

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

**MINUTES OF MEETING
JANUARY 30, 2009**

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 January 30, 2009, at the Atwood Bldg., 550 W. 7th Ave., Conf. Rm. 1270, Anchorage, 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. David Hunt, Veterinarian
Martin Buser, Public Member
Dr. Timothy Bowser, Veterinarian
Dr. Margaret Eastman, Veterinarian

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

Brenda Donohue, Licensing Examiner – Juneau
Dawn Bundick and JoAnna Williamson, Investigators – Anchorage

Agenda Item 1 Review Agenda

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

Ms. Donohue noted the following additions to the agenda:

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- **Item #5 - Investigative Report**
Investigative Report
- **Item #6 – Misc. Correspondence**
AVMA – Committee Nominations
AVMA-CVTEA – Accreditation Update
- **Item #7 - Public Comment**
Suze Nolan – Veterinary Sciences Program
- **Item #8 – Application Review**
Yukon Quest Courtesy License Applications
Serum Run Courtesy License Application
- **Item # 10 – Regulations**
Letter re: VTNE Fee Increase
- **Item #12 – New/Old Business**
Handbook Review
Sunset Audit Bills

Agenda Item 2 Review/Approve Minutes

The board reviewed the minutes of the October 3, 2008 meeting. Dr. Torrence called for a motion to approve the minutes.

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

RESOLVED to approve the October 3, 2008 minutes as presented.

Agenda Item 3 Ethics Disclosure

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

Agenda Item 4 Budget Report

Ms. Donohue advised the Board that every Board's budget is being audited, and no report is available for this meeting. Following several procedure and staff changes in the past couple of years, the Division wants to assure the accuracy of the reports prior to releasing them to the Boards.

Agenda Item 7 Public Comment

The meeting was ahead of schedule, so Dr. Torrence moved on to Public Comment.

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Suze Nolan, head of the Veterinary Sciences Program for the Interior-Aleutians Campus of the University of Alaska, Fairbanks presented an overview of the program. The program provides students with a broad perspective of the Veterinary Sciences fields with specific leaning towards skills utilized by veterinary assistants. Ms. Nolan also was in attendance to observe the Board's deliberations regarding veterinary technician requirements, and the practice of veterinary medicine in the Bush. She noted her program does not provide training for, nor is it accredited in, veterinary technician courses.

Dr. Kevin Wellington was in attendance to observe the Board's deliberation regarding scope of practice for veterinary technicians.

Agenda Item 6 Correspondence

The board reviewed the following correspondence presented.

NBVME – Update from annual American Association of Veterinary State Boards meeting in Sept. 2008. Review of NAVLE 5 Attempt Limit Recommendation Notice. Information only, no response necessary.

AVMA – Call for AVMA Committee Nominations. Information only, no response necessary.

AVMA-CVTEA – Accreditation Update. Information only, no response necessary.

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

Agenda Item 5 Investigative Report

Dawn Bundick and JoAnna Williamson joined the meeting, to present the Investigative Report at 9:45 a.m.

Ms. Williamson asked the Board's guidance on a case she is trying to complete. The Board determined to enter executive session to discuss disciplinary information.

On a motion duly made by Dr. Torrence, 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 reviewing an investigative case with the Investigator.

Entered into executive session at 9:50 a.m.

Out of executive session at 10:45 a.m.

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Recess

**The board recessed at 10:45 a.m.;
reconvened at 10:55 a.m.**

Ms. Williamson requested Ms. Donohue to advise her of the dates of the Board meetings as she will be monitoring one discipline case, and will keep the Board advised of the progress.

Ms. Bundick reported there are currently eleven (11) open investigations, four (4) investigations have been closed since the last meeting; four (4) open complaints, one (1) complaint closed since the last meeting; and one pending MOA, awaiting more information from the respondent.

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

Agenda Item 10 Application Review

Following review of the Courtesy Veterinary application files for the 2009 Iditarod, Dr. Torrence called for a motion to approve these applications.

