

U.S. House of Representatives

1 IN THE HOUSE

BY MR. MORINLEY

2 HOUSE BILL NO. 26

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to create a Territorial
7 Veterinary Practice Act, setting
8 forth its purpose; providing for
9 administration thereof."

10 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

11 Section 1. TERRITORIAL BOARD OF VETERINARY EXAMINERS.

12 Within thirty days after this act takes effect the governor
13 shall appoint the Territorial Veterinarian to function as a
14 permanent board of veterinary examiners or to head a board of
15 veterinary examiners. The Territorial Veterinarian may use
16 such staff as he may have as assistants or such veterinarians
17 as he might appoint.

18 Section 2. DUTIES OF THE TERRITORIAL BOARD OF VETERINARY
19 EXAMINERS. It shall be the duty of the Territorial Veterinarian

20 to examine applicants for certificates to practice veterinary
21 medicine, veterinary surgery, dentistry or any branch thereof,
22 in the Territory of Alaska. The examination may be written,
23 oral or a combination thereof. The examination will be upon
24 the following subjects to wit: Veterinary anatomy, surgery,
25 practice of medicine, obstetrics, pathology, chemistry,
26 diognosis, materia medica, therapeutics, physiology, sanitary
27 medicine, dentistry and such other branches and subjects as the
28 board may require since it is recognized that the study of
29 medicine is in a constant state of change and progress.

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1 Section 3. COMPENSATION AND EXPENSES. If travel is
2 necessary in assembling and carrying out the functions of the
3 board of veterinary examiners, the Territory of Alaska shall
4 pay the travel and per diem expenses for the said board for
5 the time the board is engaged in the transaction of any business
6 incident to the duties of the board.

7 Section 4. MONEYS. All moneys received by the board
8 shall be paid by the Territorial Veterinarian into the Terr-
9 torial Treasury and shall be held by the Treasurer of Alaska
10 in a separate fund, to be disbursed in the payment of the
11 expenses of maintaining the board and the administration
12 of the Veterinary Practice Act, so far as the funds may go.
13 If the funds so collected be insufficient to cover all expenses
14 then funds already appropriated for veterinary purposes may
15 be used.

16 Section 5. MEETINGS. The Territorial Veterinarian noting
17 either alone or as chairman of a board of veterinarians of his
18 choice shall hold a regular meeting once yearly to examine
19 such applicants as may present themselves. Applicants will
20 present themselves in person with proof of their graduation
21 from recognized and accepted schools of veterinary medicine.
22 Except as herein after provided for. The time and place of
23 said meetings will be designated by the Territorial Veterinarian.

24 Section 6. PRACTICE WITHOUT A LICENSE. It shall be
25 unlawful after the passage of this act for any person to
26 practice veterinary medicine, surgery, dentistry, or any branch
27 thereof, in the Territory of Alaska, without previously having
28 obtained a certificate from the Board of Veterinary Examiners.

29 Section 7. APPLICATIONS FOR CERTIFICATES. Applications

1 Veterinary
2 for certificatees to practice medicine, veterinary surgery,
3 dentistry, or any branch thereof, shall file their applications
4 with the Territorial Veterinarian at least thirty days before
5 the date of examination. All applications shall be in writing,
6 and shall be accompanied by certificates and proof of graduation
7 from reputable and recognized schools of veterinary medicine.

8 Section 8. GRADUATE VETERINARIANS PRACTICING PRIOR TO
9 PASSAGE OF THIS ACT IN THE TERRITORY OF ALASKA. A certificate
10 may be issued without examination upon payment of a fee of three
11 dollars and proof of having graduated from a reputable and
12 recognized school of veterinary medicine in The United States
13 of America. In the case of graduate veterinarians from foreign
14 schools, such persons will present themselves before the Board
15 with proof of graduation. The Territorial Veterinarian may
16 require such an applicant to take the examination.

17 Section 9. EXAMINATION. Graduate veterinarians of
18 reputable and recognized schools of veterinary medicine making
19 application for a certificate and paying a fee of twenty five
20 dollars, who shall pass a satisfactory examination, making a
21 grade of seventy per cent or more, before the Board of
22 Veterinary examiners on the following subjects of veterinary
23 science, to wit: Veterinary anatomy, surgery, practice of
24 medicine, obstetrics, pathology, college chemistry, diagnosis,
25 materia medica, therapeutics, physiology, sanitary medicine,
26 dentistry and such other branches related to the science of
27 veterinary medicine as the Board may require, shall be granted
28 a certificate by the Board to practice veterinary medicine,
29 surgery and dentistry, in the territory of Alaska.

30 Section 10. REGISTRATION. Graduate veterinarians regis-

1 tered to practice in other states having like requirements and
2 extending reciprocity to veterinarians legally registered to
3 practice in Alaska, may be, at the discretion of the Board,
4 granted a license or certificate without examination upon
5 payment of a fee of ten dollars and proof of such registration.

