

**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 7, 2011**

By authority of AS 08.01.070(2) and AS 08.98.040 and in compliance with the provisions of Article 6 of AS 44.62, a scheduled teleconference meeting of the Board of Veterinary Examiners was held Oct. 7, 2011. Sites for the teleconference were Juneau, North Pole, AK, Palmer, AK.

Call to Order/Roll Call/Agenda Review

The meeting was called to order by Dr. Margaret Eastman, Chairperson, at 9:05 a.m.

Those present, constituting a quorum, were:

Dr. Margaret Eastman, DVM – North Pole
Dr. John Tuomi, DVM - Palmer
Dr. Teresa Beck, DVM – Palmer

Those absent and excused were:

Mr. Martin Buser, Public Member – Big Lake

There is currently one vacant position on the Board.

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

Brenda Donohue, Licensing Examiner – Juneau

Agenda Item 1 Review Agenda

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

**BOARD OF VETERINARY EXAMINERS
MINUTES OF MEETING
OCT. 7, 2011
PAGE 2**

Ms. Donohue noted the following additions to the agenda:

- **Item #4 – Budget Report**
- **Item #12 – New/Old Business**
 - Letter from Stefanie Jones, D.C.

Agenda Item 2 Review/Approve Minutes

The board reviewed the minutes of the May 6, 2011 meeting.

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

**RESOLVED to approve the May 6, 2011 meeting minutes as
presented.**

Agenda Item 3 Ethics Disclosure

There were no ethics violations to report from any board members. Ms. Donohue reviewed the Executive Branch Ethics Law.

Agenda Item 4 Budget Report

FY 2011 figures as of Sept. 30, 2011 reflect \$96,532 in expenses, and \$151,315 in revenue, Annual Surplus of \$54,783 and an ending balance of \$109,211. Ms. Donohue reminded the Board that 2010 was a renewal year as reflected by the high revenues, and the balance must carry them until the next renewal at the end of 2012. There were no questions or concerns about the Budget.

Agenda Item 5 Miscellaneous Correspondence

The Board reviewed all correspondence presented at the meeting.

David Foley, AAEP – Letter of request that the Board include the American Association of Equine Practitioners (AAEP) as an approved provider in their continuing education regulations. The Board will consider this request during their review of Agenda Item #13, when they will be initiating a regulation project.

**BOARD OF VETERINARY EXAMINERS
MINUTES OF MEETING
OCT. 7, 2011
PAGE 3**

Robert Gerlach, DVM – Request from Dr. Gerlach, the State Veterinarian, asking for the Board’s interpretation if placing microchips comes under the practice of veterinary medicine. The Board determined it does not. Many shelters and breeders routinely place microchips.

Jason Pickett, MD EMT/P/T – Letter of request regarding if there are state administrative rules that would prohibit a medic or physician from providing advanced care, such as IV fluid, CPR, resuscitation drugs, pain medication, anxiolysis, or needle decompression of a tension pneumothorax in an emergency to canine officers and working dogs. The Board determined that every effort must be made to provide for a veterinarian to provide the animal care. However, if no veterinarian can be available human health care providers can render care in an emergency situation.

AAVSB – Memo from Robyn Kendrick, Ex. Director, advising revised RACE Standards document will be available on the AAVSB web site (www.aavsb.org/race) effective Sept. 14, 2011. Information Only.

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

The Board is ahead of schedule, and determined to move on to Agenda Item 7 until Ms. Bundick joins the meeting at 10:00 a.m. to give the Investigative Report.

Agenda Item 7 AAVSB Annual Meeting Report

Dr. Beck attended the AAVSB Annual Meeting Sept. 15-17, 2011 in New Orleans. She reported the meeting was valuable in that she learned more about a licensing board members duties and focus. Alaska is dealing with the same issues as the other states as to complimentary and alternative medicine, the CHI Institute asking for approval of their entire curriculum, and implementing RACE standards. There was a very informative presentation by the AAVSB Legal Counsel about impaired practitioners and how it affects the veterinarians practice, the community, and discussed how impaired practitioners deflect complaints from customers.

There was much discussion about PAVE. The Board noted that Rep. Peggy Wilson (Wrangell) currently has a bill in the Legislature to allow licensure for a veterinarian who has graduated from a nonaccredited veterinary school and has successfully completed a certification program approved by the Board. The change in statutory language will allow the Board to include the PAVE program in their regulations as an approved certification program, along with the ECFVG, which is already named.

