

SENATE BILL NO. 321

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATOR WILKEN

Introduced: 2/19/02

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Board of Veterinary Examiners and the practice of veterinary**
2 **medicine."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 08.02.020 is amended to read:

5 **Sec. 08.02.020. Limitation of liability.** An action may not be brought against
6 a person for damages resulting from

7 (1) the person's good faith performance of a duty, function, or activity
8 required as a

9 (A) member of, or witness before, a licensing board or peer
10 review committee established to review a licensing matter;

11 (B) member of a committee appointed under AS 08.64.336(c);

12 (C) contractor or agent of a contractor under AS 08.01.050(d)
13 or AS 08.64.101(5);

14 (2) a recommendation or action in accordance with the prescribed

1 duties of a licensing board, peer review committee established to review a licensing
 2 matter, committee appointed under AS 08.64.336(c), or contractor or agent of a
 3 contractor under AS 08.01.050(d) or AS 08.64.101(5) when the person acts in the
 4 reasonable belief that the action or recommendation is warranted by facts known to the
 5 person, board, peer review committee, committee appointed under AS 08.64.336(c), or
 6 contractor or agent of the contractor under AS 08.01.050(d) or AS 08.64.101(5) after
 7 reasonable efforts to ascertain the facts upon which the action or recommendation is
 8 made; [OR]

9 (3) a report made in good faith to a public agency by the person, or
 10 participation by the person in an investigation by a public agency or a judicial or
 11 administrative proceeding relating to the report, if the report relates to the abuse of
 12 alcohol, other drugs, or other substances by a person licensed by a board listed in
 13 AS 08.01.050(d); or

14 **(4) a report made in good faith under AS 08.98.920.**

15 * **Sec. 2.** AS 08.98.010 is amended to read:

16 **Sec. 08.98.010. Creation and membership of the board.** There is created
 17 the Board of Veterinary Examiners composed of five members appointed by the
 18 governor and approved by the legislature. Four members shall be [LICENSED]
 19 veterinarians who **are currently licensed and in good standing to engage in the**
 20 **practice of veterinary medicine in this state, have been residents of this state for**
 21 **at least two years, and** have been in **the** active practice **of veterinary medicine** [IN
 22 THE STATE] for at least five years preceding appointment. **One member** [AND
 23 ONE] shall be a public member **who, in addition to the limitations in AS 08.01.025,**
 24 **must be at least 21 years of age and may not have ever been a veterinarian or the**
 25 **spouse of a veterinarian, have had a material financial interest in the provision of**
 26 **veterinary services, or have been engaged in an activity directly related to the**
 27 **practice of veterinary medicine other than as a consumer of veterinary services** [.
 28 A PERSON MAY NOT SERVE ON THE BOARD WHO IS, OR WAS DURING
 29 THE TWO YEARS IMMEDIATELY PRECEDING APPOINTMENT, A MEMBER
 30 OF A FACULTY, BOARD OF TRUSTEES, OR ADVISORY BOARD OF A
 31 VETERINARY SCHOOL].

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

2 **Sec. 08.98.026. Removal of board members.** On request of the board, the
 3 governor [THE BOARD] may remove a member on any one of the following
 4 grounds:

5 (1) refusal or inability to perform the duties as a member of the board
 6 in an efficient, responsible, and professional manner;

7 (2) misuse of the member's office to obtain financial or material gain
 8 or advantage personally or for another;

9 (3) a final judicial determination that the member has violated a law
 10 governing the practice of veterinary medicine; or

11 (4) other just and reasonable cause as determined by the board.

12 * **Sec. 4.** AS 08.98 is amended by adding a new section to read:

13 **Sec. 08.98.035. Officers.** (a) Unless the governor has designated a
 14 chairperson, the board shall elect a chairperson from among its members. The board
 15 shall elect from among its members other officers it considers appropriate.

16 (b) The term of an officer elected by the board is one year. An officer may
 17 serve no more than three consecutive full terms in each office.

18 * **Sec. 5.** AS 08.98.040 is amended to read:

19 **Sec. 08.98.040. Board meetings.** The board shall hold at least three meetings
 20 each year at a place determined by the board. The board may hold special meetings
 21 at the call of the chairperson [CHAIRMAN] or of four [A MAJORITY] of the
 22 members. A majority of board members constitutes a quorum, and a majority vote of
 23 those present is the decision of the board.

