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1-10-81
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 / JSH

Jay S. Hammond
Governor

MEMORANDUM

State of Alaska

TO: Michael Thill, Committee Aide
Senate Committee on Labor & Commerce

Pete Jeans, Deputy Commissioner
Department of Commerce and
Economic Development

FROM: Harry D. Treadger, Director
Division of Occupational Licensing
Department of Commerce and
Economic Development

DATE: March 13, 1981

FILE NO:

TELEPHONE NO:

SUBJECT: House Bill 55

Responding to your memorandum of March 9, 1981, the following information is as you requested. This division's position in regard to the bill is that we support it. This is a clean-up method for AS 08.98. There is or will be no fiscal impact pertaining to this bill affecting this division. The statute the bill addresses is a matter of cleaning up some of the language and allowing applicants a temporary license with less stringent requirements.

Addressing the questions you proposed -- the veterinarian examination is conducted twice yearly; this is in the months of December and May. There are two examinations required; one is a national examination and the second being a State exam. Both examinations are administered by the State. The reason the examinations are given during the months of May and December is to coincide with other national examinations throughout the country.

As related in the present statute, a temporary license is only given after a written examination. This temporary license is good only until the results of the examination are returned, which usually takes about four to six weeks.

There is fee of \$20.00 for a temporary license.

Presently, this division has not issued any temporary licenses.

There are presently 117 licensed veterinarians in the State.

In regards to doing the research for your response, we have found that there has been a decrease in applicants for the veterinarian examination. The present requirements outlined in the statutes are that an applicant can be licensed by credential; however, the applicant must meet certain requirements: 1) pass a national examination; 2) must work as a licensed veterinarian five of the past seven years; and 3) additionally must be licensed in another state. This area of licensing does not deal with temporary licenses.

In regards to comments for SB 31, they will be followed up on a separate memorandum. If I can be of any further assistance, please do not hesitate to contact my division.

HDT/kkk5/3



Official Business

Alaska State Legislature

Senate

Committee on Labor & Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

SUMMARY HB 55:

Presently, a veterinarian must meet educational and professional conduct standards and must have completed the examination before qualifying for a temporary license.

HB 55 amends the section relating to temporary licensing of veterinarians. A person is eligible to receive a temporary license if he meets the following;

1. Completion of education requirements
2. Has had no complaints, disciplinary proceedings, or professional review pending
3. Has not had a veterinarian license revoked
4. Has applied for the examination and presently works under the supervision of a licensed veterinarian

The application for a temporary license must be signed by the supervising veterinarian and be accompanied by the fee.

Current law requires that a prospective candidate must complete all the examinations before being allowed to work at all. This bill also corrects wording in the statute which gives the impression that a veterinarian technologist may practice medicine (veterinary).

or other specialty act featuring any number of performers for which a ticket is sold in advance for purposes of profit by a concert promoter; the term does not include dramatic performances;

(2) "Department" means the Department of Commerce and Economic Development;

(3) "promoter" means a person who contracts for and arranges a concert for purposes of profit whether engaged full time or part time in the business of booking or hiring concerts. (§ 1 ch 114 SLA 1977)

Chapter 98. Veterinarians.

Article

1. Board of Veterinary Examiners (§§ 08.98.010 — 08.98.100)
2. Licensing (§§ 08.98.120 — 08.98.210)
3. Enforcement (§ 08.98.230)
4. General Provisions (§ 08.98.250)

Article 1. Board of Veterinary Examiners.

Section

10. Creation and membership of board
20. Appointment and term of office
30. Executive secretary of board
40. Board meetings
50. Duties of the board
60. Board regulations

Section

70. Duties of the department
80. Department regulations
90. Applicability of the Administrative Procedure Act
100. Compensation

Sec. 08.98.010. Creation and membership of board. There is a Board of Veterinary Examiners. It consists of three licensed veterinarians. (§ 1 ch 91 SLA 1963; m § 1 ch 94 SLA 1966)

Sec. 08.98.020. Appointment and term of office. The governor shall appoint the members of the board, with the confirmation of the legislature, for terms of four years, or until their successors are appointed. A member serves at the pleasure of the governor. The first members shall be initially appointed for two-, three- and four-year terms. (§ 1 ch 91 SLA 1963)

Sec. 08.98.030. Executive secretary of board. The commissioner of commerce and economic development is the executive secretary of the board. (§ 1 ch 91 SLA 1963; am § 59 ch 218 SLA 1976)

Effect of amendment. — The 1976 commerce and economic development" for amendment substituted "commissioner of "commissioner of commerce."

Sec. 08.98.040. Board meetings. The board shall hold a regular annual meeting. The board may hold special meetings at the call of the chairman with prior approval of the governor. (§ 1 ch 91 SLA 1963)

Sec. 08.98.050. Duties of the board. The board shall
(1) pass on qualifications of applicants for licenses and issue licenses to those who qualify;

(2) prepare and grade examinations, provided that the board may use examinations prepared by the National Board of Veterinary Examiners;

(3) after hearing, have the authority to suspend or revoke the license of a licensed veterinarian who

(A) obtained his license by fraud, misrepresentation, or deception;

(B) is chronically drunk or is a drug addict;

(C) makes untruthful statements about his professional ability, to solicit business;

(D) distributes alcohol or drugs except as required by the practice of veterinary medicine, surgery, or dentistry;

(E) in his professional capacity, conducts himself in a way that indicates he is not a competent veterinarian;

(F) is convicted of a felony or any crime involving moral turpitude;

(G) falsifies an official state or federal certificate relating to veterinary medicine. (§ 1 ch 91 SLA 1963; am § 2 94 SLA 1966; am § 1 ch 54 SLA 1967)

Sec. 08.98.060. Board regulations. (a) The board shall adopt procedural regulations describing how a person applies for and takes an examination under this chapter.

