

HB

96

SENATE COMMITTEE REPORT

FURTHER

4/26/89

DATE TURNED INTO OFFICE 5/2/89

Mr. President:

LABOR & COMMERCE

Committee considered CSHB 96 (L&C)

extending the termination date of the Board of Veterinary Examiners; efd

and recommended

replace with S CS CS HB 96 (L+C)) same title
 or adopt _____ CS _____) new title
 attached amendment(s) and technical title change (HB only)
 _____ letter of intent adopted

do pass

do not pass

no recommendation

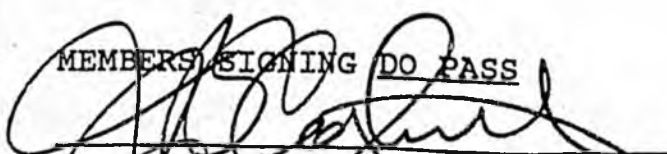
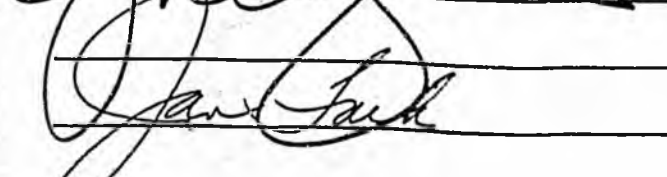
individual recommendations

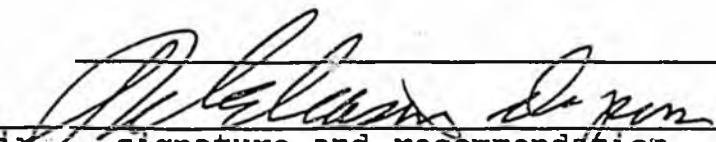
further referral to _____

FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new zero 5/1/89 DC+ED updated previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS


 Chair signature and recommendation

Committee Backup attached

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act extending the termination
date of the Board of Veterinary Examiners;...
 Sponsor: House Labor & Commerce
 Requestor: _____

Agency Affected: Commerce & Economic Dev.
 BRU: Occupational Licensing
 Components: Licensing Boards

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		0	0	0	0	0
---------	--	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Funding for the Board of Veterinary Examiners is included in the department's FY 90 operating budget request, and therefore, new funds are not required. The FY 90 projected budget for the Board of Veterinary Examiners is explained on the attached page.

Prepared by: Jennifer Strickler, Administrative Officer
 Division: Occupational Licensing

Phone: 465-2144
 Date: May 1, 1989

Approved by Commissioner: Larry Mercurieff, Commissioner
 Agency: Commerce & Economic Development

Date: 5/1/89

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 96 (L&C)

The Division of Occupational Licensing, Department of Commerce & Economic Development, is funded primarily by program receipts generated from licensing fees. All licensing programs share in the responsibility of covering a percentage of the administrative costs based on the number of current licensees (198 veterinarians) divided by the total number of current division licensees (26,945). In FY 90, the Board of Veterinary Examiners will be responsible to cover 0.73% of the costs. The breakdown follows:

Personal Services:

- Administrative costs	\$ 7.1
- 20% Licensing Examiner	8.6
- 10% Investigative	<u>5.4</u>
Sub-Total:	\$ <u>21.1</u>

Travel:

- Administrative costs	\$.5
- Board Travel	<u>6.0</u>
Sub-Total:	\$ <u>6.5</u>

Contractual: \$ 5.3

Supplies: \$.2

Equipment: \$.2

TOTAL: \$ 33.3 FY 90 Costs

Average Annual Revenue: \$ 11.4

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Economic Dev.
 Title: An Act extending the termination BRU: Occupational Licensing
date of the Board of Veterinary Examiners;...
 Sponsor: House Labor & Commerce Components: Licensing Boards
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE		0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

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*This fiscal note applies to
SCS CSHB 96 (L+C)*

Shula Peterson page 1 of 2
Senate L+C Committee

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 96 (L&C)

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TOTAL: \$ 33.3 FY 90 Costs

Average Annual Revenue: \$ 11.4

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 19, 1989

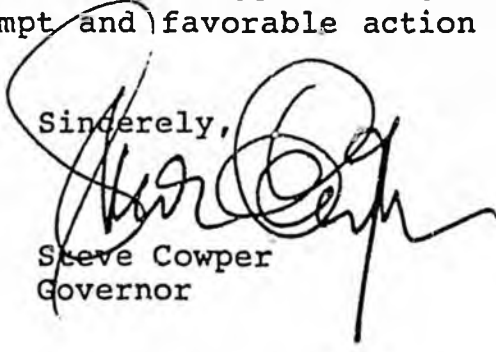
The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting three bills, to extend the Board of Pharmacy, the Board of Veterinary Examiners, and the State Physical Therapy and Occupational Therapy Board, respectively, for the standard four years. These boards are currently scheduled to "sunset" on June 30, 1989.

The boards provide valuable services and should be continued. I urge your prompt and favorable action on all three bills.

Sincerely,


Steve Cowper
Governor

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

P.O. BOX Y, JUNEAU 99811

(907) 465-3892

HOUSE LABOR AND COMMERCE COMMITTEE

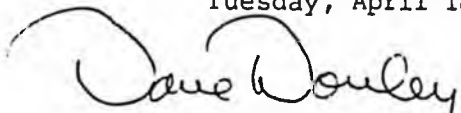
Letter of Intent on HB 96 - Board of Veterinary Examiners

It is the intent of the House Labor and Commerce Committee in adopting CS HB 96 (L&C) that the Board of Veterinary Examiners be subject to more frequent review until they improve their accountability to the public and comply with all applicable laws and policies governing operations of regulatory boards in the State.

Specifically, it is the intent of the House Labor and Commerce Committee that each member submit to the board all written and verbal correspondence received relative to the board and that this information be maintained so that it is readily available to the Division of Occupational Licensing and to the public and that the board disseminates accurate, unbiased and timely information and analysis relative to their intentions and any proposed statutory or regulatory changes by the board.

Finally, the board should demonstrate their commitment to animal health care by promoting qualified veterinarians and veterinary services throughout the state and by actively seeking and considering the concerns of the public and members of the profession in their decision making.

Adopted by the House Labor and Commerce Committee
Tuesday, April 18, 1989



Representative Dave Donley, Chair
House Labor and Commerce Committee

Please enter on record.

Box 34496
Juneau, Alaska
April 29, 1989

Senator Dick Eliason, Chairman
Senate Labor & Commerce Committee
Box V
Juneau, Alaska 99811

Re: CSHB 96(L&C) - Veterinary Board Extension

Dear Senator Eliason:

I strongly urge you and the members of the committee to support CSHB 96(L&C) and the Letter of Intent.

So you may know how this board has operated in recent years, I have enclosed a copy of my recent testimony before the House Labor & Commerce Committee. One current board member (since 1986) and two others have clearly shown intentions to continue pursuing past lawmaking. The two new members intentions are not known. With the aid of this committee, through passage of CSHB 96(L&C) and the Letter of Intent, it is my hope that this board will get a clear message regarding appropriate conduct and procedures as members of a State Board, and begin operating accordingly.

Thank you for your consideration.

Respectfully,



Martha Fischbach

Enclosure

Mr. Chairman, members of the committee, thank you for allowing me to address you today.

My name is Martha Fischbach. I am here today, representing myself, to bring you up-to-date on the practices and intentions over the past several years to present times, of the State Veterinary Board. I own three dogs, and over the past 10 years have mushed, shown dogs, done obedience work, been an Iditarod volunteer, studied and worked on state and local animal laws, both urban and rural, worked in a pet shop and been involved with animals and their laws in numerous other ways, hence my interest in the actions I discovered being taken by the Veterinary Board with the introduction of SB 287 (reference green pages in colored packet).

Supposedly, according to the board, the bill was basically about lay vaccinators (people certified to give rabies shots to animals). That was the basic testimony at the first hearing and the replies when directly questioned about it by peers. I thought it was a little more involved than that and began researching the public record. Your packets show you a variety of examples of that record. I can assure you that the verbatim excerpts of their February 1987 meeting are a clear indication of their intentions as they have spent years in similar discussions, which I discovered in listening to the tapes of their meetings.

Basically, the laws they have introduced and currently intend to pursue, will make, in my opinion, most animal care in the state illegal unless performed by an Alaska licensed veterinarian and will severely limit and discourage the use of temporary veterinarians such as volunteer Iditarod vets and those who do consulting or specialty work or want to set up practice in Alaska.

For example, if I checked my dog for fleas or, as the board chairman explained, if I even suggested to you that you get your dog neutered, I would be practicing veterinary medicine without a license. If a volunteer temporary Iditarod vet going through Ruby was brought a rabbit with a cut foot, legally he could not treat it, unless it was already under the care of a licensed and practicing Alaska vet. As one board member put it, they don't want them practicing on all the dogs and cats in the neighborhood.

The board intends to put into law their already "arbitrary and capricious" practice (their words) of allowing only two temporary licenses or permits per lifetime which effectively keeps out experienced vets. So much for Iditarod, specialty clinics and additional animal health care for Alaska.

Other sections of SB 287 say that a veterinarian who has ever failed one of several exams listed, even though he passed it later and has been practicing successfully for 30 years, would be denied a license to practice in Alaska.

This board has knowingly mislead and misinformed the public, their peers and the legislature about their intentions and the ramifications of their proposed legislation. They know exactly what they are doing, clearly stating they prefer to make people liable and then take them on a case by case basis, using their discretion in determining what they will do with them. Not even Legislative Budget

& Audit was able to determine what the board was doing, there being no public record of communications made directly to the board.

The examples I have offered hopefully give you an idea of the magnitude and impact of the changes the board is seeking. By their own testimony, they do not want the legislature to know what they are really doing. The number "SB 287" may be dead, but they clearly indicate that they are continuing to pursue its content as well as regulations with equally comprehensive changes. If those changes are passed, it will affect animal owners, pet shops, groomers, teachers, humane societies, kennel clubs, handlers, 4-H groups, stables, the zoo, breeders, dog and cat sitters and many others.

Mr. Chairman, I am extremely concerned about the methods and intentions of this board and feel that their activities over the past several years and current intentions are very detrimental to animal care in this state, not to mention my piece of mind. It is my hope that this committee can assist the Veterinary Board, both old and new members, to remember its purpose, and encourage a forthright, positive method of operating. I would be happy to work with this committee, the board or the division on any matters of concern to the Veterinary Board.

Thank you for allowing me this opportunity to speak. Your time and attention are very much appreciated. I would be glad to answer any questions you may have.

