

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

February 20, 2012

3:20 p.m.

MEMBERS PRESENT

Representative Kurt Olson, Chair
Representative Mike Chenault
Representative Dan Saddler
Representative Steve Thompson
Representative Lindsey Holmes
Representative Bob Miller

MEMBERS ABSENT

Representative Craig Johnson, Vice Chair

COMMITTEE CALENDAR

HOUSE BILL NO. 251

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 251

SHORT TITLE: PRACTICE OF VETERINARY MEDICINE

SPONSOR(S): REPRESENTATIVE(S) DICK, JOULE

01/17/12	(H)	PREFILE RELEASED 1/6/12
01/17/12	(H)	READ THE FIRST TIME - REFERRALS
01/17/12	(H)	L&C, FIN
01/20/12	(H)	SPONSOR SUBSTITUTE INTRODUCED
01/20/12	(H)	READ THE FIRST TIME - REFERRALS
01/20/12	(H)	L&C, FIN
02/15/12	(H)	L&C AT 3:15 PM BARNES 124
02/15/12	(H)	Scheduled But Not Heard
02/20/12	(H)	L&C AT 3:15 PM BARNES 124

WITNESS REGISTER

REPRESENTATIVE ALAN DICK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 251 as one of the joint prime sponsors of the bill.

ANNETTE KREITZER, Staff
Representative Alan Dick
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions on HB 251.

DON HABEGER, Director
Division of Corporations, Business, and Professional Licensing
(DCBPL)
Department of Commerce, Community, & Economic Development
(DCCED)
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the discussion of HB 251.

JAMES DELKER, Veterinarian
Soldotna, Alaska

POSITION STATEMENT: Testified during the discussion of HB 251.

VICKY THOMAS
Fort Yukon, Alaska

POSITION STATEMENT: Testified in support of HB 251.

LIZ HOFFMAN, Veterinarian
Christian Veterinary Mission
Veneta, Oregon

POSITION STATEMENT: Testified during the discussion of HB 251.

BOB SEPT, Veterinarian
Bering Sea Animal Clinic
Chugiak, Alaska

POSITION STATEMENT: Testified during the discussion of HB 251.

DENALI LOVELY, Veterinarian
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 251.

DOUG BOWERS
Nenana, Alaska

POSITION STATEMENT: Testified during the discussion of HB 251.

STEVEN MERSCH, Veterinarian
Soldotna, Alaska

POSITION STATEMENT: Testified during the discussion of HB 251.

HAYDEN E. NEVILL, Veterinarian
Fairbanks, Alaska

POSITION STATEMENT: Testified during the discussion of HB 251 and suggested the bill be killed.

SARAH LOVE, Veterinarian
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 251.

MYRA WILSON, Veterinarian
Anchorage Animal Care and Control
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of HB 251.

TIM HUNT, Veterinarian
South Marquette, Michigan

POSITION STATEMENT: Testified during the discussion of HB 251.

DR. JON BASLER, Veterinarian
Delegate; National Alaska Veterinary Medical Association (AVMA)
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of HB 251.

PAIGE HEYWOOD, Veterinarian
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 251.

MORGAN PETERMAN, Veterinarian;
Veterinary Skills Director,
Humane Society of Veterinary Medical Association (HSVMA)
Unknown, Michigan

POSITION STATEMENT: Testified in support of HB 251.

ANGIE FITCH
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 251.

ACTION NARRATIVE

[3:20:42 PM](#)

CHAIR KURT OLSON called the House Labor and Commerce Standing Committee meeting to order at 3:20 p.m. Representatives Chenault, Saddler, Thompson, Miller, and Olson were present at

the call to order. Representative Holmes arrived as the meeting was in progress.

HB 251-PRACTICE OF VETERINARY MEDICINE

[3:21:05 PM](#)

CHAIR OLSON announced that the only order of business would be, SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 251, "An Act relating to the Board of Veterinary Examiners and the practice of veterinary medicine."

[3:21:26 PM](#)

REPRESENTATIVE ALAN DICK, Alaska State Legislature, offered his belief that this issue represents one of the strongest constituent issues he has encountered thus far. This bill has come about as a result of painful experiences, in particular, represents what has not worked for rural veterinarians. He stated that his constituents were so frustrated with the Board of Veterinary Examiners (BVE) that they wanted to create a rural veterinarian board. He characterized this bill as a governmental response to the people. He offered his belief that if the state were on trial there would not be any evidence submitted to demonstrate that the state cares about animals in the Bush. He acknowledged that Alaskans welcome volunteerism in many aspects of Alaska, but in terms of rural veterinarian care the volunteer effort has been stonewalled. Volunteers from international organizations would be glad to have opportunities to work in rural Alaska and provide clinics to offer spay and neuter clinics or rabies shots. However, the political climate is not favorable. He stressed that the Bush is not looking for great veterinarian care, but is seeking regular care. He recalled that as a dog musher he administered his own rabies shots, which is no longer allowed. He highlighted a significant number of dogs roam in rural Alaska since people can't afford to fly animals to and from their towns.

[3:25:03 PM](#)

REPRESENTATIVE DICK stated he promised his constituents that he would work to achieve a veterinary care system that works for them. He emphasized the goal is to achieve safe conditions for professional veterinarian volunteers to travel to Bush Alaska in order to perform services, such as spay and neuter clinics, and to administer rabies shots without political hassles. This bill has strong Alaska Federation of Native (AFN) support, including a resolution passed at their last meeting. He urged members to create a level playing field or at least to create one to play on.

