

HOUSE BILL NO. 251

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES DICK AND JOULE

Introduced: 1/17/12

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 08.98 is amended by adding a new section to read:

5 **Sec. 08.98.122. Persons licensed by other state or country.** (a)

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

10 (1) licensed to practice veterinary medicine in another state or country
11 and practicing within the scope of that license; and

12 (2) practicing in this state without compensation.

13 (b) A person practicing under this section is not immune from criminal or civil
14 suits based on gross negligence or reckless or intentional misconduct committed while

1 practicing under this section.

2 (c) In this section, "compensation" means wages and other remuneration as
3 payment for services, but does not include reimbursement for actual expenses
4 incurred, nonmonetary donations, or other nonmonetary consideration.

5 * **Sec. 2.** AS 08.98 is amended by adding a new section to read:

6 **Sec. 08.98.205. Surrender and reinstatement of a license.** (a) The board may
7 accept the voluntary surrender of a license, as long as the licensee surrendering the
8 license is not under investigation by the board or the department or the surrender is not
9 because of imposition of a sanction in this state or any other state.

10 (b) In addition to the authority to renew a surrendered license under
11 AS 08.01.075(e), the board may reinstate a surrendered license within two years after
12 the date the license was surrendered without determining whether the licensee is
13 competent to resume practice if the licensee

14 (1) is currently in good standing, as defined by the board in
15 regulations;

16 (2) has not surrendered the license because of the imposition of a
17 disciplinary sanction in this state or another jurisdiction;

18 (3) has not surrendered the license in lieu of the imposition of a
19 disciplinary sanction in this state or another jurisdiction; and

20 (4) pays the required renewal fee.

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

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

25 (1) secured a license through deceit, fraud, or intentional
26 misrepresentation;

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

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

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

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

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

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

8 (A) professional incompetence, **gross negligence, or repeated**
 9 **negligent conduct; the board may not base a finding of professional**
 10 **incompetence, gross negligence, or negligent conduct solely on the**
 11 **unconventional or experimental nature of the licensee's practice in the**
 12 **absence of demonstrable physical harm to an animal patient;**

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

15 (C) physical or mental disability;

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

18 * **Sec. 4.** AS 08.98 is amended by adding a new section to article 3 to read:

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

21 (1) may be filed only

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

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

25 (2) must include documentation of the details described in (1) of this
 26 subsection;

27 (3) must be made under oath;

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

30 (b) The department shall send notice to the complainant describing the
 31 complaint or allegation.

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

3 (1) interview, under oath, the complainant, the licensee, and, if
4 applicable, the licensee's technician or assistant, and determine, among other issues,
5 whether the complainant followed aftercare procedures, if any, recommended by the
6 licensee;

7 (2) include in its investigative report all relevant information obtained
8 under (1) of this subsection.

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