AAVSB reported the passing rate for the Veterinary Technician National Exam (VTNE) is currently 75% with approximately 6,000 candidates tested in the previous year.

**BOARD OF VETERINARY EXAMINERS
MINUTES OF MEETING
OCT. 7, 2011
PAGE 4**

Recess

The board recessed at 9:52 a.m.;

Reconvened at 10:23 a.m.

Agenda Item 6 Investigative Report

Ms. Bundick joined the meeting via telephone to present the Investigative Report at 10:03 a.m.

Ms. Bundick reported there are currently six (6) open investigations, and two (2) open complaints. She then noted seven (7) cases were closed since the last meeting. There is one Consent Agreement for the Board's review at this meeting.

Ms. Bundick then advised the Board should go into Executive Session to discuss a case.

On a motion duly made by Dr. Eastman, seconded by Dr. Beck 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 case #2011-000328.

Entered into executive session at 10:08 a.m.

Out of executive session at 10:12 a.m.

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

RESOLVED to accept the Consent Agreement in Case #2011-000328.

Dr. Eastman stated for the record the licensee in this case is Dr. Monica Mangis, Veterinary License #633.

There being no further Investigative business, Dr. Eastman thanked Ms. Bundick and she left the meeting at 10:15 a.m.

Agenda Item 8 Application Review

Veterinarian Application by Credentials

Dr. May inquired if her voluntary, veterinarian experience would be accepted for clinical experience. She has been a practicing veterinarian for the past eight years, however has been employed in the pharmaceutical industry for four of the previous seven years. Her voluntary practice was performed concurrent to her employment. Following discussion, the Board determined her volunteer experience was acceptable. Ms. Donohue will advise

**BOARD OF VETERINARY EXAMINERS
MINUTES OF MEETING
OCT. 7, 2011
PAGE 5**

Dr. May of the Board's determination. When her file is complete it will be sent to the Board via Mail Ballot.

Course Approval Applications

The Board reviewed a request from the International Veterinary Acupuncture Society asking for approval of continuing education hours for their course titled "Basic Veterinary Acupuncture". Following review the Board determined if the course is RACE approved, or sponsored by the entities listed in 12 AAC 68.230 it is acceptable to the Alaska Board.

The Board next reviewed a request from the American Holistic Veterinary Medical Association seeking approval of their 2010 Annual Meeting presented Oct. 22-27, 2010. Following review the Board determined if the course is RACE approved, or sponsored by the entities listed in 12 AAC 68.230 it is acceptable to the Alaska Board.

Dr. Eastman read a letter from Dale Baker, requesting a waiver from Alaska residency requirement for a Courtesy Veterinary License. The Board discussed and determined they have no authority to waive a regulation. Dr. Eastman will reply to Dr. Baker advising an Alaska resident cannot obtain a Courtesy license in accordance with 12 AAC 68.041(b)(3). Further, she will advise Dr. Baker he can function as a pathologist on a consultative basis for the Iditarod, but cannot practice veterinary medicine without proper licensing.

Agenda Item 9 Veterinary Handbook Review

Following review of the Veterinary Handbook the only items to change are to remove Dr. Hunt's name as a Board member, and mark Vacant for that position.

Agenda Item 14 Goals & Objectives FY 2012

The Board reviewed the Goals and Objectives for FY 2012 and determined there were no changes.

The Board is ahead of schedule, and determined to move on to Agenda Item 13.

Agenda Item 13 Regulations

The Board discussed items to include in a regulation project they will initiate at this meeting. Dr. Eastman reminded them of their discussion to include in the next regulation project clarification of 12 AAC 68.310(b)(4)(B) by stating an applicant must have been working 700 hours a year for at least two of the previous three years immediately prior to date of application.

At that meeting they also agree to pursue discussion regarding a change in regulations to allow for veterinary technicians in rural communities to work for a veterinarian in

**BOARD OF VETERINARY EXAMINERS
MINUTES OF MEETING
OCT. 7, 2011
PAGE 6**

another community, long distance, i.e., telephone and electronic monitoring and review. Dr. Eastman will draft language for this change and provide it to Ms. Donohue to be emailed and faxed to the other members for discussion during the afternoon portion of the meeting.

Discussion also ensued regarding a change to 12 AAC 68.230 to include additional entities, such as USDA, Public Health, Fish & Game, as approved continuing education providers, and Dr. Eastman volunteered to provide proposed language for that change as well.

Agenda Item 10 Public Comment

Dr. Eastman noted there were no members of the public present.

LUNCH

Off record at 11:38 p.m.