248 Bentley Dr. E.
Fairbanks, Alaska 99701
April 28, 1989

The Honorable Dick Eliason
Chairman
Senate Labor & Commerce Committee
P.O. Box V
Juneau, Alaska 99811

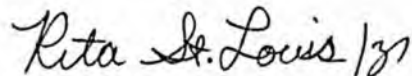
Dear Senator Eliason and Members of the Committee:

Please vote to pass CSHB 96(L&C) as well as the Letter of Intent
that is with it.

My experiences with the Veterinary Board over the past several years
have shown me this board clearly needs to be told to clean up their
act.

Please help them get the message by passing the above legislation.
Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Rita St. Louis" followed by a date "1/31".

Rita St. Louis

4-29-89

Senator Dick Eliason, Chairman
and members of the
Senate Labor and Commerce Committee
Box V
Juneau, AK 99811

Re: CSHB 96 (L&C) - Veterinary Board Extension

Dear Senator Eliason:

Please fully support passage of CSHB 96 (L&C)
and the accompanying Letter of content from
the House.

This board has, over the past several years, con-
ducted itself very irresponsibly and with
little or no consideration for the real welfare
of animals or the public good.

Their intentions and actions would be extremely
detrimental to the health and well being of
my animals and many others. Please help the
board get back on the right track by passing
the stated legislation and Letter of content.

Sincerely,

Laura L. Elze
Box 33404
Juneau, AK 99803

A PERFORMANCE REPORT
ON THE BOARD OF
VETERINARY EXAMINERS

July 1, 1984 - June 30, 1988

Audit Control Number

08-1343-89-R

Acting Commissioner, Department of
Commerce and Economic
Development

Larry Mercurieff

Deputy Commissioner, Department
of Commerce and Economic
Development

Vacant

Members of the
Board of Veterinary Examiners

Member
Member
Member
Member
Member

James B. Leach III, D.V.M.
Derrick J. Leedy, D.V.M.
Stephen A. Mersch, D.V.M.
Patrick J. Moriarty, D.V.M.
Bill Lewis

STATE OF ALASKA

THE LEGISLATURE BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
P.O. BOX W
JUNEAU, ALASKA 99811-3300

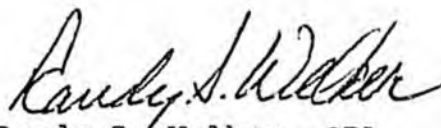
October 17, 1988

Members of the Legislative Budget
and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "sunset" review of the Board of Veterinary Examiners.

At the request of the Chairman, during Fiscal Year 1988 budget deliberations, the Audit Division's budget was revised to reflect certain changes in the organization of the Committee's two Divisions. The revised budget of the Audit Division reflected efficiencies that might be obtained by utilizing the staff of the Legislative Finance Division on selected audit assignments during the interim.

As a result, the audit of the Board of Veterinary Examiners was conducted and this report has been prepared by the Legislative Finance Division. We feel this report discharges our responsibility under Titles 24 and 44. The report is submitted for your review.



Randy S. Welker, CPA
Legislative Auditor
Division of Legislative Audit

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
P.O. BOX WF
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

October 10, 1988

Members of the
Legislative Budget and Audit Committee:

In accordance with the provisions of Title 24 and 44 of the Alaska Statutes (sunset legislation), the attached report is submitted for your review.

A PERFORMANCE REPORT
ON THE BOARD OF
VETERINARY EXAMINERS

July 1, 1984 to June 30, 1988

Audit Control Number

08-1343-89-R



Mike Greany, Director
Legislative Finance Division

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PURPOSE AND SCOPE OF THE REPORT

PURPOSE

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have examined the activities of the Board of Veterinary Examiners for the past four fiscal years to determine if the Board has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Board of Veterinary Examiners should be reestablished. The law now specifies that the Board will terminate June 30, 1989, and has one year from that date to conclude its affairs.

SCOPE

The major areas of our examination were the licensing, examination, administration, complaint, and affirmative action functions of the Board. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Tests of files and documents of licensee.
3. Interviews with the license examiner.
4. Complaints filed with the Division of Occupational Licensing, Human Rights Commission, Equal Employment Opportunity Offices, Attorney General's Office, and the Ombudsman's Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General's opinions applicable to the professional board.

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ORGANIZATION AND FUNCTION

The Board of Veterinary Examiners is a regulatory board consisting of four licensed veterinarians and one public member. The authority of the Board is outlined within Alaska Statutes 08.98.010-.250.

The Board determines the minimum quality of veterinary care in the State by:

1. Examining and issuing licenses to qualified applicants;
2. Establishing or amending rules and regulations necessary to enforce State statutes; and
3. Holding hearings to revoke or suspend the license of a person violating the veterinary statutes and regulations.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing. The division provides the Board with licensing and investigative support. The licensing section processes applications, maintains license files, answers inquiries, and provides other administrative help.

(Intentionally left blank)

REPORT CONCLUSION

POLICY ISSUES

This review contains policy and/or procedural issues raised as a result of our evaluation of various Board practices. The final decisions affecting the practices are not within the scope of this report, but require legislative consideration. In debating these issues, the oversight committees should take into consideration the findings and recommendations presented in this report so that the potential impact on changes can be evaluated.

REPORT CONCLUSION

In our opinion, the Board of Veterinary Examiners should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety, and welfare. The Board provides this service by establishing minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Assurance that licensed professionals act in a competent manner is provided by active investigation of complaints and revocation of suspension of licenses where appropriate.

The Findings and Recommendations Section (see page 7), describe areas where weaknesses or conflicts exist. Therefore, we have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board.

(Intentionally left blank)

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Board of Veterinary Examiners should consider registering veterinary technicians.

The Alaska statutes (AS 08.98.050) contain general provisions for veterinary technicians that allow the Board to: define the scope of practice, establish minimum education and training requirements; and establish examination and registration requirements. With statutory authority the Board has promulgated professional regulations (12 AAC 68) that specifically identify professional limits and minimum requirements imposed upon veterinary technicians. Nevertheless, registration requirements have not been imposed upon practicing veterinary technicians.

The professional practice and function of a veterinary technician is analogous to the relationship between a medical doctor and licensed nurse. A qualified veterinary technician would be familiar with medical practices, such as, the technical application and use of an x-ray machine and the injection of drugs into animals. However, the Board has not determined if those who are acting in the capacity of a veterinary technician have fulfilled education and training requirements. A means to determine if practitioners are qualified to practice would be to require certification or registration of qualified applicants.

The American Veterinary Medical Association (AVMA) has conducted a survey of other states to determine the extent of registration or licensing of veterinary technicians. According to information provided by AVMA; 39 states have laws or regulations governing the registration of veterinary technicians and 32 states administer the Veterinary Technician National Examination and/or a state examination prior to registration or certification.

Registering veterinary technicians would provide reasonable assurance that only qualified individuals are practicing this profession and thereby, fulfill the Board's primary purpose of protecting the public's welfare and the health of animals.

(Intentionally left blank)

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative factors as they relate to the public need defined in the "sunset" law. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

I. The extent to which the board, commission, or program has operated in the public interest.

- A. The Board has served the public by examining and licensing qualified applicants, and proposing changes in regulations that are necessary to enforce State statutes and improve the quality of veterinary care. To conduct these functions the Board has held an average of two board meetings and two examination sessions a year for the past two calendar years.
- B. Specifically, the Board has enhanced the practice of veterinary care by promulgating regulations concerning:
 - 1. the retention, confidentiality, release of information and disposition of patient medical records,
 - 2. fees, gender references and other miscellaneous "house keeping" changes.

II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

The Board should consider registering veterinary technicians. (See Recommendation No. 1.)

III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

The Board has proposed statutory changes of the Veterinary statutes (AS 08.98) to clarify areas of confusion. Specifically, the Board has proposed the statutes to be amended to:

- 1. remove any mention of an examination given by the American Veterinary Association. The association no longer administers an examination.

2. remedy the confusion often associated with the terms of temporary license and temporary permits by exchanging the term "temporary permits" for locum tenens permits.
3. expand the definition of the practice of veterinary medicine to include the providing of emergency services for compensation and to exempt lay vaccinators and federal employed veterinarians from the statutes.

- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

The Board has advertised proposed regulation changes in major newspapers located in Anchorage, Fairbanks and Juneau. The Board has not actively solicited comments on its operations and services it has provided.

- V. The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

The Board has encouraged public participation through newspaper announcements concerning proposed changes and additions to regulations.

- VI. The efficiency with which public inquires or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.

In the last four fiscal years there have been no complaints filed against the Board with the Ombudsman Office or the Attorney General's Office.

- VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

In the last three fiscal years the Board has issued:

1. 31 licenses,
2. 8 temporary licenses and
3. 12 temporary permits.

VIII. The extent to which State personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area or activity or interest.

The Human Rights Commission and the Equal Employment Opportunity Office have received no complaints related to the Board's activities.

IX. The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to the previous section, Findings and Recommendations.

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APPENDIX

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APPENDIX A

BOARD OF VETERINARY EXAMINERS
SCHEDULE OF REVENUES COMPARED WITH EXPENDITURES
For Fiscal Year 1988
(Unaudited)
(Note 1)

Average Revenue (Note 2)		\$ 9,070
Expenditures (Note 3)		
Personal Services	\$24,291	
Travel	2,674	
Contractual Services	2,820	
Supplies	494	
Equipment	<u>266</u>	
		<u>30,545</u>
Excess of Expenditures Over Revenues (Note 5)		<u><\$21,475></u>

Schedule 1
Types of Revenues
(Note 4)

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
License Application Fee	\$ 30	With application
National Examination Fee	\$ 90	With application
Clinical Competency Test Fee	\$ 40	With application
State Examination Fee	\$ 50	With application
License Fee	\$100	At initial biennial license period
License Renewal Fee	\$100	Every two years
Temporary License Fee	\$ 20	With application
Temporary Permit Fee	\$ 50	With application

Note 1

The Schedule of Revenues Compared with Expenditures was prepared from available records and discussions with the Division of Occupational Licensing (DOL) personnel. The records were not audited by us and, accordingly, we do not express an opinion on the Board's Schedule of Revenues Compared with Expenditures.

Note 2

Revenues are primarily composed of license renewal fees. Due to a change in law, licenses will be renewed on a biennial basis starting December 1988. Because of the two year renewal cycle, revenues will increase substantially every second year. To obtain an average of annual revenues collected, we combined actual receipts collected in FY88 with the division's estimate of revenues to be collected in FY89. The FY89 estimated revenues are based upon the change in licensing fees as of October 1988.

Note 3

Expenditures consist of direct costs resulting from board member activities, (i.e. travel and per diem) and an allocation of direct and indirect costs of DOL. Expenditures do not include expenses incurred by other Departments or other divisions of the Department of Commerce and Economic Development in assisting the Board.

