

Board of Veterinary Examiners

Feb 23, 2023 at 9:00 AM and Feb 24, 2023 at 12:30 PM

330 Willoughby, 9th floor, State Office Building, Juneau, and via Zoom

These meeting minutes were approved by the board at a public meeting held June 8, 2023.

Thursday, February 23

The meeting was called to order at 9:10 a.m. Dr. Rachel Bergartt, chair, Dr. Ciara Vollaro, Dr. Denise Albert, and Dr. Hal Geiger were all present. Sara Chambers, DCCED Boards and Regulations Advisor, and Tami Bowman, Occupational Licensing Examiner, were present.

The board's mission statement was read aloud by Chair Bergartt. There were no conflicts of interest declared by members.

Motion by Dr. Geiger to approve the agenda; Unanimously approved.

Motion by Dr. Geiger to approve the minutes from the January meeting as presented; Unanimously approved.

PDMP update

Lisa Sherrell, PDMP Coordinator, provided a verbal quarterly report which will be emailed to the board this week. Highlights of discussion:

- Michael Bowles was introduced as the new Executive Administrator for the Board of Pharmacy.
- A new PDMP Project Assistant has been hired and will start soon.
- Statewide gateway is now live at no cost to users. It allows single sign on for clinics and facilities, which streamlines use and reduces the need for delegates. More than 80 facilities overall are using the gateway at this point.
- Delegate audit will occur again in March and will be announced ahead of time. There are not a lot of delegates in the system compared to the number of licensees available to be delegates. Be sure to verify delegates when prompted so their accounts remain live.
- There are a number of veterinarians with DEA registrations who are still not registered with the PDMP, which is a requirement under state law.
- Annual awareness and feedback questionnaire will also be live soon. Previous years' reports have been provided to the board and are on the PDMP web site. Historically, there has been a low response rate for vets. The board is encouraged to engage with industry and licensees to complete the report so their feedback is captured. There are benefits to responding; for example, when providers indicated they would like access to more delegates, the number of delegates was increased from five to ten.
- The division will be reaching out to providers who indicated they were directly dispensing federally scheduled II – IV controlled substances on their license renewal applications. The purpose for the contact is to ensure providers meant to indicate they were dispensing, know

what their responsibilities are to comply with statute, know how to report, and are provided with any other training they need. This contact also allows the division to modify reporting requirements for things like office closures on a Monday: Staff can indicate this in the system and vets don't need to report.

- Because they are not entered into the system by providers, the system cannot verify activity exempted under state statute. This is also explained in the recently released McKinley report on the PDMP. The exemptions may skew the data, so compliance numbers need to explain that there is a potential for these gaps. Exemptions are a conundrum in every profession. Alaska has more complicated exemptions than other states. Board members said that veterinarians are confused about what exemptions apply when, so they are prescribing fewer opioids, only working within exemptions, or just reviewing all the time. The board can lead in educating licensees and directing licensees toward available resources.
- Ms. Sherrell encouraged the board to read the McKinley report, which had been uploaded to the board packet and is also on the PDMP web page. Ms. Chambers stated the new division director, Sylvan Robb, was working through the new report and next steps, including determining what the workgroup looks like. Chair Bergartt stated that the McKinley report would be discussed on Friday.

Investigative Report

Senior Investigator Jenni Summers presented the year-to-date investigative report, which was also included in the board meeting materials, which includes 12 open cases. One case was closed during this time period. Senior Investigator Erika Prieksat joined at the request of the board and stated there were no current PDMP vet cases and that cases were not being referred in batches. Ms. Chambers walked through the investigative division of labor and funding sources for PDMP cases versus board-specific statutory or regulatory violations.

Dr. Albert said she was receiving dangerous combination/prescribing alerts in the PDMP report and wondered if those indicated anything punitive for veterinarians. Ms. Chambers said they were not—they were clinical alerts designed to be informational for the provider. She suggested that if the information was not relevant to veterinarians, it could be ignored. She reiterated that violations are determined by statute and regulations. Since the board hasn't set prescribing standards for veterinarians, there were no standards that could be enforced.

