

Original sponsor: Health, Education and
Social Services Committee

Offered: 5/23/80
Referred: Rules

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 584 am H

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to professional licensing and to the
7 regulation of veterinarians; and providing for an
8 effective date."

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

10 * Section 1. AS 08.01.100(a) is amended to read:

11 (a) Except as otherwise provided by statute, [ALL] licenses shall
12 be renewed biennially on the dates set by the department with the ap-
13 proval of the respective board.

14 * Sec. 2. AS 08.98.010 is repealed and re-enacted to read:

15 Sec. 08.98.010. CREATION AND MEMBERSHIP OF THE BOARD. There is
16 created the Board of Veterinary Examiners composed of five members
17 appointed by the governor and approved by the legislature. Four members
18 shall be licensed veterinarians who have been in active practice in the
19 state for at least five years preceding appointment and one shall be a
20 public member. No person may serve on the board who is, or was during
21 the two years immediately preceding appointment, a member of a faculty,
22 board of trustees, or advisory board of a veterinary school.

23 * Sec. 3. AS 08.98.020 is repealed and re-enacted to read:

24 Sec. 08.98.020. TERM OF OFFICE. Members of the board shall serve
25 staggered terms of four years or until their successors are appointed
26 and confirmed. Appointments for vacancies shall be for the unexpired
27 term. A person who has served two successive complete terms may not be
28 reappointed until four years from the expiration of the last term.

29 * Sec. 4. AS 08.98 is amended by adding a new section to read:

1 Sec. 08.98.025. REMOVAL OF BOARD MEMBERS. The governor may remove
2 a member of the board for cause. The board may provide by regulation
3 that unexcused absences from meetings constitute cause for removal.

4 * Sec. 5. AS 08.98.040 is amended to read:

5 Sec. 08.98.040. BOARD MEETINGS. The board shall hold at least
6 three annual meetings [A REGULAR ANNUAL MEETING]. The board may hold
7 special meetings at the call of the chairman or of a majority of the
8 members [WITH PRIOR APPROVAL OF THE GOVERNOR]. A majority of board
9 members constitutes a quorum and a majority vote of those present is the
10 decision of the board.

11 * Sec. 6. AS 08.98.050 is repealed and re-enacted to read:

12 Sec. 08.98.050. POWERS AND DUTIES OF THE BOARD. (a) The board
13 shall

14 (1) establish examination requirements for eligible applicants
15 for licensure to practice veterinary medicine;

16 (2) examine, or cause to be examined, eligible applicants for
17 licensure or registration;

18 (3) approve the issuance of licenses to qualified applicants;

19 (4) establish standards for the practice of veterinary medi-
20 cine by regulation;

21 (5) conduct disciplinary proceedings in accordance with this
22 chapter;

23 (6) adopt regulations requiring proof of continued competency
24 before a license is renewed;

25 (7) prepare and submit an annual report to the department
26 containing information concerning board activities, the number of exam-
27 inations held, the number of applicants for examination, the number of
28 persons who pass and the number who fail each examination, financial
29 data, including receipts and expenditures, and other information which

1 the department may require;

2 (8) as requested by the department, monitor the standards and
3 availability of veterinary services provided in the state and report its
4 findings to the department;

5 (9) collect, or cause to be collected, data concerning the
6 practice of veterinary medicine by veterinary technicians in the state
7 and submit the data to the department for maintenance;

8 (10) establish, by regulation, educational and training re-
9 quirements for the delegation of duties by veterinarians licensed under
10 this chapter to veterinary technicians.

11 (b) The board may

12 (1) establish examination and registration requirements for
13 veterinary technicians;

14 (2) adopt regulations or do any act necessary to carry out
15 its duties under this chapter.

16 * Sec. 7. AS 08.98.120 is amended to read:

17 Sec. 08.98.120. LICENSE REQUIRED. No person may practice veter-
18 inary medicine, surgery, or dentistry unless he is licensed under this
19 chapter or has a temporary permit, except that a veterinary technician
20 may perform functions authorized by regulation of the board.

21 * Sec. 8. 08.98.140 is amended to read:

22 Sec. 08.98.140. CONTENT OF EXAMINATION. (a) The examination
23 shall be in [VETERINARY ANATOMY, SURGERY, MEDICINE, OBSTETRICS, PATHOL-
24 OGY, CHEMISTRY, DIAGNOSIS, MATERIA MEDICA, THERAPEUTICS, PHYSIOLOGY,
25 SANITARY MEDICINE, DENTISTRY, AND OTHER SCIENTIFIC] subjects related to
26 the practice of veterinary medicine, surgery, and dentistry and shall
27 include

28 (1) the examination prepared by the National Board of Veter-
29 inary Medical Examiners or other national veterinary examination deter-

1 mined to be acceptable by the board; and

2 (2) a standardized written examination testing practical
3 skills.

