

1 IN THE SENATE

BY HARRIS

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2 SENATE BILL NO. 248

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing of veterinarians."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 08.98.010 - 08.98.250 is repealed.

9 \* Sec. 2. AS 08.98 is amended by adding new sections to read:

10 Sec. 08.98.011. LICENSE REQUIREMENT AND EXCEPTIONS. No person  
11 may practice veterinary medicine in the state unless he is a licensed  
12 veterinarian or the holder of a valid temporary permit issued by the  
13 board. This chapter does not prohibit:

14 (1) an employee of the federal, state, or local government  
15 from performing his official duties or emergency animal care;

16 (2) a person who is a regular student in a veterinary school  
17 from performing duties or actions assigned by his instructors, or  
18 working under the direct supervision of a licensed veterinarian during  
19 a school vacation period;

20 (3) a person from advising with respect to or performing  
21 acts which the board by regulation has prescribed as accepted livestock  
22 management practices;

23 (4) a veterinarian regularly licensed in another state from  
24 consulting with a licensed veterinarian in this state;

25 (5) a merchant or manufacturer from selling at his regular  
26 place of business medicines, feed, appliances, or other products used  
27 in the prevention or treatment of animal diseases, with the exception  
28 of vaccines and prescription drugs;

29 (6) the owner of an animal and the owner's full-time regular

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1 employee from caring for and treating the animal belonging to the  
2 owner, except when the ownership of the animal was transferred for  
3 purposes of circumventing this act;

4 (7) a member of the faculty of a veterinary school from  
5 performing his regular functions, or a person from lecturing or giving  
6 instructions or demonstrations at a veterinary school or in connection  
7 with a continuing education course or seminar;

8 (8) a person from selling or applying a pesticide, insecti-  
9 cide, or herbicide;

10 (9) a person from engaging in bona fide scientific research  
11 which reasonably requires experimentation involving animals;

12 (10) a person approved by the board from performing arti-  
13 ficial insemination;

14 (11) a person from gratuitously giving emergency aid to  
15 animals;

16 (12) veterinary technicians from performing under the super-  
17 vision of a veterinarian.

18 Sec. 08.98.021. BOARD OF VETERINARY MEDICINE. (a) There is the  
19 Board of Veterinary Medicine which consists of three members each  
20 appointed by the governor for a term of five years or until his succe-  
21 sor is appointed, except that the terms of the first appointees may  
22 be for shorter periods to permit a staggering of terms whereby one  
23 term expires each year. When the occasion arises for an appointment,  
24 under this section, the state veterinary medical association may  
25 nominate three or more qualified persons and forward the nominations  
26 to the governor at least 30 days before the date set for the appoint-  
27 ment. The governor may appoint one of the persons so nominated.  
28 Vacancies due to death, resignation, or removal shall be filled for  
29 the remainder of the unexpired term in the same manner as regular

1 appointments. No person shall serve two consecutive five-year terms,  
2 but a person appointed for a term of less than five years may succeed  
3 himself.

4 (b) A person shall be qualified to serve as a member of the board  
5 if he is a graduate of a veterinary school, a resident of this state,  
6 and has been licensed to practice veterinary medicine in this state  
7 for the five years preceding the time of his appointment. No person  
8 may serve on the board who is, or was during the two years preceding  
9 his appointment, a member of the faculty, trustees, or advisory board  
10 of a veterinary school.

11 (c) Members of the board are entitled to travel expenses and  
12 per diem as provided by law for members of boards and commissions.

13 (d) A member of the board may be removed by the governor after  
14 a hearing determines cause for removal.

15 Sec. 08.98.031. MEETINGS. The board shall meet at least once  
16 each year at the time and place fixed by rule of the board. Other  
17 necessary meetings may be called by the president of the board by giving  
18 notice as may be required by rule. Except as may otherwise be pro-  
19 vided, a majority of the board constitutes a quorum. Meetings shall  
20 be open and public except that the board may meet in closed session  
21 to prepare, approve, administer, or grade examinations, or to deliberate  
22 the qualification of an applicant for license or the disposition of a  
23 proceeding to discipline a licensed veterinarian.