Note 4

The schedule reflects the changes in licensing fees as of October 1988. Fees were raised in response to legislative intent to make the Boards more self supporting.

Note 5

The amount of revenue generated by a board's activity depends upon the number of licensee's that are regulated by the board. A small number of licensed professionals, generally lead to an excess of expenditures over revenues. Conversely, a large number of licensees generally results in an excess of revenues over expenditures.

The comparison of revenues and expenditures for all licensing boards indicates, that collectively, the licensing boards are substantially self supporting. The following schedule represents revenues and expenditures for all boards combined:

Average Revenue	\$2,130,834
Expenditures	<u>2,242,216</u>
Excess Expenditures	< <u>\$ 111,382</u> >

STATE OF ALASKA

STEVE COWPER, GOVERNOR

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

P.O. BOX D-LIC
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2534

DIVISION OF OCCUPATIONAL LICENSING

December 20, 1988

DEC 20 1988

Mr. Randy S. Welker
Legislative Auditor
Division of Legislative Audit
P.O. Box W
Juneau, AK 99811-3300

Dear Mr. Welker:

This is written in response to the Audit Division's (hereinafter "Audit") preliminary audit report of its sunset performance review of the Board of Veterinary Examiners (hereinafter "Board"). Below is the Department of Commerce and Economic Development's (hereinafter "Department") comments on Audit's preliminary findings and recommendations.

Response to Recommendation No. 1

Audit recommends that the Board consider adopting regulations [under its authority in AS 08.98.050(b)(1)] to provide for the examination and registration of veterinary technicians.

This is to advise that the Department has no objection to such a recommendation and, indeed, would support such a recommendation to the Board. While we are cognizant that this matter is of some controversy within this state's veterinary community, we concur with Audit's finding that the current "vet tech" licensing standards are perhaps not fully conducive to protection of the public welfare or the health of its animals.

Regulation 12 AAC 68.310(a)(2) provides that a veterinary technician can qualify to practice veterinary technology under the supervision of a licensed veterinarian if the technician documents "an established relationship" with an active, Alaska-licensed veterinarian; 12 AAC 68.310(b) gives the Board the discretion to require documentation of a technician's qualifications. However, if one of only two criteria (the second is graduation from a college-level AVMA vet tech program) for authority to practice as a vet tech is simply having an established relationship with a licensed veterinarian -- without any actual schooling or even minimal experience requirements -- we believe the public might well be

Mr. Randy S. Welker

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more comfortable with the establishment in administrative regulation of some higher standard of technician practice.

It is our understanding the Board does not oppose such a recommendation and will undertake the process of developing a set of regulations for public review and comment in 1989.

If we can be of further assistance, please do not hesitate to contact this office.

Sincerely,



Larry Mercurieff
Commissioner

LM/RPB/pa1/0.061
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Alaska Veterinary Board

Packet Contents:

- CANARY** 1. Verbatim Transcript Excerpts
(Vet. Bd. Mtg. 2/5-6/87)
- GREEN** 2. SB 287 (1987-88 legislature)
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pursued again currently)
- WHITE** 3. Alaska Licensed Veterinarians
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- SALMON** 4. Minutes, Vet. Bd. Mtg. 11/3-4/88
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- BLUE** 5. Performance Report (regular audit)
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pursue this issue)

Vet. Bd.

①

note

VERBATIM TRANSCRIPT
EXCERPTS

VETERINARY BD
MTG - 2/5-6/07

CURRENT BD CONTINUES
TO PURSUE SB207
(from 1987-0)

Leedy: ...or censorship.

Tuomi: Or censorship, active censorship being in place in another state because there was no way that the committee had set up to safeguard themselves at that point. And it's a wonder something hasn't happened. By now, with that type of background (two people talking) ...(indiscernible).... Now they certainly, after this discussion are aware of it, and as of this race, they are being asked to submit copies of their current licensure with their applications for hiring or appointments or what ...(indiscernible)....

Leedy: I had a chance to talk to Bob Sepp, ah, about a month ago, for about a half an hour, and ah, discussing this specific issue. And he's the past president of Iditarod Trail Committee and, for a couple years and then he was head veterinarian, been associated with the race for about five years. He's no longer...ah, and he was all for it, he thought it was a good idea that the state have some sort of authority and regulatory ability for outside veterinarians, cause they are really practicing in the state, and their compensation? I'd say, it's an educational experience, that's their compensation.

Tuomi: Well, that part is part of the trip. They pay their own way up here. They are flown to the villages and fed in the villages but they pay their way ...(indiscernible)... Anchorage...

Leedy: ...back in Anchorage. They are provided the medicines and practice veterinary medicine and they have a free will to, to do what they want to. So, some of the veterinarians are large animal veterinarians which know nothing about sled dogs or dogs in general. That part scares me.

Tuomi: One of the points Dr. Leach...

Leedy: ...I don't know...

Tuomi: ...made was that um, if we did do this kind of thing, we've got the limitation on, on temporary

Number 509 (1, B)

permit right now that they can only renew, ah, what twice is what we decided and then we'd make them get a regular license. He feeling was that, ah, this program is set up on kind of an internship type, ah, situation that, ah, no first time out-of-state veterinarian is going to be allowed to supervise any stations by themselves, that they will all be assigned to an experienced individual. And his

force getting regular licensure

wording was that the first time they came up they don't know anything, the second time they came up they're useful, the third time they come up then we can turn them loose and rely on their capabilities. And that he would prefer if we did something like this that the person be allowed to renew up to four or five times, on the theory that they they are just becoming useful to Iditarod at that stage. He expects repeats or, or...

Dr. Leedy requests 4-5 renewals for Iditarod

Leedy: Uh-huh (affirmative).

Marshall: And you could take care of that by saying somehow if, I mean why do you want to limit the temporary permit, because you don't want...

Tuomi: ...yea...

Marshall: ...somebody to keep extending and extending and extending and never getting a license, the person's right up here practicing. Ah...

Tuomi: These people are definitely temporary, limited ... (indiscernible)....

Marshall: Yah, so I ah, there would seem to me there would be some other way you could get to them. Ah, you know, (two people talking) you could issue a temporary sports permit of some kind, you know, that if, they have to get every year.

Tuomi: Um-hum (affirmative).

Marshall: ...but it's inexpensive, it's just and all it is is you have a license kind of deal. Because that, the Iditarod, I mean, you really if there has been no problem, and they're willing to assume responsibility for it, there's really no need for you to get involved.

Iditarod no problem no need to get involved

Tuomi: Dr. Leedy's point originally was what, what if any, is the state's liability. Some of these sled dogs are pretty expensive.

Marshall: If they're not licensed, and they're not required to be licensed, the state has no liability.

state has no liability

Tuomi: Okay. The, an attorney isn't going to come back and say "hey, you know this was going on and you did not require them or enforce your licensing provisions..."

Marshall: ...you did...

Tuomi: "...and allowed it to occur."

Marshall: You, you, your licensing provision does not cover these people.

Board Mbr: It doesn't?

Number 556 (1, B)

Marshall: No. Not when they come up uncompensated, they come...

Tuomi: That's where we could make a ...(indiscernible)... for compensated.

Marshall: ...up because they just want to be in the event.

Board Mbr: Yah, when they're providing even services, but when they reach out branch out and provide a ...(indiscernible)....

Marshall: Then that's unlicensed activity, that's a complaint and we can go after them for that.

Tuomi: But again they do it without compensation ...(indiscernible)... consideration (two people talking) their compensation is the board they receive while they're staying there.

Marshall: Then you (two people talking), you know, you need to define your compensation to cover you can't cover all of it. But you can, you can get some of it. But the point is there have been no problems they, they didn't come to you and say "License! Make, get these people licensed!" You know. So I just wouldn't be too concerned about it, I'd work on the defining the compensation.

there have been no problems.

Board Mbr: Probably the Iditarod, the Committee needs to make ...(indiscernible)... inform ...(indiscernible)... people are permitted to do without a license. You know, what is practicing and what it ...(indiscernible)....

(four people talking)

Marshall: ...(indiscernible)... with some license, that a good idea.

Tuomi: Send them a letter, saying ...(indiscernible)....

George: Why should we do it?

Tuomi: To put the, the Iditarod Committee on notice that they need to counsel the people that they're ah, placing villages, of the state statutes, against practicing without a license.

Leedy: It's our responsibility to protect the public and that includes all the ah, dog mushers in the race. They are the public.

Marshall: But you are not responsible for regulating unlicensed activity. So, that is pretty much unlicensed activity. And you know, it's a question of whether or not you want to make it a licensed activity.

George: Well, as long as it's unlicensed it seems to serve the purpose that everyone wants to be able to come up with ...(indiscernible)... unless you want to make sure they're competent ...(indiscernible)....

Tuomi: Oh, yah, as long as Iditarod has the internship program and is aware of that limitation and hopefully they are addressing their problem of the treatment of the sled dogs. Ah...

Marshall: It's not in their best interests to have a sled dog mistreated and if that occurs I think that they will take the necessary steps to protect ...(indiscernible)....

Number 609 (1, B)

Tuomi: I, I was mostly concerned about Dr. Leedy's point that ah, legal climate that's occurring right now that the state not be named for failing to regulate practice that they are aware of.

Marshall: That wouldn't occur. What might happen, is the ah, Committee itself the Iditarod Committee, somebody might go after the Iditarod Committee, but they're not going to go after the state because it's not licensed activity. You have done nothing to violate your statutes.

Board Mbr: Yea, it's not real good press for the ...(indiscernible)... to say vet board wants to license Iditarod, you know.

Board Mbr: Yea.

(laughter)

Marshall: People will go for that. (laughter)

Board Mbr: People ...(indiscernible)... to think.

Board Mbr: So is the is the legislation to, have ah, the authority to issue citations, new legislation here, then someone who comes up and does one of these special events and branches out and does a spay on the side without a license, or...

} vet board wants
to license
Iditarod

Marshall: As long as they don't get compensated, we can't do even get that ...(indiscernible).... If they take money, or if you...

(four people talking)

Marshall: ...define compensation differently than it currently is then yes, we could issue a citation.

Leedy: Is the compensation, as it is written now, open to interpretation?

Board Mbr: ...(indiscernible)... think so.

Leedy: It would be a judgement ...(indiscernible)... (two people talking).

Marshall: Is there a definition in the back of the...(papers shuffling).

Board Mbr: I don't see one in the statutes. As the board feel, can we draft a, some letter, some resolution, or anything where we can...

Tuomi: Oh, here we are, "means for compensation..." Oh, wait never mind. I always read that phrase wrong. It means, for compensation, to do something.

Marshall: I'm sorry what were you going to...

Board Mbr: As a board can we draft a letter, a resolution, an notation to the ah, Iditarod, just expressing concern about these sort of incidences.

