

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 251()**IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-SEVENTH LEGISLATURE - SECOND SESSION****BY****Offered:****Referred:****Sponsor(s): REPRESENTATIVES DICK AND JOULE****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to the Board of Veterinary Examiners; relating to the practice of
2 veterinary medicine; and requiring the Board of Veterinary Examiners to prepare a
3 report on the availability of veterinary services in rural Alaska."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * **Section 1.** AS 08.98 is amended by adding a new section to read:

6 **Sec. 08.98.122. Persons practicing without compensation.** (a)

7 Notwithstanding AS 08.98.250(5)(C), a person who is not licensed under
8 AS 08.98.120 may practice veterinary medicine in this state and use a description,
9 title, abbreviation, or letters in a manner or under circumstances that induce the belief
10 that the person is qualified or licensed to practice veterinary medicine if

11 (1) the person is licensed to practice veterinary medicine in another
12 state and practicing within the scope of that license; and

13 (2) the person's practice in this state is uncompensated practice.

14 (b) In this section, "uncompensated practice" means practice for which no

1 wages or other remuneration is given as payment for services. In this subsection,
2 "remuneration" does not include reimbursement for actual expenses incurred or other
3 nonmonetary consideration.

4 * **Sec. 2.** AS 08.98.235 is amended to read:

5 **Sec. 08.98.235. Grounds for imposition of disciplinary sanctions.** After a
6 hearing, the board may impose a disciplinary sanction on a person licensed under this
7 chapter when the board finds that the person

8 (1) secured a license through deceit, fraud, or intentional
9 misrepresentation;

10 (2) engaged in deceit, fraud, or intentional misrepresentation in the
11 course of providing professional services or engaging in professional activities;

12 (3) advertised professional services in a false or misleading manner;

13 (4) has been convicted of a felony or other crime that [WHICH]
14 affects the person's ability to continue to practice competently and safely;

15 (5) intentionally or negligently engaged in animal care or permitted
16 the performance of animal care by the person's supervisees that [WHICH] does not
17 conform to minimum professional standards regardless of whether actual injury to the
18 animal occurred;

19 (6) failed to comply with this chapter, with a regulation adopted under
20 this chapter, or with an order of the board;

21 (7) continued to practice after becoming unfit due to

22 (A) professional incompetence, gross negligence, or repeated
23 negligent conduct; the board may not base a finding of professional
24 incompetence, gross negligence, or negligent conduct solely on the
25 unconventional nature of the licensee's practice in the absence of
26 demonstrable physical harm to an animal patient;

27 (B) addiction or severe dependency on alcohol or other drugs
28 that [WHICH] impairs the person's ability to practice safely;

29 (C) physical or mental disability;

30 (8) engaged in lewd or immoral conduct in connection with the
31 delivery of professional service.

1 * **Sec. 3.** AS 08.98 is amended by adding a new section to article 3 to read:

2 **Sec. 08.98.245. Complaints, investigations, and hearings.** (a) A complaint
3 against a person licensed under this chapter

4 (1) may be filed only

5 (A) by a person who owns or is responsible for the care of the
6 animal whose treatment is the subject of the complaint;

7 (B) against a licensee who treated the animal;

8 (2) must include documentation of the details described in (1) of this
9 subsection;

10 (3) must be made under oath;

11 (4) must be filed within six months of the date of the occurrence of the
12 act or omission that is the basis of the complaint.

13 (b) The department shall send notice to the licensee describing the complaint
14 or allegation.

15 (c) During the investigation of a complaint submitted in compliance with (a)
16 of this section, the department shall

17 (1) interview, under oath, the complainant, the licensee, and, if
18 applicable, the licensee's technician or assistant, and determine, among other issues,
19 whether the complainant followed aftercare procedures, if any, recommended by the
20 licensee;

21 (2) include in its investigative report all relevant information, including
22 exculpatory evidence, obtained under (1) of this subsection.

23 (d) A board member whose principal place of veterinary practice lies within
24 five miles of a licensee's principal place of veterinary practice may not participate in a
25 disciplinary hearing relating to that licensee.

26 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 REPORT ON AVAILABILITY OF VETERINARY SERVICES IN RURAL
29 ALASKA. The Board of Veterinary Examiners, in conjunction with the Department of
30 Commerce, Community, and Economic Development, shall prepare a report on the
31 availability of veterinary services in rural Alaska and make recommendations for improving

1 veterinary services in rural Alaska without spending state funds. The Board of Veterinary
2 Examiners shall consult with the Alaska Federation of Natives in preparing the report. The
3 Board shall report its findings to the legislature not later than December 31, 2012.