

Konrad Jackson

From: Jeanne Maddux/ Jack Schnurr <jmaddux@acsalaska.net>
Sent: Sunday, February 12, 2012 7:38 PM
To: Rep. Kurt Olson
Subject: HB251

Dear Representative Olson,

I am encouraging you to vote against HB251 as sponsored by Rep. Dick. As I understand it, this bill would 1) strip the Veterinary Examining Board of any oversight or recourse for individuals that want to practice gratis medicine in Alaska, 2) grant equal rights and privileges to graduates of foreign veterinary programs that may or may not have training that is considered acceptable in our state, and 3) remove the right of citizens to report harmful activity to animals that they do not own. I believe that the provisions of this bill will lower the standards of veterinary care statewide, and will not adequately protect Alaskan citizens and their pets. I realize that rural Alaska has some unique obstacles in gaining services, but I do not believe that leaving the door open for substandard care is the correct way to surmount such obstacles. I doubt that such considerations would be proposed for other professional services, and I do not believe they are appropriate for veterinary care.

Respectfully,
Jeanne Maddux, DVM, PhD
Aurora Animal Clinic
Fairbanks, Alaska

Konrad Jackson

From: Jim Leach <alaskatralldoc@mtaonline.net>
Sent: Tuesday, February 14, 2012 8:44 PM
To: Rep. Mark Neuman
Cc: Sen. Linda Menard; Konrad Jackson
Subject: HB 251

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Rep. Neuman,

We have been made aware of the content of HB 251 concerning the proposed changes in licensures and practice of veterinary medicine within the State of Alaska.

The content of HB 251 would destroy the professional integrity of veterinary medicine within our State of Alaska. This bill would allow uneducated, undisciplined and untrained individuals to "pretend to be veterinarians". This bill would be an extreme detriment to the profession of veterinary medicine within Alaska, but also, importantly, would potentially put at serious risk, any and all animals "treated" by such individuals.

Because of the lack of adequate and professional education standards of these individuals, this could certainly potentially put many humans at risk from zoonotic diseases.

At present, the Alaska Veterinary Board has the professional oversight to monitor the qualifications of the individuals who practice veterinary medicine within the State of Alaska. This professional Board should continue to be the decisional Board for veterinarians and the level of veterinary services within the State.

The proposed "changes" in the licensure and practice of veterinary medicine in our state are at the minimum, unbelievable. These

"proposals" not only would allow, but would potentially encourage incompetence and abuse to become rampant in veterinary practice and therefore, in turn prove to be to the detriment of the public and to the animals.

Please consider seriously and vote to STOP HB 251.

We have provided veterinary services throughout Alaska for over 30 years. These services included years of providing veterinary care to many bush communities. This HB 251 is one of the worst we have seen proposed. It contains numerous errors, not only in text, but also the erroneous and false indications that this will be beneficial to and protect the public and the animals.

If you have questions on this bill and the issues, please feel free to contact me.
Sincerely,

James Leach III DVM AK Lic. #63

Konrad Jackson

From: info <info@aesah.com>
Sent: Friday, February 10, 2012 6:06 PM
To: Rep. Kurt Olson
Subject: HB251

Dear Representative Olson,

As a member of the AKVMA and a practicing veterinarian in the State of Alaska I am writing to express my opposition to HB251. I agree wholeheartedly with the sentiments expressed in a letter to you from the AKVMA regarding the dangers of this bill to the animals and animal owners of the State of Alaska. Please do not allow the standards of veterinary care in Alaska to be compromised by this bill.

Sincerely,
Julie A. Grohs, D.V.M.
Alaska Equine & Small Animal Hospital, LLC
PO Box 671512
Chugiak, AK 99567
www.aesah.com
907-688-9303

Konrad Jackson

From: Pam Tuomi <pamt@alaskasealife.org>
Sent: Monday, February 13, 2012 7:34 PM
To: Rep. Kurt Olson
Subject: HB251
Attachments: HB 251 Rep Olson.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

As a long time veterinary practitioner (since 1970) and former member and chair of the Alaska Board of Veterinary Examiners, I am very concerned that passage of HB251 would strip Alaskans of the protection that they expect and deserve from the state veterinary licensing program. I cannot improve upon the comments so ably expressed in the attached letter from Dr. Delker and the AKVMA Executive Committee. I too am concerned about the lack of adequate veterinary care in many remote and sparsely populated areas but opening the gates to anyone with a diploma willing to work for free (or for a guided hunting or fishing trip or other forms of barter) in any location in the state and removing the Board's ability to ensure that our citizens receive the competent and humane care that they need and expect will not improve the situation.

