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Alaska State Legislature

CO-CHAIRMAN
FINANCE COMMITTEE

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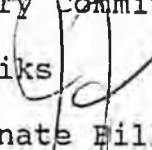
JAN FAIKS
POUCH A
CAPITOL BUILDING
JUNEAU ALASKA 99811

Senate

February 5, 1986

MEMORANDUM

TO: Senator Pat Rodey, Chairman
Senate Judiciary Committee

FROM: Senator Jan Faiks 

SUBJECT: Hearings on Senate Bill 330

I would appreciate your scheduling a hearing on Senate Bill 330, an act relating to civil liability for veterinary care.

For the information of your Committee, I am enclosing a background memo on this bill.

Thank you.

Bow-Wow!

OUT OF SESSION

1024 WEST SIXTH AVENUE, SUITE 302 ANCHORAGE, ALASKA 99501 907-274-6611



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

February 5, 1986

MEMORANDUM

TO: Members of the Senate Judiciary Committee

FROM: Senator Jan Faiks

SUBJECT: Background on Senate Bill 330, an Act relating to civil liability for veterinary care

When an ailing animal is brought to a veterinarian during work hours and the pet's owner is unavailable to authorize care, current regulations urge the vet to provide minimum treatment to alleviate the animal's suffering. (12 AAC 68.200)

However, many veterinarians are understandably reluctant to aid an animal in this situation. Without the owner's consent, any treatment increases the risk of liability for the veterinarian. This risk is compounded by the fact that the doctor is expected to aid an animal about whom he has no background information.

Faced with escalating malpractice insurance rates, many veterinarians hesitate or decline to place themselves in jeopardy. The obvious loser in this situation is the suffering animal.

Senate Bill 330 will help relieve this predicament by providing veterinarians and their supervised assistants with a minimum amount of legal protection for their "Good Samaritan" acts. The protection from civil liability will exist only when the animal is in immediate need of aid to avoid serious harm or death and when the owner is unavailable to authorize the treatment.

The bill will not protect a veterinarian if further harm is the result of his intentional or reckless misconduct. Likewise, the doctor will not be protected if harm was the result of his gross negligence, that is, his failure to use even slight care when treating an animal.

Finally, the bill would not apply to legal actions which are in progress on the date that it takes effect.

Senate Bill 330 will afford veterinarians the same protection which our general "Good Samaritan" law, AS 09.65. 90, gives to persons who aid humans. The bill has the support of many consumer groups, including the Alaska Kennel Club, Care Alaska, and the Dog Obedience Training Club of Anchorage.

Passage of Senate Bill 330 should inhibit the spiraling costs of malpractice insurance. Thus, it should help to contain health care costs for pet owners. More importantly, the bill will encourage a high level of emergency service care for those animals who are found in a critical condition.

Thank you.

AVMA

Professional Liability Insurance Trust



January 27, 1986

Dr. Pam Tuomi
2036 East Northern Lights
Anchorage, AK 99515

Dear Dr. Tuomi:

I enjoyed our telephone conversation on January 17.

While we are not seeing any claim activity with specific regard to good samaritan acts, we do see a fair amount of claims involving emergency clinics, perhaps the closest thing to good samaritan.

Malpractice claim activity against veterinarians in general has escalated dramatically in recent years. The attached copy of the December 20th report from the American Association of Equine Practitioners underscores this in an article appearing on the last two pages (highlighted in yellow) which I wrote.

While the AVMA policy covers insured members for claims arising from their good samaritan acts, it would obviously be much better if they could be immune to claims in the first place.

I wish you and Senator Faiks the best of luck in your endeavor to bring this about in Alaska. If it is convenient for you to do so, I would appreciate your letting me know the outcome.

In the meantime, Dr. Tuomi I hope my comments will be of some help.

Sincerely,

Lance Sanberg
Vice President

5698W/ag

cc: Senator Faiks

RECEIVED FEB 10 1986

VETERINARY ASSOCIATES, P. C.
COLLEGE VILLAGE ANIMAL CLINIC
2036 E. NORTHERN LIGHTS BLVD.
ANCHORAGE, ALASKA 99508

Telephone 274-5623

Copy

Senator Pat Rodey
Chairman, Senate Judiciary Committee
P.O. Box V
Juneau, Alaska 99811

February 5, 1986

Dear Senator Rodey,

As a member of the Veterinary Examining Board, I hope that your committee can consider and pass Senate Bill 330 in the near future. This "Good Samaritan" legislation has been a project of the board since it was first suggested by our lay member, Dody Froelich, in 1980. Malpractice claims and awards have increased dramatically in all professions including veterinary medicine in recent years and we would hate to see fear of legal action influence the availability of emergency treatment for injured or gravely ill animals whose owners are not immediately identified or available.