6 Section 11. CERTIFICATE. Every certificate issued by the
7 Territorial Board of Veterinary Examiners to practice veterinary
8 medicine, surgery, dentistry or branch thereof, must be
9 displayed in a conspicuous place in the holder's office or place
10 of business at all times, and shall be conclusive evidence of
11 the right of the holder to practice veterinary medicine, surgery,
12 dentistry or branch thereof, in the Territory of Alaska. Each
13 veterinarian registered in the Territory of Alaska shall pay to
14 the Office of The Territorial Veterinarian the sum of one dollar
15 annually as a renewal fee. Failure to display the certificate,
16 or failure to pay renewal fees by the end of any fiscal year,
17 June 30th, by the holder of a certificate from the Territorial
18 Board of Veterinary Examiners shall render such certificate
19 null and void. Provided, that such certificates shall be
20 reinstated at any time upon payment of five dollars and all
21 back dues.

22 Section 12. REGISTRATION OF VETERINARY PRACTITIONERS,
23 It shall be the duty of the Territorial Veterinarian to keep
24 a register of all veterinary practitioners to whom certificates
25 are issued under the provisions of this act, and to register
26 the name, age and time spent in study and practice of veterinary
27 medicine, surgery, dentistry or branch of veterinary science.

28 Section 13. FALSE CERTIFICATES. The issuing of false or
29 fraudulent tuberculin test chart, Brucellosis test chart,

1 or health certificate, either for local, Territorial, State
2 or Inter-State use or shipment, or conviction in any court of
3 competent jurisprudence of crime, felony, or malpractice shall
4 have his or her license or certificate permanently revoked.

5 Section 14. PENALTY FOR UNLAWFUL PRACTICE. Any person
6 practicing veterinary medicine, veterinary surgery, or any
7 branch thereof, including veterinary dentistry in the Territory
8 of Alaska, without having first obtained a certificate under
9 the provisions of this act, shall be deemed guilty of a misde-
10 meanor, and upon conviction thereof shall be punished by a fine
11 of not less than one hundred dollars nor more than five hundred
12 dollars or by imprisonment in a Territorial jail for not less
13 than ninety days, nor more than six months, or both fine and
14 imprisonment; Provided, nothing in this act shall be construed
15 to prohibit veterinarians residing outside the Territory of
16 Alaska meeting in consultation with registered veterinarians
17 of the Territory of Alaska. The Territorial Veterinarian may
18 instigate proceedings, but it shall be the duty of the district
19 attorney to prosecute all such violations. All fines collected
20 under this act shall be paid into the Territorial Treasury.

21 Section 15. PERSONS REGARDED AS PRACTICING VETERINARY
22 MEDICINE. A person shall be regarded as practicing veterinary
23 medicine, veterinary surgery and veterinary dentistry within
24 the meaning of this act who shall append or cause to be
25 appended to his or her name the letters V.M., D.V.M., V.V.D.,
26 M.D.V., M.D.O., D.V.S., or the words "Veterinary", "Veterinarian",
27 "Veterinary Surgeon", "Veterinary Dentist", or any other initials,
28 signs, or titles implying qualifications to so practice, or who
29 shall treat, operate upon, or prescribe for any physical ailment

1 in, or any physical injury to, or deformity of, any domestic
2 or wild animal or fowl, for which he or she shall receive any
3 monetary or other compensation. The terms of this act shall
4 not apply to commissioned veterinarians in the United States
5 Army nor to veterinarians in the employment of the United
6 States Department of Agriculture in the official discharge of
7 his or her duties. Nothing in this act shall be construed to
8 prohibit owners from castrating or dehorning their own stock,
9 or treating sick or injured stock free of charge. Nothing in
10 this act shall be construed to prohibit veterinary students of
11 a Government recognized veterinary school from prescribing
12 under the direction of a preceptor, while actually attending a
13 veterinary school or during a vacation, not to exceed eighteen
14 months all told.

15 Section 16. VETERINARIANS IN TERRITORIAL EMPLOYEES.

16 All veterinarians employed by the Territory of Alaska must
17 obtain a certificate.

18 Section 17. REFUSAL TO ISSUE, SUSPENSION OF OR REVOKING
19 OF CERTIFICATE. The Office of the Territorial Veterinarian may
20 refuse to issue, or may suspend, or revoke any license or
21 certificate for any one or any combination of the following
22 causes:

23 1. The employment of fraud, misrepresentation or deception
24 in obtaining such license or certificate.

25 2. Conviction of a crime involving moral turpitude or
26 conviction of a felony, in which cases the records of such
27 convictions shall be conclusive evidence.

28 3. Chronic inebriety or habitual use of narcotics.

29 4. For having professional connection with or lending one's

1 name to any illegal practitioner of veterinary medicine and the
2 various branches thereof.

