



# Board of Veterinary Examiners

Alaska Division of Corporations, Business and Professional Licensing  
June 20<sup>th</sup>, 2024 at 9:00 AM AKST via Zoom

**These minutes were approved at the October 3<sup>rd</sup>, 2024 meeting of the board.**

Members Present: Rachel Bergartt, DVM, Chair; Denise Albert, DVM; Hal Geiger, PhD; Ciara Vollaro, DVM

Staff Present: Tami Bowman, Occupational Licensing Examiner; Rachel Billet, Program Coordinator I; Reid Bowman, Program Coordinator II; Sara Chambers, Boards and Regulations Advisor

## **Call to Order**

The meeting was called to order at 9:01 am by Dr. Bergartt. A quorum was established. She read the board's mission statement into the record. All members declared they had no conflicts of interest to report.

**Motion by Dr. Geiger to approve the agenda.** Seconded by Dr. Albert. **Passed by unanimous consent.**

**Motion by Dr. Geiger to approve the minutes from April 11th, 2024.** Seconded by Dr. Vollaro. **Passed by unanimous consent.**

## **Public Comment**

The chair of the Board of Massage Therapy, Annetta Atwell, read a letter to the board in response to the letter sent out by the Veterinary Board on March 20, 2024, concerning, in part, the overlap of massage practice and massage on animals. The BOMT is interested in bridging the gap in the professions between massage and veterinary services, and a series of questions were posed to the board in this letter aimed at exploring how a licensed massage therapist may be able to practice on animals. The BOMT also expressed a willingness to open a statute change to provide this service. Dr. Bergartt thanked Annetta for her time and stated that the board is not allowed to engage in a back-and-forth discussion during the public comment period, but that the board will consider letter and reach out at another date.

## **Discussion with the Board of Chiropractic Examiners - Practicing on Animals**

Dr. John Lloyd from the Board of Chiropractic Examiners spoke to the board regarding Animal Chiropractic, a topic that he said comes up as a point of contention every few years without any real resolve. After summarizing his experience completing a course in animal chiropractic, which he stressed was nearly a year long and taught half by chiropractors and half by veterinarians, Dr. Lloyd asked whether the Veterinary Board is interested in allowing

chiropractors to practice on animals if board approved training is completed successfully, and whether such practice would be allowed strictly under the supervision of a licensed veterinarian, allowed via referral, or if board members had other suggestions. Dr. Bergartt, having earlier attended the Board of Chiropractic Examiners meeting on May 3<sup>rd</sup>, 2024, to hear the boards questions regarding practicing on animals, stressed that the remaining board members were hearing discussion on this topic for the first time today and are therefore not prepared to establish a position, but could certainly ask questions and engage in discussion.

The board responded that the traditional interpretation of their statutes and regulations has always been that manipulation of any kind is to be done by a licensed veterinarian, or under the supervision of a licensed veterinarian. To make any changes they would need LAW to indicate they have changed that interpretation, or to pursue a change in statute or regulation. The board also confirmed that the current statutory definition of scope of practice for chiropractors specifies it is for humans, so a statute change would be needed on their end as well.

Outside of what would need to change in statute or regulation or both, Dr. Lloyd's ask was whether the Veterinary Board is interested in allowing animals to be adjusted by chiropractor as he says he has seen many other states work together to find a similar solution amongst their boards. The board countered that chiropractic adjustments are a recommended and available service to animals, but they are done either by veterinarians with specialty training and knowledge specific to animals, or under a veterinarian's immediate supervision. Whether that is a satisfactory option for licensed chiropractors and the Chiropractic Board is another discussion. There is concern regarding who is held liable if chiropractic services are rendered to an animal outside of veterinary care and what, if any, course of action would be available to a member of the public needing to lobby a complaint in that situation.

Dr. Lloyd indicated that there is interest from the Chiropractic Board in making changes that allow more ways to practice on animals than what is currently allowed, and that they are open to exploring that with the Veterinary Board if the interest is there or exploring independently through researching what other states have done if not. As the board needed to move on to their next agenda item, Dr. Bergartt thanked Dr. Lloyd for his time and said they can expect some follow-up at a later date.