Would you allow a non-licensed engineer to design and build a bridge across a river between two remote villages and exempt that person from liability just because he was willing to do the work without compensation? The risk to human and animal health from poorly trained and unregulated veterinary care is no different.

Please do not support HB251 as currently written.

Pam Tuomi
Senior Veterinarian
Alaska Sealife Center
P.O. Box 1329
Seward, AK 99664
907-224-6340 (office)
907-229-5524 (cell)

Alaska Veterinary Medical Association

Www.akvma.org



Phone: 800-272-1813
Email: info@akvma.org
Web Site: www.akvma.org

February 10, 2012

Chairman Kurt Olson
House Labor & Commerce Committee
Rm. 24, State Capitol
Juneau, Alaska 99811

Dear Chairman Olson:

As licensed veterinarians and members of the AKVMA Executive Committee, we have been following HB251 as sponsored by Representative Dick. Although we understand and support his effort to increase the availability of veterinary health care in rural/bush communities, we have some significant concerns with the bill as drafted.

The purpose of the Veterinary Board of Examiners is to protect the citizens of Alaska. HB251 strips the Veterinary Examining Board of any oversight or recourse for certain individuals who want to practice gratis medicine in our state. The bill also proposes to give equivalent rights and privileges to animal health care professionals who may originate in other countries where the standard of training and health care is far below what we would consider acceptable anywhere in our state or country. Furthermore, the bill removes the rights of citizens to report harmful activity to animals simply because they do not own them. The intent of this bill is honorable – enhance veterinarian services in rural Alaska. But, as written, this measure fails to protect the citizens and pets of Alaska adequately; lowering the standards of medical care not just in rural communities but statewide.

As veterinarians we understand “field medicine” is not the same as that which can be undertaken in a clinic/hospital structure. There is no statute that presently prohibits veterinarians from providing gratis veterinary care in Alaska. These veterinarians are expected, however, to provide competent veterinary services, within a basic standard of care, to the best of their ability given the circumstances under which they provide them. For example: A veterinarian spaying an animal in Bethel is not expected to have a completely sterile operatory setting. But he or she is expected to have as clean an environment as possible, with properly sanitized instruments, using appropriate anesthetics and pain management. Under current statutes only a veterinarian performing grossly substandard medicine would be investigated by the Examining Board or prosecuted with criminal animal abuse statutes.

Some additional inherent concerns we see with HB251 are outlined below:

Section 1- Persons practicing without compensation... Persons licensed in the United States and most Canadian Provinces have graduated with an AVMA accredited degree. A veterinary degree from another “country,” as proposed in the bill, is not necessarily equivalent to an AVMA accredited veterinary degree. In fact there are vast differences in standards of teaching and care. I refer to an article from JAVMA that evaluated veterinary education in Mexico and other developing countries-- “*The accreditation system is poor or nonexistent in other developing nations. (JAVMA 2004)* Just because an individual is licensed in another country, does not mean he or she is competent to practice medicine in our country, no matter what the cost. Accepting a lower standard of veterinary care in the bush, just because it is free, does not protect our rural residents.

In part (c) of this section there is reference to compensation. We would all agree that “actual expenses incurred” should include costs of travel, lodging, and supplies. But allowing all “other nonmonetary consideration” is a bit ambiguous and open to abuse. Shouldn’t there be a clearer definition or limits on nonmonetary compensation? Present regulations do not prohibit a veterinarian from receiving shelter, a warm bed, and complimentary meals.

Section 2- *Surrender and reinstatement of a license...* We are somewhat ambivalent on this provision, but we don't see the need for this section. We are wondering what the intent or purpose of this section is? Presently a veterinarian can surrender his or her license and leave the state with no questions asked. If you plan to return to practice you simply continue to pay a nominal Biennial fee and the license will remain active (as long as you meet minimum CE requirements and are not under investigation or prosecution in another state). In certain states (i.e. MN) you can pay a lesser fee for an "Inactive License." This license stipulates you are either absent the state or not practicing more than 2 weeks a year in the state. This "inactive" status allows personal leave from the state while not requiring re-licensure upon return. Again this process assumes you have maintained minimum CE requirements upon reactivation. If this scenario is the intent of the section above, we would recommend the collaboration with Veterinary Examining Board for recommendations.