[3:26:15 PM](#)

ANNETTE KREITZER, Staff, Representative Alan Dick, Alaska State Legislature, stated that the genesis of the bill came from a constituent complaint about a specific veterinarian and from the loss of affordable care in rural Alaska. She said that she has reviewed the past legislative audits and annual reports to determine what the Board of Veterinary Examiners (BVE) has done to address the issue of rural veterinary care. Despite a permissive statute, AS 08.98.057, enacted to monitor the standards of veterinary provided in the state, no one in the department could remember when such a request was made to the BVE. She pointed out that the statute has been in place since 1981. She suggested due to the angst in the Bush over the surrender of a veterinarian's license, that it seems reasonable to expect the department and the BVE would have exercised their statutory responsibilities. In fact, the past president of the BVE told the Fairbanks News Miner in February 2010 that, "the board doesn't track veterinarians unless someone complains about them." Thus it is not clear how many veterinarians work in the Bush. She highlighted the past president was not aware the BVE could monitor the availability of veterinary services despite intentions to fill the departure of two veterinarians in the Interior is significant. The frustration caused by the exit of the second veterinarian, who had served Interior Alaska through Tanana Chiefs Conference, resulted in the AFN passing a resolution calling for a separate rural veterinarian board.

MS. KREITZER speaking as a former rural health care provider understood rural Alaskans' frustration. She offered her belief

that medical professionals are sometimes willing to offer a clinic if they could hunt and fish, often at the provider's convenience and not necessarily when the community needs the care. She emphasized the need for veterinary care in rural Alaska is acute. She pointed out that frequently the Alaska State Veterinary Medical Association (AKVMA) has expressed concern about anything that might create a lower standard of care for rural residents. This exemplifies the misunderstanding of how rural Alaskans face risks every day. When compared to the Lower 48, Alaska's Emergency Medical Technicians routinely practice a level above their certification due to circumstances in rural Alaska. She also offered her belief that most people will stop using an incompetent practitioner. In April 2005, the Board of Dental Examiners (BDE) ruled that the dental health aide therapist services constituted the unlawful practice of dentistry in Alaska, which was later overturned. She suggested many parallels between the dental health aide therapists and rural veterinary services. She cited an article in which the head of the American Dental Association expressed his fears. At the time he said, "I've had patients in my chair have heart attacks. I've had people have strokes. I've had people that have life-threatening allergic reactions to medications they took before they came in the office. You do not have a lot of time to think when you react to that." She could relate to that as an EMT II, who previously served in a remote community. She suggested that the ADA was worried about more than safety. A recent survey of over 100,000 ADA members showed that members felt some uncertainty over about their economic stability. She related her understanding that is also true in Alaska with respect to veterinarians over economic stability.

[3:30:38 PM](#)

MS. KREITZER related her understanding some veterinarians in Alaska had to close their doors due to competition and economic conditions. The sponsor has worked with the Governor's office to ensure that the board has members with a rural perspective and are committed to make it easier for pro bono care in Alaska. In addition to the licensed out-of-state veterinarians who have been able to practice outside the purview of the BVE for 30-40 years, health care workers not license in Alaska have been

providing health care within the Native health care system. Registered nurses, pharmacists, and others provide this care, she stated. She offered that a senior policy advisor at the Indian Health Service believes veterinarians fall into the same category of providers of health care. The Western Interstate Commission on Health Education (WICHE) and the U.S. Public considers veterinary health crucial to the overall health of communities.

[3:32:19 PM](#)

MS. KREITZER provided a sectional analysis of the bill. Section 1 would make certain that a person may volunteer veterinary services and receive coffee, housing, and meals or other compensation. She pointed out that a letter in members' packets from the BVE states that regulations do not prohibit it, but she said that is incorrect. She emphasized that legislative legal agrees that the BVE interprets this, but current regulations and statutes do not address compensation. She highlighted that licensed out-of-state veterinarians can practice outside the scope of the BVE. Section 1 would broaden this exemption to in-state licensed veterinarians. She emphasized that under the bill the volunteer services would be performed by licensed veterinarians. However, Section 1 would also allow these pro bono licensed veterinarians to identify themselves as such. She reiterated that under current law, although they can practice pro bono, veterinarians cannot use their earned title, which is confusing to the public.

MS. KREITZER continued, stating that licensed veterinarians, while acting in a pro bono capacity, are exempt from the courtesy license requirements of the veterinary board and oversight of the board. However, out-of-state veterinarians who are already exempt may not use the title. Under the bill, volunteers are not immune from legal action resulting from gross negligence, reckless or intentional misconduct while volunteering services. Nothing in the bill says licensed veterinarians shouldn't meet the standard of care that they swore an oath to when they graduated from Veterinary School, which she read, as follows:

Being admitted to the profession of veterinary medicine, I solemnly swear to use my scientific knowledge and skills for the benefit of society through the protection of animal health and welfare, the prevention and relief of animal suffering, the conservation of animal resources, the promotion of public health, and the advancement of medical knowledge.

I will practice my profession conscientiously, with dignity, and in keeping with the principles of veterinary medical ethics.

I accept as a lifelong obligation the continual improvement of my professional knowledge and competence.

[3:34:27 PM](#)

MS. KREITZER turned to Section 2. She stated that currently there is no statutory allowance for a simple surrender of a veterinarian license for someone who wants to retire. Although this section doesn't require the board to determine competency for reinstatement, the regulation at 12 AAC 68.048 which determines good standing is sufficient to cover physical/mental impairment or civil or criminal issues. This proposed section addresses the process for a surrendered license, and how a surrendered license within a specific timeframe may be reinstated. A person may only surrender under this section if not under investigation and the surrender is not due to a sanction in Alaska or any other state. The only time surrender of a license is mentioned in either the department's centralized licensing or the BVE statutes is in reference to surrendering in lieu of something else. If a veterinarian renews a license and then decides he or she wants to retire, this section lays out the process for that. If the ASVMA or the board has a better suggestion for that process, the sponsor is willing to work with them on it, she stated.

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MS. KREITZER turned to Section 3. She pointed out that the BVE and the ASVMA have criticized this section by saying it could lead to substandard care; however, this language is the same language used for human medical providers. The sponsor used an example from the Board of Medical Examiner statutes under AS 08.64.326-331 to clarify that the BVE may not base a finding of "professional incompetence" solely on unconventional or experimental treatments in the absence of harm to an animal.