24 * **Sec. 6.** AS 08.98.050 is amended to read:

25 **Sec. 08.98.050. Powers and duties of the board.** (a) The board shall
 26 regulate the practice of veterinary medicine in this state. In order to regulate the
 27 practice of veterinary medicine, the board shall

28 (1) establish [EXAMINATION] requirements for eligible applicants
 29 for licensure to practice veterinary medicine including licensure by examination,
 30 licensure by transfer, provisional licenses, temporary licenses, courtesy licenses
 31 issued under AS 08.01.062, and license renewal;

1 (2) examine [,] or cause to be examined [,] eligible applicants for
2 licensure **by examination** [OR REGISTRATION];

3 (3) approve the issuance **or renewal** of licenses to qualified applicants;

4 (4) establish standards for the practice of veterinary medicine by
5 regulation;

6 (5) conduct disciplinary proceedings in accordance with this chapter
7 **and AS 08.01.075**;

8 (6) adopt regulations requiring proof of continued competency before a
9 license is renewed, **including regulations governing the determination of which**
10 **programs will satisfy this requirement and how many hours of continuing**
11 **education are required**;

12 (7) [AS REQUESTED BY THE DEPARTMENT, MONITOR THE
13 STANDARDS AND AVAILABILITY OF VETERINARY SERVICES PROVIDED
14 IN THE STATE AND REPORT ITS FINDINGS TO THE DEPARTMENT;

15 (8)] collect [,] or cause to be collected [,] **practitioner, examination,**
16 **financial, and other data or information requested by the department and** data
17 concerning the practice of veterinary technology by veterinary technicians in the state
18 and submit the data **or other information** to the department for maintenance;

19 **(8) [(9)]** establish, by regulation, **licensure requirements, including**
20 educational and training requirements, for **veterinary technicians and standards**
21 **pertaining to the duties and employment of veterinary technicians, including**
22 **standards specifying the circumstances under which there may be** [THE]
23 delegation of duties by veterinarians licensed under this chapter to veterinary
24 technicians;

25 **(9) establish, by regulation, standards under which the board will**
26 **approve**

27 **(A) degree programs of nonaccredited schools and colleges**
28 **of veterinary medicine whose graduates will be eligible for licensure;**

29 **(B) certification processes of other entities whose certificate**
30 **holders will be eligible for licensure; and**

31 **(C) educational equivalency under AS 08.98.166.**

1 (b) The board may

2 (1) join professional organizations and associations organized
 3 exclusively to promote the improvement of the standards of the practice of
 4 veterinary medicine for the protection of the health and welfare of the public or
 5 whose activities otherwise facilitate the work of the board [ESTABLISH
 6 EXAMINATION AND REGISTRATION REQUIREMENTS FOR VETERINARY
 7 TECHNICIANS];

8 (2) adopt regulations requiring a permit and establishing permit
 9 requirements for animal shelter employees and other persons so that they may
 10 perform animal euthanasia without a veterinary license;

11 (3) establish, by regulation, a code of conduct for licensees;

12 (4) monitor the standards and availability of veterinary services
 13 provided in the state and report the board's findings to the department;

14 (5) adopt regulations or do any act necessary to carry out its duties
 15 under this chapter.

16 * **Sec. 7.** AS 08.98 is amended by adding new sections to read:

17 **Sec. 08.98.052. Continuing jurisdiction of the board.** The board retains the
 18 power to enforce this chapter, including the power to impose disciplinary sanctions,
 19 against an individual with respect to acts, omissions, complaints, and investigations
 20 that occurred during the time the individual was licensed, regardless of whether the
 21 individual's license subsequently became inactive, lapsed, surrendered, expired, or
 22 otherwise limited.

23 **Sec. 08.98.054. Mental and physical examinations.** The board may order an
 24 applicant for a license under this chapter or a licensed veterinarian to submit to a
 25 reasonable physical or mental examination or a substance abuse evaluation if the
 26 board determines that the applicant's or licensee's capacity to practice safely is at issue.
 27 An applicant or licensee who submits to an examination or evaluation ordered under
 28 this section is considered to have waived all objections to the admissibility of the
 29 examiner's or evaluator's testimony or reports relating to the examination or
 30 evaluation; this waiver applies only to the admissibility of the evidence in board
 31 proceedings or judicial actions to enforce this chapter.