## **Division Update**

### **A. Fiscal Review**

Melissa Dumas presented the 3<sup>rd</sup> quarter report for fiscal year 2024. There were no questions from the board.

### **B. Licensing Report**

#### **i. Examiner Update**

Ms. Bowman presented her licensing report.

<b>License Issued:</b>	<b>FY2023</b>	<b>7/1/23 to date</b>	<b>YTD</b>	<b>In Process:</b>
Veterinarians	40	30	17	9
Veterinary Technicians	15	28	18	22
Courtesy	54	57	50	1
Student Permits*	30	23	9	4
Temporary Permits*	11	8	5	2
Temporary Licenses	1	4 (2 exp – 1 failed NAVLE)	0	0

Since we are approaching the end of fiscal year 2024, she included licensing totals from Fiscal Year 2023 (FY23) as well as the current numbers for FY24 so the board could review and compare. She explained that she believed the increased in veterinary technician licenses to be attributed to those doing on the job training, who had previously taken the exam passing after additional attempts. AAVSB has begun handling pre-approvals for the VTNE for formally trained Veterinary Technicians and will begin doing so for on-the-job trained technicians during the next exam cycle. She stated that student permit applications have started coming in, and that a form revision is in process after staff noticed through processing that a change is needed to the sponsoring veterinarian form for better clarity.

She then asked the board if they might consider a regulation change regarding requirements for veterinary technicians, as a current applicant with on-the-job training experience who has passed the VTNE is not eligible for licensure because she has not worked at least 700 hours in 2 of the last 3 years due to living remotely where work was not available. The board expressed concern regarding gaps in employment due to the risk of necessary skills and abilities being lost if not practiced regularly, but Ms. Bowman pointed out that based on the current regulations a technician with formal training as opposed to on-the-job training could not work for any number of years and still be eligible for licensure. She also stated that since the board has recently discussed having technicians take the jurisprudence exam it might be logical to allow an alternate pathway to licensure under 12 AAC 68.310.

Dr. Albert asked for an update on two student permit applicants that were recently presented to the board being sponsored by the same veterinarian at the same time, since under Sec 08.98.188(c)(3) not more than one student permit holder at a time may be under the direct supervision of a veterinarian licensed in this state. Ms. Bowman said this issue was the driving force for the earlier mentioned in process sponsorship form revision, since two students can be sponsored by the same veterinarian, they just can't be supervised by the same one, and the form only requires sponsor details. While staff works the form revision, she will reach out the

sponsor in question and ask the form to be signed by the other supervising veterinarian in the practice.

The board was also informed of changes in military licensing due to the Servicemembers' Civil Relief Act (SCRA), and it was explained that applications for anyone SCRA eligible may be coming through and are only required to meet federal licensing requirements, not local. The board recently made changes to their temporary military licensing regulations, but were assured that the SCRA does not negate those changes – the temporary military licensure pathway still exists. Members asked if the SCRA will require statutory or regulatory changes to remain compliant with federal law, and as of right now the division reports that it is likely, but details aren't yet known.

### **Correspondence**

There was no correspondence to review at this meeting.

### **Investigations**

#### **A. Investigative Report presented by Dawn Bundick**

Investigator Dawn Bundick presented the investigative report for the period of March 30<sup>th</sup>, 2024, through June 7<sup>th</sup>, 2024. Dr. Geiger asked what the violation type 'violation of licensing regulation' means, and Investigator Bundick explained that that violation type often refers to matters involving medical records, emergency services, and prescription labeling.