The Southcentral Veterinary Medical Association has discussed the current draft as presented from Senator Faik's office and feels that this wording covers the practitioners' areas of concern with one exception. Perhaps Sec. 9.65.097 line 12 should read "a person working under the direct supervision". This would prevent a situation where a poorly qualified employee (ie) a secretary or janitor, might take inappropriate action in the absence of their supervising employer while care by knowledgeable and properly supervised veterinary assistants would still fall under the act.

If you have any further questions, please feel free to contact me in Anchorage at the address and phone number listed in the letterhead.

We would appreciate your prompt attention to this legislation.

Sincerely,

Pam Tuomi, DVM



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111424
P.O. Box 12424
Anchorage, Alaska 99511

ALASKA, INC.

January 22, 1986

FOUNDING
MEMBERSHIP

Alaska
Cat Club

Alaska
Humane Society

Alaska
Kennel Club

Dog Obedience
Training Club
of Anchorage

South Central
Veterinary
Medical Association

The Honorable Jan Faiks
Senator
State of Alaska
Pouch "V"
Capitol Building
Juneau, Alaska 99811

Dear Senator Faiks:

The Care Alaska mail is not collected on a regular basis, so there has been some delay in your December 20 letter reaching me.

Certainly Care members support the Good Samaritan legislation for veterinarians, as we have for years. The wording is acceptable. Even better wording (the California clause) was provided five years ago, but at this time, it's important that we get on with it.

I was a member of the State Board of Veterinary Examiners from 1981 to 1984, and this was one of my specific projects. This kind of a delay for something so simple, so needed is truly mind boggling. We wonder why people lose faith in government and why government is so expensive. The story on this legislation is an excellent example.

Nonetheless, it is encouraging that you are now involved and will lend your support. We greatly appreciate your keeping us informed of matters of interest to us.

Sincerely,

CARE ALASKA, INC.

Dody Froeklich
Secretary

RECEIVED FEB 10 1986



EAST ANCHORAGE VETERINARY HOSPITAL, INC.

February 6, 1986

Jan Faiks
Pouch V
Capitol Building
Juneau, Alaska 99811

Dear Senator Faiks,

Thank you for your letter on Senate Bill 330. We would like to take this opportunity to thank you for your time and effort in introducing this bill. We believe the bill is long overdue and will improve animal medical care. At this time we have no suggestions to improve the way the bill is written, but we would support any change Dr. Pam Tuomi felt was necessary. The intention of this letter is to let you know we support Senate Bill 330.

Thank you,

R. Todd Palmatier D.V.M.
R. Todd Palmatier D.V.M.

David Howe D.V.M.
David Howe D.V.M.

Jon E Basler, DVM
Jon Basler D.V.M.



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EAGLE RIVER VETERINARY HOSPITAL, INC.

P.O. BOX 771033
EAGLE RIVER, AK 99577
PHONE: 907-694-3800

March 14 1986

Senator Pat Rody
Box V
Juneau, Alaska 99811

Dear Senator Rody:

Senate Bill 330 is currently in the Judicial Committee of which you are a member. Passage of this bill will increase the quality of veterinary care in the state of Alaska and I urge the passage of this bill.

Sincerely,

Deborah Dare
Deborah Dare, D.V.M.

EAGLE RIVER VETERINARY HOSPITAL, INC.

P.O. BOX 771033
EAGLE RIVER, AK 99577
PHONE: 907-694-3800

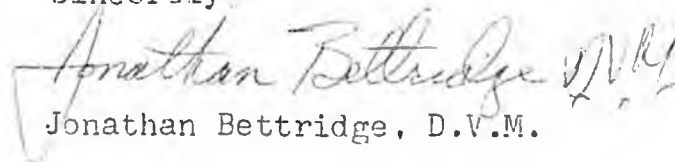
March 14 1986

Senator Pat Rodey
Box V
Juneau, Alaska 99811

Dear Senator Rody:

Senate Bill 330 is currently in the Judicial Committee of which you are a member. Passage of this bill will increase the quality of veterinary care in the state of Alaska and I urge the passage of this bill.

Sincerely,


Jonathan Bettridge, D.V.M.