3 E. Violation or attempting to violate, directly or
4 indirectly, any of the provisions of this act.

5 C. The revocation by a sister state or territory of a
6 license or certificate by virtue of which one is licensed to
7 practice veterinary medicine or any of its branches in that
8 state or territory.

9 F. Conviction of or cash compromise of a charge or violation
10 of the Harrison Act, regulating narcotics, in which case the
11 record of such conviction or compromise, as the case may be,
12 shall be conclusive evidence.

13 D. Fraud or dishonesty in applying, treating or reporting
14 on tuberculin or other biological tests.

15 G. False or misleading advertising having for its purpose
16 or intent deception or fraud.

17 10. For failing to report, as may be required by law or
18 official regulations, or making false reports of any contagious
19 or infectious diseases.

20 The Territorial Veterinarian shall upon the verified
21 complaint in writing of any person setting forth facts which if
22 proven would constitute grounds for refusal, suspension or
23 revocation as hereinabove set forth, investigate the actions of
24 any person holding or claiming to hold a license or certificate.
25 The Territorial Veterinarian shall, before refusing to issue,
26 suspending or revoking any license, at least ten (10) days
27 prior to the date set for the hearing, notify in writing the
28 applicant or the holder of such license or certificate of any
29 charges made and shall afford such accused person an opportunity

1 to be heard in person or by counsel in reference thereto.
2 Such written notice may be served by delivery of the same
3 personally to the accused person, or by mailing the same
4 by registered mail to the place of business last thereto
5 specified by the accused person in his last notification
6 to the Office of the Territorial Veterinarian. At the
7 time and place fixed in the notice, the examining committee,
8 designated by the Territorial Veterinarian or the Terr-
9 itorial Veterinarian in person, shall proceed to hear the
10 charges and both the accused person and the complainant
11 shall be accorded ample opportunity to present in person or
12 by counsel, such statements, testimony, evidence and
13 arguments as may be pertinent to the charges or to any
14 defense thereto. The Territorial Veterinarian may continue
15 such hearing from time to time but not to exceed thirty
16 (30) days.

17 The Office of the Territorial Veterinarian shall have
18 power to subpoena and bring before it any person in the
19 Territory to take testimony either orally or by deposition,
20 or both, with the same fees, mileage and per diem in the
21 same manner as prescribed by law in judicial procedures
22 in civil cases in courts of Alaska.

23 The Territorial Veterinarian or his assistant or
24 designated member of such committees shall have power to
25 administer oaths to witnesses at any hearing which the Office
26 of the Territorial Veterinarian is authorized by law to
27 conduct, and any other oaths required or authorized in
28 any act administered by the Office of the Territorial
29 Veterinarian.

1 Any district or superior court or any judge thereof,
2 or United States Commissioner, either in term time or
3 vacation, upon the application of the accused person or
4 registrant or of the Office of The Territorial Veterinarian,
5 may by order duly entered requiring the attendance of
6 witnesses and the production of relevant books, papers and
7 records before the Office of the Territorial Veterinarian
8 in any hearing relative to the application for or
9 refusal, recall, suspension or revocation of certificate or
10 license of registration, and the court, judge or United States
11 Commissioner may compel obedience to it's or his or her
12 order by proceedings for contempt.

13 The Office of the Territorial Veterinarian, at it's
14 expense shall provide a stenographer to take down the testimony
15 and preserve a record of all proceedings at the hearings of
16 any case wherein a license or certificate is refused,
17 recalled, revoked or suspended.

18 Within ten days after a hearing which may refuse,
19 recall, revoke or suspend a license or certificate the
20 accused person may present to the Territorial Veterinarian
21 his request, in writing, for a rehearing, which request shall
22 specify the particular grounds thereof.

23 At the expiration of the time specified for filing a
24 motion for a rehearing the Territorial Veterinarian shall
25 have the right to take the action recommended by the committee,
26 court or United States Commissioner. Upon the suspension,
27 recall, or revocation of the accused person's license or
28 certificate of registration. A registrant shall be
29 required to surrender his license or certificate of

1 registration to the Territorial Veterinarian and upon
2 failure to do so the Territorial Veterinarian shall have
3 the right to seize the same.

4 At any time after the suspension, recall or
5 revocation of a license or certificate, the Territorial
6 Veterinarian may restore it to the accused person without
7 examination whenever the Territorial Veterinarian is
8 satisfied that substantial justice has been done, or if for
9 the public good, with the exception of permanent revocation
10 as stated elsewhere in this act.

11 All veterinarians licensed by the office of the Territorial
12 Veterinarian shall be exempt from jury service in Alaska.

13 Section 10. ANNUAL REPORTS: At the end of each fiscal
14 year here and after the passage of this act the Territorial
15 Veterinarian shall make a report of all activities and
16 proceedings to the Territorial Department of Agriculture and
17 to the Governor of Alaska.