1 * **Sec. 8.** AS 08.98.100 is amended to read:

2 **Sec. 08.98.100. Compensation.** In addition [MEMBERS OF THE BOARD
3 ARE ENTITLED] to per diem allowances and transportation expenses allowed under
4 AS 08.01.040, a member of the board is entitled to reimbursement for all
5 reasonable and necessary expenses incurred in connection with the discharge of
6 the official duties of the board member [BY LAW AND PAID MEMBERS OF
7 OTHER STATE EXAMINING BOARDS].

8 * **Sec. 9.** AS 08.98.120 is amended to read:

9 **Sec. 08.98.120. License required; prohibitions; penalty.** (a) A person may
10 not practice veterinary medicine in this state [, SURGERY, OR DENTISTRY] unless
11 the person is licensed [AS A VETERINARIAN] under this chapter or is exempt from
12 licensure under AS 08.98.900 [HAS A TEMPORARY PERMIT ISSUED UNDER
13 AS 08.98.186], except that a person may perform euthanasia for an animal if
14 authorized under regulations adopted under AS 08.98.050, and a person may
15 perform functions authorized by regulation of the board if the person is licensed as a
16 veterinary technician.

17 (b) A person may not

18 (1) hold out as being a veterinarian or use the designation
19 "veterinarian," "licensed veterinarian," or any other designation, including
20 abbreviations, that can reasonably be construed to indicate that the person is
21 licensed as a veterinarian unless the person is licensed under this chapter
22 [PRESENT OR ATTEMPT TO USE A LICENSE OR PERMIT THAT WAS
23 ISSUED UNDER THIS CHAPTER TO ANOTHER PERSON, EITHER DIRECTLY
24 OR BY IMPERSONATION];

25 (2) secure or attempt to secure a license [OR PERMIT] under this
26 chapter through deceit, fraud, or intentional misrepresentation;

27 (3) use or attempt to use an expired or revoked license [OR PERMIT]
28 knowing of the license's [OR PERMIT'S] status [; OR

29 (4) FALSELY CLAIM TO BE LICENSED OR TO HOLD A
30 PERMIT UNDER THIS CHAPTER].

31 (c) Violation of this section is a misdemeanor punishable by a fine of not more

1 than \$25,000 [\$10,000] or by imprisonment for not more than one year, or by both.

2 * **Sec. 10.** AS 08.98.120 is amended by adding new subsections to read:

3 (d) Persons who, within the scope of another license issued in this state,
4 perform actions within the definition of the practice of veterinary medicine when
5 consulted by a veterinarian in this state are not considered to be in violation of this
6 section as long as they do not hold themselves out as veterinarians or use a title or
7 description implying that they are veterinarians or are engaged in the practice of
8 veterinary medicine. In a consultation situation covered by this subsection, the
9 veterinarian remains legally responsible for the care of the animal being treated.

10 (e) A person located outside the state is considered to be practicing veterinary
11 medicine in this state if the person's client or patient is in this state at the time the
12 veterinary services are provided.

13 * **Sec. 11.** AS 08.98.150 is amended to read:

14 **Sec. 08.98.150. Administration of examination.** The board shall offer
15 examinations at least twice [ONCE] a year. Examinations shall be so administered
16 that, whenever possible, one who grades a written examination does not know the
17 identity of the examinee whose test is being graded. The board may contract with
18 an organization or individual to prepare, administer, or grade an examination
19 but retains the sole discretion and responsibility for determining which
20 applicants have successfully passed the examination, including the authority to
21 determine, for purposes of this chapter, what score is a passing score on any
22 national examination approved by the board for use in licensure under this
23 chapter.

24 * **Sec. 12.** AS 08.98.165(a) is amended to read:

25 (a) An applicant for licensure by examination is qualified to receive a license
26 to practice veterinary medicine if the applicant applies on a form provided by the
27 department and substantiates that the applicant [AS A VETERINARIAN WHO]

28 (1) is a graduate of an accredited veterinary school, [OR WHO] has
29 successfully completed another program or [THE EDUCATIONAL COMMISSION
30 FOR FOREIGN VETERINARY GRADUATES] certification process approved by
31 the board, or has satisfied educational equivalency requirements established

1 **under AS 08.98.166;**

2 (2) has, within the 60 months preceding application for the license,
3 passed a national examination for veterinarians approved by the board;