George: I'd be concerned about doing anything, because you're you run the risk of acknowledging the problem and not doing anything about it.

Board Mbr: Ah-ha (affirmative).

Number 658 (1, B)

George: Also run the risk, perhaps, of misinforming someone, advertently or potentially.

Tuomi: Probably misinform them.

George: I don't know, ah, we don't license people that don't practice for compensation so we have to know what compensation means ...(indiscernible)...

Board Mbr: I guess they know that ...(indiscernible)... in the statutes.

Tuomi: Uh-huh (affirmative). You know, we unofficially notified them through the contacts that we've made

Henderson - Regulation Specialist

Board of Veterinarians

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February 5-6, 1987

Number 531 (4, B)

Henderson: Okay, I guess the next then is telephone ah.... And I haven't had a chance ...(indiscernible)... to go through your ...(indiscernible)..., you might have to tell me what you feel...

Leedy: Okay. It's sort of a, very similar to what is written here. Ah, like what you have written up. Ah, I put a definition in there, essentially, ah, ...(indiscernible)... practice by telephone. It's a little more extensive, ...(indiscernible)..., an if anything can be added to what already is, ...(indiscernible)....

telephone practice (Leedy)

Henderson: Well basically I just ah, took your wording and get it, revised it a little bit. Ahm, you know, "In cases where a veterinarian must provide consultation and prescribe treatment by phone or other communication device, the veterinarian shall retain written record, ...(indiscernible)... I didn't change too much.

Leedy: All right, I put ah, "in remote locations where there is significant distance or barrier between veterinarian and client/patient would render, ah, personal contact difficult, telephone practice may be utilized. A medical history and a tentative diagnosis can be reached without a physical examination and a remedy given as long as the client understands the limitations involved because a, because a physical exam is not given by the veterinarian.

(?): Actually...

Leedy: I wondered what the feeling of the Board is on, on making what is written now more specific or leave it as, if anything can be added. I think maybe the limitations of ah...

Henderson: I think you do raise a good point here in that we probably ought to restrict this telephone thing...

} restrict practice

(?): ...right...

Henderson: ...to only those cases where there is a real barrier, I wasn't quite sure how to word that.

(?): ...(indiscernible)...

Henderson: You don't want this don't want happening in Anchorage, you know...

Tuomi: ...(indiscernible)...

Henderson: ...someone from Anchorage calling someone from, you know, 'cross town...

Board Mbr: Right.

(?): ...(indiscernible)...

Leedy: There's a lot a times in, in city situations there would be no charge for that type of consultation...

Tuomi: Well, ...(indiscernible)... a veterinarian can make a decision if the ...(indiscernible)... needs to be seen or not.

Leedy: ...right, an, right, and generally thought of as being ah, bad medicine ...eed, to ...cee or talk to clients or advise something ah, over the phone, calling their local pharmacy without seeing the patient. That's usually considered bad medicine. ...(indiscernible)...

Board Mbr: Always?

Leedy: No, not always.

Board Mbr: Preferably.

Leedy: If the situation warrants it, an if it's something simple like fleas, ...(indiscernible)... prescribe over the counter medicine for, or what... something that has a real high, high, high probability of being cured and a high degree of accuracy ...(indiscernible)... diagnosis ...(indiscernible)...

Board Mbr: ...(indiscernible)...

Tuomi: ...(indiscernible)... same day...

Henderson: Actually what you might want to do it to add, this is more than a definition, it's actually a statement of the, ah...

Tuomi: ...(indiscernible)..., yea...

Henderson: ...intent and purpose of the whole thing. You might want to take what Dr. Leedy's done, make it "A", and have just a subsection establishing a purpose and intent for this...

Tuomi: Um-hum (affirmative) ...and then ...(indiscernible)... other designations.

Leedy: Um-hum (affirmative).

against free enter-prise

phone practice bad medicine

Henderson: Ah, if you want to get this specific again, ah, er that you might say that ah, only in cases where ah, there is a significant distance or barrier shall this kind of consultation take place.
...(indiscernible)... that ...(indiscernible)....

Leedy: You could eliminate "remote location", and say ...(indiscernible)... location, remote might be too specific. What'd you think?

*any
where
in
state*

Board Mbr: Way too specific.

Board Mbr: ...(indiscernible)... it shouldove
...(indiscernible)....

Number 626 (4, B)

Board Mbr: I like the, the wording, general wording, that Henderson had because it, it gives you a little leeway.

(?): Um-huh (affirmative).

Board Mbr: Remote may be just across our, I might have my neighbor call at six o'clock at night and said that his dog had this bump on its forehead and now it's open and ...(indiscernible)... pus,
...(indiscernible)..., Sunday night and I don't wanna go down and see 'im, and I can ascertain that he's got an abscess ...(indiscernible)... there, and he says "I got somebody's ampecillin", I would probably tell 'im take an ampecillin with
...(indiscernible)... bring the dog in the morning. An, that's where this is more...

(?): ...telephone ...(indiscernible)...

Board Mbr: ...too specific in here. Ye..., 'cause personal contact isn't difficult, I could just walk across the street. But I'm, I think I would be doing right because I would fall under "D" of what you have written down, because there's a fairly high probability...

(?): ...yea...

Board Mbr: ...you know, the animal's not bleeding to death, where this, that, that you have down there is, very specific to, to many individual cases...

(two people talking) ...(indiscernible)...

Board Mbr: ...(indiscernible)... make more general.

Henderson: I think your purpose is that probably dealing with the bush situation...

in this interim, I ...(indiscernible)... know that we discuss that, ahm, that we just seems to clean up our act a little bit to officially let them know what we decided to do about it.

Board Mbr: Weren't you, weren't you contacted about a client who was concerned about someone who did um, satellite surgical sexing?

Tuomi: Uh-huh (affirmative). And that's why my move was to, to broaden this, for one thing to take it away from just being specifically Iditarod and raising that red flag but because these types of things do occur, um for Mr. George's information, an individual who is licensed in another state was brought to Alaska, um, to hold a surgery clinic. And he surgically sexed birds for this client but he also surgically sexed for clients whom ah, his hostess solicited. He was paid for this, to our knowledge. Ah, somebody collected a lot of money and he left the state, and he did the same thing a second year, came back up and did it again. And second time around a, there was actually a newspaper photograph and article...

Iditarod

Number 000, Tape 2, Side A

Board Mbr: ...where you've got somebody doing ...unary abortions in their back yard or something ...(indiscernible)... license ...(indiscernible)... considerations ...(indiscernible)... I don't know. How far do you want to go? It seems to me it's a question that has to be answered before we get too carried away with all of this.

Tuomi: Certainly, in other states, they do just specifically exempt consultants, or, or exempt them as long as they are associated with a validly licensed veterinarian, appears to be the wording. And so, we could add that to our list of exemptions...

Board Mbr: ...for specific functions...

Tuomi: ...and get rid of those, those individuals who aren't consulting with a licensed veterinarian, it wouldn't matter whether they do it for a function or just an individual coming up to one procedure for one practitioner.

George: So, what's the target group, this's ...(indiscernible)..., do we have a consensus on the target group that it would like to regulate that is not regulated now? Who are we looking at?

*Target-
Iditarod*

Board Mbr: We're looking at the Iditarod people.

Tuomi: As, as long as it's limited to working with that individual who obtained his services...

Number 294 (2, A)

George: Do you really watch that, I mean if somebody worked 60 days, year after year after year, shouldn't they just get a regular license?

Tuomi: Well, it's a theory, after two of these, they should, we don't do it anymore, for either category.

George: Oh, is there a two time...

Marshall: That will...

(four people talking)

Tuomi: ...it's not in statute, it's been our board's policy...

Marshall: But that's, you can't, I mean you can't really...

Tuomi: Yea, since the renewal is at the discretion of the board, the board's discretion has been multiple renewals being refused, after a certain point.

Marshall: Well you should put that in... (two people talking) ... (indiscernible)....

George: ... (indiscernible)....

Marshall: ... 'cause you could be challenged on that.

George: Yea, we should put, I think if there's a limitation like that we should probably stick them in there.

Board Mbr: "That may be renewed upon approval of the board" is the way it came out in the minutes.

Tuomi: Um-hum (affirmative).

Board Mbr: Yea, that's what it says, "may..."

Board Mbr: "...may be renewed once upon approval of the board."

George: On the other hand, I don't think the board in denying a renewal can be arbitrary or capricious. And if we just arbitrarily say you don't get if you do more than two times, that's pretty arbitrary...

Marshall: That's right, you could be challenged on that, and you could, so you need to be clear about what you want there.

Tuomi: Uh-huh (affirmative).

board policy - only 2 permits issued per individual - board discretion

board acting arbitrary & capricious

Board Mbr: Well, it seems to be limited to patients involved in...

George: If we limit the time frame on it, though, do we need to put on this other qualifying language?

Tuomi: Yea, that's the idea. We won't, don't want them practicing on all the other dogs and cats in the neighborhood, we just want them practicing on the group involved in the race or the group brought in by the licensed practitioner.

} closed market

Number 315 (2, A)

George: If, if he, if it's a consulting with or under the supervision, we don't have under the supervision, but under supervision of a person licensed, isn't that fairly...

Board Mbr: No...

Tuomi: uh-uh (negative).

Board Mbr: I don't think so.

Tuomi: Especially if there's an "or" in there.

George: I okay, so where are we here?

(three people talking)

Board Mbr: limited...

George: ...limited and you want to put that...

Board Mbr: ...you know, ah,...

(four people talking)

Board Mbr: ...(indiscernible)... numbering
...(indiscernible)...

Board Mbr: ...limiting in scope to animals ah, involved in the
...(indiscernible)... these special race events,
athletic events or...

George: ...consultation...

Board Mbr: ...consultation or clinic...

George: ...may consult or...

Tuomi: Uh-huh (affirmative).

George: ...aren't we trying to include consultation
...(indiscernible)... area to do with ah...

Tuomi: ...with an athletic event...

George: ...athletic event, consultations involved with that specialty ...(indiscernible)... they're including both consultation for ...(indiscernible)... specialties under the regulation or statutes.

Tuomi: Uh-huh (affirmative).

Board Mbr: Right.

Board Mbr: So anyway, but there's two groups of animals here, you know, there's the animals being seen by the, ah, ah, consultant coming up for special clinics or ah, cardiovascular disease, or something and then there's the group of animals are just those in the races, you know, and not any other ones. So there's, there's kind of two parts to it. I think we have to be pretty narrow with the, ah, with the ones involving the race in particular.

} focus on "race"

Leedy: Maybe there should be a "B" considering the ah, specialist and "C" concerning the races?

Number 340 (2, A)

Board Mbr: Yea, there's definitely two parts, this'll break it down...

