$375 and the Veterinary Technician renewal increasing from \$60 to \$65. The Board had no questions regarding the Budget.

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

Agenda Item 5 Investigative Report

Mr. Quinten Warren joined the meeting via teleconference to present the Investigative Report at 9:43 a.m.

Mr. Warren reported there are currently three (3) open investigations, and eleven (11) open complaints.

Mr. Warren then proceeded to review the "Overview of the Board and Division (Investigation Unit) Functions.

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There being nothing further, Dr. Hunt asked Mr. Warren if he would be rejoining the meeting for Public Comment, and Mr. Warren said he would, then left the meeting.

The meeting is ahead of schedule so the Board moved on to Agenda item #7.

Agenda Item 7 Miscellaneous Correspondence

The Board reviewed all correspondence presented at the meeting.

AAVSB – Email from Karen Campbell with AAVSB transmitting a memorandum which details the RACE committee structure, review procedures and related policies. Information only – no response required.

AAVA – Letter from Neil J. Sivula, President of Am. Academy of Veterinary Acupuncture advising the Board his organization no longer recognizes AAVSB's RACE program for education evaluation as one of its certifying bodies. They are concerned that AAVSB's credibility as a certifying agency is being called into question by a number of veterinary organizations. They further asked the Board to investigate the RACE approval process for potential conflicts of interest and arbitrary decisions that deny a comprehensive and objective determination of valid education for veterinarians in acupuncture and Traditional Chinese Medicine.

The Board has reviewed the AAVSB's RACE Program Update as noted in the first correspondence item. Information only, no response required.

Lewis & Barnes – Letter from Christina Minshew-Lewis asking for guidance regarding interpretation of statutes. Subsequent to reading the letter the Board asked Ms. Donohue to reply to Ms. Minshew-Lewis noting that AS 08.98.125 states the allowed exceptions to holding a valid Alaska veterinary license.

NBVME – Change to 2010-2011 NAVLE State Letter of Agreement – removed “mail a scheduling permit” and replaced with “send an e-mail message to each eligible candidate”. Information only.

Juneau Empire News Story – News story about drive-through clinic to get rabies shots sponsored by the North Star Borough and the Interior Veterinarians Association. Information only.

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

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Agenda Item 8 Regulations

Dr. Hunt reminded the members of the on-going review and discussion of the veterinary technician regulations. Discussion ensued regarding if the Board wants to clarify 12 AAC 68.310(b)(4)(B) by stating the number of hours per year an applicant for approval to sit for the veterinary technician national exam must have been employed. An employment verification form for a current applicant has been received where "6-8 hours per week" was verified. This item was tabled for further discussion.

Recess

**The board recessed at 10:08 a.m.;
reconvened at 10:17 a.m.**

Agenda Item 6 Public Comment

Ms. Donohue called Mr. Quinten Warren, Chief Investigator, and he rejoined the meeting at 10:17 a.m.

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

Dr. Hunt advised that Public Comment would be extended an additional 30 minutes to allow for the large number of people who signed up to speak, and that because of the time and number of people signed up for testimony, seven minutes would be allowed for each person to testify.

When testimony was given that brought up Dr. Jayne's name, Dr. Hunt interjected that the only comment the Board can put forward is that Dr. Jayne voluntarily surrendered his license, and that Dr. Jayne is welcome to reapply for his license.

Curtis Thayer, Deputy Commissioner of Dept. of Commerce, Community & Economic Development, attending the meeting at the request of Commissioner Bell and the Governor, addressed the public in regard to Dr. Jayne and asked that he not be mentioned specifically and instead the issues surrounding access to care be put forth. There might be a debate whether he surrendered his license, but he is not present to defend himself. The topic of rural veterinary care is relevant but not Dr. Jayne himself. The Division is in fact in possession of a letter from Dr. Jayne stating that he was surrendering his license and has moved out of state. He further stated that everyone is in attendance to address rural vet care, not issues specific to Dr. Jayne.

A member of the public put forth that everyone was indeed in attendance to support Dr. Jayne. Mr. Thayer reiterated that Dr. Jayne isn't in attendance to say that he wants the

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support. Dr. Jayne surrendered his license and he's not living in the State. The public then proceeded to voice their displeasure with this request. Mr. Thayer restated that he came to this meeting at the request of the Governor and the Commissioner to listen to issues about rural vet care. He stated Dr. Jayne is not the issue, rural veterinary care is the issue, so that's the issue he wants to hear about. He further restated that Dr. Jayne is not at the meeting to say if he wants to be part of the discussion or not. Let's hear what the issues are and see if they can be resolved. Dr. Jayne is not the only person who can solve this issue.

Ms. Fitch said there is nothing in the statutes that says they cannot talk about Dr. Jayne, and Mr. Thayer does not have the authority to stop them. His case (Dr. Jayne) is closed and this is public comment and there's nothing in the law that says they can't talk about him. She said the rules were being manipulated. Mr. Thayer said let's talk about rural vet care, lets solve that problem and Ms. Fitch responded "let's hear about what we want to talk about because we're the public. You're blocking our freedom of speech".

Mr. Thayer agreed they could say what they wanted as long as it is not derogatory on Board members or on Dr. Jayne.

Dr. Hunt reiterated the Board could only respond about Dr. Jayne, that he voluntarily surrendered his license and that he is welcome to reapply for his license. Each person will be allowed to speak for seven minutes. The Board will not comment on any investigative information in accordance with State Administrative procedures.