4 (b) The board may demand a practical demonstration of skills.

5 * Sec. 9. AS 08.98 is amended by adding a new section to read:

6 Sec. 08.98.165. QUALIFICATION FOR LICENSE. (a) An applicant is
7 qualified to receive a license as a veterinarian who

8 (1) is a graduate of an accredited veterinary school or who
9 has passed the examination of the American Veterinary Association's
10 Education Commission for Foreign Veterinary Graduates;

11 (2) has passed an examination prepared by the National Board
12 of Veterinary Medical Examiners or an equivalent examination as deter-
13 mined by the board, or qualifies for an exemption under (b) of this
14 section;

15 (3) has passed the written examination of the state;

16 (4) has passed a practical examination of skills, if required
17 by the board; and

18 (5) has no disciplinary proceeding, unresolved complaint, or
19 professional association review proceeding pending at the time a license
20 is to be issued, and has not had a veterinarian license revoked for
21 cause in another jurisdiction.

22 (b) An applicant is exempted from taking the examination required
23 under (a)(2) of this section if he furnishes proof acceptable to the
24 board that he has passed the examination prepared by the National Board
25 of Veterinary Medical Examiners or an equivalent examination within the
26 five years before application, or has been in active practice of veter-
27 inary medicine for five of the seven years before application in another
28 state, territory, or country with licensing requirements substantially
29 similar to or higher than those of this state which were in effect at

1 the time the applicant obtained his license in the other jurisdiction.

2 * Sec. 10. AS 08.98.180 is amended to read:

3 Sec. 08.98.180. TEMPORARY LICENSE. A person who meets the require-
4 ments of AS 08.98.165(a)(1) and (5) [AS 08.98.170] is entitled to be
5 temporarily licensed after completing the examinations under AS 08.-
6 98.165(a)(3) and (4) and after completing the examination required under
7 AS 08.98.165(a)(2) or qualifying for an exemption to it. A license
8 issued under this section is valid until the results of the examinations
9 [EXAMINATION FOLLOWING THE ISSUANCE OF THE LICENSE] are published. No
10 person may receive more than one temporary license [UNDER THIS SECTION].

11 * Sec. 11. AS 08.98 is amended by adding new sections to read:

12 Sec. 08.98.184. LICENSURE BY CREDENTIALS. The board shall approve
13 the issuance of a license to an applicant who holds a valid license to
14 practice veterinary medicine in another state, territory, or country
15 with licensing requirements substantially similar to or higher than
16 those of this state which were in effect at the time the applicant
17 obtained his license in the other jurisdiction if the applicant

18 (1) has graduated from an accredited school of veterinary
19 medicine or has successfully passed the examination of the American
20 Veterinary Association's Education Commission for Foreign Veterinary
21 Graduates;

22 (2) has been engaged in the active practice of veterinary
23 medicine for at least five of the seven years before filing the applica-
24 tion;

25 (3) has not failed the state written or practical examina-
26 tion;

27 (4) has no disciplinary proceeding, unresolved complaints, or
28 professional association review proceedings pending at the time a license
29 is to be issued, and has not had a veterinarian license revoked for

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cause in another jurisdiction; and

(5) has paid required fees.

Sec. 08.98.186. TEMPORARY PERMIT. A person licensed to practice veterinary medicine in another state who meets the requirements of AS 08.98.165(a)(1) and (5) may be granted a temporary permit to conduct the practice of a person licensed in the state who is absent from his practice. An application shall be signed by the person who is or will be absent from his practice and by the applicant. A temporary permit is valid for no longer than 60 days after issuance but may be renewed.

* Sec. 12. AS 08.98.190 is repealed and re-enacted to read:

Sec. 08.98.190. FEES. The following fees are imposed as applicable:

- (1) application fee \$ 25
- (2) examination fee \$ 50
- (3) fee for investigation of credentials \$ 50
- (4) license fee \$200
- (5) renewal of license fee due every four years .. \$200
- (6) temporary license fee \$ 50
- (7) temporary permit fee \$ 50

* Sec. 13. AS 08.98 is amended by adding new sections to article 3 to read:

Sec. 08.98.235. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

After a hearing, the board may impose a disciplinary sanction on a person licensed under this chapter when the board finds that he

(1) secured a license through deceit, fraud, or intentional misrepresentation;

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

1 (3) advertised professional services in a false or misleading
2 manner;

3 (4) has been convicted of a felony or other crime which
4 affects his ability to continue to practice competently and safely;

5 (5) intentionally or negligently engaged in or permitted the
6 performance of animal care by persons under his supervision which does
7 not conform to minimum professional standards regardless of whether
8 actual injury to the animal occurred;

9 (6) failed to comply with this chapter, with a regulation
10 adopted under this chapter, or with an order of the board;

11 (7) continued to practice after becoming unfit due to

12 (A) professional incompetence;

13 (B) addiction or severe dependency on alcohol or other
14 drugs which impairs his ability to practice safely;

15 (C) physical or mental disability;

16 (8) engaged in lewd or immoral conduct in connection with the
17 delivery of professional service.

