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Date: May 26, 1981

From: Bettye Fahrenkamp

Phone: 465-3763

# MEMORANDUM

From the Office of  
Senator Bettye Fahrenkamp

To: Pam Tuomi, DVM  
2036 E. Northern Lights  
Anchorage, Alaska 99504

## MESSAGE:

Thank you for your message regarding HB 55.  
The bill is presently in the Senate HESS  
Committee and I am forwarding a copy of your  
message on to them.

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MSG B1-00017468 PRTY 1 05/19/81 17:35:09 ORIG: LA02 IN= 0004 OUT= 0091  
FROM: ROBERTA TO: JUNO INFO  
TARGET: LJH2 SUBJ: POMS PAGE 0003

TO: SENATOR FAHRENKAMP

FROM: PAM TUOMI, DVM, CHAIRMAN OF THE BOARD OF VETERINARY EXAMINERS,  
2036 E NORTHERN LIGHTS, ANC 99504; 274-2816

I WOULD LIKE TO DIRECT YOUR ATTENTION TO HB 55. IN ADDITION TO THE HOUSEKEEPING OF TERMINOLOGY IT IS ESSENTIAL THAT THE AMENDMENTS FOR THE TEMPORARY LICENSE BE IMPLEMENTED AS SOON AS POSSIBLE. AT THE PRESENT TIME NO TEMPORARY LICENSES MAY BE ISSUED TO NEW GRADUATES. THE BOARD OF VETERINARY EXAMINERS WOULD APPRECIATE YOUR HELP IN PASSING THIS BILL INTO THE SENATE AS SOON AS POSSIBLE.

*Rep. Licensing Veterinarians  
in (S) Dept. of Commerce*

*Waived Jan  
22nd of May in  
H&SS*

**Effect of amendment.** — The 1980 amendment substituted "commission" for "commissioner" wherever it appears throughout the section except the second time in the first sentence where it is substituted for "court", substituted "claimant" for "judgment creditor" wherever it appears throughout the

section, inserted "surety" and substituted "awarded" for "ordered" near the beginning of the first sentence, substituted "claim" for "judgment" near the end of the first sentence and near the middle of the second sentence, and inserted "real estate surety" at the end of the section.

**Sec. 08.88.495. Disciplinary action against brokers and salesmen.** Repayment in full of all obligations to the real estate surety fund does not nullify or modify the effect of disciplinary proceedings brought under the provisions of this chapter. (§ 1 ch 143 SLA 1974)

**Revisor's note.** — References to AS 45.85 were removed and the section was rearranged by the revisor of statutes, in

conjunction with the relocation of the material in AS 08.88.

**Sec. 08.88.500. Definition.** In this chapter, "commission" means the Real Estate Commission established under AS 08.88. (§ 40 ch 167 SLA 1980)

### Chapter 92. Concert Promoters.

**Sec. 08.92.030. Bond or cash deposit required.**

Cited in Allison v. State, Sup. Ct. Op. No. 1703 (File No. 3716), 583 P.2d 813 (1978).

### Chapter 98. Veterinarians.

**Article**

3. Enforcement (§§ 08.98.230 — 08.98.240)

Cited in Allison v. State, Sup. Ct. Op. No. 1703 (File No. 3716), 583 P.2d 813 (1978).

#### Article 1. Board of Veterinary Examiners.

**Section**

- 10. Creation and membership of the board
- 20. Term of office
- 25. Removal of board members
- 30. [Repealed]

**Section**

- 40. Board meetings
- 50. Powers and duties of the board
- 60. [Repealed]

**Sec. 08.98.010. Creation and membership of the board.** There is created the Board of Veterinary Examiners composed of five members

appointed by the governor and approved by the legislature. Four members shall be licensed veterinarians who have been in active practice in the state for at least five years preceding appointment and one shall be a public member. No person may serve on the board who is, or was during the two years immediately preceding appointment, a member of a faculty, board of trustees, or advisory board of a veterinary school. (§ 1 ch 91 SLA 1963; am § 1 ch 94 SLA 1966; am § 2 ch 130 SLA 1980)