[3:35:59 PM](#)

MS. KREITZER explained that Section 4 sets out the complaint process. Complaints may only be filed by persons who own or are responsible for the animal seen by the veterinarian. A complaint may only be filed against a licensee who treated the animal. Complaints must include documentation of the alleged mistreatment, be made under oath, be filed within six months of the date of the act or omission, and must be sent to the subject of the complaint allegation.

MS. KREITZER related that under this provision, during the investigation the department shall interview, under oath, the complainant, the licensee, and any technician or assistant to the veterinarian. The investigation must determine whether the complainant followed aftercare procedures and must include in its report all relevant information and exculpatory evidence. Finally, board members within five miles of a licensee's principal place of business may not participate in a disciplinary hearing relating to that licensee.

[3:37:11 PM](#)

REPRESENTATIVE SADDLER asked what types of conditions would warrant surrender of a license that is later reinstated. He suggested that it seems like this would address a temporary surrender.

MS. KREITZER offered her belief that people interpret statutes in different ways. She explained this provision would cover instances in which veterinarians renew their licenses, but decide to retire before their license has lapsed. She offered

that current statutes do not include a provision for veterinarians who have decided to retire, yet still hold active licenses. These veterinarians may wish to help their neighbor and this would allow them to do so without incurring liability. The provision is not a temporary license, although veterinarians could reinstate their licenses if they chose to do so. In further response to Representative Saddler, she said the sponsor is willing to work with the ASVMA on another approach to address this issue. She agreed that people are not "banging at the door" to get their licenses reinstated.

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CHAIR OLSON offered his goal is to have the veterinarians, the Bush, and the sponsor reach common ground, which might result in a bill that no one likes.

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REPRESENTATIVE MILLER referred to page 3, lines 26-27, to "unconventional or experimental nature ... in the absence of demonstrable physical harm...." He suggested the language seemed broad and asked for the intent of this provision.

MS. KREITZER responded that the language the bill parallels is existing language for the medical profession. She identified this subparagraph as the definition of what constitutes professional incompetence. The intent of the definition is to eliminate complaints based solely on economics.

[3:41:35 PM](#)

REPRESENTATIVE MILLER asked for an example.

MS. KREITZER related her understanding that a veterinarian may need to perform an operation in rural Alaska on a dining room table, in a gym, or in an ambulance bay, which is unconventional. She did not think anyone would think of this treatment as experimental treatment. She recalled a single complaint in which a veterinarian complained another veterinarian did not shave an area for the procedure adequately,

criticizing that the shaved area was too small of an area. She suggested if any procedure was performed differently than another veterinarian might normally do, that veterinarian may consider the care as unconventional or experimental. She stated that this language is meant to provide a definition without being explicit in the kind of care or the way a veterinarian performs surgeries in rural Alaska.

[3:43:25 PM](#)

REPRESENTATIVE MILLER recalled three common procedures provided by veterinarians as spaying, neutering, and administering rabies vaccinations. He inquired as to whether those procedures could be specifically identified in the bill and perhaps the bill could also identify other types of routine procedures.

MS. KREITZER said the sponsor would not be opposed to an attempt to do so.

[3:44:12 PM](#)

REPRESENTATIVE MILLER referred to page 2, line 29, to the license surrender provision which indicates a license could be reinstated if the licensee is in good standing. He asked how a licensee could be in good standing if the veterinarian no longer is licensed.

MS. KREITZER responded that this language is current regulation. In further response to Representative Miller, she offered to provide the specific citation.

[3:45:03 PM](#)

REPRESENTATIVE SADDLER referred to page 1, line 11, to the reference to "country" and related his understanding that BVE expressed concern that allowing someone licensed in another country to volunteer services may result in a lower standard of care.

MS. KREITZER responded that the language is the bill drafter's convention, but the sponsor did not intend to include other

countries. She said the language was left in the bill for discussion purposes since the BVE and ASVMA has expressed some interest in reciprocity with Canadian veterinarians.

[3:46:33 PM](#)

REPRESENTATIVE SADDLER referred to page 2, line 19 to "nonmonetary donations or other nonmonetary consideration." He said the language seemed broad. He asked whether a cap or reasonable expenses should be considered.

MS. KREITZER referred to page 2, lines 16-19 to the definition of "uncompensated practice." She said it does not include practice for which the person receives only reimbursement for actual expenses incurred. This language was designed to encourage more pro bono clinics in Alaska. She suggested perhaps someone would provide a pro bono clinic if they received reimbursement for aviation (AV) gas and materials were donated. She explained that nonmonetary donations or other nonmonetary considerations are broad enough to cover coffee, lodging, and other things. She related her understanding that some angst exists. She recalled a scenario previously discussed even suggested offering a bear hunt for compensation; however that would entail purchasing tags and means someone would need to take time out for a hunt. She reiterated the sponsor's goal to encourage people to go to the Bush and provide veterinarian services. She reported that the bill drafter pointed out there is a difference between nonmonetary donations or nonmonetary consideration, as well. She admitted she thought she saw the line between the two but the concept was still vague in her mind.

REPRESENTATIVE SADDLER said that the translation between money and services is pretty direct. He asked how far the travel expenses would extend and whether it would include travel from places as far away as Miami or Belgium.

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MS. KREITZER answered no, but admitted there is no limit in the bill. She was unsure why a limit would be necessary. She

identified veterinarian services in rural Alaska as a long-term problem. She highlighted that the clinics in question are pro bono clinics and the people receiving the services are not being charged for them. She cautioned that this bill does not reference low-cost clinics, which are offered by some veterinarians or groups. The sponsor did not want to limit the creative types of things that people might consider. She also recalled her experiences in attracting people to serve at a clinic in Cold Bay as difficult.

[3:50:57 PM](#)

REPRESENTATIVE SADDLER asked for an estimate of the value of travel and services from Anchorage to the Bush to offer a pro bono clinic.