24 Sec. 08.98.041. OFFICERS OF THE BOARD. At its annual meeting  
25 the board shall organize by electing a president and a secretary.  
26 Officers of the board serve for terms of one year and until a successor  
27 is elected, without limitation on the number of terms an officer may  
28 serve. The president shall serve as chairman of board meetings. The  
29 duties of the secretary include handling the correspondence of the

1 board, keeping permanent accounts and records of all receipts and  
2 disbursements by the board and all board proceedings, including the  
3 disposition of all applications for license, and keeping a register  
4 of all persons currently licensed by the board, except where these  
5 duties are assumed by the department. All board records shall be open  
6 to public inspection during regular office hours. At the end of each  
7 examining period the chairman and secretary shall submit to the governor  
8 a report on the transactions of the board.

9 Sec. 08.98.051. POWERS AND DUTIES. The board shall have the  
10 power to

11 (1) examine and determine the qualifications and fitness  
12 of applicants for a license to practice veterinary medicine in the  
13 state;

14 (2) issue, renew, deny, suspend, or revoke licenses and  
15 temporary permits to practice veterinary medicine in the state or other-  
16 wise discipline licensed veterinarians consistent with the provisions  
17 of this chapter and the regulations adopted by the board;

18 (3) register licensed veterinarians; the registry is to be  
19 maintained by the department with a biennial registration fee of \$50;

20 (4) regulate artificial insemination by establishing stan-  
21 dards of practice and issue permits to persons found qualified by the  
22 board;

23 (5) register the veterinary technicians; however,

24 (A) the registrant must make application to and be  
25 approved by the board; the board may examine the applicant to deter-  
26 mine his competence in animal technology;

27 (B) registry is to be maintained by the department  
28 with a biennial registration fee of \$25;

29 (6) conduct investigations for the purpose of determining

1 violations of this chapter or grounds for disciplining licensed veteri-  
2 narians;

3 (7) hold hearings on all matters properly brought before the  
4 board and in connection with a hearing to administer oaths, receive  
5 evidence, make the necessary determinations, and enter orders consistent  
6 with the findings, require by subpoena the attendance and testimony of  
7 witnesses and the production of papers, records, or other documentary  
8 evidence and commission depositions, and may designate one or more of  
9 its members to serve as its hearing officer;

10 (8) appoint from its own membership one or more members to  
11 act as representative of the board at the annual meeting of National  
12 Veterinary State Board of Examiners; expenses to be paid by the depart-  
13 ment shall not exceed \$1,000 a year;

14 (9) bring proceedings in the courts for the enforcement of  
15 this chapter or regulations adopted under this chapter;

16 (10) adopt, amend, or repeal regulations necessary for its  
17 government and all regulations necessary to carry into effect the pro-  
18 visions of this chapter, including the establishment and publication of  
19 standards of professional conduct for the practice of veterinary medi-  
20 cine.

21 Sec. 08.98.061. STATUS OF PERSONS PREVIOUSLY LICENSED. A person  
22 holding a valid license to practice veterinary medicine in this state  
23 on the effective date of this chapter is recognized as a licensed veteri-  
24 narian and is entitled to retain this status so long as he complies with  
25 the provisions of this chapter, including annual renewal of the license.

26 Sec. 08.98.071. APPLICATION FOR LICENSE; QUALIFICATIONS. (a) A  
27 person desiring a license to practice veterinary medicine in this state  
28 shall make written application to the department. The applicant must  
29 be 21 years of age or more, a citizen of the United States or an

1 applicant for citizenship, a graduate of a veterinary school, a person  
2 of good moral character, and other qualification and proof that the  
3 board may require by regulation. The application shall be accompanied  
4 by a fee in the amount established and published by the department.

5 (b) If the board determines that the applicant possesses the  
6 proper qualifications, it shall admit the applicant to the next exami-  
7 nation, or if the applicant is eligible for a license without examina-  
8 tion under sec. 91 of this chapter the board may immediately grant him  
9 a license. If an applicant is found not qualified to take the examina-  
10 tion or for a license without examination, the secretary of the board  
11 shall notify the department in writing of this finding and the grounds  
12 for the finding. An applicant found unqualified may request a hearing  
13 on the question of his qualification under the procedure set out in  
14 sec. 141 of this chapter. An applicant who is found not qualified  
15 shall be returned his fee.

16 Sec. 08.98.081. EXAMINATIONS. (a) The board shall hold at least  
17 one examination during each year and may hold additional examinations  
18 as necessary. The department shall give public notice of the time and  
19 place for each examination at least 120 days in advance of the date set  
20 for the examination. A person desiring to take an examination shall  
21 make application at least 60 days before the date of the examination.