**Effect of amendment.** — The 1980 amendment, effective July 1, 1980, rewrote this section.

**Sec. 08.98.020. Term of office.** Members of the board shall serve staggered terms of four years or until their successors are appointed and confirmed. Appointments for vacancies shall be for the unexpired term. A person who has served two successive complete terms may not be reappointed until four years from the expiration of the last term. (§ 1 ch 91 SLA 1963; am § 3 ch 130 SLA 1980)

**Effect of amendment.** — The 1980 amendment, effective July 1, 1980, rewrote the section.

**Sec. 08.98.025. Removal of board members.** The governor may remove a member of the board for cause. The board may provide by regulation that unexcused absences from meetings constitute cause for removal. (§ 4 ch 130 SLA 1980)

**Effective date.** — Section 17, ch. 130, July 1, 1980, in accordance with AS SLA 1980, makes this section effective 01.10.070(c).

**Sec. 08.98.030. Executive secretary of board.**

Repealed by § 16 ch 130 SLA 1980.

**Editor's note.** — The repealed section derived from § 1, ch. 91, SLA 1963; § 59, ch. 218, SLA 1976.

**Sec. 08.98.040. Board meetings.** The board shall hold at least three annual meetings. The board may hold special meetings at the call of the chairman or of a majority of the members. A majority of board members constitutes a quorum and a majority vote of those present is the decision of the board. (§ 1 ch 91 SLA 1963; am § 5 ch 130 SLA 1980)

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Repeal

**Effect of amendment.** — The 1980 amendment, effective July 1, 1980, substituted "at least three annual meetings" for "a regular meeting" in the first sentence and "or of a majority of the members" for "with prior approval of the governor" in the second sentence and added the third sentence.

**Sec. 08.98.050. Powers and duties of the board.** (a) The board shall

- (1) establish examination requirements for eligible applicants for licensure to practice veterinary medicine;
- (2) examine, or cause to be examined, eligible applicants for licensure or registration;
- (3) approve the issuance of licenses to qualified applicants;
- (4) establish standards for the practice of veterinary medicine by regulation;
- (5) conduct disciplinary proceedings in accordance with this chapter;
- (6) adopt regulations requiring proof of continued competency before a license is renewed;
- (7) prepare and submit an annual report to the department containing information concerning board activities, the number of examinations held, the number of applicants for examination, the number of persons who pass and the number who fail each examination, financial data, including receipts and expenditures, and other information which the department may require;
- (8) as requested by the department, monitor the standards and availability of veterinary services provided in the state and report its findings to the department;
- (9) collect, or cause to be collected, data concerning the practice of veterinary medicine by veterinary technicians in the state and submit the data to the department for maintenance;
- (10) establish, by regulation, educational and training requirements for the delegation of duties by veterinarians licensed under this chapter to veterinary technicians.

(b) The board may

- (1) establish examination and registration requirements for veterinary technicians;
- (2) adopt regulations or do any act necessary to carry out its duties under this chapter. (§ 1 ch 91 SLA 1963; am § 2 ch 94 SLA 1966; am § 1 ch 54 SLA 1967; am § 6 ch 130 SLA 1980)

**Effect of amendment.** — The 1980 amendment, effective July 1, 1980, rewrote the section.

**Sec. 08.98.060. Board regulations.**

Repealed by § 16 ch 130 SLA 1980.

**Cross reference.** — For present provisions as to the power of the board to enact regulations, see AS 08.98.050.

**Editor's note.** — The repealed section derived from § 1, ch. 91, SLA 1963.

**Article 2. Licensing.**

**Section**

- 120. License required
- 130. [Repealed]
- 140. Content of examination
- 165. Qualification for license
- 170. [Repealed]

**Section**

- 180. Temporary license
- 184. Licensure by credentials
- 186. Temporary permit
- 190. Fees
- 210. [Repealed]

**Sec. 08.98.120. License required.** No person may practice veterinary medicine, surgery, or dentistry unless he is licensed under this chapter or has a temporary permit, except that a veterinary technician may perform functions authorized by regulation of the board. (§ 1 ch 91 SLA 1963; am § 7 ch 130 SLA 1980)

**Effect of amendment.** — The 1980 amendment, effective July 1, 1980, added the language beginning "or has a temporary permit" to the end of the section.