Back on record at 12:58 p.m.

Agenda Item 12 New/Old Business

Ms. Donohue drew the Board's attention to email correspondence from Sara Chambers, the Division's Program Coordinator, advising their request has been forwarded to Dept. of Law seeking advice regarding referring clients to non-veterinary health care professionals who hold a license in other health provider areas such as chiropractic and physical therapy, acupuncture, etc.

Dr. Campbell from the AK Board of Chiropractic Examiners called into the meeting for the discussion between the Boards about complimentary and alternative veterinary medicine, specifically animal chiropractic. Dr. Dennis Eschbach, DC also called into the meeting for this discussion.

Dr. Eastman noted the Veterinary Board has received a letter from Dr. Jones seeking clarification of what is allowed in Alaska as to animal chiropractic.

From reviewing the Chiropractic Board's statutes and regulations, it is apparent that chiropractors are licensed to perform services on humans, in accordance with AS 08.20.900(2). The Veterinary Board will try to respond to Dr. Jones' letter from the Veterinary Board's statutes and regulations.

Dr. Eastman inquired of Dr. Campbell if there was any interest expressed to his Board from licensees who wish to practice on animals, and if so how can the two Board's mesh their purposes.

Dr. Campbell responded that his Board had received inquiries from their licensees and they wanted to know what the clear, defined rules are and how to go about obtaining

**BOARD OF VETERINARY EXAMINERS
MINUTES OF MEETING
OCT. 7, 2011
PAGE 7**

authorization to practice on animals. The Chiropractic Board wants to find out what the Veterinary Board permits, in order to not step on anyone's toes. He affirmed there are definitely chiropractors who want to perform on animals, and he is sure there are veterinarians who want to provide chiropractic care to their clients. The Chiropractic Board is open to working with the guidelines the Veterinary Board sets out for this practice, to follow the parameters set out by the Veterinary Board.

Dr. Eastman said that during discussion by the Veterinary Board earlier in this meeting, the members interpret that animal chiropractic does indeed come under the "practice of veterinary medicine" as defined in AS 08.98.250(5). She further noted that unlicensed assistants, employed by a veterinarian, can be delegated duties for which they have the proper training. Dr. Campbell asked did she mean a referral like a prescription for a referral. Dr. Eastman said no, a veterinarian does not have clear authority to refer clients to non-veterinary providers. In fact the Board is seeking an opinion on that issue from the AK. Dept. of Law. She reiterated there would be no problem with an unlicensed chiropractor being employed in her practice, and her delegating chiropractic care to that person, as long as they had the proper training. Her professional license allows her to delegate duties to properly trained staff.

Prior to delegating chiropractic care to staff, she would obtain an informed consent from the patient owner recognizing the care is not provided by a licensed veterinarian.

Dr. Eastman explained that in Colorado the veterinary licensing board has provision for a licensed chiropractor who is trained in animal chiropractic to register with the Veterinary Examining Board, and still they can only work on referral from a veterinarian once the veterinarian has cleared the patient. The Chiropractic Board oversees that license. In the event that both the Alaska Board's want to achieve that situation, it will most likely involve opening both Practice Acts.

Dr. Campbell agreed and noted that is what his Board thought would need to be done. The Chiropractic Practice Act would need to provide a provision where properly trained or certified chiropractors could work on animals under the referral and supervision of a veterinarian. The Veterinary Board's understanding, upon review of the Chiropractic Practice Act, is that their licensees are currently restricted to practice on humans.

Dr. Campbell inquired if Dr. Stephanie Jones and Dr. Eschbach were in attendance. Dr. Eastman said Dr. Jones was not, however Dr. Eschbach was on the line. Dr. Eschbach added an observation that maybe a formal agreement between the Boards could be developed, or provisions made in regulations rather than opening the Practice Act. He also noted during the discussion of supervision in the veterinarian's office, this is not feasible when caring for large animals when they are not brought into the office for care.

Dr. Eschbach is a licensed Chiropractor, certified animal chiropractor with over 20 years experience in animal chiropractic care and over 18 years experience teaching animal

**BOARD OF VETERINARY EXAMINERS
MINUTES OF MEETING
OCT. 7, 2011
PAGE 8**

chiropractic. He has worked extensively with several other states on developing their rules for providing these services. He is available to offer assistance if desired about what animal chiropractors are trained to do, and what provisions other licensing jurisdictions have taken to allow for animal chiropractors to practice.

Ms. Donohue asked permission to read Dr. Stephanie Jones' letter into the record. Dr. Eastman approved.