18 Sec. 08.98.240. DISCIPLINARY SANCTIONS. (a) When it finds that a
19 licensee is guilty of an offense under AS 08.98.235, the board may
20 impose the following sanctions singly or in combination:

21 (1) permanently revoke a license to practice;

22 (2) suspend a license for a determinate period of time;

23 (3) censure a licensee;

24 (4) issue a letter of reprimand;

25 (5) place a licensee on probationary status and require him

26 to

27 (A) report regularly to the board upon matters involving
28 the basis of probation;

29 (B) limit practice to those areas prescribed;

1 (C) continue professional education until a satisfactory
2 degree of skill has been attained in those areas determined by the
3 board to need improvement;

4 (6) impose limitations or conditions on the practice of a
5 licensee.

6 (b) The board may withdraw probation status if it finds that the
7 deficiencies which required the sanction have been remedied.

8 (c) The board may summarily suspend a license before final hearing
9 or during the appeals process if the board finds that the licensee poses
10 a clear and immediate danger to the public health and safety if he
11 continues to practice. A person whose license is suspended under this
12 section shall be entitled to a hearing by the board no later than seven
13 days after the effective date of the order. The person may appeal the
14 suspension after a hearing to a court of competent jurisdiction.

15 (d) The board may reinstate a license which has been suspended or
16 revoked if the board finds after a hearing that the applicant is able to
17 practice with skill and safety.

18 (e) The board shall seek consistency in the application of dis-
19 ciplinary sanctions, and significant departure from prior decisions
20 involving similar situations shall be explained in findings of fact or
21 orders.

22 * Sec. 14. AS 08.98.250 is amended by adding new paragraphs to read:

23 (4) "accredited veterinary school" means a veterinary college
24 or division of a university or college that offers the degree of Doctor
25 of Veterinary Medicine, or its equivalent as determined by the board,
26 and conforms to the standards required for accreditation by the American
27 Veterinary Medical Association;

28 (5) "animal" means any animal other than a human being
29 including mammals, birds, fish, and reptiles, wild or domestic, living

1 or dead;

2 (6) "practice of veterinary medicine"

3 (A) means for compensation

4 (i) to diagnose, treat, correct, change, relieve,
5 or prevent animal disease, deformity, defect, injury, or other
6 physical or mental condition, including the prescription or
7 administration of a drug, biologic apparatus, anesthetic, or other
8 therapeutic or diagnostic substance;

9 (ii) to use a manual or mechanical procedure for
10 testing for pregnancy or correcting sterility or infertility; or

11 (iii) to render advice or recommendation with regard
12 to any matter listed in (i) or (ii) of this subparagraph;

13 (B) to represent, directly or indirectly, publicly or
14 privately, an ability or willingness to do any act in (A) of this
15 paragraph for compensation;

16 (C) to use a title, abbreviation, or letters in a manner
17 or under circumstances which induce the belief that the person
18 using them is qualified to do any act in (A) of this paragraph
19 whether or not for compensation;

20 (D) does not include, whether or not for compensation,

21 (i) practices related to artificial insemination
22 and the use of a title, abbreviation, or letters in a manner which
23 induces the belief that the person using them is qualified to
24 perform artificial insemination;

25 (ii) the practices of a farrier done in the perform-
26 ance of his profession;

27 (iii) standard practices commonly performed on farm
28 or domestic animals in the course of routine farming or animal
29 husbandry, when performed by an owner or his employee unless

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ownership of the animal is transferred for the purpose of avoiding application of this chapter or the primary purpose of hiring the employee is to avoid application of this chapter;

(7) "veterinary technician" means a person who performs functions delegated by a veterinarian licensed under this chapter.

* Sec. 15. AS 44.62.330(a) is amended by adding a new paragraph to read:

(47) Board of Veterinary Examiners (AS 08.98.010).

* Sec. 16. AS 08.98.030, 08.98.060, 08.98.130, 08.98.170, 08.98.210, 08.98.230, and 08.98.250(1) are repealed.

* Sec. 17. This Act takes effect immediately in accordance with AS 01.10.070(c).