#### **B. CE Audit (Executive Session) presented by Erika Prieksat.**

**Motion by Dr. Albert to go into executive session in accordance with AS 44.62.310(c) to discuss two consent agreements and allow any staff approved by the chair to remain on. Seconded by Dr. Vollaro. Passed by unanimous consent.**

**As the reviewing board member for two consent agreements, Dr. Bergartt was recused from the discussion.**

**The board went off the record at 10:27 am and returned at 10:36 am. A quorum was maintained.**

**Motion by Dr. Geiger to approve the consent agreements for Dr. Espey and Dr. Thornell. Seconded by Dr. Albert. Passed by unanimous consent. Dr. Bergartt abstained from voting.**

**Motion by Dr. Geiger to go into executive session in accordance with AS 44.62.310(c) to discuss one consent agreement and allow any staff approved by the chair to remain on. Seconded by Dr. Vollaro. Passed by unanimous consent.**

**As the reviewing board member for the consent agreement, Dr. Albert was recused from the discussion.**

**The board went off the record at 10:39 am and returned at 10:42 am. A quorum was maintained.**

**Motion by Dr. Geiger to approve the consent agreement for Dr. McCollum. Seconded by Dr. Vollaro. Passed by unanimous consent. Dr. Albert abstained from voting.**

### **Break**

The board went off the record at 10:43 am and returned at 11:01 am.

### **Attendance**

#### **Present:**

Members: Rachel Bergartt, Ciara Vollaro, Denise Albert, Hal Geiger

### **Regulations**

#### **A. Conceptual Regulations Changes**

##### **i. Maintenance of Medical Records**

Since the last board meeting on April 11<sup>th</sup>, there have been no changes to the proposed edits to 12 AAC 68.910, as the board decided during that meeting to conduct individual research on the topic before reconvening to discuss.

In response to questions raised at the meeting, Dr. Vollaro reached out to four different vaccine clinics and confirmed that all but one do a full physical exam including a temperature, pulse, and respiration (TPR) check, and that the one clinic that doesn't is doing so for intake and surgery, but not for administering vaccinations. Dr. Albert reached out to a doctor she is familiar with that oversees 1700+ sled dogs and found that their record keeping is quite sophisticated and done online, including recording TPR's. Dr. Albert did raise the question of whether a nonprofit clinic offering vaccinations falls under the jurisdiction of the veterinary board as she believed the definition of veterinary medicine to include 'for compensation'. The board reviewed Sec 08.98.250 together and confirmed that nonprofits do have to abide by statutory and regulatory requirements under items (B) and (C).

Dr. Albert brought up that the as the proposed regulations are written they require an exam and TPR be documented for every animal and is concerned whether a musher is going to pay for a veterinarian to come to their sled dog kennel and do vaccinations, full exams, and records for every single dog. She stated that she has worked with clinics in the past that do kennel days where animals are notated in a list with what vaccines they're getting, and the examination, TPR, and vaccine is simply checked off as completed. By increasing these requirements there is a concern that it will limit these clinics and lead to mushers finding and using the cheapest means possible at the expense of the safety of the animal.

There was further discussion regarding the boards role in protecting public health and welfare, and the possibility that enforcing significantly stricter requirements might exacerbate an already existing shortage of veterinarians in the state. Dr. Vollaro suggested the use of sticker boxes in record keeping, a tool she learned in a continuing education course, as an easier means of documentation without having to write down lengthy exams.

There was considerable discussion surrounding the uniqueness of Alaska, especially when it comes sled dogs and kennels compared to other states, and the struggle to balance what is needed in those settings as opposed to a traditional clinical setting. Through discussion it was learned that many kennels are either purchasing some vaccines through their veterinarian or other over the counter means and administering those themselves, and often just utilize the veterinarian for rabies vaccinations. With that knowledge the board decided the best course of action might be to create a specific carveout for rabies only in regulation as to not burden the veterinarians and clients in these large kennel settings.

Board members will take this idea of a rabies carveout into consideration and continue discussion at the next regularly scheduled board meeting.

## **ii. Time Limit to File a Complaint**

The board reviewed guidance received from Investigations and LAW after asking at a previous meeting whether there was anything in statute or regulation that limits when a complaint against a licensee can be filed. Chief Investigator Prieksat and Administrative Law Judge Elizabeth Leduc gave their insight, informing the board that there isn't any legal requirement on a statute of limitations that would apply to professional licensing, but there is some guidance in case law where boards have considered information that was deemed not timely, thus resulting in a delay that caused harm to the respondent, causing the court to rule in favor of the them. Investigations and LAW advised that setting time constraints could unduly affect the ability of someone to bring a legitimate complaint to the board.

