

**ALASKA STATE LEGISLATURE
HOUSE RULES STANDING COMMITTEE**

March 12, 2008
5:17 p.m.

MEMBERS PRESENT

Representative John Coghill, Chair
Representative John Harris
Representative Anna Fairclough
Representative Craig Johnson
Representative Ralph Samuels
Representative Beth Kerttula

MEMBERS ABSENT

Representative David Guttenberg

COMMITTEE CALENDAR

HOUSE BILL NO. 297

"An Act relating to the practice of veterinary medicine."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 297

SHORT TITLE: PRACTICE OF VETERINARY MEDICINE

SPONSOR(S): REPRESENTATIVE(S) NEUMAN

01/11/08	(H)	PREFILE RELEASED 1/11/08
01/15/08	(H)	READ THE FIRST TIME - REFERRALS
01/15/08	(H)	L&C
02/08/08	(H)	L&C AT 3:00 PM CAPITOL 17
02/08/08	(H)	Moved CSHB 297(L&C) Out of Committee
02/08/08	(H)	MINUTE(L&C)
02/13/08	(H)	L&C RPT CS(L&C) 6DP 1NR
02/13/08	(H)	DP: GARDNER, BUCH, NEUMAN, GATTO, RAMRAS, OLSON
02/13/08	(H)	NR: LEDOUX
03/12/08	(H)	RLS AT 5:00 PM BARNES 124

WITNESS REGISTER

REPRESENTATIVE MARK NEUMAN
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Introduced HB 297, and the proposed committee substitute, as the sponsor.

BETH SCHNEIDER, Staff
to Representative Mark Neuman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the changes to HB 297, on behalf of the sponsor.

RYNNIEVA MOSS, Staff
to Representative John Coghill
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered a question during the hearing on HB 297.

STEVEN M. TORRENCE, D.V.M.; Chair
Alaska Board of Veterinary Examiners
Department of Commerce, Community, & Economic Development
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 297.

ACTION NARRATIVE

CHAIR JOHN COGHILL called the House Rules Standing Committee meeting to order at [5:17:37 PM](#). Representatives Kerttula, Harris, Fairclough, Johnson, Samuels, and Coghill were present at the call to order. Representative Berta Gardner was also in attendance.

HB 297-PRACTICE OF VETERINARY MEDICINE

[5:17:50 PM](#)

CHAIR COGHILL announced that the only order of business would be HOUSE BILL NO. 297, "An Act relating to the practice of veterinary medicine."

[5:17:57 PM](#)

REPRESENTATIVE SAMUELS moved to adopt CSHB 297, 25-LS0357\V, Bullard, as the working document.

[5:18:10 PM](#)

CHAIR COGHILL further announced that there would not be public testimony, except to answer questions. He invited Representative Neuman to present an overview of the bill and to explain the changes incorporated in Version V.

5:19:39 PM

REPRESENTATIVE NEUMAN informed the committee that the bill was submitted by the Alaska Board of Veterinary Examiners and the Department of Commerce, Community & Economic Development (DCED). The bill provides for the issuance of student permits to allow fourth year veterinary students to work in the state when directly supervised by a veterinary office. In addition, current statute has not been updated since 1998; therefore, there are housekeeping items in the bill. He noted that Sec. 7 addresses the issue of "for compensation" and relates to the practice of veterinary medicine without a license. Further, in Sec. 6, the word "school" is changed to "program" to allow the Alaska Board of Veterinary Examiners to approve a foreign licensee who has also been approved by the American Veterinary Medical Association.

5:22:09 PM

BETH SCHNEIDER, Staff to Representative Mark Neuman, Alaska State Legislature, informed the committee that most of the changes to the original bill concern the Good Samaritan clause. Language in the bill was added to make clear that a friend, a neighbor, and a person in a community without veterinary services, who assists an animal, are not considered to be practicing veterinary medicine. The word "emergency" was deleted and the exemption on page 2, line 25, read:

a person who provides care without remuneration to an injured or ill animal that reasonably appears to the person to be in need of aid;

MS. SCHNEIDER explained that the removal of "emergency" and "immediate need of aid to avoid serious harm or death" protects someone who may simply be removing porcupine quills.

5:23:15 PM

REPRESENTATIVE SAMUELS asked whether this change would alleviate the concerns of the citizens from Skagway.

[5:23:28 PM](#)

MS. SCHNEIDER said yes. A further change to AS 08.98.188 addresses a drafting redundancy. A new exemption, added by the DCED, allows a person approved by the Department of Health and Social Services (DHSS) to administer rabies vaccine. Ms. Schneider continued to explain that, on page 3, line 14, drafters inserted "with or without" to include persons paid, or who are volunteering their services. Again, on page 4, lines 15 and 16, drafters inserted an exception for holders of a student permit. Ms. Schneider also noted that on page 5, Sec. 7, line 20, in response to concerns regarding the practice of artificial insemination, the following statement was re-inserted:

standard practices commonly performed on farm or domestic animals in the course of routine farming or animal husbandry

MS. SCHNEIDER stated that the last change to the bill was the addition of Sec. 9, that applies to students of veterinary medicine.