22 (b) The preparation, administration, and grading of examinations  
23 shall be governed by regulations prescribed by the board. Examinations  
24 shall be designed to test the examinee's knowledge of and proficiency  
25 in the subjects and techniques commonly taught in veterinary schools.  
26 To pass the examination, the examinee must demonstrate scientific and  
27 practical knowledge sufficient to prove himself a competent person to  
28 practice veterinary medicine in the judgment of the board. All exami-  
29 nees shall be tested by a written examination, supplemented by such

1 oral interviews and practical demonstrations as the board may consider  
2 necessary. The board may adopt and use the examination prepared by  
3 the National Board of Veterinary Examiners.

4 (c) After each examination, the department will record the new  
5 licenses and issue a license to the new licensee. A person failing  
6 an examination shall be admitted to subsequent examination on payment  
7 of the application fee.

8 Sec. 08.98.091. LICENSE WITHOUT EXAMINATION. (a) The board  
9 may issue a license without a written examination to a qualified appli-  
10 cant who furnishes satisfactory proof that he is a graduate of a  
11 veterinary school and who

12 (1) for the last five years or for five of the last seven  
13 years before filing his application has been a practicing veterinarian  
14 licensed in a state, territory, or district of the United States having  
15 license requirements, at the time the applicant was first licensed,  
16 which were substantially equivalent to the requirements of this chapter;  
17 or

18 (2) within the three years next before filing his applica-  
19 tion has successfully completed the examination conducted by the  
20 National Board of Veterinary Examiners.

21 (b) At its discretion, the board may orally or practically examine  
22 a person qualifying for licensing under this section.

23 Sec. 08.98.101. TEMPORARY PERMIT. (a) The board may issue  
24 without examination a temporary permit to practice veterinary medicine  
25 in this state to

26 (1) a qualified applicant for license pending examination;  
27 however, the temporary permit shall expire the day after the notice of  
28 results of the first examination given after the permit is issued; no  
29 temporary permit may be issued to an applicant who has previously

1 failed the examination in this state;

2 (2) a nonresident veterinarian validly licensed in another  
3 state, territory, or district of the United States or a foreign country  
4 who pays the fee established and published by the board; the temporary  
5 permit shall be issued for a period of no more than 60 days and no more  
6 than one permit shall be issued to a person in a single calendar year.

7 (b) A temporary permit may be summarily revoked by majority vote  
8 of the board without a hearing.

9 Sec. 08.98.111. LICENSE RENEWAL. (a) All licenses expire bi-  
10 ennially on December 31 but may be renewed by registration with the  
11 board and payment of the registration renewal fee established and pub-  
12 lished by the board. On December 1 of every other year, the department  
13 shall mail a notice to each licensed veterinarian that his license will  
14 expire on December 31 and provide him with a form for reregistration.  
15 The department shall issue a new certificate of registration to all  
16 persons registering under this chapter.

17 (b) A person who practices veterinary medicine after the expira-  
18 tion of his license and wilfully or by neglect fails to renew his  
19 license is practicing in violation of this chapter. A person may renew  
20 an expired license within three years of the date of its expiration  
21 by making written application for renewal and paying the current renewal  
22 fee plus all delinquent renewal fees. After three years have elapsed  
23 since the date of the expiration, a license may not be renewed but the  
24 holder must make application for a new license and take the license  
25 examination.

26 (c) The board may by regulation waive the payment of the regis-  
27 tration renewal fee of a licensed veterinarian during the period when  
28 he is on active duty with a branch of the armed services of the United  
29 States, not to exceed three years or the duration of a national

1 emergency, whichever is longer.

2 Sec. 08.98.121. DISCIPLINE OF LICENSEES. Upon written complaint  
3 sworn to by any person the board may, after a fair hearing and by con-  
4 currence of a majority of the board, revoke or suspend for a certain  
5 time the license of, or otherwise discipline, a licensed veterinarian  
6 for any of the following reasons:

7 (1) the employment of fraud, misrepresentation, or deception  
8 in obtaining a license;

9 (2) an adjudication of insanity;

10 (3) chronic inebriety or habitual use of drugs adversely  
11 affecting competence as a veterinarian;

12 (4) the use of advertising or solicitation which is false,  
13 misleading, or is otherwise considered unprofessional under regulations  
14 adopted by the board;

15 (5) conviction or cash compromise of a felony or other public  
16 offense involving moral turpitude;

17 (6) incompetence, gross negligence, or other malpractice in  
18 the practice of veterinary medicine;

19 (7) having professional association with or employing a  
20 person practicing veterinary medicine unlawfully;

21 (8) fraud or dishonest conduct in applying or reporting  
22 diagnostic biological tests or in issuing health certificates;

23 (9) failure to keep veterinary premises and equipment in a  
24 clean and sanitary condition;

25 (10) failure to report, as required by law, or making a false  
26 report of, a contagious or infectious disease;

27 (11) dishonesty or gross negligence in the inspection of food-  
28 stuffs or the issuance of health or inspection certificates;

29 (12) cruelty to animals;

1 (13) revocation of a license to practice veterinary medicine  
2 by another state, territory, or district of the United States on grounds  
3 other than nonpayment of registration fee;

4 (14) unprofessional conduct as defined in regulations adopted  
5 by the board.