The following people spoke or read letters for people not in attendance:

Celeste Engles	Pam Samash	John Tousignant
Gerald Riley	Angie Fitch	Rocky Riley
Doug Bowers	Alan Miller	Gregg Taylor
Victory Lord	Brenda Nicoli	

All testimony given was in support of rural clinics and in support of Eric Jayne who voluntarily surrendered his veterinary license.

Following testimony from the public, Don Habeger, Division Director, spoke expressing the State's appreciation of the volunteer time the individual Board members give in serving the veterinary profession.

The Board acknowledged the public frustration and expressed their concern for lack of access to veterinary care in rural parts of Alaska. However, as they are a regulatory board, charged by the Legislature with licensing qualified applicants, they have no resources at their disposal to assist in conducting rural clinics. They suggested the interested parties may wish to contact the Alaska Veterinary Association and various municipalities located around the State to see if there are grants available through these

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entities to help defray the cost of providing clinics. Included in the Miscellaneous Correspondence section of the Board packet is an article from the Associated Press describing a drive-through low-cost clinic to get rabies shots. Local veterinarians with the Interior Veterinarians Association volunteered their services and the Fairbanks North Star Borough donated money to the association that they use for continuing education. Maybe other governmental entities would be interested in providing funds in a similar fashion.

In response to testimony given voicing concern that the lay vaccinator program for rabies has been discontinued, the Board pointed out that program is not discontinued and resides in AK Dept. of Health and Social Services, Section of Epidemiology, contact person Louisa Castrodale, phone number 907-269-8000. It was further noted that Alaska State laws pertaining to rabies come under the jurisdiction of this same Department, and questions should be directed to Ms. Castrodale.

Ms. Donohue added clarification that the Board has had no contact with Eric Jayne, nor do they have knowledge of what is contained in his investigative file. The State Administrative process does not allow this information to be provided to the Board by the Investigative staff, so that if a case comes before the Board for review and action, they remain untainted.

Dr. Hunt thanked the public for their comments and the Board recessed for lunch.

LUNCH

Off record at 11:55 a.m.
Back on record at 1:26 p.m.

Agenda Item 10 Goals & Objectives FY 2011

Dr. Beck read the Goals & Objectives FY 2011 into the record as follows:

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**GOALS AND OBJECTIVES
FY 2011**

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.

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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.
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. Promote 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 12 New/Old Business

Following discussion and comparing research the Board decided to not define surgery at this time. They have not been able to find a good definition at this time and will revisit the issue if necessary.

Next they reviewed the Veterinary Handbook for updates. Ms. Donohue pointed out several administrative updates such as new board members, change of addresses and phone contacts. There were no other changes to be done at this time.

The Board then reviewed the FY2010 Annual Report which was submitted to the Division by August 1, 2010, in accordance with State policy. Information only.

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Ms. Donohue pointed out that copies of all the veterinary, veterinary technician license applications had been included in the Board Packets. Upon review the Board had no changes to suggest for these packets.

Board members requested their home phone numbers and office fax numbers be removed from the Board Member roster, and only their work phone number be included on that list. Ms. Donohue will do so when she returns to the office next week.

The Board discussed that the State Association has hired a lobbyist to monitor veterinary Legislation during session. They went on the record again supporting legislative changes to allow for acceptance of both the PAVE and ECFVG programs for foreign-trained veterinarians. Ms. Donohue further explained that any legislator can introduce a bill and open the Practice Act. When Rep. Wilson introduced a bill in January 2010 to change the wording in the Act to allow for acceptance of the PAVE program, the State Association came out against that legislation. The reason they did so, as explained to the Board, was that they didn't want to open the Practice Act. Ms. Donohue explained about any legislator being able to introduce a bill and open the Act.

Agenda Item 1 AAVSB Annual Meeting Report

The AAVSB meeting was in Baltimore and attended by Dr Hunt. Topics at the meeting included a lawyer who represents veterinarians being investigated by state boards. The investigators could learn about the range of emotions that the veterinarian being investigated goes through. The response of unlicensed veterinarians coming to our state in the event that the governor declares an emergency was discussed. Our statutes and regulations address this. Dr. Hunt recommends the board continue to send one member each year to the AAVSB meeting. He has attended for the last 5 years and is off the board next year and hopes another board member will go.

Agenda Item 13 Office Business

- Sign Wall Certificates - Dr. Hunt and Mr. Buser signed wall certificate. Ms. Donohue will mail the certificates to the licensees.
- Confirm Next Meeting Date
Jan. 28, 2011
Anchorage, AK.
- Sign Minutes

Dr. Hunt signed the approved minutes for the May 7, 2010 and Sept. 28, 2010 meetings.

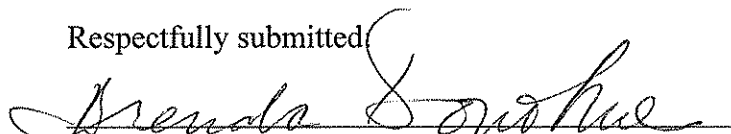
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Agenda Item 14 Adjourn

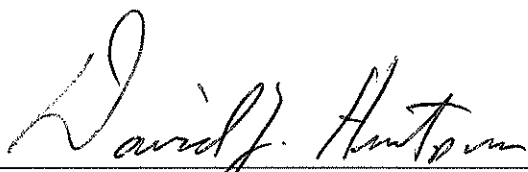
There being no further business Dr. Hunt called for adjournment of the meeting.

The board adjourned the meeting at 2:22 p.m.

Respectfully submitted,


Brenda Donohue, Licensing Examiner

Approved:


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

Date: 3/3/11