Section 3- (7)(A) *Professional incompetence...* We believe the proposed language is vague and dangerous. Allowing any veterinarian to practice "unconventional" and "experimental" medicine without any liability would be reckless. What if the "unconventional medicine" does not immediately harm a pet but places a family member in danger? Suppose a veterinarian uses an unlicensed homeopathic rabies vaccine that he or she believes to be effective against the rabies virus. The pet was not harmed by the vaccine, but this scenario would place the pet and family at risk by allowing "experimental" medicine. Further, who or what defines "unconventional or experimental,"? There is significant risk for abuse due to this section; a veterinarian could cite this section as an excuse for negligent or improper medicine. We believe all practitioners, whether providing paid or free services, should have to provide care within a minimum safe standard, regardless of where they practice in the state.

Section 4- *Complaints, Investigations, Hearings...* We do not believe it is proper or ethical to take away the right of a citizen to report misconduct by a professional. Additionally, to provide an effective "statute of limitations" of 6 months is somewhat reprehensible. In my practice experience (in another state), I had a client present me with an animal ~9 months after it had surgery elsewhere. I performed a second surgery to correct the improperly performed first procedure. Under this bill I would have no right or responsibility to report this to any board and the owner would have no recourse as their "6 month" window had expired. Another scenario presented by this bill -- A "veterinarian" can come up from Mexico under the banner of "gratis medicine" and potentially cause harm to an animal. As long as the owner/caretaker doesn't complain--it's ok. Let us suppose the owner/caretaker is concerned. When we are talking about a rural community, what are the chances this owner will have the resources and finances necessary to track down this professional and pursue litigation - even just weeks after he/she has gone? Remember in this bill we have already stripped the Veterinary Examining board from any oversight. We fail to see how this section of HB251 protects Alaskans.

We truly applaud Rep. Dick for attempting to increase access to veterinary care in rural /bush communities. We don't know of any veterinarian in the state who would complain about or argue with someone willing to go into these rural communities and provide needed care. But the care provided needs to meet basic standards and not harm those being helped. HB251, as written, does not protect the constituents in rural communities from substandard care. We support the intent of this bill but cannot endorse it as written.

We agree to support legislation that improves access to proper veterinary care without lowering the standards of healthcare in the state.

Regards,
Dr. Jim Delker

Alaska Veterinary Medical Association Executive Committee



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February 9, 2012

Chairman Kurt Olson
House Labor & Commerce Committee
Rm. 24, State Capitol
Juneau, Alaska 99811

Dear Chairman Olson:

As licensed veterinarians and members of the AKVMA Executive Committee, we have been following HB251 as sponsored by Representative Dick. Although we understand and support his effort to increase the availability of veterinary health care to rural/bush communities, we have some significant concerns with the bill as drafted.

The purpose of the Veterinary Board of Examiners is to protect the citizens of Alaska. HB251 strips the Veterinary Examining Board of any oversight or recourse for certain individuals who want to practice gratis medicine in our state. The bill also proposes to give equivalent rights and privileges to animal health care professionals who may originate in other countries where the standard of training and health care is far below what we would consider acceptable anywhere in our state or country. Furthermore, the bill removes the rights of citizens to report harmful activity to animals simply because they do not own them.

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veterinarians from providing gratis veterinary care in Alaska. These veterinarians are expected, however, to provide competent veterinary services, within a basic standard of care, to the best of their ability given the circumstances under which they provide them. For example: A veterinarian spaying an animal in Bethel is not expected to have a completely sterile operatory setting. But he or she is expected to have as clean an environment as possible, with properly sanitized instruments, using appropriate anesthetics and pain management. Under current statutes only a veterinarian performing grossly substandard medicine would be investigated by the Examining Board or prosecuted with criminal animal abuse statutes.