[5:26:25 PM](#)

REPRESENTATIVE HARRIS asked whether the definition of animal husbandry is included in the bill.

[5:27:44 PM](#)

RYNNIEVA MOSS, Staff to Representative John Coghill, Alaska State Legislature, informed the committee that the recommendation of the legal department is that the inclusion of the scientific definition of animal husbandry will restrict its practice, and that the broad, historic, definition should be used.

[5:28:23 PM](#)

REPRESENTATIVE HARRIS then referred to page 4, Sec. 7, line 23, paragraph (i), and asked for an explanation of "mental condition."

[5:29:17 PM](#)

MS. SCHNEIDER deferred the question to the expert witness.

[5:29:33 PM](#)

REPRESENTATIVE HARRIS further asked whether training a dog to fetch is covered under mental condition.

[5:29:51 PM](#)

REPRESENTATIVE NEUMAN opined that dog training is not practicing veterinary medicine.

[5:30:02 PM](#)

REPRESENTATIVE HARRIS asked where the bill exempts training an animal from the practice of veterinary medicine. He also expressed his intent to protect people who train animals from a lawsuit.

[5:30:29 PM](#)

STEVEN M. TORRENCE, D.V.M.; Chair, Alaska Board of Veterinary Examiners [(Board)], Department of Commerce, Community, & Economic Development (DCED), stated that the Board considers the training of animals an ordinary and common responsibility of ownership. However, veterinarians diagnose and treat mental diseases, such as obsessive compulsive disorder and certain hormonally produced mental diseases that occur in cats and dogs. He opined that, generally, training problems are referred to trainers, not veterinarians. In response to a question, Dr. Torrence said that people training their animals will not be brought before the Board for practicing veterinary medicine.

[5:32:16 PM](#)

REPRESENTATIVE KERTTULA expressed her belief that training a dog does affect its mental condition. The language in the bill should be specific to the diagnosis of a serious mental illness; training of a dog does change its mental being.

[5:33:14 PM](#)

DR. TORRENCE compared the training of an animal to educating a human being.

[5:33:48 PM](#)

REPRESENTATIVE KERTTULA asked for clarification of the language.

[5:34:07 PM](#)

DR. TORRANCE said that his organization only provided the ideas for the bill and that the bill has been "run through the channels."

[5:34:40 PM](#)

REPRESENTATIVE NEUMAN stated that it is his intent, as the sponsor, that training a dog would not fall under trying to diagnosis a mental condition.

[5:35:20 PM](#)

CHAIR COGHILL acknowledged that there is the legal and the practical interpretation of the bill. He suggested the substitution of "includes" for "means" on page 4, line 25, subparagraph (A), that defines the practice of veterinary medicine.

[5:36:04 PM](#)

REPRESENTATIVE KERTTULA asked for the intent of the language on page 4, line 29, that denotes the use of "therapeutic" substance. She noted that trainers use massage substances on animals and questioned what procedures the bill's supporters wish to limit or prohibit.

[5:36:42 PM](#)

DR. TORRENCE explained that the practice of medicine is a claim for a cure or a treatment. Massage can be provided, if not under the guise of providing a cure or a treatment.

[5:37:27 PM](#)

REPRESENTATIVE JOHNSON referred to the exemption listed on page 3, paragraph (9). He related that his dog's caregiver, who is not his employee, administers medicine; the bill would prohibit this act.

[5:38:09 PM](#)

DR. TORRENCE opined that, if you ask a person to give your dog medicine, that person is exempt.

[5:38:24 PM](#)

REPRESENTATIVE JOHNSON pointed out that the language in the bill specifies "a person or an employee of a person." That would not allow a friend or a kennel to take care of a dog.

[5:39:17 PM](#)

REPRESENTATIVE NEUMAN stated that the exemption on page 2, line 25, would apply to Representative Johnson's example.

[5:39:44 PM](#)

REPRESENTATIVE JOHNSON said that the medicine is not to treat an injury; the dog has arthritis. He assumed that the bill would make the dispensing of medicine to the dog, by a friend, a violation of law.

[5:40:21 PM](#)

DR. TORRENCE directed the committee's attention to page 3, line 14, and read:

A person or employee of a person, who, with or without compensation, treats only animals belonging to that person, unless ownership is transferred for the purpose of avoiding this chapter or unless the primary purpose of hiring the employee is to avoid application of the chapter.

[5:41:07 PM](#)

REPRESENTATIVE JOHNSON opined that the stated exemption does not address his situation and allow someone to administer medication unless he transfers ownership.

[5:41:41 PM](#)

CHAIR COGHILL explained that one would lose the exemption by transferring ownership. He advised that the committee's interest is that the veterinarians have good rules by which to operate; however, private owners must take care of their animals without penalty.

[5:42:47 PM](#)

DR. TORRENCE suggested the word "agent."