George: And I don't know ...(indiscernible)..., least specific as pos... so you can go fix 'em by regulation later.

Tuomi: Yea, that's where we're getting into trouble with locum tenens the way it is, it is very specific (two people talking) and you been having trouble stretching it...

Board Mbr: ...don't have enough discretion...

Tuomi: Um, how 'bout "limited to the animals under the care of the, ah, regularly licensed practitioner..."

Board Mbr: ..."supervising practitioner."

Tuomi: That way he can always practice on animals that the supervisor says is okay, 'cause...

Board Mbr: ...(indiscernible)... ..licensed or not...

(two people talking)

Board Mbr: .. indiscernible)....

Board Mbr: On the race, under the care of, of that individual?

DOL: ...right...

Number 389 (2, A)

Board Mbr: ...the one about signing it...um...I see it, it sure starts me to, it's a lot easier to give the benefit but restrict it if you do it on a time basis, trying to figure out what procedures are acceptable or not, or you can have a laundry list that'd be...eight miles long, I don't know, ...(indiscernible)... writing on boards.

Tuomi: I think this is coming the closest to what we want to do.

George: Okay, let's...

Tuomi: ...and the, and the simplest, yea...if we...

Board Mbr: ...what about renewable and not renewable, though?

Tuomi: Yea, right. (two people talking) ... (indiscernible) ...

Board Mbr: Well, we haven't gotten to that yet.

Tuomi: It's such a problem. (two people talking) ... (indiscernible) ...

Leedy: ...might be a second race, or a third race, or a fourth race, (two people talking) ... (indiscernible) ...

Tuomi: Yea, he might come up and do all four of 'em in a row...

Leedy: ...might want to come back, ah...

Tuomi: ...the Kuskokwim, the Iditarod, to the...

Leedy: Um-hum (affirmative). And if there's, if there's over 30 days consecutive days, they can get another one for another fifty dollars for another 30 days, back-to-back.

Tuomi: But they'd still have to limit themselves. Now what's that going to do to the consultant. We gonna let him keep get getting back-to-back consulting fees, for consulting... (two people talking) eventually it would be economically cheaper to get a regular license, if you've got to pay fifty bucks a crack at it an he stays up here for more...

Board Mbr: Um-hum (affirmative). Costs to renew, too, right?

Tuomi: Yah, if it's only 30 days.

impose limits

get regular license

George: That right? You could something like ah, "an individual may not receive licenses under this section ah, cumulatively, cumulative effective period exceeds 30 days within a two year period, or one year period, or three year period...

Tuomi: ...or a 180 within a ...(indiscernible)... period...

George: ...or whatever...

Tuomi: Yah.

Board Mbr: For sure you don't want people to keep just coming in 30 days, 30 days, 30 days, (chuckle).

Tuomi: Well, that's a good word...

Board Mbr: You could make money, though, that way.

Tuomi: Say that again. Say that again.

Board Mbr: Thirty days,...

Tuomi: No, no, no, the whole, the whole thing, "an individual may not renew..."

Board Mbr: Oh, I don't know, that's, that's gone now.

Tuomi: Well let's get it back.

Board Mbr: It was something like cumulative, cumulative...

Tuomi: ...(indiscernible)... renew if their (two people talking) cumulative...days exceed...180. That way you get two temporary permits, or he could get...i my math right, six...

Board Mbr: You've been awful quite...

Board Mbr: I'm just trying to comprehend all of this.

Tuomi: ...(indiscernible)... ingesting...

Board Mbr: What's the bottom, "an application must..."

Tuomi: "...be accompanied (two people talking) by a fee."

Board Mbr: ...(indiscernible)... a fee.

Board Mbr: Takes the wording off of ...(indiscernible)....

Board Mbr: So maybe we need a "D", it is renewable, they are renewable, is that?

Tuomi: Yea, then we still need the renewab... yea, a locum tenens is valid ah, ...

] make money through licenses

George: That under "D"?

Tuomi: ...(indiscernible)...

(three people talking)

Tuomi: It's not, yea, we really don't have renewable
...(indiscernible)...

George: You want them both renewable?

Tuomi: Yea. I'd like 'em both renewable, but I'd like to
put a max on how many times we can renew 'em. And
we, an as far as I'm concerned we could set that
same 180 day limit because that would give us two,
um, relief veterinarian, back-to-back...

Board Mbr: ...(indiscernible)...

Tuomi: ...an it would give us...

DOL: ...temporary permits... ...(indiscernible)...

Tuomi: ...yea...

DOL: ...temporary permits... ...(indiscernible)... locum
tenens.

Tuomi: Cumulative 180 days within two years? Within a two
year period?

Board Mbr: That's ah, gosh that's six renewables.

Tuomi: Um-hum (affirmative). Which would seem to me to be
plenty, even for the race guy...

Board Mbr:(indiscernible)... renewals...

Tuomi: ...who wants to go from one race to another...

Board Mbr: ...that's a lot of renewals...

Tuomi: Okay, (two people talking) ...(indiscernible)...
three years?

Board Mbr: ...might as well get a real license. You're gonna
make more money...

Board Mbr: What's the difference if we do, if we, (two people
talking) ...(indiscernible)... if they just reapply?

Board Mbr: Are we saying they can't reapply?

Tuomi: To me, a re... a new application is a renewal. If,
if they last a year and come back and say I want a
temporary permit...

} get
real
license

George: We were planning... (two people talking)
...(indiscernible)...

Board Mbr: ...we aren't at this point in time.

George: This presumes that compensation would be deleted.

Marshall: That you're gonna reword the definition of
...(indiscernible)... (two people talking).

Board Mbr: We'll have to (two people talking)
...(indiscernible)... at it another.

Number 055 (2, B)

Tuomi: Yah, but... (two people talking)

Board Mbr: ...do it in conjunction with this.

Tuomi: (two people talking) hand in hand with this.

Marshall: Okay. Yah, this looks good to me.

Board Mbr: Um, part "A", I had, I put 60 consecutive days and
may not, an may be renewed. Ahm, for three periods,
or 180 days, in case, as you mentioned, there's an
illness, and you need to be, gives a little more
flexibility.

Tuomi: A hundred and eighty days is six months, is a hell
of a long time...

Board Mbr: ...in two years.

Tuomi: Okay. 'Cause then we need to do is back up and
write under part "A", where it says ah, "is valid
for no longer than 60 days after issuance", "but may
be renewed twice within a two year period upon
approval by the board"?

(two people talking)

Tuomi: And that way we can address it right there under
"A"?

Board Mbr: I was thinking about it ...(indiscernible).... Um,
um, and there's certainly ah, ah, ah, a good reason
to limit these things, so you don't get these people
coming back and back again. I could however,
anticipate a situation, let's say you come up under
"B" and you could get one for 30 days, but you come
up for one day, and you want to come up for another
one day. I mean you've only been here three days,
but you can't do that, 'cause you'd only get two,
right?

} limit need
to be
imposed

Board Mbr: Right.

Board Mbr: I was toying with the thought of saying you could get kind of one automatically, and any subsequent renewals, any subsequent applications for the same permit within the two year period may be granted at the discretion of the, of the board, or, I'd think you'd probably have to put a little more in there than discretion...

Marshall: Why don't you just leave...I mean I don't know if this is sound

Tuomi: Um-hum (affirmative).

Marshall: ...but please correct me, why don't you just say "may be renewed upon approval of the board" and not put in any onces, twices, within years...

Tuomi: Ah, the comment was made before, though, if we leave that wording, which is what is in there now, and we apply the board rule that we wrote that says it, we'll do it automatically for two years, but the third time around we won't, somebody said that's capricious, and won't hold up.

board has acted capricious

Board Mbr: Well, how do you determine what the parameters are?

Marshall: Yea.

Board Mbr: I think you need something, you need something like, "or bona fide medical veterinarian ...(indiscernible)..." you can come up with some hokey language...

Marshall: ...yea...

Board Mbr: ...or something. Do you want to limit yourself to two, I guess. Or certainly want to put...

Marshall: (two people talking) ...actually if somebody is going to be here that long...

Board Mbr: ...if they're going to come up that often...

Marshall: ...(indiscernible)...

Board Mbr: ...they're gonna just get a license.

Marshall: ...license.

Tuomi: (three people talking) ...regular license.

(three people talking)

George: Under "A" was it ever contemplated that if a veterinarian dies somebody might come in and keep his practice going for 60 days or 120 days so he can ...(indiscernible)... his client?

Board Mbr: I think he should get a license, regular license.

Board Mbr: ...(indiscernible)...

Board Mbr: I think so, 'cause he's, he's not doing, he's doin' it...

Marshall: Not ...(indiscernible)...

Board Mbr: Yah.

Tuomi: Well, if this isn't super... a whole locum tenens is not necessarily supervised...

Board Mbr: ...under "A"...

Tuomi: ...under "A".... But that's not gonna fly.

Marshall: ...fly. Right, I...i (two people talking).

Board Mbr: Okay, ...(indiscernible)... (two people talking), in the very first sentence "a person who meets the requirements..." the old one had in there also a person licensed to practice veterinary medicine in another state, who meets the requirements of... (two people talking) ...(indiscernible)...

Tuomi: Good point, we left that out, we typed it.

Marshall: What, now?

Board Mbr: We left...i (two people talking)

Tuomi: "A person licensed to practice veterinary medicine in another state who meets the requirements of AS 08..."

(chuckles)

Tuomi: And that was one of the things we were gonna limit it to.

Board Mbr: And then you talkin' about failing these tests?

Tuomi: Um-huh (affirmative).

Board Mbr: What happens if somebody, who's been practicing say, for ten years, fifteen years, first time took the exam, he f... failed, he then passed and...

failing tests - Scenario

Tuomi: ...subsequently... ...(indiscernible)... (two people talking).

Board Mbr: ...(indiscernible)... fine ever, ever since.

Tuomi: I can, I, I thought of that once or twice this week, proposed this wording, too. The assumption...

Marshall: Can you give your scenario one more time?

Board Mbr: You go out an you take your test and you fail, right out of school...

Marshall: ...um-hum (affirmative)...

Board Mbr: ...fifteen years ago. You take the test again, you pass and you've been doing fine ever since.

Marshall: Well, I, ah, "that's not previously failed..."

Tuomi: Technically he did fail it once.

Board Mbr: ...should be "has a passing score"...

Marshall: Right, that's what it should be.

Tuomi: We should word both of those phrases in the positive...

Marshall: (two people talking) ... "and have a passing score..."

Tuomi: ...rather than the negative, on the...

Marshall: ..."national CCT and state written and practical."

Board Mbr: You know, I don't know if that's really true either, cause you could have passed it once, and ...(indiscernible)... (two people talking) was failed.

Marshall: Yah, how 'bout hav... ...(indiscernible)...