“September 28, 2011

Alaska Board of Veterinarians

Dear Ladies and Gentlemen of the board,

I am writing this letter to formally introduce myself to you and explain my position. My name is Stefanie Jones. I am a fifth generation Juneauite that has been involved with horses and dogs since I was very small. I am a second-generation chiropractor and went to Palmer College of Chiropractic in Davenport, Iowa. I received my postgraduate training at Options for Animal College of Animal Chiropractic in Wellsville, Kansas alongside many other chiropractors and veterinarians and then received international certification through the International Veterinary Chiropractic Association based in Germany.

My husband and I moved to Oklahoma to practice in July of 2009. I had an extensive practice of performance horses from a variety of disciplines, rodeo stock, and many companion canines and worked alongside many extraordinary veterinarians per Oklahoma statues. When we found out that we were expecting, we decided that we wanted to raise our family in Alaska, so we sold our practice and moved back home. Juneau is a very small tight knit community and we are glad to be a part of it again. I am fully aware of the small pet and equine community here and do not intend on practicing animal chiropractic full time but only as a resource to the local veterinarians including Dr. Sam Smith and Dr. Lisa Kramer and the small few individuals that may be interested in animal chiropractic treatment for their pets.

I have included some background information on animal chiropractic for your reference. Many of the articles are from the AAEP and were presented at one of their conferences. The largest one is the Review of the Examination and treatment of Back and Pelvic Disorders written by Dr. Kevin Haussler who is both a DVM and a DC. I have found that on page 175-176 he gives an excellent definition of what animal chiropractic is, what it seeks to treat, and the best clinical applications. I have also attached the Options for Animals current curriculum so you have an idea of the education that I have received and a paper called Animal Chiropractic Today that gives a great history of the profession and where it's headed along with the principles that IVCA and AVCA schools purport. If you have any other questions or concerns, I would love to discuss them with you.

The principles that I follow, as an animal chiropractor, are the principles that are taught at every IVCA and AVCA school and are as follows (from Animal Chiropractic Today):

- 1) Our ultimate goal is to bring relief of pain and suffering for animals through the benefits of chiropractic care. The needs and desires of individual students, teachers and/or professionals are always second to this goal.

BOARD OF VETERINARY EXAMINERS
MINUTES OF MEETING
OCT. 7, 2011
PAGE 9

- 2) The primary health care of the animal patient must be maintained by a licensed veterinarian who can then integrate that health care with the animal chiropractor.
- 3) Only chiropractors and veterinarians who have successfully completed a basic course in animal chiropractic at an IVCA or AVCA approved school are qualified to examine and treat animals with chiropractic lesions.
- 4) Both Doctors of Chiropractic and Doctors of Veterinary Medicine, properly trained, should be able to treat animals.

I have also included a reference that shows detail of both the Alaska Laws from the Veterinary Board and Chiropractic Board. In Sec. 08.98.125 of the Veterinary Statutes, it lists the exemptions and number 2 of these exemptions states:

(2) a veterinarian who is licensed in another state or country, or a person whose expertise a veterinarian licensed in this state believes would benefit an animal, and who provides only consultation to a veterinarian licensed in this state; in this paragraph, "consultation" means advice or assistance provided in person, telephonically, electronically, or by any other method of communication from a veterinarian or other person whose expertise, in the opinion of the veterinarian, would benefit the animal;

In reading this exemption, as long as a licensed veterinarian believes that an educated animal chiropractor could provide a valuable treatment to an animal that is their patient, then any person with expertise could be used in consultation on that particular case. From consultation with Dr. Lisa Kramer, she has told me that she has used a human physical therapist locally for referral of canine services for some time. Additionally, there is a licensed equine massage therapist practicing independently here in Juneau for financial compensation and has for several years. Furthermore, local and traveling farriers have provided treatment for conditions such as laminitis and navicular syndrome without direct supervision by a veterinarian for many years.

Chiropractic care can provide incredible healing and health benefits when used in conjunction with traditional veterinary care. There is only one other certified animal chiropractor providing animal chiropractic care to Fairbanks areas, Dr. Colleen Gelvin. I have been working with Dr. Lisa Kramer, as a concurrent primary care veterinarian for canine clients in Juneau. Any client that I consult with must have their animal under the care of a veterinarian and have been examined by that veterinarian. I would love to be able to assist Juneau by providing another specialty to the pets, horses and people of Southeast Alaska.

