

Offered: 4/20/74
Referred: Rules

Original sponsor: Harris

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 248

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND 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 is amended by adding new sections to read:

9 Sec. 08.98.031. OFFICERS OF THE BOARD. At its annual meeting
10 the board shall organize by electing a president and a secretary.
11 Officers of the board serve for terms of one year and until a successor
12 is elected, without limitation on the number of terms an officer may
13 serve. The president shall serve as chairman of board meetings. The
14 duties of the secretary include handling the correspondence of the
15 board, keeping permanent accounts and records of all receipts and dis-
16 bursements by the board and all board proceedings, including the
17 disposition of all applications for license, and keeping a register
18 of all persons currently licensed by the board, except where these
19 duties are assumed by the department. All board records shall be open
20 to public inspection during regular office hours. At the end of each
21 examining period the chairman and secretary shall submit to the governor
22 a report on the transactions of the board.

23 Sec. 08.98.041. MEETINGS. The board shall meet at least once
24 each year at the time and place fixed by rule of the board. Other
25 necessary meetings may be called by the president of the board by giving
26 notice as may be required by rule. Except as may otherwise be provided,
27 a majority of the board constitutes a quorum. Meetings shall be open
28 and public except that the board may meet in closed session to prepare,
29 approve, administer, or grade examinations, or to deliberate the

1 qualification of an applicant for license or the disposition of a
2 proceeding to discipline a licensed veterinarian.

3 Sec. 08.98.121. LICENSE REQUIREMENT AND EXCEPTIONS. No person
4 may practice veterinary medicine in the state unless he is a licensed
5 veterinarian or the holder of a valid temporary permit issued by the
6 board. This chapter does not prohibit

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

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

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

16 (4) a veterinarian regularly licensed in another state from
17 consulting with a licensed veterinarian in this state;

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

22 (6) the owner of an animal and the owner's full-time regular
23 employee from caring for and treating the animal belonging to the
24 owner, except when the ownership of the animal was transferred for
25 purposes of circumventing this act;

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

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

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

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

7 (11) a person from gratuitously giving emergency aid to
8 animals;

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

11 Sec. 08.98.131. STATUS OF PERSONS PREVIOUSLY LICENSED. A person
12 holding a valid license to practice veterinary medicine in this state
13 on the effective date of this chapter is recognized as a licensed veteri-
14 narian and is entitled to retain this status so long as he complies with
15 the provisions of this chapter, including annual renewal of the license.

16 Sec. 08.98.141. APPLICATION FOR LICENSE; QUALIFICATIONS. (a) A
17 person desiring a license to practice veterinary medicine in this state
18 shall make written application to the department. The applicant must
19 be 21 years of age or more, a citizen of the United States or an
20 applicant for citizenship, a graduate of a veterinary school, a person
21 of good moral character, and other qualification and proof that the
22 board may require by regulation. The application shall be accompanied
23 by a fee in the amount established and published by the department.

24 (b) If the board determines that the applicant possesses the
25 proper qualifications, it shall admit the applicant to the next exami-
26 nation, or if the applicant is eligible for a license without examina-
27 tion under sec. 161 of this chapter, the board may immediately grant
28 him a license. If an applicant is found not qualified to take the
29 examination or for a license without examination, the secretary of the

1 board shall notify the department in writing of this finding and the
2 grounds for the finding. An applicant found unqualified may request a
3 hearing on the question of his qualification. An applicant who is
4 found not qualified shall be returned his fee.

5 Sec. 08.98.151. EXAMINATIONS. (a) The board shall hold at least
6 one examination during each year and may hold additional examinations
7 as necessary. The department shall give public notice of the time and
8 place for each examination at least 120 days in advance of the date set
9 for the examination. A person desiring to take an examination shall
10 make application at least 60 days before the date of the examination.