MS. KREITZER said she did not know. She suggested a practicing veterinarian may be able to provide an estimate. She cautioned against limiting travel costs. She provided an example in the community of Cold Bay, in which the USCG turned over housing to the community to attract a practitioner. She related things she did to provide food, including donating crab and halibut for his/her freezer, buying groceries at Costco, and holding potlucks. She suggested that placing a value on the commodities would detract the communities from finding creative solutions for nonmonetary donations.

[3:52:59 PM](#)

CHAIR OLSON referred to the language on page 3, which appears to mirror the medical statute, except gross negligence or [repeated] negligent conduct has been added [lines 23-24]. He asked for the intent of this language.

MS. KREITZER offered that the sponsor did not want gross negligence or gross conduct to be linked or be motivated by an economic complaint. She offered to continue to review the language.

[3:54:08 PM](#)

DON HABEGER, Director, Division of Corporations, Business, and Professional Licensing (DCBPL), Department of Commerce, Community, & Economic Development (DCCED), introduced himself.

CHAIR OLSON asked for a report on any activity that has generated investigations in the department.

MR. HABEGER suggested [the bill] may be a response to an investigation that the division reviewed, but did not complete since the licensee surrendered his or her license and did not undergo the process.

[3:55:50 PM](#)

CHAIR OLSON asked who would absorb the costs of an investigation.

MR. HABEGER replied costs for any investigation are distributed back to the licensees. He referred to AS 08.010.065, which mandates the division to essentially examine any costs and distribute cost to licensees during their biennial license renewal.

CHAIR OLSON asked for the number of licensees.

MS. KREITZER, in response to a question, answered that there are 300 veterinarians licensed in Alaska.

[3:57:34 PM](#)

CHAIR OLSON asked whether a veterinarian needs a firm license, in addition to their professional license in order to practice in Alaska.

MR. HABEGER advised that if a veterinarian has a corporation, the corporation would register with the state, and the individual would also need a business license. In further response to Chair Olson, he agreed it would pertain to all sole practitioners.

MS. KREITZER asked to correct the total number of veterinarian licenses and offered that there are 350 current licensees. In response to a question, Ms. Kreitzer agreed that the veterinarians many not necessarily be practicing veterinarians.

[3:59:21 PM](#)

REPRESENTATIVE THOMPSON related his understanding that there are numerous unemployed veterinarians in the state. He asked whether the division has any knowledge of this.

MR. HABEGER answered that the division does not track that information and limits its tracking to licenses and the licensure process.

MS. KREITZER added that she has been made aware at least one veterinarian in Anchorage has closed his or her door. She said she does not know how that bears on veterinarians that wish to do pro bono work.

[4:00:40 PM](#)

REPRESENTATIVE SADDLER recalled that some veterinarians practice outside the purview of the VBE. He asked Ms. Kreitzer to expand on this.

MS. KREITZER responded that some out of state veterinarians do not come under the purview of the BVE so as long as these professionals do not call themselves a veterinarian. She clarified that a licensed veterinarian from another state can perform veterinary care without compensation - although compensation is not defined in current statute - but the veterinarian may not use title "veterinarian." In response to a question by Chair Olson, Ms. Kreitzer elaborated that a veterinarian many not use the initials that normally follow a veterinarian's title.

[4:01:54 PM](#)

REPRESENTATIVE SADDLER related a scenario in which a veterinarian licensed in Washington comes to Alaska but doesn't

collect for veterinary services. He questioned whether the veterinarian could practice veterinary medicine and not be subject to sanctions or oversight by the BVE.

MS. KREITZER related her understanding from reading the statute and legal opinion from legislative legal that the veterinarian could do so.

REPRESENTATIVE SADDLER asked how prevalent that type of activity is in Alaska.

MS. KREITZER said she was not sure how prevalent it is given the way the statutes are currently written.

[4:02:59 PM](#)

CHAIR OLSON asked for an estimate on how many people HB 251 would impact.

MS. KREITZER responded that the second tier of work she has done was to identify impacts in villages. She offered her belief that one veterinarian served 72 villages, but that veterinarian is no longer practicing in Alaska. She presumed many villages would seek help and surmised that since rural Alaska has sporadic veterinary services, with long waits in between visits, the progress that was made may have been lost.

[4:04:14 PM](#)

CHAIR OLSON asked for clarification on the zero fiscal note.

MR. HABEGER acknowledged that the division has submitted a zero fiscal note since the division thinks it can absorb costs with existing staff.

[4:05:00 PM](#)

JAMES DELKER, Veterinarian, stated that he is the Past President of the Alaska State Veterinary Medical Association (AKVMA), currently serves as a board member. He related that he discussed his concerns with Ms. Kreitzer and some common ground

exists, but some disagreement also exists. He said he represents concerns of the AKVMA, whose membership consists of 70 percent of licensed veterinary professionals in Alaska. He related his understanding that this bill presents an emotional issue with respect to providing veterinarian care to rural communities. He emphasized that the AMVA is also concerned about the veterinary care in rural Alaska. The AKVMA's executive committee has followed this issue and HB 251, sponsored by Representative Dick. He said the AKVMA supports the sponsor's efforts to increase availability of veterinary care in rural communities in Alaska.

DR. DELKER highlighted that the AKVMA has significant concerns with the bill as currently drafted. First, the BVE was formed to protect Alaskans, but HB 251 effectively strips the BVE of any oversight or recourse especially for those individuals who want to practice gratis veterinary medicine in the state. Second, the bill also proposes to give equivalent rights and privileges to veterinarians from other countries, where standards of training and health care standards are far below what would be considered acceptable here. Third, the bill removes the rights of Alaskans to report harmful activities to animals simply because they do not own the animals affected. Additionally, while the intent of the bill would be to enhance veterinary services in Alaska, the AMVA believes the bill as currently written fails to protect Alaskans, and would lower the standard of veterinary medical care statewide.