4 (3) has passed the written examination of the state on specific Alaska
5 issues of veterinary practice;

6 (4) is in good standing, as defined by the board in regulations; [AND]

7 (5) **is at least 21 years old; and**

8 (6) has paid **applicable** [REQUIRED] fees **set under AS 08.98.190.**

9 * **Sec. 13.** AS 08.98 is amended by adding a new section to read:

10 **Sec. 08.98.166. Determination of educational equivalency.** (a) The board
11 shall establish procedures and standards under which an individual who has graduated
12 from a veterinary school or program that is not accredited or approved by the board
13 may petition the board for a determination that the individual's education has been
14 equivalent to the education that may be received in a veterinary school or program
15 accredited or approved by the board.

16 (b) For determining educational equivalency under this section, the board may
17 establish reasonable assessment requirements that are necessary to protect the public
18 health and safety. At a minimum, a petitioner for educational equivalency shall

19 (1) provide to the board a certified transcript from a veterinary school
20 or program;

21 (2) successfully pass an examination or assessment mechanism
22 designed to evaluate whether the petitioner's veterinary education is equivalent to the
23 veterinary education available from an accredited or board-approved veterinary school
24 or program; and

25 (3) successfully pass an examination designed to assess
26 communication skills, including command of the English language.

27 * **Sec. 14.** AS 08.98.180 is amended to read:

28 **Sec. 08.98.180. Provisional [TEMPORARY] license.** A person who meets
29 the requirements of AS 08.98.165(a)(1), (4), and (6) [(5)] is entitled to be
30 **provisionally** [TEMPORARILY] licensed after applying for examination if the person
31 works under the supervision of a licensed veterinarian **who is ultimately responsible**

1 **for the care of the animal, has examined the animal, is physically on the premises**
 2 **where the animal is being treated, and is quickly and easily available.** A license
 3 issued under this section is valid until the results of the examinations are published. A
 4 person may not receive more than one **provisional** [TEMPORARY] license. An
 5 application for a **provisional** [TEMPORARY] license must be signed by the
 6 supervising veterinarian and accompanied by the temporary license fee required under
 7 AS 08.98.190. **The board may add restrictions to a provisional license as to time,**
 8 **place, or supervision if the board determines that the restrictions are necessary**
 9 **for the protection of public health and safety.**

10 * **Sec. 15.** AS 08.98.184 is amended to read:

11 **Sec. 08.98.184. Licensure by license transfer [CREDENTIALS].** The
 12 board shall approve the issuance of a license **to practice veterinary medicine**
 13 **through license transfer** to an applicant who holds a valid license to practice
 14 veterinary medicine in another **jurisdiction** [STATE, TERRITORY, OR COUNTRY]
 15 if the applicant **substantiates that the applicant**

16 (1) **satisfies the education requirement of AS 08.98.165(a)(1)** [HAS
 17 GRADUATED FROM AN ACCREDITED SCHOOL OF VETERINARY
 18 MEDICINE OR HAS SUCCESSFULLY COMPLETED THE EDUCATIONAL
 19 COMMISSION FOR FOREIGN VETERINARY GRADUATES CERTIFICATION
 20 PROCESS];

21 (2) has been engaged in the active practice of veterinary medicine for
 22 at least **1,000 hours a year for at least** five of the seven years **immediately** before
 23 filing the application;

24 (3) has passed the written examination of the state on specific Alaska
 25 issues of veterinary practice;

26 (4) is in good standing, as defined by the board in regulations; [AND]

27 (5) **was initially licensed in another jurisdiction based on**
 28 **examination and that license is in good standing;**

29 (6) **has never had a license to practice veterinary medicine**
 30 **suspended, revoked, or otherwise restricted, except for nonpayment of fees, lack**
 31 **of renewability, or failure to complete the continuing education requirements of a**

1 **state in which the applicant no longer practices;**

2 **(7) has not been subject to disciplinary action related to a**
 3 **veterinary license for acts inimical to public health or safety, as determined by**
 4 **the board; the board may determine whether the acts giving rise to any**
 5 **particular disciplinary action were low enough in magnitude relative to effect on**
 6 **public health and safety so that the disciplinary action can be disregarded for**
 7 **purposes of this paragraph;**