11 (b) The preparation, administration, and grading of examinations
12 shall be governed by regulations prescribed by the board. Examinations
13 shall be designed to test the examinee's knowledge of and proficiency
14 in the subjects and techniques commonly taught in veterinary schools.
15 To pass the examination, the examinee must demonstrate scientific and
16 practical knowledge sufficient to prove himself a competent person to
17 practice veterinary medicine in the judgment of the board. All exami-
18 nees shall be tested by a written examination, supplemented by such
19 oral interviews and practical demonstrations as the board may consider
20 necessary. The board may adopt and use the examination prepared by
21 the National Board of Veterinary Examiners.

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

26 Sec. 08.98.161. LICENSE WITHOUT EXAMINATION. (a) The board
27 may issue a license without a written examination to a qualified appli-
28 cant who furnishes satisfactory proof that he is a graduate of a
29 veterinary school and who

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

7 (2) within the three years next before filing his application
8 has successfully completed the examination conducted by the National
9 Board of Veterinary Examiners.

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

12 Sec. 08.98.171. TEMPORARY PERMIT. (a) The board may issue
13 without examination a temporary permit to practice veterinary medicine
14 in this state to

15 (1) a qualified applicant for license pending examination;
16 however, the temporary permit shall expire the day after the notice of
17 results of the first examination given after the permit is issued; no
18 temporary permit may be issued to an applicant who has previously
19 failed the examination in this state;

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

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

27 Sec. 08.98.181. LICENSE RENEWAL. (a) All licenses expire
28 biennially on December 31 but may be renewed by registration with the
29 board and payment of the registration renewal fee established and

1 published by the board. On December 1 of every other year, the depart-
2 ment shall mail a notice to each licensed veterinarian that his license
3 will expire on December 31 and provide him with a form for reregistra-
4 tion. The department shall issue a new certificate of registration to
5 all persons registering under this chapter.

6 (b) A person who practices veterinary medicine after the expira-
7 tion of his license and wilfully or by neglect fails to renew his
8 license is practicing in violation of this chapter. A person may renew
9 an expired license within three years of the date of its expiration
10 by making written application for renewal and paying the current renewal
11 fee plus all delinquent renewal fees. After three years have elapsed
12 since the date of the expiration, a license may not be renewed but the
13 holder must make application for a new license and take the license
14 examination.

15 (c) The board may by regulation waive the payment of the regis-
16 tration renewal fee of a licensed veterinarian during the period when
17 he is on active duty with a branch of the armed services of the United
18 States, not to exceed three years or the duration of a national emer-
19 gency, whichever is longer.

20 Sec. 08.98.191. DISCIPLINE OF LICENSEES. Upon written complaint
21 sworn to by any person the board may, after a fair hearing and by con-
22 currence of a majority of the board, revoke or suspend for a certain time
23 the license of, or otherwise discipline, a licensed veterinarian for
24 any of the following reasons:

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

27 (2) an adjudication of insanity;

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

1 (4) the use of advertising or solicitation which is false,
2 misleading, or is otherwise considered unprofessional under regulations
3 adopted by the board;

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

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

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

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

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

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

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

18 (12) cruelty to animals;

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

22 (14) unprofessional conduct as defined in regulations adopted
23 by the board.

24 Sec. 08.98.201. REINSTATEMENT. A person whose license is sus-
25 pended or revoked may, at the discretion of the board, be relicensed or
26 reinstated at any time without an examination by majority vote of the
27 board on written application made to the board showing cause justifying
28 relicensing or reinstatement.

29 Sec. 08.98.211. ENFORCEMENT. (a) A person who practices

1 veterinary medicine without a currently valid license or temporary
2 permit shall be guilty of a misdemeanor and upon conviction is punish-
3 able by a fine of not less than \$50 nor more than \$500, or by imprison-
4 ment for not more than 90 days, or be both fined and imprisoned; how-
5 ever, each act of such unlawful practice constitutes a distinct and
6 separate offense.