[4:07:37 PM](#)

DR. DELKER acknowledged that field medicine often involves less than ideal settings. He deferred to other veterinarians who are online to better address the issue. He acknowledged that Bush medicine is different from what one would expect in a hospital structure; however, veterinarians are still expected to provide competent veterinary services within a basic standard of care and using the best of their ability given the circumstances. Under current statute, only veterinarians performing grossly substandard medicine would be investigated by the BVE or be prosecuted under criminal animal abuse statutes. He repeated that the BVE would only investigate veterinarians performing

grossly substandard medicine. He also acknowledged that current statutes do not prohibit veterinarians from providing gratis veterinary medicine or offering free veterinary medicine in Alaska. In his experience, he has yet to find anyone who would complain about someone providing low-cost care or free veterinary care to truly remote Bush communities.

[4:09:10 PM](#)

DR. DELKER asked to touch on specific points of the bill. He referred to Section 1, with respect to persons practicing without compensation. He said that veterinarians licensed in the U.S. must obtain an AKVMA accredited degree, but other countries' programs may not necessarily be equivalent to an AKVMA degree. He suggested that in certain developing nations, vast differences in standards and teaching standards exist and this language does not guarantee the person is competent to practice veterinary services in the U.S. no matter what the cost of services he/she provides. He referred to subsection (b), which would remove the BVE from any oversight of uncompensated veterinarians. He interpreted this to mean uncompensated veterinarians would not be subject to the laws and regulations that pertain to the veterinary practice since the BVE only regulates licensed veterinarians. He expressed concern that uncompensated veterinarians, not licensed in Alaska, would not be subject to the laws and regulations pertaining to the standards of practice of veterinarian medicine, such as pharmacy dispensing or medical records. He pointed out that without requiring temporary licensing, the BVE would not have any record of who is practicing veterinary medicine in Alaska. He surmised that uncompensated veterinarians not licensed in Alaska would not have to provide their qualifications unless a civil or criminal case was filed against them.

DR. DELKER turned to subsection (c), which references compensation. He said it seemed reasonable that actual expenses incurred should include cost of travel, lodging, medical supplies, but allowing uncompensated veterinarians to receive "other nonmonetary consideration" seems ambiguous and open to abuse. He suggested this also creates the potential for tax evasion and the form of other nonmonetary donations could far

exceed the expense of any veterinary services provided. He offered his belief that this language should provide clear definitions or some limit to nonmonetary compensation. He questioned whether this subsection is even necessary given conversations he has held with BVE members, who point out that current regulations do not prohibit veterinarians from receiving shelter, a warm bed, or complimentary meals.

[4:11:27 PM](#)

DR. DELKER turned to Section 2, to the surrender and reinstatement of veterinarian licenses. He was unsure of the necessity of this proposed change. Currently, a veterinarian can surrender his/her license and leave the state without being questioned. If a veterinarian plans to return, the veterinarian would pay the biennial fee and maintain continuing education (CE) requirements and his/her license would remain active so long as the veterinarian is not subject to an investigation or prosecution in another state. He offered that he was unsure of the purpose of the section. In other states a veterinarian can pay a lesser fee for an inactive license. He noted that he holds an inactive license in Minnesota and can reactivate it at any time he wishes to return to Minnesota to resume his veterinary practice. He offered a willingness to work with the sponsor on this section on the intent and suggested the BVE could help draft proposed regulations.

[4:12:17 PM](#)

DR. DELKER turned to Section 3, which relates to professional incompetence and related his understanding this section was adopted from the human medicine statutes; however, the language does not mirror the medical statutes, but places a much higher burden of proof as compared to the human medical statutes. He was unsure of the reasoning for this. He offered his belief that some of the proposed changes are somewhat vague and dangerous. He was unsure that practicing unconventional and experimental medicine without liability is a good idea. He asked who would define unconventional or experimental medicine, noting the vague reference is potentially prone to abuse by veterinarians who could cite this language as an excuse for

providing negligent medicine. He related that the AKVMA believes all practitioners should provide care within a minimum safe standard regardless of the location of the veterinary practice.

[4:13:19 PM](#)

DR. DELKER referred to Section 4, with respect to complaints, investigations, and hearings. He said the AKVMA does not believe it is ethical or legal to deprive citizens the right to report misconduct by a professional. Additionally, this section seems to provide an effective statute of limitations - a six month window to report malpractice. He described a situation in which a client presented him with an animal about nine months after it had undergone an incorrectly performed surgery. Under this bill, the owner would not have the right or responsibility to report the person, nor would he as a professional veterinarian have the right to report deficient veterinary care due to the statute of limitations in this section. He related a scenario, in which a person from another country could provide uncompensated services, but may have caused serious harm to an animal. He highlighted that under the language in Section 4, if the owner or caretaker does not complain the action would be considered acceptable, which he found inappropriate. He questioned whether an owner in rural Alaska would have the resources to track down a professional who has since returned to his/her country or another state. He further asked what legal remedies an Alaskan resident would have in this type of situation. He acknowledged the intent of HB 251 is good, but he did not see how the bill protected Alaskans.

[4:15:02 PM](#)

DR. DELKER summarized that the AKVMA applauds the sponsor's efforts to increase the veterinary care in Bush communities. He offered his belief that to do so is complex and would involve numerous socio-economic obstacles. The AKVMA is not aware of a single veterinarian in the state who would obstruct a professional willing to go into truly rural communities and provide veterinary care at no cost. However, that care must meet basic standards and not harm those being helped.

Regardless of compensation, all veterinarians must be held to the same basic standards of care. The AKVMA does not believe HB 251, as written, protects rural communities from substandard care. The AKVMA supports the intent of the bill but cannot support it as written. He said the AKVMA will support any bill that will improve access to proper veterinary care, but only if such legislation does not lower the standards of veterinary health care in the state.

[4:16:25 PM](#)

REPRESENTATIVE SADDLER recalled his earlier testimony that present regulations do not prohibit offering veterinarians shelter, warm bed, and complimentary meals.

DR. DELKER responded that those comments were based on the conversations he previously held with the BVE, but he did not recall the specific reference. He reiterated his belief nothing currently prohibits this activity. In further response to Representative Saddler, he thought Dr. Eastman so advised him, although he was uncertain.