8 **(8)** has paid **applicable** [REQUIRED] fees **set under AS 08.98.190.**

9 * **Sec. 16.** AS 08.98.186 is amended to read:

10 **Sec. 08.98.186. Temporary license [PERMIT]. Upon payment of**
 11 **applicable fees set under AS 08.98.190, a** [A] person licensed to practice veterinary
 12 medicine in another state [WHO MEETS THE REQUIREMENTS OF
 13 AS 08.98.165(a)(1), (4), AND (5)] may be granted a temporary **license** [PERMIT] to
 14 conduct the **veterinary** practice of a person licensed in the state who is absent from
 15 practice. An application shall be signed by the person who is or will be absent from
 16 practice and by the applicant. A temporary **license** [PERMIT] is valid for no longer
 17 than 60 days after issuance but may be renewed **once, on request to the board, for**
 18 **an additional 60-day period.**

19 * **Sec. 17.** AS 08.98.190 is amended to read:

20 **Sec. 08.98.190. Fees.** The department shall set fees under AS 08.01.065 for
 21 the following:

- 22 (1) application;
 23 (2) examination;
 24 (3) investigation of credentials;
 25 (4) license **by examination;**
 26 (5) **license by license transfer;**
 27 **(6)** license renewal;
 28 **(7)** [(6)] temporary license;
 29 **(8) provisional license;**
 30 **(9) courtesy license** [(7) TEMPORARY PERMIT].

31 * **Sec. 18.** AS 08.98.200 is amended to read:

1 **Sec. 08.98.200. Reinstatement of lapsed license. Notwithstanding**
 2 **AS 08.01.100(d), the board may reinstate the license of a [A] person whose license**
 3 **has lapsed if the person satisfies the conditions for reinstatement that are**
 4 **established by the board in regulations** [IS ENTITLED TO HAVE THE LICENSE
 5 REINSTATED WITHOUT TAKING AN EXAMINATION UNLESS THE
 6 LICENSE HAS REMAINED LAPSED MORE THAN FIVE YEARS].

7 * **Sec. 19.** AS 08.98 is amended by adding a new section to read:

8 **Sec. 08.98.232. Civil penalty for unauthorized practice.** (a) In addition to
 9 any other provision of law, if a person practices or offers to practice veterinary
 10 medicine in the state without being authorized to practice in accordance with the
 11 provisions of this chapter, the board may enter an order levying a civil penalty.

12 (b) A civil penalty levied under this section may not exceed \$25,000 for each
 13 offense. In levying a civil penalty, the board shall set the amount of the penalty
 14 imposed under this section after taking into account appropriate factors, including the
 15 seriousness of the violation, the economic benefit resulting from the violation, the
 16 history of violations, and other matters the board considers appropriate.

17 (c) Before issuing an order under this section, the board shall provide the
 18 person written notice and the opportunity to request, within 30 days after issuance of
 19 notice by the board, a hearing on the record.

20 (d) In connection with proceedings under (a) and (b) of this section, the board
 21 may issue subpoenas to compel the attendance and testimony of witnesses and the
 22 disclosure of evidence and may request the attorney general to bring an action to
 23 enforce a subpoena.

24 (e) A person aggrieved by the levy of a civil penalty under this section may
 25 file an appeal with the superior court for judicial review of the penalty under
 26 AS 44.62.560.

27 (f) If a person fails to pay a civil penalty within 30 days after entry of an order
 28 under (a) of this section, or if the order is stayed pending an appeal, within 10 days
 29 after the court enters a final judgment in favor of the board of an order appealed under
 30 (e) of this section, the board shall notify the attorney general. The attorney general
 31 may commence a civil action to recover the amount of the penalty.

1 (g) An action to enforce an order under this section may be combined with an
2 action for an injunction under AS 08.01.087.