Based on the information provided, the board agreed to take no action and table the topic indefinitely, unless something comes up in the future the warrants a revisit.

### **iii. Scientific Definition**

Dr. Albert presented proposed edits to regulation 12 AAC 68.230(b) for board discussion, with the intent to clarify the use of the word non-scientific with regards to approved continuing education (CE) courses as discussed at previous meetings. Proposed edits replace non-scientific with non-medical and use the American Association of Veterinary State Boards' RACE standards to clearly define what medical and non-medical CE are. Dr. Geiger suggested that the use of 'and/or' throughout the draft be corrected to the word 'or' only, and after a brief discussion the board came to an agreement and staff made the correction. The board was otherwise in favor of the proposed changes.

**Motion by Dr. Geiger to initiate a regulations project regarding approved continuing education programs by approving the following language for public comment unless substantive changes are made by the regulations specialist or Department of Law.**

Seconded by Dr. Vollaro. **Passed by unanimous consent.**

### **iv. Recommendation to Division for Euthanasia Regulations**

Dr. Bergartt presented the potential need for the board to get involved in some capacity in regulating the issuance of permits to euthanize domestic animals (EUT). Currently, the only statute or regulation that covers EUT is centralized statute 08.02.050 – there are no supporting regulations. Additionally, the division was recently notified that the entities listed in statute that the division accepts as course approvers have stopped doing approvals, so we are need of a solution for what is accepted as euthanasia technician training for facilities that employ them.

Dr. Bergartt pointed out that with the current statute, permitted technicians are only allowed the euthanasia drug itself – no pre-euthanasia agents are permitted, and she thinks one goal of board involvement here could be to allow for those additional drugs, as 08.02.050 references 'other drugs authorized for use under this section', yet no other drugs are specified. Though the department (CBPL) may adopt regulations to implement this section, no such regulations have been created.

Staff informed the board of their available options/ next steps. The board could;

- Make recommendations to the director for proposed changes to the statute and needed regulations.
- Pursue whether the board can make their own regulation changes and obtain some authority over the matter that way.

- Pursue exploring statute change within the Veterinary Statutes and Regulations in tandem with/ instead of department suggested changes to Centralized Statue so that the two programs better align, and the Veterinary Board can obtain some authority over the matter.

The board discussed that while there is nothing in law requiring them to assist with the program, as the trained professionals who understand the intricacies of humane euthanasia, they ultimately decided their involvement is needed and they want to further explore the best pathway to assist. Dr. Bergartt asked that Rachel put the topic on their next meeting agenda to discuss further.

### **Lunch Break – 12:59 pm**

The board went off the record at 12:59 pm and returned at 1:30 pm.

### **Attendance**

#### **Present:**

Members: Rachel Bergartt, Ciara Vollaro, Denise Albert, Hal Geiger

### **Application Reviews**

#### **A. Veterinarian by Credentials - V.N.**

**Motion by Dr. Geiger to go into executive session in accordance with AS 44.62.310(c).  
Seconded by Dr. Vollaro. Passed by unanimous consent.**

**The board went off the record at 1:36 pm and returned at 1:48 pm. A quorum was maintained.**

**Motion by Dr. Vollaro to table the application for V.N. until additional information is received. Seconded by Dr. Albert. Passed by unanimous consent.**

### **CDC Animal Import Law Change**

Dr. Albert described concerns with recent changes to the CDC Animal Import Law which goes into effect August 1. She noted that based on how the new requirements are written it seems they will be highly impactful, especially financially, to Alaska with how many people travel in and out of the state with dogs, specifically those used for hunting and mushing. Dr. Vollaro pointed out that there is a 1-hour webinar being offered by the CDC on June 27th which may be valuable in clearing up some concerns, and Dr. Bergartt suggested the posting a notice on the board website homepage notifying licensees of the change with a link to the new CDC requirements. Rachel Billiet will create a notice for the website and notify board members when it has been posted.