Board Mbr: Wha...wa...once you pass the national, though, it's good forever, you don't take it again.

George: Okay. Are there any of these things you would take and pass and then fail?

Tuomi: Well the other thing is the intent of this was...

Board Mbr: ...sure...

Tuomi: ...if they take 'em and pass that state board they've got a state license, they don't need a temporary.

if ever failed the test, can't get license

Marshall: Right, yes, that's true. I think it's all right the way it is "not previously failed".

Tuomi: Yea. The assumption is that, their, the scores that are standing at the time of application...

ASSUME
scores
at time
of applicati

Marshall: ...uh-huh (affirmative)...

Tuomi: ...either it's failing or passing...

Marshall: ...uh-huh (affirmative).

Board Mbr: You could.

Tuomi: ...but that...

Board Mbr: ...well that's all right (two people talking) ...(indiscernible)..., we could leave it like this and we could just interpret it that way.

board
interpretation

Board Mbr: I can draw you a picture...

Tuomi: ...(indiscernible)...

Board Mbr: ...of where it would happen real easy. But you don't want to hear it.

board
disregard
reality

(laughter)

Board Mbr: ...(indiscernible)... don't we just bury this while we have it...

Marshall: You've come a long way.

Tuomi: That's, that's how we came back full circle ...(indiscernible)... using ...(indiscernible)... ...ing our thought tracks.

Number 251 (2, B)

Marshall: Okay, now (two people talking) let's see you're...

Tuomi: ...(indiscernible)... think we got it, now...

Marshall: We still have more to go...

Tuomi: ...right...

Marshall: ...though, on this legislative proposal.

Tuomi: We still have to do um,...

(?): ...licensure by credential...

Tuomi: ...do the compensation bit.

Tuomi: Well, basically the way we do it is to relate it right back to the first question, can a licensed PA treat animals? Yes, he can legally treat animals in an emergency situation.

Marshall: Not, not, right now, it's only without compensation.

Tuomi: ...with, without compensation and one of the legal ramifications of doing so, ah, anybody who does so, rather than no liability, the board is not going to prosecute because the animal's been treated in a civilized order. Right?

*make it illegal
leave up to board discretion
(emergency etc)*

Marshall: ...(indiscernible)...

Board Mbr: The answer to question one would be "no."

(two people talking) ...(indiscernible)...

Board Mbr: ...(indiscernible)... veterinarian.

Marshall: ...no...

Board Mbr: ...(indiscernible)... contact the veterinarian.

Tuomi: Well, that's, that's number three. What you're suggesting is you contact...

(two people talking) ...(indiscernible)...

Board Mbr: ...the answer to number one should be "no", but a qualified "no", ...(indiscernible)... licensed ...(indiscernible)....

Tuomi: Yea.

Marshall: Yea. ...(indiscernible)... I think you ...(indiscernible)...

Tuomi: ...yea...

Marshall: ...you know, if you, if this ...(indiscernible)... to us, it would be our.

Tuomi: Well, in fact it did. It do that to me, anyway, I've been writing so.... I mean, something like this would be nice to have on file, circulated around for a couple ...(indiscernible)... right before I have to ...ail it. It's nice to have to fall back on for you guys to send out if you have any other suggestions along ...(indiscernible)... same lines, you will ...(indiscernible)... this board's statement as to how we feel about it, ...(indiscernible)....

bringin... to glorifying the Iditarod and getting these people up and...

Board Mbr: The obstacle's already there.

Marshall: No it's not...

Board Mbr: Sure it is...

(three people talking) ...(indiscernible)...

Tuomi: ...right now they don't have to have a license...

Marshall: ...right now ...(indiscernible)... they don't have to do anything...

Tuomi: ...they just walk in and do it.

Marshall: ...they walk in, they come.

Board Mbr: Depending on what, how we define "compensation".

Tuomi: No, well (three people talking) ...(indiscernible)...

Marshall: No, no, right now there's no problem at all.

Board Mbr: ...for compensation...

(two people talking) ...(indiscernible)...

Board Mbr: If this passes, we don't have to worry about the Iditarod...

Marshall: ...right...

Board Mbr: ...people anymore because they are doing it. They are all in violation...

Board Mbr: ...that's right...

Board Mbr: ...of this ...(indiscernible)... section...

Board Mbr: ...(indiscernible)... law violation, to the extent that they receive plane tickets or free hotel rooms, if that's within the gambit of compensation, they're supposed to be licensed.

Marshall: Wait a second, I lost it here ah,...

Tuomi: ...(indiscernible)...

Board Mbr: What?

Marshall: ...they're not going to even make the connection with the Iditarod with this bill.

against Iditarod

legislature won't make connection

Tuomi: No, they'll (two people talking) ... (indiscernible)...

Marshall: That's why this bill as it is, has a good potential to fly unless they're, because you've already talked to Iditarod Committee, if they figure it out, they may come and testify.

Board Mbr: ... (indiscernible)...

Tuomi: Um-hum (affirmative). (two people talking) ... (indiscernible)...

Marshall: But if you've got them behind you then...

Tuomi: (two people talking) ... (indiscernible) ... they favor it.

Marshall: ...then you, then you're gonna be okay. And as long as the legislature doesn't quite figure it out I think you're gonna be okay. But, but if you add the exam thing, I...

Board Mbr: Well you can just, just dump that out and take the Iditarod through, they can always off part of it. They're not...interdependent.

Tuomi: Yah, but they may decide to kill the whole with the exam. I, I can see that ... (indiscernible)...

Marshall: If you're willing to give it up, then yah, go ahead, put it in, give it a try...

Board Mbr: Well, well, cause what you're saying is we submit it separately it's not gonna go anyway, so what do you got to lose?

Marshall: Well you still...

Board Mbr: Have this to lose.

Marshall: ...yah...

Board Mbr: ...an...

Marshall: ...and they just sit on the bill if there's controversy.

Tuomi: Unless they ... (indiscernible)....

Marshall: But, if you're willing to go to them right away and say, if they start sitting on it, and you're willing to say, look...

Tuomi: ...what's the problem with this, if this is the problem...

Leg.
not
figure
out
about
Iditarod

Marshall: ...is this...well you'll know from the first hearing...(laugh)

Tuomi: We can ...(indiscernible)... ...we can make that statement...if this is the problem let's...

Marshall: ...yah, we're willing to drop it.

Board Mbr: (two people talking) ...(indiscernible)... say drop it, sure.

Marshall: Um-hum (affirmative). Course then you've killed it for any future year, too.

Tuomi: 'Cause we've already admitted that it's not ...(indiscernible)...

Board Mbr: (three people talking) ...(indiscernible)... well it's either gonna or it's not, I mean, tack it on to the Iditarod bill, an they come down and say "Look at these vet board guys, they're great people, they're helping us out, gee..."

Marshall: Yah, I wouldn't talk about the Iditarod though, with this bill, I (two people talking) ...(indiscernible)...

Board Mbr: Ah, courage, courage, cum' on, you got to have courage.

(laughter)

Board Mbr: They want to talk about somethin' like dog races instead of money, god... (three people talking) ...(indiscernible)...

Tuomi: I, I think we're gonna have to admit it, if we come in kind a like "Oh, oh, what? Iditarod? You mean, oh, I guess it will..." we're gonna look dumb, folks, we ...(indiscernible)... admit...

Number 065 (3, A)

Marshall: Don't even say Iditarod...it might affect dog races. (laugh)

Tuomi: They're not dumb, they're gonna know ...(indiscernible)... (mumbled).

Board Mbr: Oh, the ...(indiscernible)... with Iditarod people, get some Iditarod people to testify, it'll be a breeze.

Tuomi: Yah, I, I think as long as Iditarod is with us, there's no point in...

the
Iditarod
bill

Marshall: Yah, yah, um-huh (affirmative)...

Tuomi: ...there's no problem in mentioning it as long as we don't make it sound like it was tailored specifically for them, it's tailored specifically for a problem, and it's designed so that we won't delete or, or interfere with Iditarod in the process. That's the way we have to approach it.

redirect
cover
real
intention

George: Okay.

Tuomi: ...in my mind...um....

George: So are we submitting them together or we dump one if we get a hassle, is that right?

Board Mbr: I would...

George: No?

Board Mbr: Say no.

Tuomi: I'd like to...

(laughter)

Board Mbr: (three people talking) ...(indiscernible)... as much as I think that, I think we've got everything within a, I don't want to see this part get washed out.

Tuomi: Yea, what I would like to do...

Board Mbr: I've been on the board for three or four years and nothin's ever gone through, if we get one thing through...

Tuomi: ...oh, we get to come back next year...

Board Mbr: ...oh, we get to come back next year, and start all over again.

Number 074 (3, A)

Tuomi: (mumbled) ...(indiscernible)... What I would like to do, rather than making a decision right now is to make a priorities list, that if, if we get favorable reaction from legislators, sufficient legislators that we submit it as one package, if we get bad reaction, that we'd have the option of either deleting, of, of deleting, this examination section, before or shortly after it's submitted. But I would like to take the package as it is all together to the legislators and see their personal reaction, before this board makes a decision about deleting it.

Marshall: Well, don't set yourself up though, to have to wait for another board meeting, 'cause you're already losing out on ...(indiscernible)... (two people talking).

Tuomi: No, no, that's why I say I, I, I think that we can set the priority here, we can, we can say that we would prefer that it be submitted together...

Board Mbr: ...or we could just say nothing...

Tuomi: ...but if there's sufficient opposition...

Marshall: ...yah, well...

Tuomi: ...we'd all agree...

Marshall: (two people talking) ...(indiscernible)... your, whoever's presenting it to a legislator, leave it up to them, you know, I mean if they see that they're gettin' resistance on that, but you see, well, I don't...see, a, they may not, they may not, if they don't know the issue well enough, they may not see it, and then...

If Legis. doesn't know issue, won't recognize it.

Tuomi: ...initially...

Marshall: ...yea, but you can always dump it on ...(indiscernible)...

Tuomi: ...always dump it. With that...

Marshall: ...you've got a smoother (two people talking) ...(indiscernible)...

Tuomi: ...possibility...

(two people talking) ...(indiscernible)...

Marshall: ...possibility this way, but if you want to do it, um, you know, and you're willing to give it up, go for it.

Board Mbr: How much is the dental board problem in the limelight now? I mean is that right on top of ...(indiscernible)... department?

(four people talking) ...(indiscernible)...

Board Mbr: ...with this ...(indiscernible)... bill.

Marshall: ...um...they've had two audits, they've had an AGs opinion...

Vet. Bd (2)

note
SB 287
(from 1987-88)
died 1988

(This bill, now dead, is what the veterinary board wishes to go with again. People were misled to believe this bill was basically about "lay vaccinators."