3 * **Sec. 20.** AS 08.98.235 is amended to read:

4 **Sec. 08.98.235. Grounds for imposition of disciplinary sanctions.** After a
5 hearing, the board may impose a disciplinary sanction **authorized under**
6 **AS 08.01.075** on a person licensed under this chapter **or deny a license to an**
7 **applicant under this chapter** when the board finds that the person

8 (1) secured **or attempted to secure** a license **or renewal of a license**
9 through deceit, fraud, or intentional misrepresentation;

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

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

14 (4) has been convicted of a felony **under federal law or under the**
15 **laws of this state or another jurisdiction** or **has been convicted of any** other crime
16 **under federal law or under the laws of this state or another jurisdiction that**
17 [WHICH] affects the person's ability to continue to practice competently and safely;

18 (5) **failed to** [INTENTIONALLY OR NEGLIGENTLY ENGAGED
19 IN OR PERMITTED THE PERFORMANCE OF ANIMAL CARE BY THE
20 PERSON'S SUPERVISEES WHICH DOES NOT] conform to minimum professional
21 standards **of veterinary practice** regardless of whether actual injury to the animal
22 occurred;

23 (6) failed to comply with this chapter, with a regulation adopted under
24 this chapter, or with an order of the board, **failed to comply with a federal law or**
25 **regulation pertaining to the practice of veterinary medicine or failed to comply**
26 **with another state's applicable laws or regulations pertaining to the practice of**
27 **veterinary medicine;**

28 (7) **is unable, due to incapacity or impairment, to engage in the**
29 **practice of veterinary medicine with reasonable skill, competence, and safety to**
30 **the public** [CONTINUED TO PRACTICE AFTER BECOMING UNFIT DUE TO

31 (A) PROFESSIONAL INCOMPETENCE;

1 (B) ADDICTION OR SEVERE DEPENDENCY ON
2 ALCOHOL OR OTHER DRUGS WHICH IMPAIRS THE PERSON'S
3 ABILITY TO PRACTICE SAFELY;

4 (C) PHYSICAL OR MENTAL DISABILITY];

5 (8) engaged in [LEWD OR] immoral conduct **or committed an act of**
6 **moral turpitude** in connection with the delivery of professional service;

7 **(9) engaged in acts constituting cruelty to animals or abuse of**
8 **animals as determined by the board or by a court;**

9 **(10) engaged in or aided another person to engage in the practice**
10 **of veterinary medicine without a license or falsely used or aided another person**
11 **to falsely use the title of "veterinarian" or a derivative of "veterinarian";**

12 **(11) failed to pay a fine assessed in a disciplinary matter, failed to**
13 **comply with a stipulation or agreement involving probation or other settlement**
14 **of a disciplinary matter, or failed to cooperate within a reasonable time with an**
15 **investigative process of the board;**

16 **(12) engaged in unprofessional conduct as determined by the**
17 **board;**

18 **(13) failed to make a report required under AS 08.98.920;**

19 **(14) violated the security of an examination given under this**
20 **chapter or the security of the examination materials by**

21 **(A) communicating with another examinee during the**
22 **administration of an examination;**

23 **(B) copying answers from another examinee or permitting**
24 **an examinee's answers to be copied by another examinee;**

25 **(C) having in possession during the administration of the**
26 **examination any books, equipment, notes, written or printed materials, or**
27 **data of any kind, other than the examination materials distributed or**
28 **otherwise authorized to be in possession during the examination;**

29 **(D) impersonating another examinee or having an**
30 **impersonator take the examination on the person's behalf;**

31 **(E) removing examination materials from the examination**

1 **room without authorization;**

2 **(F) reproducing or aiding the reproduction of a portion of**
 3 **the actual examination by any means without authorization;**

4 **(G) using professional or paid examination-takers for the**
 5 **purpose of reconstructing a portion of the examination;**

6 **(H) obtaining examination questions or other examination**
 7 **material before, during, or after an examination without authorization to**
 8 **do so;**

9 **(I) using examination questions or materials that were**
 10 **improperly removed or taken from an examination;**

11 **(J) selling, distributing, buying, receiving, or having**
 12 **unauthorized possession of a portion of a future, current, or previously**
 13 **administered examination; or**

14 **(K) any other action determined by the board to be a**
 15 **violation of the security of an examination or of examination materials;**

16 **(15) failed to report to the board that the person performed an act**
 17 **described in (14) of this section.**

18 * **Sec. 21.** AS 08.98 is amended by adding a new section to article 3 to read:

19 **Sec. 08.98.241. Authority to impose fine.** Notwithstanding AS 08.01.075,
 20 the board may impose a civil fine of not more than \$25,000 as a disciplinary sanction
 21 for each violation of this chapter or of a regulation adopted under this chapter.