Board Vacancy Update

Ms. Chambers reported that there was no immediate news regarding filling board vacancy; she had alerted Boards and Commissions to the potential vacancies in March 2024 and will continue to do so as that time is closer. Board members were encouraged to reach out to AKVMA to solicit applications and need to encourage public members to apply.

Licensing Trends

Chair Bergartt reviewed the licensing trends provided by Examiner Tami Bowman. She said it was important to keep a finger on the pulse of trends given the recent veterinary shortage. Ms. Bowman reported there were 41 iditarod and 9 other courtesy licenses. Three were issued as working interviews and two are in process to be fully licensed Alaska providers. Chair Bergartt expressed

appreciation for the great working relationship that Ms. Bowman has cultivated with the race organizers.

Review Legislative Meeting Schedule

The board discussed various appointments with legislators they had scheduled that afternoon and the following morning. PDMP legislation has been introduced by Rep. Ruffridge and Sen. Tobin. Hearings are scheduled next week in both bodies, and Chair Bergartt will represent the board.

Dr. Geiger moved to support language of last year's HB302 for introduction and sponsorship this legislative session. Dr. Albert moved to change to add "ECFVG and PAVE or a certification process approved by the board." The amended motion was unanimously approved. Ms. Chambers offered to assist Dr. Albert and Dr. Geiger in writing a simple letter explaining this legislative request so they can hand it out this afternoon. The chair reiterated that they should hold meetings in pairs so they did not violate, or were not perceived to violate, the Open Meetings Act.

The board had a short break from 11:30 – 11:40 a.m.

Board Correspondence Discussion

Clarification of Mobile Specialist/VCPR: A veterinarian had emailed to ask whether a mobile specialist under certain circumstances meets the standards of the current VCPR regulations of the board. Dr. Albert pointed out that mobile specialists must be board certified, so the questioner doesn't qualify as a mobile specialist. Bergartt recommended that be brought to the questioner's attention. Given the forthcoming discussion about pending VCPR regulations, the question was deferred to Friday.

VCPR Proposed Regulations

Regulations Specialist Alison Osborne joined the meeting and reviewed the regulations before the board.

Dr. Geiger moved to adopt the rekeyed draft as noticed for the purpose of discussion.

Dr. Albert moved to amend after 12 AAC 68.215(a) after "if the licensed veterinarian" add "in the same practice." Dr. Vollaro asked about relief veterinarians/mobile vets/people leaving practices. The board discussed that VCPR is established when the vet sees the patient. If the veterinarian moves on, they retain the VCPR. Bergartt feels the motion would unduly restrict veterinary care. Dr. Albert clarified that a patient in a remote area can be cared for as defined in subsection (e). Dr. Bergartt agreed and reminded us that does not establish a VCPR unless subsection (a) is met. **The amendment failed unanimously.**

The board recognized the public comments, which were two letters from AKVMA and national, were supportive.

Dr. Geiger stated he would vote against the regulations as presented because of the term "impossible."

Bergartt, Albert, Vollaro: Yea; Geiger: Nay. Motion passed.

Dr. Albert thanked Dr. Geiger for his counterpoint, which helped carefully consider aspects of the regulation. Dr. Geiger thanked Dr. Albert for doing the same.

The chair recessed the board until 12:30pm Friday.

Friday, February 24

The meeting was called to order at 12:34 p.m. Dr. Rachel Bergartt, chair, Dr. Ciara Vollaro, Dr. Denise Albert, and Dr. Hal Geiger were all present. Sara Chambers, DCCED Boards and Regulations Advisor, and Tami Bowman, Occupational Licensing Examiner, were present.

Debrief Legislative Meetings

The board discussed the meetings they had held with legislators that morning and the previous day. It's possible there will be support for adding the PAVE proposal as an amendment to the PDMP bills. Chair Bergartt will remain the lead on PDMP. Dr. Vollaro will remain the lead on PAVE legislation.