## **Board Administrative Business**

### **A. Update on board terms/appointments/chair position**

Sara Chambers reported that there were no updates as to when the board may have new members appointed but ensured them that their need is deemed urgent and is a top priority and said she will be sending another message to the governor's office today. Dr. Bergartt and Dr. Vollaro indicated they have also been reaching out, and Dr. Geiger mentioned that he knows a well-qualified member of the public that has been applying and is hearing nothing back. Dr. Albert asked whether applicants are being considered if they were the only one to apply, and Sara said that is not necessarily the case, but they do factor in whether an applicant meets all requirements and the level of urgency when making determinations. She encouraged the board/ members of the board to write letters to the governor's office if they wish to.

### **B. Set next meeting date**

The next board meeting will be on Thursday, October 3<sup>rd</sup>, 2024, via zoom.

### **FY 24 Annual Report**

Rachel Billiet informed the board that the Fiscal Year 2024 Annual Report needs to be completed in 10 days to meet statutory requirements. Dr. Bergartt indicated that she will complete the report and send to Rachel the following week.

### **C. AAVSB Delegate Selection**

The board does not have to make delegate selections for the AAVSB Annual Meeting in September until early August, but as they will likely not meet before then they were encouraged to make decisions now, with the caveat that a new board member will replace a previously selected member in the even that they get one. Dr. Vollaro and Dr. Bergartt have conflicts, and Tami Bowman cannot attend. Between Dr. Geiger, Dr. Albert, and Rachel Billiet, the board will select one delegate and one back up delegate.

**Motion by Dr. Geiger to select one delegate and one back up delegate, in the following priority order; Dr. Albert, a newly appointed board member, a member of board staff, or Dr. Geiger. Seconded by Dr. Vollaro. Passed by unanimous consent.**

### **D. Other Business**

Dr. Albert wished to discuss how other members consider letters of recommendation and professional references that are lukewarm, as in her experience they are usually written extremely positive, so to get one that is anything but gives her pause. It was discussed that while a less than stellar recommendation might be something a member thinks twice about in their personal practice, the board does not have statutory or regulatory authority to deny a license if the reference has signed that the

applicant meets the minimum level of competency. If the reference said something outright indicating the individual should not be licensed then the board would explore that, but otherwise a range in abilities is to be expected.

Circling back to the earlier discussion on massage therapy and chiropractic on animals, Sara Chambers asked if the board was interested in having her organize a work group to explore the statutory or regulatory changes amongst the three boards that might lead to a path forward that satisfies everyone. She explained that working collaboratively and transparently as a group would be preferable to taking a backseat if either or both boards opted to act at the legislative level without the Veterinary Board involvement, and that there may be an economic opportunity for all boards that should be considered. Board members were largely concerned with patient safety due to a lack of proper education and knowledge should they allow these practices being discussed, but as a majority they were open to a group discussion, so long as the stated goal is an open forum, not a 'get to yes'. Sara plans to draft a letter to the boards inviting such a discussion, and Dr. Bergartt and Dr. Geiger have indicated they are open to being involved in that.

Dr. Albert brought up that the board had discussed in a previous meeting making changes to the jurisprudence exam to tailor it for veterinary technicians, noting that she sent Ms. Bowman some suggested edits and wondered if the entire board had seen those. Ms. Bowman stated that Dr. Albert was the only board member to respond with suggestions after she sent out the current exam, so she has been waiting, but will send out the exam again and include Dr. Albert's notes for feedback.

Rachel Billiet brought it to the chair's attention that an applicant whose application was reviewed earlier in the meeting had joined that call. As their application was already discussed and public comment was closed, the board informed the applicant that the decided motion was to table her application pending additional information, and that they could expect staff to be reaching out after the meeting for that.

**Dr. Bergartt adjourned the meeting at 3:07 p.m.**