REPRESENTATIVE JOHNSON concurred.

[5:43:20 PM](#)

REPRESENTATIVE KERTTULA expressed her concern that the Good Samaritan Clause in Sec. 3 may not cover the care of healthy animals. She asked how the bill exempts the care of healthy animals.

[5:44:00 PM](#)

MS. SCHNEIDER informed the committee that in Skagway, because there is no veterinary service, the police cover the care of traumatic injuries and emergency illnesses of animals. The Good Samaritan clause will apply to the services that the police provide in Skagway.

[5:44:44 PM](#)

REPRESENTATIVE JOHNSON gave an example of an injury to a moose that causes the animal to be put down by a layperson, for humanitarian purposes.

[5:45:26 PM](#)

DR. TORRENCE expressed his understanding that that is an issue between the individual and the Department of Fish and Game.

[5:45:48 PM](#)

CHAIR COGHILL asked about the same situation with a horse.

[5:45:59 PM](#)

DR. TORRENCE acknowledged that a domestic animal is a different issue.

[5:46:09 PM](#)

CHAIR COGHILL surmised that a domestic animal would fall under an exemption.

[5:46:12 PM](#)

DR. TORRENCE said that euthanasia by an employee of a permitted agency, and emergency care by a layperson, is protected as far as the Board is concerned.

[5:46:42 PM](#)

CHAIR COGHILL noted that, practically speaking, a dispute with the owner of a horse may lead to the court's interpretation of the practice of veterinary medicine as defined in HB 297. He stated that euthanasia is not care of an animal.

[5:47:37 PM](#)

REPRESENTATIVE KERTTULA asked Dr. Torrence how the Board will decide what the standards are for procedures performed on domestic and farm animals.

[5:48:41 PM](#)

DR. TORRENCE said that the medical standards of care are based upon the area; typical farm operations are determined by similar operations in the neighboring area.

[5:49:09 PM](#)

REPRESENTATIVE KERTTULA asked whether farmers in regional areas need to testify to the Board to establish local practices.

[5:49:31 PM](#)

DR. TORRENCE noted that farmers are covered under the language on page 3, line 14. He added that euthanasia could be considered end care of an animal and, thus, is included in "routine care or animal husbandry" found on page 5, line 21.

[5:50:53 PM](#)

REPRESENTATIVE HARRIS offered Conceptual Amendment 1, such that page 3, line 14, would read:

a person or agent of a person,

[5:51:22 PM](#)

There being no objection, Conceptual Amendment 1 was adopted.

[5:51:32 PM](#)

REPRESENTATIVE KERTTULA asked whether "agent" will include a family member who may be working on a farm.

[5:51:48 PM](#)

DR. TORRENCE suggested, "a person, agent, or employee of a person."

[5:52:09 PM](#)

CHAIR COGHILL pointed out that, for this issue, it is assumed that an agent is an individual, or the designee of an individual.

[5:52:50 PM](#)

REPRESENTATIVE SAMUELS observed that, for a conceptual amendment, the drafters can choose the word that is the best fit.

[5:52:51 PM](#)

REPRESENTATIVE HARRIS indicated his approval.

[5:53:12 PM](#)

REPRESENTATIVE KERTTULA asked that family members also be included.

[5:53:38 PM](#)

CHAIR COGHILL opined that the definition of designee could include, but not exclusively, family members.

[5:53:51 PM](#)

REPRESENTATIVE HARRIS expressed his intent that the word should reflect the will of the owner of the animal.

[5:54:07 PM](#)

CHAIR COGHILL stated that legislative drafting can help with the language. He added that other questions on the bill have arisen.

[5:54:18 PM](#)

DR. TORRENCE informed the committee that the word "agent" is most commonly used in veterinary law.

[5:54:31 PM](#)

CHAIR COGHILL said, "We'll let it set there, with that caveat in the testimony."

[5:54:38 PM](#)

REPRESENTATIVE JOHNSON introduced a new subject. He referred to page 2, line 27, that addresses the exception of a veterinarian who is licensed in another state or country. Representative Johnson asked whether the state has reciprocity. He opined that the bill creates reciprocity with very little oversight by the state.

[5:55:22 PM](#)

CHAIR COGHILL pointed out that the exemption is limited to those who are in consultation with a veterinarian licensed in the state.

[5:55:36 PM](#)

Dr. TORRENCE confirmed that Alaska has reciprocity with other states; however, its effect is limited to the process of obtaining a license to practice in Alaska. It is illegal for a veterinarian who is licensed in another state to practice veterinary medicine in Alaska. He explained that the exception in the bill pertains to advances in telemedicine. For example, in the case of a consultation with an outside veterinarian, the veterinarian licensed in Alaska is ultimately responsible for any part of the consultation.

[5:56:50 PM](#)

CHAIR COGHILL asked the committee to submit written amendments and announced that HB 297 was held over.

[5:57:52 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Rules Standing Committee meeting was adjourned at 5:57 p. m.