[4:17:48 PM](#)

VICKY THOMAS, representing herself, said she is a past environmental manager for the Native Village of Fort Yukon. She testified in favor of HB 251. She offered his belief that without this bill there will continue to be a dangerous lack of veterinary care in the villages. She related as past manager of the tribe of Fort Yukon, she has observed firsthand the public health risk to this and other villages.

[4:18:58 PM](#)

LIZ HOFFMAN, Veterinarian, Christian Veterinary Mission, stated she is affiliated with an organization, the Christian Veterinary Mission. She said she lived and worked as a veterinarian in Alaska for 24 years and was a resident from 1980-2004. She explained that her organization received a request from Hooper Bay to offer a clinic. This community advised her they had not had any veterinary services for 11 years. Residents expressed

concern in the village about animal populations, too many dogs, rabies, and dog bites. The resident explained that police would often forewarn residents they would shoot any dogs not tied up. Her organization's goal is to provide services, generally at no cost, in hopes that repeated visits to communities may encourage others to go into training as veterinarian technicians or as veterinarians. She reported that she did not maintain her Alaska license after she left; however, she did take a licensed Alaska veterinarian with her to clinics. She would like to reinstate her license; however, it is very expensive to do so and she would need to retake the veterinary examination. She tallied the cost at \$900. She would be happy to purchase a temporary license, but was advised by the department that she did not qualify for a temporary license since the services she planned to offer did not qualify as a special event. She reiterated the barrier as the expense to reinstate her license. She explained that her organization does not want to compete with veterinarians within the state, nor would they offer services in a town in which veterinary services are already being provided, but would limit their veterinary care to remote villages. She concluded that she would like the Christian Veterinary Mission to be allowed to provide services more easily within the legal framework of the state.

[4:22:13 PM](#)

BOB SEPT, Veterinarian, Bering Sea Animal Clinic, provided a brief history, such that he came to Alaska in 1978, obtained his veterinarian license, and worked in remote communities. He said he has operated a clinic in Bethel since 1981 and provides regular care for up to a week at a time in rural Alaska. He related that he travels to Aniak, has a Bush clinic in King Salmon, and Naknek, and has also traveled to Egegik. He reported that he practices within the state rules, maintains his CE, and finds it very easy to provide high-level care in the Bush. He acknowledged that rural Alaska services are costly, and he sometimes must bring all of his equipment and assistants along. This effort has allowed him to provide reasonable veterinary care at a reasonable cost since 1981. He offered his belief that the crux of this matter is that veterinarians do not have any issues with pro bono work so long as the veterinarian

is licensed and under the purview of the board. He suggested to do otherwise would not protect animals and people in these communities. He reiterated that maintaining his veterinarian license is reasonable. He further reiterated that he was not aware of any veterinarian with issues with respect to pro bono work so long as the veterinarian is licensed [in Alaska]. He further emphasized that the veterinarians should operate under the same rules, regulations, and standards of care as all veterinarians who currently practice in the state.

[4:24:46 PM](#)

REPRESENTATIVE SADDLER asked for an estimate of the percentage of veterinary work that is exclusively to spay, neuter, and administer vaccinations.

DR. SEPT responded about 60 percent. He suggested one problem is that people ship in animals in to the clinic. He estimated the demand for these services as being fairly high. He reported that he tries to offer spay and neuter services monthly or quarterly.

REPRESENTATIVE SADDLER inquired as to whether he could suggest any compromise that would allow pro bono spay and neuter clinics with less oversight.

DR. DELKER answered no. He offered his belief that people think the procedure is a simple one until their animal dies. He pointed out that the animal must undergo anesthesia, the veterinarian must have proper instrumentation, and use a reasonable facility. He opined that it would not be good to lessen the standard of care. He was puzzled why a pro bono person could not obtain his/her license, since he did not find it is difficult to obtain and maintain a veterinary license in Alaska.

MS. KREITZER clarified that the bill is clear that a veterinarian must be licensed in Alaska or by another state in order to provide pro bono work. She acknowledged the current bill includes other countries, too, but it is likely that language will be removed.

DR. DELKER offered his belief that veterinarians should be licensed in the state so the BVE has purview over the licensee.

4:27:40 PM

DENALI LOVELY, Veterinarian, asked to speak against HB 251. She works in North Pole and currently serves as the president-elect for the Alaska State Veterinary Medical Association (AKVMA). She was born and raised in Fairbanks and attended veterinary school out of state, but came back to practice in Alaska. She acknowledged she is very aware of needs of veterinary services in Bush communities. She has worked in these communities as a biology technician and has also received telephone calls requesting veterinary advice. She said she supports rural needs since they are badly needed; however she does not support the bill in its entirety since the bill would limit the rights of Alaskans to hold professionals accountable. She referred to Section 4, noting that the impacts of actions by veterinarians go well beyond family members. She also reported that veterinarians vaccinate to prevent disease and are responsible for the herd health of food animals. Under HB 251, only a person responsible for the care of an animal may file a complaint. Additionally, under the bill if a food animal was given antibiotics illegally or with inappropriate withdrawal times people cannot complain about antibiotic residue in the animal's meat. She advised that an improperly stored rabies vaccine could be ineffective, but would affect human public health issues if a person contracted rabies. She emphasized that veterinarians are held accountable to all animals in the state and this bill does not hold veterinarians to the proper level. The purpose of professional licensing boards is to safeguard the health, safety, and welfare of Alaskans. This bill would remove this by imposing restrictions of citizens to file complaints against a member to the respective professional board.

4:30:31 PM

REPRESENTATIVE SADDLER asked whether any rural needs were un-served needs.

DR. LOVELY answered yes.

REPRESENTATIVE SADDLER inquired as to her suggestions as the incoming president of the AKMVA to address these needs.