Respectfully,

Stefanie Jones, D.C.
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**BOARD OF VETERINARY EXAMINERS
MINUTES OF MEETING
OCT. 7, 2011
PAGE 10**

Ms. Donohue pointed out that farriers are not required to hold a veterinary license to practice, as stated in AS 08.98.250(5)(D)(ii). A second point raised by the letter is if Dr. Jones is currently practicing animal chiropractic care for compensation, as there is no license for that.

Dr. Eastman noted that the compensation question is a good point. She noted that for example licensed veterinary technicians must be employed by a licensed veterinarian, who is authorized to do the billing. The technician cannot do so. She noted that during the conversation about having a chiropractor come into a practice and work on a veterinary patient billing was not discussed. She further noted that any assistant brought into the practice to consult or assist would have to be paid by the clinic, not by billing the patient directly.

Dr. Beck noted that currently this treatment is not a referral, it is care provided under the veterinarian's supervision.

Ms. Donohue advised Drs. Campbell and Eschbach the Veterinary Board currently has requested advice from the AK Dept. of Law regarding referring to non-veterinary health care licensees.

Dr. Eastman noted that at this point the Veterinary Board sees the value of being able to provide complimentary and alternative animal care, but until they receive advice from Dept. of Law, they cannot refer patients to non-veterinary care providers. If the Dept. of Law advises the Veterinary Board can broaden their authority to refer they are certainly amenable to doing so.

She then asked if anyone had anything else to add. Dr. Campbell asked that once the Veterinary Board receives the opinion back from the Dept. of Law to please share with the Chiropractic Board. And at that point they will probably have to look at their Practice Act. This conversation is just the first step in a process to see where each Board stands on this issue. Once the Veterinary Board decides what they want to do, then the Chiropractic Board will take their cue from that and look to see if they must make changes to their Practice Act.

Drs. Campbell and Eschbach left the meeting.

Ms. Donohue introduced the Chiropractic Board's Licensing Examiner, K.C. Odell, who also sat in on the discussion.

Ms. Donohue then asked the Board for clarification if they want to follow up on Dr. Jones' letter where she states she "has been working with Dr. Lisa Kramer, as a concurrent primary care veterinarian for canine clients in Juneau". Dr. Eastman said if the Board has any questions about the arrangement they should go back to Dr. Jones, as it's her responsibility. The Board directed Ms. Donohue to provide a copy of the minutes to both Dr. Jones and Dr. Kramer so they are aware there is a discussion at the Board

**BOARD OF VETERINARY EXAMINERS
MINUTES OF MEETING
OCT. 7, 2011
PAGE 11**

level to reiterate what is currently required by the Practice Acts and what changes will be necessary to allow for the inclusion of complimentary and alternative animal care.

Currently both the veterinary and chiropractic licensees must practice within the confines of their respective Practice Acts.

Agenda Item 13 Regulations (cont'd)

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

RESOLVED to initiate a regulation project to: change 12 AAC 68.310(b)(4)(B) to read “employment verification forms completed by the supervising veterinarian that verify the applicant has been working at least 700 hours a year for at least two of the previous three years immediately prior to date of application; change 12 AAC 68.230 by replacing (a)(2), with “Allied Veterinary Medical Associations and Veterinary Specialty Boards recognized by the AVMA, and adding subsections to read (8) US Dept. of Agriculture (USDA), and (9) State departments of Fish and Wildlife and Health and Social Services, Public Health division”; remove the word “and” at the end of 12 AAC 68.300(d)(2) and add (A) to read “a licensed veterinary technician may provide care to an animal under the remote direction of their employing veterinarian in communities that do not have an established veterinary practice. The scope of the technician’s duties remains the same as stated in this section”.

Agenda Item 15 Office Business

- Confirm Next Meeting Date

Jan. 20, 2012
Fairbanks, AK.

- Sign Minutes

Dr. Eastman will sign the minutes for the May 6, 2011 meeting and mail to Ms. Donohue.

**BOARD OF VETERINARY EXAMINERS
MINUTES OF MEETING
OCT. 7, 2011
PAGE 12**

Agenda Item 16 Adjourn

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

The board adjourned the meeting at 2:03 p.m.

Respectfully submitted:

Brenda Donohue, Licensing Examiner

Approved:

Margaret Eastman, DVM, Acting Chairperson
Alaska State Board of Veterinary Examiners

Date: _____

Task List

Dr. Teresa Beck

Dr. John Tuomi

Dr. David Hunt

Dr. Margaret Eastman

Martin Buser

Brenda Donohue