

*U.S. House*

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 itorial 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 acting  
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 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, Brusellosis 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.E., D.V.M., V.V.D.,  
26 M.D.V., M.D.G., 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 EMPLOYEE.

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

5 G. 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 H. Fraud or dishonesty in applying, treating or reporting  
14 on tuberculin or other biological tests.

15 I. 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 calling 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 complainant 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 from 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.