The board requested Ms. Chambers email the legislative letter to them.

Public Comment

The board asked the two guests present if they wished to make general public comment. Jeanne Olson, DVM, had several administrative questions relating to the web site, regulations, and licensing processes.

Board Correspondence (continued from yesterday)

VCPR Question:

The board reviewed suggested language regarding pending VCPR regulations and asked Ms. Bowman to respond with advice referring to the future standards. She could also be directed to the mobile specialist regulations, as well.

Dr. Albert volunteered to begin an FAQ for the board to review at the May meeting. Chair Bergartt is available to consult, if needed.

CBD/Cannabis Use:

AAVSB and others have not been able to come up with a position statement. AVMA has also published on this topic. California veterinary board to develop guidelines for discussing CBD use within the VCPR. This is a complex topic that will take time for the board to work through. Chair Bergartt feels this will require dedicated time by the board to research and answer.

The chair requested the division invite a presentation at the May meeting from the Division of Agriculture's Industrial Hemp section and Department of Law regarding dispensation/toxicity/sale/use of CBD in a veterinary context. The board expressed concerns about CBD vs. marijuana, DEA license use, legal risks to veterinarians who want to use it on patients, legal requirements for sale, FDA approval, what is being tested, how are known toxins tested, etc. The board could work toward guidance or FAQ as opposed to regulations, if necessary.

Review of McKinley PDMP Report

Dr. Geiger offered his point of view as a career researcher and analyst. He took issue with the research protocols and methods. He believed the methods used were a downright failure as an attempt at objective research, resulting in an entirely misleading report. Dr. Vollaro and Dr. Albert agreed that it was not journal quality. All agreed that it was not independent or objective due to the very nature of the methods. Dr. Albert is concerned about the potential private cost of integrating electronic health records in veterinary clinics. Chair Bergartt cited several examples of incorrect and irrelevant data. The board is looking forward to asking Director Robb how the report will be used.

Division Update

Melissa Dumas, Administrative Operations Manager, presented the second quarter fiscal report. An additional \$250,000 (est) in general fund will be added to the FY23 report once the allocation is completed. This is to offset potential fee increases and should keep the program out of deficit. This report is always publicly available on the Division Reports web page. Ms. Dumas explained the federal funding that covers PDMP costs. The chair requested that PDMP cases be provided in the investigative report.

The chair recapped the board's discussion about the McKinley Report with the director. She requested that the PDMP board chairs and board be invited to be part of future discussions before decisions are made on next steps. Director Robb appreciated the input.

Break at 3:11

Executive Session to Discuss State Exam

Motion by Dr. Geiger to enter executive session per AS 44.62.310(c) re: confidential per state law. Unanimously approved. Off the record at Exec Session at 3:23pm

Back on the record at 4:15pm

The board resolved to discuss the exam further at the May meeting.

Response to Public Comment

The board and division staff walked through the availability of meeting minutes and other information from the web site. Ms. Chambers encouraged communication when any technology issues are discovered. Division program meeting minutes are being updated as soon as staff are available to go back and finalize them. The board is encouraged to ensure they are reviewing minutes at every meeting by placing it on the agenda.

Questions about the VCPR were discussed and referred back to Dr. Albert to complete a draft FAQ.

Other Board Business

Next meeting is scheduled May 24 via Zoom 9am - 4pm. The October meeting should include board chair election so Chair Bergartt can train and assist the new chair before her term ends March 2024.

The board reminded staff that Dr. Vollaro was approved to attend AAVSB "Board Basics and Beyond" in April. If a key staff member is identified to serve the board for the future, the board would like for that person to attend. They requested an update on approving that travel request. The board expressed a desire to receive more information and training on travel reimbursement.

Motion by Dr. Albert to adjourn. Unanimously approved. Adjourned at 5:02pm.