DR. LOVELY wondered why Native corporations have not hired veterinarians in rural areas they represent. She agreed it is expensive to provide care since the costs to travel to rural Alaska are high. She reiterated that it is expensive to practice in rural Alaska and hard to get compensated for the work. She suggested that having a veterinarian employed by the state or a Native corporation would be a great way to provide access and address the lack of care. Under current law, nonprofits can provide services, but the community must rely on organizers of any clinic event to ensure that the person is licensed. She acknowledged that those licensed in other countries may make mistakes since their accreditation requirements may be less than in the U.S. She further acknowledged the potential for those credentials to be lapsed or non-existent. She suggested the state or Native corporations may be able to provide the services.

[4:32:56 PM](#)

REPRESENTATIVE SADDLER asked whether any expectations exist for veterinarians to perform pro bono work in rural Alaska.

DR. LOVELY answered no. She related her own practice as a busy practice plus she also has family and other responsibilities. She said she does not have the time due to the aforementioned constraints. She related her understanding the military has provided some veterinary work in rural Alaska.

[4:34:17 PM](#)

DOUG BOWERS, stated he is a 37-year resident of Alaska. He has been a dog musher since 1977. He offered his belief that this issue comes down to competition and pressure, which is why veterinarians stop conducting clinics in rural Alaska. He recalled a veterinarian who provided pro bono Bush care at low

or no cost. He also recalled his childhood in Pennsylvania, and remembered veterinarians often practiced out of their pickups. These veterinarians took care of horses, cows, and other animals. With respect to standards of care, the regulations discuss the degree of skill by average members in communities in which veterinarian practices. He suggested the regulatory language leaves a lot of room for interpretation. He said that terms such as average are hard to define, but also relate to the setting. He pointed out some veterinarians are skilled and some are not. He emphasized that the state needs to create an environment that is conducive to having veterinarians provide rural services without fear of reprisal from other veterinarians.

MR. BOWERS suggested the problem arises due to a lack of clarity in the standards. He suggested if complaints brought are frivolous, the complainant should be held accountable. He said some of the concern local veterinarians have is due to perceived financial harm. He highlighted that rules do not address competition so it is perfectly legal for a veterinarian to build a practice by offering lower-cost veterinary service. He encouraged veterinarians to examine their own practices. He offered his belief the BVE does not have the authority to regulate commerce, specifically any competition between veterinarians. He related that it is within the scope of the BVE to make changes necessary for consistent veterinary care and he hopes as the bill moves forward, these same goals can be addressed. He further suggested one way to encourage additional pro bono work in the Bush is to reduce license fees or provide equipment and supplies for veterinary services. He wondered if perhaps some surplus federal medicines may be available or may be languishing in clinics that could be diverted to rural areas. He surmised the veterinary medicines are not much different than health care medicines for humans.

[4:38:36 PM](#)

STEVEN MERSCH, Veterinarian, said he thought the topics have been covered. He related his understanding that pro bono work would not require Alaska licensure.

CHAIR OLSON answered yes, that is correct.

DR. MERSCH inquired how drugs are controlled for practice in rural communities by pro bono veterinarians.

CHAIR OLSON said he did not know.

DR. MERSCH asked if someone is injured, who will cover workers compensation, and if the sponsor must cover it.

CHAIR OLSON answered that workers' compensation is assessed only on payroll.

[4:40:36 PM](#)

DR. MERSCH said he agreed with Dr. Delker, that numerous holes exist in the bill as currently written. He agreed with Doctor Sept that that the state has responsibilities to provide a professional standard of care.

[4:41:04 PM](#)

HAYDEN E. NEVILL, Veterinarian, stated that he supports the concept of providing more veterinary services in Bush communities in Alaska. He offered his belief many veterinarians are willing to provide pro bono work if their travel and supplies are paid for to conduct clinics in rural Alaska. He emphasized that the barrier to care is not some legal problem, but is due to a lack of supplies and travel costs. He asked to go on the record to offer his services several months a year to provide care. He agreed that one cannot tell the quality of a veterinarian by examining a degree; however, the BVE has the ability to review credentials. He expressed concern to delete the BVE oversight. He offered his belief that passing HB 251 would drastically change the veterinary standard of care in the state. While he did not suggest the same veterinary standard of care in the bush, he specifically wanted to ensure any rabies vaccine used is active, that the drugs given to food animals are safe for humans to eat, and to control how veterinarian dispense dangerous or controlled drugs so these drugs don't fall into the hands of children. He also wanted to ensure pet owners are

informed in the event their pet is receiving experimental treatment. This bill would allow any of those aforementioned items to happen. Thus, this bill would limit the ability to protect Alaskans. He characterized the bill as dangerous to public health and unfair to Alaskans. He concluded by suggesting that the committee kill this bill and instead should work with Alaska veterinarians to develop a real plan for rural veterinary care - a forward thinking plan that gets things accomplished.

[4:44:09 PM](#)

SARAH LOVE, Veterinarian, stated that she is the only small animal internal medicine specialist in Alaska who practices in rural and urban Alaska. She pointed out she is also a dog musher and a rural EMT. She has traveled to more than 20 Alaskan villages as an educator or a veterinarian. She agreed there is a huge lack of veterinarian care in rural Alaska. She suggested that this needs to be addressed to also address public health. She acknowledged earlier testimony and the excellent points made by veterinarians today. She commended people who provide rural veterinarian health care. She said she opposes HB 251. She did not think that a halibut trip would pay her mortgage. She agreed that state funding or funding from Native corporations would be helpful to fulfill the needs of Native villages, but pointed out that not all villages are Native villages. She emphasized that she opposes the bill and thinks it limits the rights of Alaskans.