**Sec. 08.98.130. Examination.**

Repealed by § 16 ch 130 SLA 1980.

**Editor's note.** — The repealed section derived from § 1, ch. 91, SLA 1963.

**Sec. 08.98.140. Content of examination.** (a) The examination shall be in subjects related to the practice of veterinary medicine, surgery, and dentistry and shall include

(1) the examination prepared by the National Board of Veterinary Medical Examiners or other national veterinary examination determined to be acceptable by the board; and

(2) a standardized written examination testing practical skills.

(b) The board may demand a practical demonstration of skills. (§ 1 ch 91 SLA 1963; am § 8 ch 130 SLA 1980)

**Effect of amendment.** — The 1980 amendment, effective July 1, 1980, designated the provisions of this section as subsection (a), deleted "veterinary anatomy, surgery, medicine, obstetrics, pathology, chemistry, diagnosis, materia medica, therapeutics, physiology, sanitary medicine, dentistry, and other scientific" preceding "subjects" in the introductory language of subsection (a), added all of the language beginning "and shall include" to the end of subsection (a), and added subsection (b).

**Sec. 08.98.165. Qualification for license.** (a) An applicant is qualified to receive a license as a veterinarian who

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

(2) has passed an examination prepared by the National Board of Veterinary Medical Examiners or an equivalent examination as determined by the board, or qualifies for an exemption under (b) of this section;

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

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

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

(b) An applicant is exempted from taking the examination required under (a)(2) of this section if he furnishes proof acceptable to the board that he has passed the examination prepared by the National Board of Veterinary Medical Examiners or an equivalent examination within the five years before application, or has been in active practice of veterinary medicine for five of the seven years before application in another state, territory, or country with licensing requirements substantially similar to or higher than those of this state which were in effect at the time the applicant obtained his license in the other jurisdiction. (§ 9 ch 130 SLA 1980)

**Effective date.** — Section 17, ch. 130, July 1, 1980, in accordance with AS SLA 1980, makes this section effective 01.10.070(c).

#### Sec. 08.98.170. Qualification for examination.

Repealed by § 16 ch 130 SLA 1980.

**Cross reference.** — For present provisions covering the subject matter of the repealed section, see AS 08.98.165.

**Editor's note.** — The repealed section derived from § 1, ch. 91, SLA 1963; §§ 5, 6, ch. 94, SLA 1966; § 25, ch. 245, SLA 1970.

**Sec. 08.98.180. Temporary license.** A person who meets the requirements of AS 08.98.165(a)(1) and (5) is entitled to be temporarily licensed after completing the examinations under AS 08.98.165(a)(3) and (4) and after completing the examination required under AS 08.98.165(a)(2) or qualifying for an exemption to it. A license issued under this section is valid until the results of the examinations are published. No person may receive more than one temporary license. (§ 1 ch 91 SLA 1963; am § 7 ch 94 SLA 1966; am § 10 ch 130 SLA 1980)

Effect of amendment. — The 1980 amendment, effective July 1, 1980, substituted "AS 08.98.165(a)(1) and (5)" for "AS 08.98.170" and the language beginning "to be temporarily licensed" for "to be licensed" in the first sentence,

"examinations" for "examination following the issuance of the license" in the second sentence, and "temporary license" for "license under this section" in the third sentence.

Sec. 08.98.184. Licensure by credentials. The board shall approve the issuance of a license to an applicant who holds a valid license to practice veterinary medicine in another state, territory, or country with licensing requirements substantially similar to or higher than those of his state which were in effect at the time the applicant obtained his license in the other jurisdiction if the applicant

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

(2) has been engaged in the active practice of veterinary medicine for at least five of the seven years before filing the application;

(3) has not failed the state written or practical examination;

(4) has no disciplinary proceeding, unresolved complaints, or professional association review proceedings pending at the time a license is to be issued, and has not had a veterinarian license revoked for cause in another jurisdiction; and

(5) has paid required fees. (§ 11 ch 130 SLA 1980)

Effective date. — Section 17, ch. 130, July 1, 1980, in accordance with AS SLA 1980, makes this section effective 01.10.070(c).