22 * **Sec. 22.** AS 08.98 is amended by adding new sections to read:

23 **Sec. 08.98.900. Exemptions.** As long as the person is not licensed as a
 24 veterinarian under this chapter and does not hold out as being licensed as a
 25 veterinarian under this chapter, a person is exempt from the licensing requirements
 26 and other provisions of this chapter if the person is

27 (1) performing veterinary medical services within the scope of official
 28 duties as a veterinary medical officer serving in the United States armed forces or in
 29 the federal or state government;

30 (2) offering or performing gratuitous services in an emergency;

31 (3) responding to a request for consultation about a veterinary matter

1 extended by a veterinarian licensed under this chapter or extended by a veterinarian
2 licensed in another jurisdiction;

3 (4) performing euthanasia of an animal as authorized under regulations
4 of the board;

5 (5) an animal shelter employee implanting microchips in animals
6 controlled by the shelter;

7 (6) engaging in bona fide scientific research that requires the use of
8 animals;

9 (7) a farrier performing a farrier's functions;

10 (8) performing standard practices commonly performed on farm or
11 domestic animals in the course of routine farming or animal husbandry, when
12 performed by an owner or the owner's employee; however, this exemption does not
13 apply if ownership of the animal has, in the opinion of the board, been transferred for
14 the purpose of qualifying for this exemption;

15 (9) performing practices related to artificial insemination of animals
16 and uses a title, abbreviation, or letters in a manner that indicates that the person is
17 qualified to perform artificial insemination;

18 (10) a student enrolled in good standing in an accredited school of
19 veterinary medicine or other program approved by the board who has completed at
20 least two years of veterinary training at the school or in the program and who is
21 engaging in the practice of veterinary medicine at a veterinary teaching hospital or
22 under the supervision of a veterinarian licensed under this chapter by

23 (A) assisting in diagnosis and surgery under a supervising
24 veterinarian who is ultimately responsible for the treatment of the animal, has
25 examined the animal, and is in the immediate area and within audible and
26 visual range of the animal patient and the student; or

27 (B) otherwise assisting in the treatment of an animal under a
28 supervising veterinarian who is ultimately responsible for the animal being
29 treated by the student and has given either written or oral instructions for the
30 treatment of the animal.

31 **Sec. 08.98.910. Confidentiality of communications.** (a) A licensed

1 veterinarian and the veterinarian's employees or other persons who have access to the
 2 veterinarian's records may not reveal to another person a communication made to the
 3 licensee by a client, after a veterinary-client-patient relationship has been established,
 4 about a matter concerning which the client has employed the licensee in a professional
 5 capacity. This section does not apply to

6 (1) a case conference with other licensed veterinarians or other
 7 consultants; a veterinarian or other consultant who receives confidential information
 8 under this paragraph may not reveal that information to another person not authorized
 9 under this section to receive it;

10 (2) the release of information that the client in writing authorized the
 11 licensee to reveal or, in the case of a client who is dead or disabled, the release of
 12 information that a personal representative or other authorized person authorized the
 13 licensee to reveal;

14 (3) information released to the board as part of a disciplinary or other
 15 proceeding by the board;

16 (4) information revealed as part of the discovery of evidence related to
 17 a court proceeding brought by the client or introduced in evidence in a court
 18 proceeding brought by the client;

19 (5) a communication to a potential human victim, the owner of a
 20 potential animal victim, or to law enforcement officers where a threat of imminent
 21 serious physical harm to an identified person or animal or threat to public safety has
 22 been made by a client; or

23 (6) a communication that indicates that another licensed veterinarian
 24 has committed an act of unprofessional or unlawful conduct in the provision of
 25 veterinary services if the communication is disclosed by the veterinarian only to the
 26 board and the disclosure is made in good faith.

27 (b) Information obtained by the board under (a)(3) and (6) of this section is
 28 confidential and is not a public record for the purposes of AS 40.25.110 - 40.25.140.

29 **Sec. 08.98.920. Required reports.** (a) A person licensed under this chapter
 30 or who is an applicant for a license under this chapter shall report to the board
 31 information that the person or applicant, in good faith, believes constitutes grounds for

1 disciplinary action under AS 08.98.235 against the licensee, the applicant, or another
2 licensee or applicant, including the following:

- 3 (1) failure to make a report required under this chapter;
- 4 (2) impairment in the ability to practice veterinary medicine by reason
5 of illness or use of alcohol, drugs, or other chemicals or as a result of a mental or
6 physical condition;
- 7 (3) fraudulent billing practices;
- 8 (4) fraud in the licensure application process or examination process;
- 9 (5) making a false statement to the board;
- 10 (6) conviction for a felony under federal law or under the laws of this
11 state or another jurisdiction or conviction for any crime reasonably related to the
12 practice of veterinary medicine under federal law or under the laws of this state or
13 another jurisdiction;
- 14 (7) violation of a board order.