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

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

15 (d) The successful maintenance of an action based on any one of
16 the remedies set out in this section shall in no way prejudice the
17 prosecution of an action based on any other of the remedies.

18 Sec. 08.98.221. ABANDONMENT OF ANIMALS. (a) An animal placed
19 in the custody of a licensed veterinarian for treatment, boarding or
20 other care, which is unclaimed by its owner or his agent for a period
21 of more than 10 days after written notice by registered or certified
22 mail, return receipt requested, is given the owner or his agent at
23 his last known address, is considered to be abandoned and may be turned
24 over to the nearest humane society or dog pound or disposed of as the
25 custodian considers proper.

26 (b) The giving of notice to the owner, or the agent of the owner,
27 of the animal by the licensed veterinarian, as provided in (a) of this
28 section, relieves the licensed veterinarian and any custodian to whom
29 the animal may be given of any further liability for disposal. This

1 procedure by a licensed veterinarian does not constitute grounds for
2 disciplining procedure under this chapter.

3 Sec. 08.98.231. LIEN FOR VETERINARY SERVICE. A veterinarian,
4 or a veterinary partnership offering veterinary service to animals in
5 the field or otherwise, who, at the request of the owner or lawful
6 possessor of any animal, bestows professional attention, care, vaccines,
7 antisera, antiviral, antibiotics, or other medical treatment, food or
8 service upon the animal shall have a lien upon the animal for the just
9 and reasonable charges and may hold and retain possession of the animal
10 until the charges are paid. The lien created shall have preference
11 over any and all other liens or encumbrances upon the animal or animals,
12 regardless of where the veterinary service has been rendered.

13 Sec. 08.98.241. VETERINARY TECHNICIAN. (a) A veterinary techni-
14 cian may, under supervision of a veterinarian in a veterinary practice;

- 15 (1) obtain and record information about cases;
16 (2) prepare patients, instruments, equipment, and medicaments
17 for surgery;
18 (3) collect specimens and perform certain laboratory proce-
19 dures;
20 (4) assist the veterinarian in diagnostic, medical, dental,
21 and surgical procedures;
22 (5) administer routine immunization programs.

23 (b) The veterinary technician shall work under the direct super-
24 vision of a veterinarian at his primary practice site. The veterinarian
25 is responsible for the actions of his technician to the extent of the
26 loss of his veterinary license.

27 Sec. 08.98.251. DEFINITIONS. In this chapter

28 (1) "abandoned" means to forsake entirely, or to neglect or
29 refuse to provide or perform the legal obligations for care and support

1 of an animal by its owner or his agent; abandonment constitutes the
2 relinquishment of all rights and claims by the owner to such animal;

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

5 (3) "board" means the state Board of Veterinary Examiners;

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

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

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

12 (7) "practice of veterinary medicine" means

13 (A) to diagnose, treat, correct, change, relieve, or
14 prevent animal disease, deformity, defect, injury, or other
15 physical or mental conditions, including the prescription or
16 administration of any drug, medicine, biologic apparatus, appli-
17 cation, anesthetic, or other therapeutic or diagnostic substance
18 or technique, and the use of any manual or mechanical procedure
19 for artificial insemination, for testing for pregnancy, or for
20 correcting sterility, or infertility, or to render advice or recom-
21 mendation with regard to any of the above;

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

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

29 (8) "school of veterinary medicine" means a veterinary

1 college or division of a university or college that offers the degree
2 of Doctor of Veterinary Medicine or its equivalent and that conforms
3 to the standards required for accreditation by the American Veterinary
4 Medical Association;

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

7 (10) "veterinary medicine" includes veterinary surgery,
8 obstetrics, dentistry, and all other branches or specialties of veteri-
9 nary medicine;

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

15 Sec. 08.98.261. SHORT TITLE. This chapter may be cited as the
16 Alaska Veterinary Practice Act.

17 * Sec. 2. AS 08.98.030, 08.98.040, and 08.98.120 - 08.98.250 are repealed.
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