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. (§ 11 ch 130 SLA 1980)

Effective date. — Section 17, ch. 130, July 1, 1980, in accordance with AS SLA 1980, makes this section effective 01.10.070(c).

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

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- (6) temporary license fee . . . . . \$ 50
  - (7) temporary permit fee . . . . . \$ 50
- (§ 1 ch 91 SLA 1963; am § 1 ch 53 SLA 1968; am § 12 ch 130 SLA 1980)

Effect of amendment. — The 1980 amendment, effective July 1, 1980, rewrote this section.

**Sec. 08.98.210. Out-of-state veterinarian.**

Repealed by § 16 ch 130 SLA 1980.

Cross reference. — For present provisions covering the subject matter of the repealed section, see AS 08.98.184 and 08.98.186. Editor's note. — The repealed section derived from § 1, ch. 91, SLA 1963, § 8, ch. 94, SLA 1966; § 2, ch. 54, SLA 1967.

**Article 3. Enforcement.**

**Section**

- 230. [Repealed]
- 235. Grounds for imposition of disciplinary sanctions
- 240. Disciplinary sanctions

**Sec. 08.98.230. Injunction.**

Repealed by § 16 ch 130 SLA 1980.

Cross reference. — For provisions relating to disciplinary sanctions, see AS 08.98.235 and 08.98.240. Editor's note. — The repealed section derived from § 1, ch. 91, SLA 1963.

**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;
- (3) advertised professional services in a false or misleading manner;
- (4) has been convicted of a felony or other crime which affects his ability to continue to practice competently and safely;
- (5) intentionally or negligently engaged in or permitted the performance of animal care by persons under his supervision which does not conform to minimum professional standards regardless of whether actual injury to the animal occurred;

- (6) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board;
- (7) continue to practice after becoming unfit due to
  - (A) professional incompetence;
  - (B) addiction or severe dependency on alcohol or other drugs which impairs his ability to practice safely;
  - (C) physical or mental disability;
- (8) engaged in lewd or immoral conduct in connection with the delivery of professional service. (§ 13 ch 130 SLA 1980)

Effective date. — Section 17, ch. 130, July 1, 1980, in accordance with AS SLA 1980, makes this section effective 01.10.070(c).

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

- (1) permanently revoke a license to practice;
- (2) suspend a license for a determinate period of time;
- (3) censure a licensee;
- (4) issue a letter of reprimand;
- (5) place a licensee on probationary status and require him to
  - (A) report regularly to the board upon matters involving the basis of probation;
  - (B) limit practice to those areas prescribed;
  - (C) continue professional education until a satisfactory degree of skill has been attained in those areas determined by the board to need improvement;
  - (6) impose limitations or conditions on the practice of a licensee.
- (b) The board may withdraw probationary status if it finds that the deficiencies which required the sanction have been remedied.
- (c) The board may summarily suspend a license before final hearing or during the appeals process if the board finds that the licensee poses a clear and immediate danger to the public health and safety if he continues to practice. A person whose license is suspended under this section shall be entitled to a hearing by the board no later than seven days after the effective date of the order. The person may appeal the suspension after a hearing to a court of competent jurisdiction.
- (d) The board may reinstate a license which has been suspended or revoked if the board finds after a hearing that the applicant is able to practice with skill and safety.
- (e) The board shall seek consistency in the application of disciplinary sanctions, and significant departure from prior decisions involving similar situations shall be explained in findings of fact or orders. (§ 13 ch 130 SLA 1980)

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Effective date. — Section 17, ch. 130, July 1, 1980, in accordance with AS SLA 1980, makes this section effective 01.10.070(c).

#### Article 4. General Provisions.

##### Section

##### 250. Definitions

##### Sec. 08.98.250. Definitions. In this chapter

(1) Repealed by § 16 ch 130 SLA 1980.