6 Sec. 08.98.131. HEARING PROCEDURE. (a) A hearing by the board  
7 shall be held no sooner than 20 days after written notice to a licensed  
8 veterinarian of a complaint against him under sec. 121 of this chapter  
9 or, in the case of a person whose application for a license is denied,  
10 no sooner than 10 days after receipt by the board of a written request  
11 for a hearing. Notice of the time and place of the hearing, along with  
12 a copy of the complaint filed, shall be served on a licensee in the  
13 same manner required for original service of process in a civil suit.

14 (b) The applicant or licensee shall have the right to be heard in  
15 person and by counsel, the right to have subpoenaed the attendance of  
16 witnesses in his behalf, and the right to cross-examine witnesses  
17 appearing against him. Strict rules of evidence shall not apply. The  
18 department shall provide a stenographer to take down the testimony and  
19 shall preserve a full record of the proceeding. A transcript of the  
20 record may be purchased by a person interested in the hearing on payment  
21 to the department of the cost of preparing the transcript.

22 (c) The department shall notify the applicant or licensee of the  
23 board's decision in writing 10 days after the conclusion of the hearing.  
24 The secretary-treasurer, in all cases of suspension or revocation,  
25 shall enter the fact on the register. A person whose license is sus-  
26 pended or revoked shall be considered an unlicensed person for purposes  
27 of this chapter.

28 (d) The fees and expenses allowed witnesses and officers shall  
29 be paid by the department and shall be the same as prescribed by law

1 in civil cases in the courts of this state.

2 Sec. 08.98.141. APPEAL. A party aggrieved by a decision of the  
3 board may appeal the matter to a court of general jurisdiction within  
4 90 days after receipt of notice of the board's final determination.  
5 Appeals shall be taken by filing the action with the court and serving  
6 upon the secretary-treasurer of the board written notice of the appeal,  
7 stating the grounds for the appeal. The court shall review the decision  
8 of the board as it would the decision of an inferior court.

9 Sec. 08.98.151. REINSTATEMENT. A person whose license is sus-  
10 pended or revoked may, at the discretion of the board, be relicensed  
11 or reinstated at any time without an examination by majority vote of  
12 the board on written application made to the board showing cause  
13 justifying relicensing or reinstatement.

14 Sec. 08.98.161. ENFORCEMENT. (a) A person who practices  
15 veterinary medicine without a currently valid license or temporary  
16 permit shall be guilty of a misdemeanor and upon conviction is punish-  
17 able by a fine of not less than \$50 nor more than \$500, or by imprison-  
18 ment for not more than 90 days, or be both fined and imprisoned;  
19 however, each act of such unlawful practice constitutes a distinct and  
20 separate offense.

21 (b) No person who practices veterinary medicine without a current-  
22 ly valid license or temporary permit may receive compensation for  
23 services so rendered.

24 (c) The board or any citizen of this state may bring an action  
25 to enjoin a person from practicing veterinary medicine without a cur-  
26 rently valid license or temporary permit. If the court finds that the  
27 person is violating, or is threatening to violate, this chapter, it  
28 shall enter an injunction restraining him from such unlawful acts.

29 (d) The successful maintenance of an action based on any one of

1 the remedies set out in this section shall in no way prejudice the  
2 prosecution of an action based on any other of the remedies.

3 Sec. 08.98.171. ABANDONMENT OF ANIMALS. (a) An animal placed  
4 in the custody of a licensed veterinarian for treatment, boarding or  
5 other care, which is unclaimed by its owner or his agent for a period  
6 of more than 10 days after written notice by registered or certified  
7 mail, return receipt requested, is given the owner or his agent at  
8 his last known address, is considered to be abandoned and may be turned  
9 over to the nearest humane society or dog pound or disposed of as the  
10 custodian considers proper.