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“experimental” medicine without any liability would be reckless. What if the “unconventional medicine” does not immediately harm a pet but places a family member in danger? Suppose a veterinarian uses an unlicensed homeopathic rabies vaccine that he or she believes to be effective against the rabies virus. The pet was not harmed by the vaccine, but this scenario would place the pet and family at risk by allowing “experimental” medicine. Further, who or what defines “unconventional or experimental?” There is significant risk for abuse due to this section; a veterinarian could cite this section as an excuse for negligent or improper medicine. We believe all practitioners, whether providing paid or free services, should have to provide care within a minimum safe standard, regardless of where they practice in the state.

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We truly applaud Rep. Dick for attempting to increase access to veterinary care in rural /bush communities. We don’t know of any veterinarian in the state who would complain about or argue with someone willing to go into these rural communities and provide needed care. But the care provided needs to meet basic standards and not harm those being helped. HB251, as written, does not protect the constituents in rural communities from substandard care.

We support the intent of this bill but cannot endorse it as written. We agree to support legislation that improves access to proper veterinary care without lowering the standards of healthcare in the state.

Regards,

Dr. Jim Delker

Alaska Veterinary Medical Association Executive Committee

James Delker D.V.M. AKVMA Past President, Soldotna
Diane Preziosi D.V.M. AKVMA President, Anchorage
Denali Lovely D.V.M. AKVMA President-Elect, Fairbanks
Myra Wilson D.V.M. AKVMA Secretary, Anchorage
Linda Chang D.V.M. AKVMA Treasurer, Anchorage
Jon Basler D.V.M. AVMA Delegate, Anchorage
Mary Ann Hollick D.V.M. AVMA Alternate Delegate, Anchorage



February 6, 2012

**Board of Veterinary Examiners
Position on HB 251**

Section 1:

The board recognizes that access to veterinary care in many Alaskan communities is minimal at best, and the cost of bringing veterinary professionals to remote locations may be prohibitive. The statue currently allows veterinarians licensed in other states to practice in Alaska without providing any credentials to the Board of Veterinary Examiners as long as they are not compensated for their services. The board has no objection to legislation that clarifies what is meant by "compensation." However, because these volunteer veterinarians fall outside the jurisdiction of the board, the board cannot address any concerns a member of the public may have regarding the care their animal received, and the onus for determining if the volunteer veterinarian is licensed in another state would fall upon the organizer of the visit.

Section 2:

The board recognizes the rights of a license holder to maintain, surrender, or allow his or her license to lapse. We should not have the authority to force any professional to maintain his or her Alaskan veterinary license regardless of its standing.

Section 3:

The addition of language to AS 08.98.235(7)(A) to further define "professional incompetence" and "negligence" is open to interpretation that could easily result substandard veterinary care. AAC 68.080 states, "A licensed veterinarian shall exercise the degree of care, skill and diligence in treating patients that is ordinarily used in the same or similar circumstances by average members of the veterinary community in which the veterinarian practices." The board recognizes that Alaskan communities are among the most diverse in the country and that in many rural communities, dedicated medical facilities are unavailable. Veterinarians serving these areas should do the best they can to secure a clean, safe setting in which to provide care. We believe the code supports this acknowledgement and in no way stipulates what physical facilities are required to provide adequate services. Medical practices that are "unconventional or experimental in nature" may be necessitated by the remote location of the veterinarian, or it can be argued that therapies that fall outside of what is indicated, prudent or safe are "unconventional or experimental." Accepted protocols for field anesthesia and pain control exist, and most sound veterinary medical principles can be exercised regardless of location. The code requires

veterinarians do the best they can with the resources they have where they are. The people and animals of this state deserve at least that much assurance, regardless of their location.

Section 4:

The board believes that no Alaskan can be prevented from filing a complaint against any professional. Ideally, any complaint alleging failure to meet standard of care for an individual animal is made by that animal's owner or caretaker. However, there are aspects of the statutes and administrative code where violation may not directly result in harm to an animal, but failure to comply with them may have public health implications. For example, the code is clear about what is required information on a prescription label. An inadequately labeled medication may not cause the veterinary patient harm, but it can delay proper treatment for a child that ingests that same medication. In this case no animal was harmed, and should the attending physician be prevented from filing a complaint? All complaints go through the same investigative process, and many of them are found to be without basis regardless of their source. The board believes it is the right of any Alaskan to file a complaint with a professional board, and it is the division's responsibility to assess the complaint's validity.

It should be noted also that members of professional examining boards rarely participate in disciplinary hearings. A hearing judge presides over the proceedings and the consent agreement reached between parties is approved by the board once it is finalized.