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

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

(6) "practice of veterinary medicine"

(A) means for compensation

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

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

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

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

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

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

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

(ii) the practices of a farrier done in the performance of his profession;

(iii) standard practices commonly performed on farm or domestic animals in the course of routine farming or animal husbandry, when performed by an owner or his employee unless 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.  
(am §§ 14, 26 ch 130 SLA 1980)

Effect of amendment. — The 1980 amendment, effective July 1, 1980, repealed paragraph (1), which defined a person who practices veterinary medicine, surgery, or dentistry, and added paragraphs (4)-(7).

As the rest of the section was not affected by the amendment, it is not set out.

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Alaska State Legislature

Sen. Parr

SENATOR BETTYE FAHRENKAMP  
CHAIRMAN, RESOURCES COMMITTEE

4016 EVERGREEN  
FAIRBANKS ALASKA 99701  
907-479-3550



Senate

June 1, 1981

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811  
OFFICE 907-465-3763  
RESOURCES COMMITTEE  
907-465-3834  
HOME 907-789-9182

Jon Thomas, DVM  
Chester Valley Animal Hospital  
1571 Muldoon Road  
Anchorage, Alaska 99504

Dear Dr. Thomas:

Thank you for your letter regarding HB 55. The Senate Commerce and Labor Committee waived referral of this bill and it is now in the HFSS Committee. I am forwarding a copy of your letter to Senator Parr, Chairman of that committee.

Again, thanks for writing about this legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bettye".

Bettye Fahrenkamp  
Alaska State Senator

BF/ab

✓ cc: Senator Parr w/encl.

CHESTER VALLEY ANIMAL HOSPITAL

1571 MULDOON ROAD  
ANCHORAGE, ALASKA 99504  
(907) 333-6591

MAY 21 1981

May 19, 1981

Senator Bettye Fehrenkamp  
Pouch V  
Juneau, AK 99811

Dear Senator Fehrenkamp:

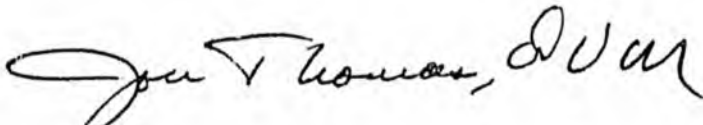
I'm asking for your help in passing HB55 which I understand is in the Senate Commerce Committee at this time. The bill deals with temporary licensing of new graduate veterinarians.

Presently we cannot hire a new graduate to work as a veterinarian till that person takes the licensing test and holds a license. This may involve a 6 month wait for the new graduate!

Thus we have a genuine need for this provision (HB55) in our licensing statutes.

If you have any questions about this bill, please call me at 333-6591 or talk to the State Veterinary Association Lobbyist Jana Varrati.

Sincerely,



Jon Thomas, DVM,  
Legislative Chairman

JT/dh

*LC is following bill*

January 12, 1981

Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill allowing temporary licensing of qualified applicants who are waiting to take examinations given by the Board of Veterinary Examiners.

The current law requires an applicant who is qualified to take the veterinary examinations to wait until completing all required examinations before being able to work at all. Sometimes it will be months before an applicant can take the required examinations. This bill would amend the statute to allow an otherwise qualified applicant to be temporarily licensed to work under supervision of a licensed veterinarian after applying to take the required examinations.

The bill also corrects an error in the wording of AS 08.98.050(9) of the current law which creates the false impression that veterinary technologists may practice veterinary medicine.

Sincerely,

*S. J. Hammond*

Jay S. Hammond  
Governor

IV. DATE 12/11/80

PREPARED BY Harry D. Treager *HT*  
AGENCY Division of Occupational Licensing  
PHONE 465-2534

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/79)

*FY Note 2020*

*copy members*

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MSG 81-00017919 PRTY 1 05/21/81 18:14:55 ORIG: LA02 IN= 0004 OUT= 0077  
FROM: ROBERTA TO: JUNO INFO  
TARGET: LJH2 SUBJ: PUBLIC OPINION MESSAGES PAGE 0011

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TO: SENATOR FARR

FROM: DODY FROEHLICH, MEMBER BOARD OF VETERINARY EXAMINERS, P. O. BOX 10-849  
ANC 99511; 345-1121

STRONGLY URGE YOUR POSITIVE SUPPORT FOR PASSAGE OF HB 55 AFTER IT CLEARS  
PREVIOUS COMMITTEE.