11 (b) The giving of notice to the owner, or the agent of the owner,  
12 of the animal by the licensed veterinarian, as provided in (a) of this  
13 section, relieves the licensed veterinarian and any custodian to whom  
14 the animal may be given of any further liability for disposal. This  
15 procedure by a licensed veterinarian does not constitute grounds for  
16 disciplining procedure under this chapter.

17 Sec. 08.98.181. LIEN FOR VETERINARY SERVICE. A veterinarian,  
18 or a veterinary partnership offering veterinary service to animals in  
19 the field or otherwise, who, at the request of the owner or lawful  
20 possessor of any animal, bestows professional attention, care, vaccines,  
21 antisera, antiviral, antibiotics, or other medical treatment, food or  
22 service upon the animal shall have a lien upon the animal for the just  
23 and reasonable charges and may hold and retain possession of the animal  
24 until the charges are paid. The lien created shall have preference  
25 over any and all other liens or encumbrances upon the animal or animals,  
26 regardless of where the veterinary service has been rendered.

27 Sec. 08.98.191. VETERINARY TECHNICIAN. (a) A veterinary tech-  
28 nician may, under supervision of a veterinarian in a veterinary practice,

29 (1) obtain and record information about cases;

1 (2) prepare patients, instruments, equipment, and medicaments  
2 for surgery;

3 (3) collect specimens and perform certain laboratory proce-  
4 dures;

5 (4) assist the veterinarian in diagnostic, medical, dental,  
6 and surgical procedures;

7 (5) administer routine immunization programs.

8 (b) The veterinary technician shall work under the direct super-  
9 vision of a veterinarian at his primary practice site. The veterinarian  
10 is responsible for the actions of his technician to the extent of the  
11 loss of his veterinary license.

12 Sec. 08.98.201. DEFINITIONS. In this chapter

13 (1) "abandoned" means to forsake entirely, or to neglect or  
14 refuse to provide or perform the legal obligations for care and support  
15 of an animal by its owner or his agent; abandonment constitutes the  
16 relinquishment of all rights and claims by the owner to such animal;

17 (2) "animal" means an animal other than man and includes  
18 fowl, birds, fish, and reptiles, wild or domestic, living or dead;

19 (3) "board" means the state Board of Veterinary Medicine;

20 (4) "department" means the Department of Commerce;

21 (5) "direct supervision" means the employee shall be in  
22 personal communication with a veterinarian for each individual case on  
23 not longer than a 72-hour basis;

24 (6) "licensed veterinarian" means a person who is validly  
25 and currently licensed to practice veterinary medicine in this state;

26 (7) "practice of veterinary medicine" means

27 (A) to diagnose, treat, correct, change, relieve, or  
28 prevent animal disease, deformity, defect, injury, or other  
29 physical or mental conditions, including the prescription or

1 administration of any drug, medicine, biologic, apparatus, appli-  
2 cation, anesthetic, or other therapeutic or diagnostic substance  
3 or technique, and the use of any manual or mechanical procedure  
4 for artificial insemination, for testing for pregnancy, or for  
5 correcting sterility, or infertility, or to render advice or recom-  
6 mendation with regard to any of the above;

7 (B) to represent, directly or indirectly, publicly or  
8 privately, an ability and willingness to do any act described in  
9 (A) of this paragraph;

10 (C) to use any title, words, abbreviation, or letters  
11 in a manner or under circumstances which induce the belief that  
12 the person using them is qualified to do any act described in (A)  
13 of this paragraph;

14 (8) "school of veterinary medicine" means a veterinary  
15 college or division of a university or college that offers the degree  
16 of Doctor of Veterinary Medicine or its equivalent and that conforms  
17 to the standards required for accreditation by the American Veterinary  
18 Medical Association;

19 (9) "veterinarian" means a person who has received a doctor's  
20 degree in veterinary medicine from a school of veterinary medicine;

21 (10) "veterinary medicine" includes veterinary surgery,  
22 obstetrics, dentistry, and all other branches or specialties of veteri-  
23 nary medicine;

24 (11) "veterinary technician" means a person who has success-  
25 fully completed a veterinary technician course accredited by the American  
26 Veterinary Medical Association or any person found to be qualified upon  
27 examination by the board to have gained equivalent knowledge of animal  
28 technology through practical experience under a trained veterinarian.

29 Sec. 08.98.211. SHORT TITLE. This chapter may be cited as the

1 Alaska Veterinary Practice Act.

2 \* Sec. 2. Members of the veterinary board appointed under AS 08.98.020  
3 as it existed before the effective date of this Act may continue as members  
4 of the board until the expiration of the term for which they were appointed.

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