15 (b) If required under a law outside this chapter, a person licensed under this
16 chapter or who is an applicant for a license under this chapter shall report to the
17 applicable licensing board conduct by a practitioner of the healing arts that would, in
18 the licensee's or applicant's best judgment, constitute grounds for disciplinary action
19 against the practitioner by the applicable licensing board. In this subsection,
20 "practitioner of the healing arts" means a chiropractor, mental health counselor, social
21 worker, dental hygienist, dentist, health aide, nurse, nurse practitioner, certified nurse
22 aide, occupational therapist, occupational therapy assistant, optometrist, osteopath,
23 naturopath, physical therapist, physical therapy assistant, physician, physician
24 assistant, psychiatrist, psychologist, psychological associate, audiologist and speech-
25 language pathologist licensed under AS 08.11, hearing aid dealer licensed under
26 AS 08.55, marital and family therapist licensed under AS 08.63, religious healing
27 practitioner, acupuncturist, and surgeon.

28 (c) A report required under this section is due within 30 days after the
29 occurrence of the reportable event or action. The board may provide forms for the
30 submission of reports under this section and may require that reports be submitted on
31 the forms.

1 **Sec. 08.98.990. Definitions.** In this chapter,

2 (1) "accredited veterinary school" means a veterinary college or
3 division of a university or college that offers the degree of Doctor of Veterinary
4 Medicine, or its equivalent as determined by the board, and conforms to the standards
5 required for accreditation by the American Veterinary Medical Association;

6 (2) "animal" means any member of the animal kingdom, whether
7 living or dead, other than a human being;

8 (3) "board" means the Board of Veterinary Examiners;

9 (4) "complementary or alternative veterinary medical procedure"
10 means a procedure, such as veterinary acupuncture, veterinary acuthery, veterinary
11 acupressure, veterinary homeopathy, or veterinary manual or manipulative therapy,
12 derived from within a heterogeneous group of preventive, diagnostic, and therapeutic
13 philosophies and practices the techniques of which may diverge from the techniques
14 used in the practice of veterinary medicine routinely taught in accredited veterinary
15 schools;

16 (5) "convicted" or "conviction" means that a person has entered a plea
17 of guilty, guilty but mentally ill, or nolo contendere, or has been found guilty or guilty
18 but mentally ill by a court or jury, of an offense, regardless of whether the judgment
19 was set aside under AS 12.55.085 or a similar procedure in another jurisdiction or was
20 the subject of a pardon or other executive clemency; "conviction" does not include a
21 judgment that has been reversed or vacated by a court;

22 (6) "department" means the Department of Community and Economic
23 Development;

24 (7) "practice of veterinary medicine" means, with respect to animals, to
25 do any of the following:

26 (A) directly or indirectly consult, diagnose, give a prognosis,
27 correct, supervise, or recommend treatment for the prevention, cure, or relief of
28 a wound, fracture, bodily injury, disease, or physical or mental condition;

29 (B) prescribe, dispense, or administer a drug, medicine,
30 biologic, appliance, application, or treatment of whatever nature;

31 (C) perform surgery, a dental procedure, or a complementary or

1 alternative veterinary medical procedure;

2 (D) perform a manual procedure for the diagnosis or treatment
3 of pregnancy, sterility, or infertility;

4 (E) determine the health, fitness, or soundness of an animal;

5 (F) represent oneself directly or indirectly as engaging in the
6 practice of veterinary medicine; or

7 (G) use any words, letters, or titles under circumstances that
8 induce a subjective belief that the person using them is qualified to engage in
9 the practice of veterinary medicine;

10 (8) "veterinary-client-patient relationship" means that the veterinarian
11 has assumed responsibility for making medical judgments regarding the health of an
12 animal and the animal's need for medical treatment;

13 (9) "veterinary technician" means a person who performs functions
14 delegated by a veterinarian licensed under this chapter.

15 * **Sec. 23.** AS 08.98.250 is repealed.