(b) The board shall adopt substantive regulations

(1) defining conduct which, if engaged in by a veterinarian, is evidence of incompetence;

(2) specifying approved schools under § 170(1) of this chapter;

(3) specifying the subject matter to be covered in an examination for veterinarians. (§ 1 ch 91 SLA 1963)

Sec. 08.98.070. Duties of the department. The department shall furnish the board with administrative services, including renting space for holding examinations, printing and mailing licenses, sending notices, before December 1 of each year, that licenses must be renewed, collecting fees and issuing receipts, keeping a current register of licensees, employing secretarial assistants, replying to routine requests for information, printing forms and informational bulletins, typing all matter to be reproduced, maintaining records and completed examinations, and keeping records of receipts and disbursements. (§ 1 ch 91 SLA 1963; am § 3 ch 94 SLA 1966)

Sec. 08.98.080. Department regulations. The department shall adopt procedural regulations necessary to carry out the duties imposed on it by § 70 of this chapter. (§ 1 ch 91 SLA 1963)

Sec. 08.98.090. Applicability of the Administrative Procedure Act. The Administrative Procedure Act (AS 44.62) applies to regulations and proceedings under this chapter. (§ 1 ch 91 SLA 1963)

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Legislative committee report. — report on CSHB 406 (Jud.), see 1970 House Chapter 245, SLA 1970 (HCSSB 399 am H), Journal Supplement No. 6. was identical to CSHB 406 (Jud.). For

Sec. 08.98.180. Temporary license. A person who meets the requirements of § 170 of this chapter is entitled to be licensed. A license issued under this section is valid until the results of the examination following the issuance of the license are published. No person may receive more than one license under this section. (§ 1 ch 91 SLA 1963; am § 7 ch 94 SLA 1966)

Sec. 08.98.190. Fees. The following fees shall be imposed under this chapter when applicable:

- (1) examination fee \$25
 - (2) reciprocity fee 25
 - (3) initial license fee 25
 - (4) biennial renewal 50
 - (5) temporary license 10
- (§ 1 ch 91 SLA 1963; am § 1 ch 53 SLA 1968)

Sec. 08.98.200. Reinstatement of lapsed license. A person whose license has lapsed is entitled to have his license reinstated without taking an examination unless his license has remained lapsed more than five years. (§ 1 ch 91 SLA 1963; am § 2 ch 53 SLA 1968)

Sec. 08.98.210. Out-of-state veterinarian. A veterinarian in good standing in a veterinary association of another state or territory or the District of Columbia which licenses veterinarians to practice veterinary medicine may be licensed without examination and otherwise upon substantially the same terms and conditions as are fixed in the jurisdiction from which he has come for the licensure of a veterinarian from this state. As a prerequisite to licensure the board shall require a veterinarian to take and pass an examination, unless the applicant has

- (1) passed a state veterinarian examination;
- (2) engaged in the active practice of veterinary medicine for at least five out of the previous seven years before filing the application excluding time spent in the military service of the United States;
- (3) graduated from an accredited school of veterinary medicine;
- (4) met the character requirements established by the board. (§ 1 ch 91 SLA 1963; am § 8 ch 94 SLA 1966; am § 2 ch 54 SLA 1967)

Article 3. Enforcement.

Section 230. Injunction

Sec. 08.98.230. Injunction. When it appears that a person has engaged in or is about to engage in an act constituting a violation of § 120 of this chapter, the board, through its executive secretary, shall

bring an act compliance

Section 250. Definition

- Sec. 08.9
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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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Effective SLA 1980.

Sec. 08

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Sec. 08 requireme licensed a and (4) a 08.98.165 under this published (§ 1 ch 91 1980)

§ 08.98.165

§ 08.98.170

BUSINESS AND PROFESSIONS

§ 08.98.180

(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)

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THE LEGISLATURE OF THE STATE ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST HOUSE BILL NO. 55
 Bill/Resolution No. _____
 Title An Act relating to regulation and licensing of veterinarians
 Requested by Governor Date 12/11/80

II. FISCAL DETAIL
 Agency Affected Commerce and Economic Development
 Program Category Affected Consumer Protection
 BRU, Program, or Subprogram(s) Affected Regulation and licensing of professions
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES			0			
200 TRAVEL			0			
300 CONTRACTUAL			0			
400 COMMODITIES			0			
500 EQUIPMENT			0			
600 LAND & STRUCTURES			0			
700 GRANTS, CLAIMS, ETC.			0			
TOTAL			0			

FUNDING (Thousands of Dollars)

GENERAL FUND			0			
FEDERAL FUNDS			0			
OTHER (Specify Fund Source)			0			

POSITIONS

FULL TIME			0			
PART TIME			0			
TEMPORARY			0			

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE 12/11/80 PREPARED BY Harry D. Treager
 AGENCY Division of Occupational Licensing
 PHONE 465-2534
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)