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

RESOLVED to approve the following for Courtesy Veterinary License for the 2009 Iditarod:

Vern E. Otte, DVM
Randall J. Basaraba, DVM
Stephen L. Bowen, DVM
Jay A. Butan, DVM
Glenn Cantor, DVM
Michael C. Walker, DVM
Samantha K. Yeltatzie, DVM
Vincent Gresham, DVM
Dawn S. Ruben, DVM
William C. Sampson, DVM
Michael A. Gascoigne, DVM
Roger J. Troutman, DVM
David A. Coleman, DVM
Jerome Vanek, DVM
Edward T. Lewis, DVM
William D. Liska, DVM
George W. Stroberg, DVM

John J. Reichert, DVM
Dean H. Bauman, DVM
James O. Brick, DVM
John C. Calhoun, DVM
John D. Clader, DVM
Michael A. Yacapraro, DVM
Carl F. Rogge, DVM
Dennis K. Griffin, DVM
Robert M. Knight, DVM
Charles R. Harden, DVM
Melanie C. Donofro, DVM
Carolyn Scharer, DVM
Gayle V. Tate, DVM
Ronald S. Svec, DVM
Michael V. Lindeen, DVM
Heather C. Low, DVM
Caroline S. Murray, DVM

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

RESOLVED to approve Shawn L. Buchholz, DVM for Courtesy Veterinary License for the 2009 Iditarod pending receipt of a current license verification showing license in good standing.

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

RESOLVED to approve Alan W. Taylor, DVM for Courtesy Veterinary License for the 2009 Iditarod pending receipt of a properly notarized application and Request For Exception From Social Security Number Requirement form.

Following review of the Courtesy Veterinary application files for the 2009 Yukon Quest, Dr. Torrence called for a motion to approve these applications.

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

RESOLVED to approve the following for Courtesy Veterinary License for the 2009 Yukon Quest:

Bernadine Cruz, DVM

Julie Ducrocq, DVM

Melanie Hull, DVM

Jaime Martinez Salles, DVM

Monica Pacheco Duran, DVM

Frederik Derksen, DVM

William Finney, DVM

Stefan Keller, DVM

Kathleen McGill, DVM

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

RESOLVED to approve Ronald Moore, DVM for Courtesy Veterinary License for the 2009 Yukon Quest pending receipt of a current, official license verification showing license in good standing.

Following review of the Courtesy Veterinary application to conduct a veterinary ophthalmology consultation and genetic eye disease screening and certification clinic, Dr. Torrence called for a motion to approve the application.

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

RESOLVED to approve Louis J. Laratta, DVM for Courtesy Veterinary License pending receipt of current verification showing Dr. Laratta holds Diplomate status as a Veterinary Ophthalmologist.

Following review of the Courtesy Veterinary application file for the 2009 Serum Run, Dr. Torrence called for a motion to approve the application.

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

RESOLVED to approve Jerome Vanek, DVM for Courtesy Veterinary License for the 2009 Serum Run.

Recess

**The board recessed at 11:30 a.m.;
reconvened at 11:32 a.m.**

Agenda Item 10 Regulations

Ms. Donohue provided an update on the Board's current regulation projects.

Project # 1, dealing with changes to 12 AAC 68.010, 12 AAC 68.100 and 12 AAC 68.041 are currently out to Public Notice.

Project #2, dealing with developing requirements to obtain student permits for 4th year veterinary students to enter into externships with Alaska veterinarians, is also currently out to Public Notice.

Ms. Donohue drew the Board's attention to a letter from AAVSB advising the VTNE fee would increase to \$200 effective with the June 19, 2009 administration of the exam. She asked the Board to immediately initiate a regulation project to increase the fee charged by Alaska to candidates to \$220, so the fee will be in place prior to the exam.

Dr. Torrence read the letter into the record. Following discussion, Dr. Torrence called for a motion on the matter.