The board understands the intent of HB 251 and does not wish to hamper the efforts of communities to attain affordable veterinary care. However, we cannot support the bill in its entirety for the reasons discussed. Facilitating the medical care of animals in our rural areas is a complex issue, but limiting the consumer's ability to hold Alaskan veterinarians to a reasonable standard of practice will not improve care for anyone.

Respectfully submitted,

Margaret Eastman, DVM
Chairperson, Board of Veterinary Examiners

Konrad Jackson

From: JDdelker@aol.com
Sent: Monday, February 13, 2012 10:40 PM
To: Konrad Jackson
Subject: HB251 MaryAnn Hollick
Attachments: HB251 MaryAnn Hollick.docx

Follow Up Flag: Flag for follow up
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Dear Representative Olson and Mr. Jackson,

Dr. Mary Ann Hollick is a colleague and long time Alaskan. She has served on the Alaska State Veterinary Association (AKVMA) as well as serving as a delegate to our national association, the American Veterinary Medical Association (AVMA). Dr. Hollick asked me to forward the attached letter regarding HB251 to your office for review.

Dr. Hollick would have preferred to testify in person but is presently out of the country (in Chile working on a veterinary project). Dr. Hollick has traveled abroad and through her travels has acquired a good bit of experience with veterinary standards in other countries. She would be the first to tell you that all veterinarians worldwide are not created equal. The level of training, esp. in developing countries, is far from equivalent to US standards. She too has concerns about the risks presented by HB251. She asks that you would distribute this letter to the Committee members as well as any House members you deem appropriate. She would be more than happy to discuss her experiences and concerns with any member of the House or Senate (and has provided her phone contact information therein). Thank you for your consideration.

Regards,

Dr. Jim Delker

Dear Chairman Olson and Alaskan representatives,

As a long time practicing Alaskan veterinarian and also a veterinarian with international veterinary experience I would like to extend my thought regarding this HB251.

If the intent of HB 251 is to provide an opportunity for veterinarians (as defined under the laws of any country in the world) to provide charitable services in rural areas, then there are better way to meet this need. Many of our United States provide an efficient method for qualified veterinarians, who are properly licensed in other states, to obtain limited temporary licenses for charitable work, or for other legitimate temporary work.

As currently drafted, this HB251, creates "a clear and present danger" of unqualified and unlicensed individuals being permitted to practice veterinary medicine in Alaska, while being exempt from normal civil-malpractice protections. This creates three obvious risks: 1) malpractice by unqualified individuals, 2) tax evasion, through the bill's provision permitting "non-monetary" compensation, and 3) a channel for unregulated distribution of illicit drugs, which is a well-recognized societal-devastating problem in rural Alaska.

Allow me to address each of these risks in order.

Malpractice

The risk of malpractice arising from this bill is nearly 100%. The bill provides for individuals who are not licensed in any of the United States to practice veterinary medicine in Alaska. This is certainly unique in all of the United States. I have personally consulted on veterinary practice policy through the American Veterinary Medical Association, the State of Alaska Veterinary Medical Association, as well as internationally through being licensed in Australia, and through consultation to the Veterinary Surgeon's Board of Belize and veterinary pharmaceutical research in Mexico and Chile. I can attest that training and licensing quality is highly inconsistent among countries. Only a veterinarian licensed in one of the U.S. states should be allowed to practice in any of the U.S. states.

Tax Evasion

This bill provides a clear and obvious pathway to tax evasion by allowing for undefined "non-monetary compensation". There is no definition for such compensation or required tax reporting. There appears to be no guidance on the definition of non-monetary compensation, or its tax treatment.

Drug Management

The bill raises several obvious questions relating to the prescription and distribution of controlled drugs. It is not possible to perform surgery, to a professionally acceptable standard of care, without access to Drug Enforcement Administration (DEA) controlled pharmaceuticals. Thus, a decision must be made between compromising the professionally acceptable medical standard of care, vs. unlicensed access to DEA controlled drugs.

While I recognize the well-intentioned efforts to make veterinary care cheaper in the bush, it is important to not compromise acceptable medical and drug management controls.

Please contact me at [\(907\) 696-1957](tel:(907)696-1957) if you have any questions.

Regards,

Mary Ann Hollick, D.V.M.