[4:46:16 PM](#)

MYRA WILSON, Veterinarian, Anchorage Animal Care and Control, stated that she has been the secretary of the AKMVA for eight years. She said did not want to repeat points made, but acknowledged the good testimony provided today. She has been licensed in Alaska since 1981. She recalled hearing people discuss public health. She said she often works with the state veterinarian and epidemiologist. She stated that rabies vaccines were mentioned earlier and noted that the regulations require a licensed veterinarian to administer rabies vaccinations. Therefore, people who are not licensed, but are

administering vaccines would invalidate these vaccines. Further, rabies vaccines administration by anyone not licensed in Alaska as proposed under this bill would also not be considered valid. She highlighted staying current in Alaska helps veterinarian professionals have a familiarity with emerging diseases, such as salmonella, which a person just coming to the state may not understand. She also expressed concern that veterinarians not adhering to Alaska's standards of practice would not be required to maintain records so those records would not be available to clients. She said such veterinarians would not need to adhere to regulations, label prescription, or provide medical records, which she characterized as an injustice to citizens of Alaska. She commented on local pro bono work. She suggested that at least 6-7 clinics spay and neuter animals arriving at the Anchorage Animal and Control. She noted that the organization has received animals locally, the Matanuska-Susitna area, and Kenai. She said that veterinarians are willing to help if their expenses are covered. Lastly, she suggested two remedies: temporary licensure, which she did not think HB 251 addressed adequately, but believed the AKMVA would be willing to place on their agenda or discuss at their next annual meeting. She did not think that the problem would be addressed overnight. She reiterated that many interested parties can work to address ways to help serve these underserved areas in Alaska.

[4:51:10 PM](#)

TIM HUNT, Veterinarian, stated that he is licensed in Michigan and Alaska. He said he has worked during the Iditarod and has seen many dogs, including non-sled dogs. He related that he is constantly approached to help out due to the lack of care. He agreed that the problem must be addressed to get veterinarian care to rural communities. He offered his belief that many veterinarians have worked admirably, such as Dr. Sept and Dr. Lovely. He suggested that the state needs to take this to a higher level and not rely just on military veterinarians to visit communities one or two days a year. He acknowledged that this is not a new problem. He was unsure if this bill is the correct approach, but he stressed that something needs to be one

on some level, as the perception in the Lower 48 is that no one really is stepping up to the plate.

4:52:42 PM

DR. JON BASLER, Veterinarian, stated that he has been in practice in Alaska since 1985. He worked in Anchorage the first three years, and was paid by the North Slope Borough for three years from 1987-1990 to provide veterinarian services to all communities within the North Slope Borough. He acknowledged this has concept has been mentioned several times, the NSB has deep pockets. He pointed out that animals are often last on the list, but some responsibility from Native, Regional, or Village corporations to try to hire veterinarians to serve rural Alaska. He offered that salaries were paid by the NSB, but the veterinarians basically provided pro bono work to local residents since the care to local residents was essentially at no charge. He did not want to repeat testimony, but agreed with Dr. Wilson that it seemed like one of the sticklers is removing all oversight since most veterinarians in Alaska do not object to pro bono work performed. He identified the main thrust is to identify and facilitate groups, such as national organizations who often provide the mission-type work that much of rural Alaska entails. He acknowledged that local veterinarian are not required to perform pro bono services, but he surmised that nearly everyone practicing in Alaska does pro bono work since they often have clients who cannot afford services.

4:56:00 PM

PAIGE HEYWOOD, Veterinarian, stated that she is a small animal practitioner. She testified in opposition to HB 251. She concurred with the majority of the points made. She offered her belief that Alaska veterinarians can and are willing to provide care to rural communities if travel, lodging, and supplies are covered. She offered that she often speaks on the phone to villagers and communicating with EMTs on how to provide first care to animals that are not able to immediately be seen by a veterinarian, which is pro bono work. She expressed concerns with the bill sections that limit complaints against

veterinarians to client complaints since clients are not always aware of poor practices, such as poorly labeled medications, and misuse of medication, or use of expired vaccines. She also related that some people do not have the knowledge or resources of how to file or pursue complaints. She concluded that veterinarians should be held accountable to their clients and their peers.

[4:58:15 PM](#)

MORGAN PETERMAN, Veterinarian; Veterinary Skills Director, Humane Society of Veterinary Medical Association (HSVMA), stated that the HSVMA is a national veterinarian medical association with a focus on animal health and welfare. One of HSVMA's missions is to provide veterinary medical care to animals in need in remote areas of the U.S. She stated that during 2011, HSVMA's rural area veterinary services (RAVS) provided high quality care to over 8,600 animals lacking essential services. She stated that HSVMA supports HB 251 and its goal of addressing the lack of veterinary services to remote populations in Alaska. Additionally, the HSVMA recognizes the difficulty in addressing these needs given the current veterinary licensing laws, which limit those who can serve remote populations to veterinarians licensed in Alaska. She related that the lack of care is not only an issue for the well-being of the animals, but poses significant health concerns for the remote communities. She explained that her organization has worked to address similar issues on American Indian reservations in the Lower 48. The RAVS tries to provide high quality free care and education on many of the reservations with the goal to reduce infections, providing population control through sterilization surgeries, limiting stray animals, and decreasing dog bites and the need for rabies treatment in humans. She emphasized that RAVS is an excellent example of how an above standard quality of care can be practiced in an atypical setting. The organization does not believe the standard of care should be compromised, it is critical to recognize the requirements to practice quality veterinary medicine and have an open mind in assessing rural situations since they may meet these requirements in creative, yet safe and effective ways. She said she hopes the bill addresses these needs by allowing veterinary practitioners with

up to date and those who hold licenses in the U.S. in good standing to be permitted to volunteer their services under the laws set forth by the BVE and the state. These services should be allowed in areas of documented needs, where veterinary care is geographically or financially unavailable to the population receiving the service. In closing, she said she hopes the legislature will support the goals of HB 251 and hope the legislation will result in increased veterinary care for underserved animal populations in Alaska.

[5:01:19 PM](#)

ANGIE FITCH stated she is a consumer and supports HB 251. She said she is concerned with the lack of veterinary care in villages. She offered her support for HB 251 since without the bill, there will continue to be a lack of care in the villages. It is cost prohibitive for villages to request a veterinarian come to the area. This bill would provide an alternative. In terms of the standard of care that is compromised under the current situation under the BVE. This bill would bring much needed veterinarian care to areas in rural Alaska that do not have the care.

[HB 251 was held over.]

[5:04:10 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 5:04 p.m.