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

RESOLVED to approve a regulation project to increase the fee for the Veterinary Technician National Exam to \$220 to be effective for the June 19, 2009 administration of the exam.

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LUNCH

Off record at 12:00 p.m.

Back on record at 1:12 p.m.

Agenda Item 10 Regulations (continued)

Dr. Bowser initiated the discussion regarding a regulation project to make changes to the veterinary technician regulations. After reviewing excerpts from past board meeting minutes, his thoughts are not to add additional regulations to cover personnel employed by a veterinarian. But rather, the veterinarian is responsible for the actions and performance of their employees, or supervisees, as outlined in AS 08.98.235(5). Rather than add further regulation to employees of veterinarians, the veterinarian is the responsible entity, and answerable for the actions of their employees. In regard to regulation changes, what needs to be done is to enact changes to match what is actually done in practice, and to reflect changes that have occurred in recent years in the profession. Employees can perform tasks under the “direct” supervision of the veterinarian, whereas, a licensed veterinary technician can perform tasks “under supervision”, not necessarily “direct” supervision. In addition, veterinary technicians have a higher level of authority, in that they can supervise employees who are not licensed, specifically, employees earning on-the-job training to qualify to sit for the VTNE.

Dr. Bowser suggested it would be important to clarify veterinary staff. The Board will write a paragraph on what they want, and then give it to the Regulation Specialist to draft the language for the Board’s review. Include the changes and additions in regulations Article 2 – Standards of Practice. Included they want to see the addition of a section to acknowledge the responsibility of the veterinarian for their staff. For example, “Licensed veterinarians may delegate animal care responsibilities to their unlicensed staff members under direct supervision. Exclude specific tasks also excluded for licensed veterinary technicians, in 12 AAS 68.300(c). Unlicensed staff will work only under “direct” supervision. Unlicensed staff, except those employees earning on-the-job training to qualify to sit for the VTNE, who can work under the supervision of another licensed veterinary technician or the veterinarian, are answerable directly to the veterinarian. The Board believes they have the authority to enact this regulation in accordance with AS 08.98.235(5).

As part of this regulation project the Board would like to see a section to require veterinary technicians keep the division advised of current employing veterinarian.

The Board members moved on to discussion of doctor/patient/client relationship, as it relates to prescribing to patients following a phone consultation. The statutes and regulations are silent on defining this relationship. It is up to the veterinarian to determine what constitutes their doctor/patient relationship. They determined prescribing

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for over-the-phone consultations will be done with the same consideration and responsibility exercised for in-office prescribing. The veterinarian is ultimately responsible to deliver care that conforms to minimum professional standards.

The element of having examined an animal within a year or prescribing for it is an AVMA guideline, not defined in law in this state.

Dr. Bowser said he would draft a letter to Senator Bunde summarizing the Board's interpretation regarding prescribing over the phone. He will emphasize that whatever treatment is provided should be documented. Ms. Donohue will send a copy of Senator Bunde's letter to Dr. Bowser for response.

Following discussion the Board decided not to change the requirement that a veterinarian "personally examines the animals" following treatment of that animal the veterinarian has delegated to a licensed veterinary technician. The Board does not want to open the door for independent veterinary practice by a licensed veterinary technician, without the personal supervision of the licensed veterinarian to assure the animal has received the proper care. Veterinary technicians do not have the level of skill and training to diagnose, prognose, interpret diagnostic test results, or perform surgery. In fact, they are prohibited from these activities by law.

The Board discussed whether micro-chipping is the practice of veterinary medicine. Their policy is that it is not.

The Board then moved on to discuss equine dentistry. At this time, it is considered the practice of veterinary medicine in Alaska, in accordance with AS 08.98.120. They determined that a change in statute will be required, whereby the Board is given the authority to regulate the practice of equine dentistry technicians. Ms. Donohue will contact the International Association of Equine Dentistry and bring this information to the May 2009 meeting for further discussion.

Dr. Torrence noted that until there is a way to verify the training and competency of equine dentistry technicians, the Board cannot license these practitioners for independent practice. These practitioners must currently be under the direct supervision of a licensed veterinarian.

In regards to complementary and alternative modes of veterinary practice, the same requirement applies in that these practitioners cannot engage in independent practice. They must hold a license and be certified by an AVMA recognized specialty board, and currently there is no such license. They can be employed by a veterinarian, who can delegate tasks for which the employee has received appropriate training, and provide direct supervision to that employee.

Mr. Buser remarked that when he hears "equine dentist" he makes an automatic assumption that that practitioner has obtained at least 5-6 years of training, and is a

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licensed specialist in that field. Currently, there is no AVMA recognized specialty in equine dentistry.

The Board asked that the Agenda for the next meeting include further discussion of equine dentistry, and complementary and alternative modes of treatment. In the meantime, each board member and the licensing examiner will gather information of training programs for these practices. Ms. Donohue will go on-line and see what can be obtained from the International Association of Equine Dentistry. She will also look for sites for American Association of Veterinary Dentists and check the web address equinedentistry.com.

Ms. Donohue advised the Board there is an Attorney General opinion regarding the difference between “contracted” and “employed”. A contracted person is self-employed and pays their employment taxes. An employed person does not pay employment tax, the employer does. The employer is also responsible to provide the proper level of supervision to an employee.

Dr. Bowser noted that it would be helpful to let the State Association know of this discussion, so that veterinary practitioners in the State know this discussion is occurring. Ms. Donohue said she would make sure to provide a copy of these minutes to the Association so practitioners can provide their input.

Agenda Item 12 New/Old Business

The Board reviewed several changes to the Handbook. Ms. Donohue will make the noted changes and updates and provide a draft copy to each member. Once approved by the Board, she will arrange for it to be posted on the Veterinary Board’s web page.

Following further discussion of accepting PAVE in addition to ECFVG, the Board would be supportive of changes to AS 08.98.165 Qualification for Licensure, of adding “successfully completed the Program for the Assessment of Veterinary Education Equivalence (PAVE). This will be added to Legislative Recommendations in the Annual Report.

Recess

The board recessed at 2:40 p.m.;
reconvened at 2:45 p.m.

Agenda Item 5 – Investigative Report

Ms. Bundick joined the meeting at 2:45 p.m. to discuss an investigation case.

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

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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 2:46 p.m.

Out of executive session at 2:58 p.m.

Agenda Item 12 New/Old Business (continued)

The Board next reviewed their motion made at the Oct. 3, 2008 meeting supporting part of Rep. Gardner's proposed legislation dealing with immunity for abuse reporters. Dr. Torrence reviewed the motion for Dr. Bowser, who had been absent from the October meeting. He then relayed that Dr. Priddy, with the State Association, had contacted him to advise that Rep. Gardner visited the Association, and stated the Board had requested her to introduce this legislation. Dr. Torrence wrote a letter to the Association stating the Board had not requested Rep. Gardner to draft this legislation. Upon review, the Board chose to remain neutral on all portions of the proposed legislation except what they had previously approved.

The Board reiterated their support of including passage of the PAVE program as a pathway for foreign-trained veterinarians to become licensed in Alaska. However, this is going to take a statute change by the Legislature.

Agenda Item 11 Goals & Objectives

The Board reviewed their Goals and Objectives and feel they are on track with their Goals as listed below.

**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.

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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. 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 Office Business

- Travel Authorizations

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

- Sign Wall Certificate

Dr. Torrence and Dr. Bowser signed wall certificates.

- Confirm Next Meeting Date

May 15, 2009
Sitka, Alaska

- Sign Minutes

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Dr. Torrence signed the minutes of the Oct. 3, 2008 meeting.

Agenda Item 14 Adjourn

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. Eastman and approved unanimously, it was

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

The board adjourned the meeting at 3:48 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:

Dr. Timothy Bowser

Dr. David Hunt

Dr. Margaret Eastman

Martin Buser

Brenda Donohue