1 IN THE SENATE

BY FAIKS

2

SENATE BILL NO. 287

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the practice of veterinary medi-
7 cine."

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

9 * Section 1. AS 08.98.165(a) is amended to read:

10 (a) An applicant is qualified to receive a license as a veter-
11 inarian who

12 (1) is a graduate of an accredited veterinary school or who
13 has satisfied [PASSED] the requirements [EXAMINATION] of the American
14 Veterinary Association's Education Commission for Foreign Veterinary
15 Graduates;

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

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

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

23 (5) does not have a [HAS NO] disciplinary proceeding,
24 unresolved complaint, or professional association review proceeding
25 pending at the time a license is to be issued, and has not had a
26 veterinarian license revoked for cause in another jurisdiction.

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

28 Sec. 08.98.180. TEMPORARY LICENSE. A person who meets the
29 requirements of AS 08.98.165(a)(1) and (5) and who has not taken and ←

Cannot get licensed to practice vet. med. in AK if you even failed stated exams (even if you passed it later).

1 failed an examination required under AS 08.98.165(a)(2), (3), or (4)
2 or the clinical competency test is entitled to be temporarily licensed
3 after applying for examination, if the person works under the super-
4 vision of a licensed veterinarian. A license issued under this sec-
5 tion is valid until the results of the examinations are published. A
6 person may not receive more than one temporary license. An applica-
7 tion for a temporary license must be signed by the supervising veter-
8 inarian and accompanied by the temporary license fee required under
9 AS 08.98.190.

10 * Sec. 3. AS 08.98.184 is amended to read:

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

18 (1) has graduated from an accredited school of veterinary
19 medicine or has satisfied [SUCCESSFULLY PASSED] the requirements
20 [EXAMINATION] of the American Veterinary Association's Education
21 Commission for Foreign Veterinary 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 appli-
24 cation;

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

27 (4) does not have a [HAS NO] disciplinary proceeding,
28 unresolved complaint [COMPLAINTS], or professional association review
29 proceeding [PROCEEDINGS] pending at the time a license is to be

Significantly limits temporary vets. Can't ever get license if you ever failed certain exams. Can only work on animals already under the care of AK licensed veterinarian. Limits you to 2 licenses per lifetime, each good for 30 or 60 days. (Vet Bd currently arbitrarily follows this 2 licenses limit, lacking other guidelines.)

1 issued, and has not had a veterinarian license revoked for cause in
2 another jurisdiction; and

3 (5) has paid required fees.

4 * Sec. 4. AS 08.98.186 is repealed and reenacted to read:

5 Sec. 08.98.186. LOCUM TENENS PERMIT. (a) A person licensed to
6 practice veterinary medicine in another state who meets the require-
7 ments of AS 08.98.165(a)(1) and (5) and who has not taken and failed
8 an examination required under AS 08.98.165(a)(2), (3), or (4) or the
9 clinical competency test may be granted a locum tenens permit to

10 (1) conduct the practice of a veterinarian licensed in the
11 state who is absent from practice; or

12 (2) consult with or assist a veterinarian licensed and
13 practicing in this state; however, the consultation or assistance is
14 limited to animals under the care of the veterinarian licensed and
15 practicing in this state.

16 (b) An application to conduct the practice of a veterinarian
17 licensed in this state who is absent from practice shall be signed by
18 the person who is or will be absent from practice and by the
19 applicant. A locum tenens permit issued under (a)(1) of this section
20 is valid for no longer than 60 consecutive days after issuance but may
21 be renewed once within a two-year period.

22 (c) An application to consult with or assist a veterinarian
23 licensed and practicing in this state shall be signed by the person
24 who is licensed and practicing in this state and by the applicant. A
25 locum tenens permit issued under (a)(2) of this section is valid for
26 30 consecutive days but may be renewed once within a two-year period.

27 (d) An application for a locum tenens permit must be accompanied
28 by the locum tenens permit fee.

29 * Sec. 5. AS 08.98.190 is amended to read:

1 Sec. 08.98.190. FEES. The department shall set fees under
2 AS 08.01.065 for the following:

- 3 (1) application;
- 4 (2) examination;
- 5 (3) investigation of credentials;
- 6 (4) license;
- 7 (5) license renewal;
- 8 (6) temporary license;
- 9 (7) locum tenens [TEMPORARY] permit.

10 * Sec. 6. AS 08.98.240(a) is amended to read:

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

- 14 (1) permanently revoke a license to practice;
- 15 (2) suspend a license for a determinate period of time;
- 16 (3) censure a licensee;
- 17 (4) issue a letter of reprimand;
- 18 (5) place a licensee on probationary status and require the

19 licensee to

20 (A) report regularly to the board upon matters involv-
21 ing the basis of probation;

22 (B) limit practice to those areas prescribed;

23 (C) continue professional education until a satisfac-
24 tory degree of skill has been attained in those areas determined
25 by the board to need improvement;

26 (D) submit to peer review;

27 (6) impose limitations or conditions on the practice of a
28 licensee;

29 (7) impose a civil fine of not more than \$5,000.

Deleting "for compensation" would mean if you did anything described, you would illegally be practicing veterinary medicine if you were not licensed + could be prosecuted.

1 * Sec. 7. AS 08.98.250(6) is amended to read:

2 (6) "practice of veterinary medicine"

3 (A) means [FOR COMPENSATION]

Cannot inspect paws, trim a hoof, bandage, give injection, etc

(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;

Cannot give any advice

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

Cannot act like you can or would like to do above

(iii) to render advice or recommendation with regard to a [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 an [ANY] act in (A) of this paragraph [FOR COMPENSATION];

(C) means to use a title, abbreviation, or letters in a manner or under circumstances that [WHICH] induce the belief that the person using them is qualified to do an [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 that [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 the farrier's profession;

Exclusions - questionable regarding your own animal.
No provision for pet shops, groomers, handlers, jockeys,
friends, etc.* Bd wishes to leave to their "discretion."

defined by board



1 (iii) standard practices commonly performed on farm
2 or domestic animals in the course of routine farming or
3 animal husbandry, when performed by an owner or the owner's
4 employee unless ownership of the animal is transferred for
5 the purpose of avoiding application of this chapter or the
6 primary purpose of hiring the employee is to avoid applica-
7 tion of this chapter;

8 (iv) the provision of emergency services if a fee
9 or other consideration is not charged or received;

10 (v) a lay vaccinator approved by the Department
11 of Health and Social Services to administer rabies vaccina-
12 tions;

13 military bases in AK
14 got veterinarians
15 in the past
16 2 years.

13 (vi) veterinarians serving in the armed services
14 of the United States or the United States Department of
15 Agriculture while engaged in their official capacity or
16 while within federal facilities;

* Statutory construction means any group left out
would specifically not be included.

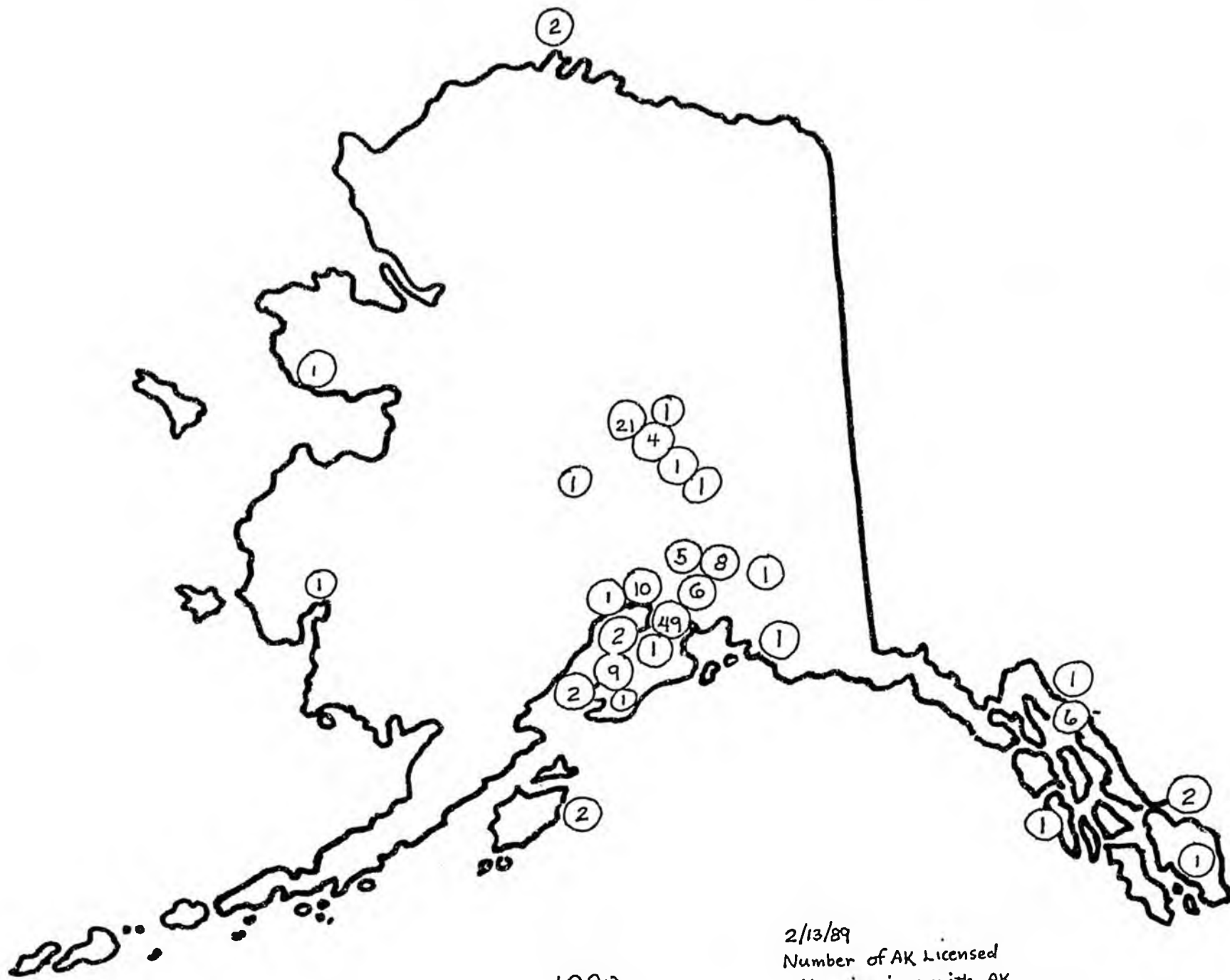
Vet. Bd. (3)

Note

NUMBER OF AK
LICENSED
VETERINARIANS
IN AK:

1989

1987

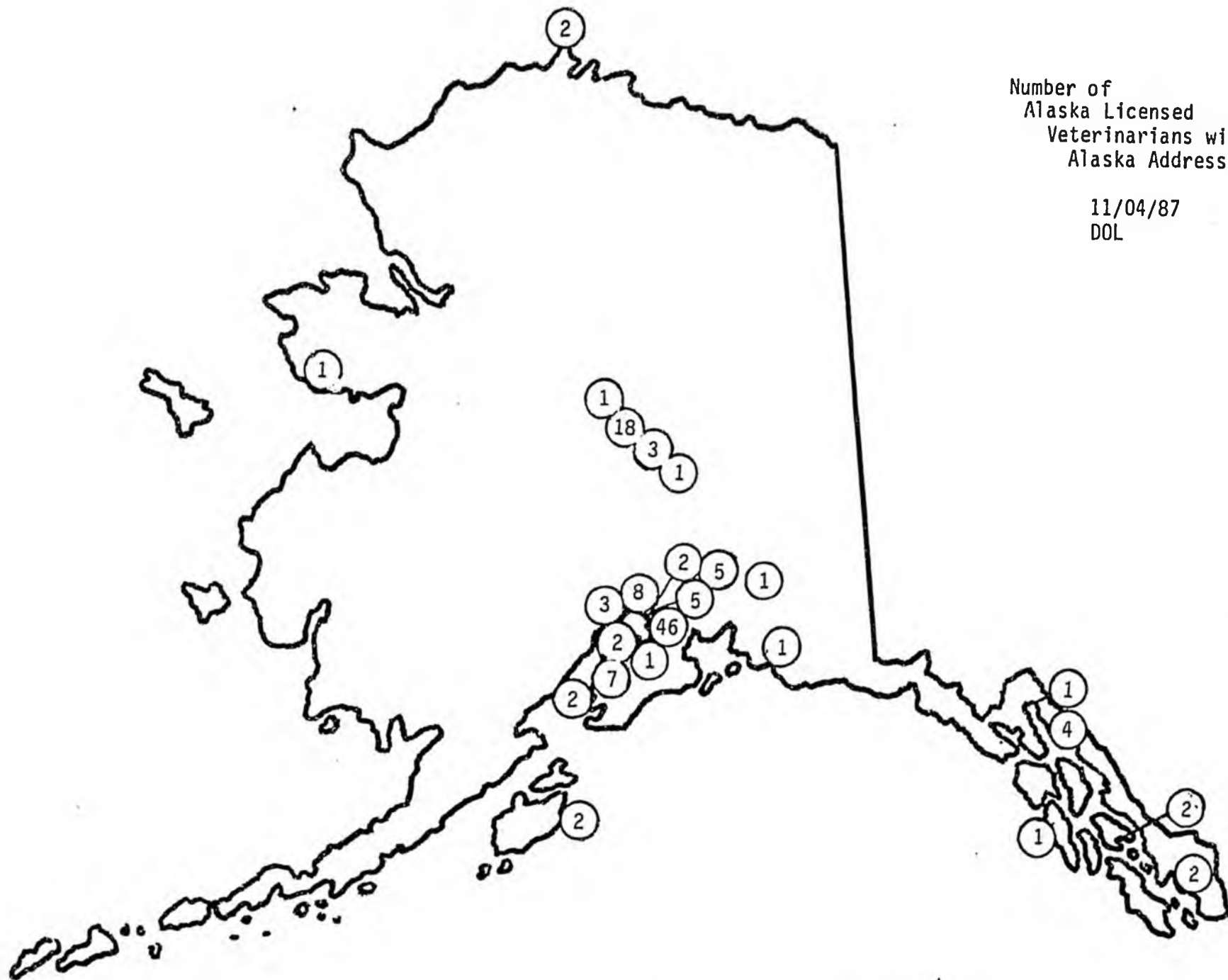


1989

2/13/89
 Number of AK Licensed
 Veterinarians with AK
 addresses

Number of
Alaska Licensed
Veterinarians with
Alaska Addresses

11/04/87
DOL



1987

Number of AK Licensed
Veterinarians with AK
addresses

Alaska Licensed Veterinarians with Alaska addresses as of 11/04/87 (DOL). In order by number of veterinarians in community. See accompanying map.

	<u>1987</u>	<u>2/13/89</u>
Anchorage	46	49
Fairbanks	18	21
Wasilla	8	10
Soldotna	7	9
Palmer	5	6
Eagle River	5	8
Juneau	4	6
Big Lake	3	1
North Pole	3	4
Kenai	2	2
Homer	2	2
Kodiak	2	2
Barrow	2	2
Petersburg	2	2
Ketchikan	2	1
Chugiak	2	5
Sitka	1	1
Cordova	1	1
Nome	1	1
Girdwood	1	Ø
Skagway	1	1
College	1	Ø
Delta Junction	1	1
Copper Center	1	1
1987 Total	<u>121</u>	
Fort Wainright		1
Healy		1
Elmendorf		1
Fort Greely		1
Kasilof		1
Bethel		1
1989 Total		<u>143</u>

Vet. Bd. (4)

Note

BD INTENTIONS:

11/3-4/08

- 1) DELETE "COMPENSATION"
- 2) RESTRICT TEMP
LICENSES
- 3) PURSUE "TELEPHONE"
PRACTICE

not yet approved

see notations

STATE OF ALASKA
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
BOARD OF VETERINARY EXAMINERS

Minutes of Meeting
November 3 and 4, 1988

By authority of AS 08.01.070(2) and in compliance with AS 44.62, Article 6, this scheduled meeting of the Board of Veterinary Examiners was held November 3 and 4, 1988 at 3601 C Street, Suite 336, Anchorage, Alaska.

There were present, constituting a quorum of the board:

- Stephen Mersch, DVM
- Bill Lewis, Public Member
- James Leach, DVM

Also present was Donna Kotyk, Licensing Supervisor, Department of Commerce and Economic Development.

Not present were: Derrick Leedy, DVM and Patrick Moriarty, DVM. Dr. Moriarty is expected for tomorrow's session. Randall Burns, Director of the Division of Occupational Licensing sent his regrets that he was unable to attend. He was called out of town on emergency business.

Agenda Item 1

Roll call. The meeting was called to order at 9:04 by Donna Kotyk. The first order of business was the introduction of new board members, Dr. Leach and Mr. Lewis. Upon a motion duly made, seconded and carried unanimously, it was

RESOLVED, for the purposes of this meeting, to elect a temporary chairperson until a permanent one can be elected tomorrow. ACTION

Upon a motion duly made, seconded, and carried unanimously, it was

RESOLVED to elect Dr. Mersch as temporary chairperson of this meeting. ACTION

BOARD OF VETERINARY EXAMINERS
NOVEMBER 3 AND 4, 1988
PAGE 2

Agenda Item 3 Review of Minutes

Upon a motion duly made, seconded and carried
unanimously, it was

ACTION

RESOLVED to accept the minutes of the
teleconference of August 9, 1988 and the
meeting of December 10-11, 1987 as presented.

The board wants the record to reflect that the following
actions were not accomplished since the last meeting and still
need to be addressed:

By the division -

- 1) The examiner is directed to obtain an existing
video tape concerning impaired veterinarians.
Contact AVMA for further information.
- 2) The examiner is directed to send exam
announcements to the AVMA journal immediately
after exam dates are set by the board so they may
be published.
- 3) The Regulations Specialist is directed to draft
regulations concerning
 - a) absences by board members
 - b) changing the filing deadline for exams from 30
to 45 days.

Agenda Item 4 Review of Annual Report (Attachment #1)

Upon a motion duly made, seconded and carried
unanimously, it was

ACTION }

RESOLVED to accept the annual report as
presented with corrections.

The division was instructed to complete the statistical section,
category "state exam", and supply the numbers of applicants
who both passed and failed.

Agenda Item 5 Public Comment

No members of the public were present to comment.

BOARD OF VETERINARY EXAMINERS
NOVEMBER 3 AND 4, 1988
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Agenda Item 6 Legislative Audit Report (Attachment #2)

Upon a motion duly made, seconded and carried unanimously, it was

ACTION

RESOLVED to accept the legislative audit report as presented. The board will begin to pursue and implement the registration and licensing of veterinary technicians. It was further suggested that the statutory term "veterinary technician" be changed to "animal health technician."

The division was directed to review the State of California definitions and procedures as well as that of other states and present administrative procedures for licensing "animal health technicians" at the next meeting. Agenda items #14 and 16 were covered under this item.

Agenda Item 7 Legislative Report (Attachment #3)

The board would like to introduce the wording which existed in HB 287 which addresses 1) housekeeping word changes; 2) "locum tenens" 3) delete "compensation." The board suggested that this be tied in with sunset legislation.

SB 287

At 9:55 the board adjourned for a break.

Reconvened at 10:22.

Agenda Item 8 Review Department Performance

The board, in working with the division, has been encountering a lack of follow through and continuity. The board was reassured that the licensing examiner recently assigned to them would not be changed. The board was further advised of procedures for resignation and exam review. The board directed the supervisor to add to the procedures manual that the AVMA be notified immediately with exam dates once they are set.

Up on a motion duly made, seconded and approved unanimously it was

ACTION

RESOLVED that when an applicant fails the exam, the applicant not only be notified of their failing score, but the applicant also be notified that it is a violation of Alaska Statutes to practice without any type of license or permit.

In addition, the "personal data sheet" section of the application for examination is to be sent to the examining proctor as part of the identification procedures when signing in for the examination.

Agenda Item 9 Per diem, volunteer work.

Procedures for per diem authorization were reviewed.

On a motion duly made by Dr. Leach, seconded and carried unanimously it was

ACTION

RESOLVED that the board is requesting additional secretarial help to review statutes from other states as they address "compensation" and "animal health technicians" if the division is not able to commit existing staff to this.

"Compensation"

Agenda Item 10 Out of State Travel.

The board was advised that if out of state travel is requested, it be put in the form of a motion. Next, the out of state trip report and agenda must be submitted by the board member, examiner will prepare a TA. When all paperwork is complete, it will be submitted to the director. Once it is approved on a division level, it goes to the commissioner for final approval. Out of state travel must have prior approval.

Agenda Item 11 Temporary license, temporary permit

Nothing prohibits a person from getting a temporary permit if they are licensed in another state even if they fail the Alaska state exam, or are not eligible for licensure in Alaska because their national converted scores are too low. There is no limit to the number of temporary permits one may receive.

On a motion duly made by, seconded and carried unanimously it was

ACTION

RESOLVED to change the statutory wording of temporary permit and temporary license.

The board suggested that the wording in SB 287 be followed as a guideline.

12:06 the board broke for lunch

1:15 reconvened.

Agenda Item 13 Temporary event licensing.

In addition to a "locum tenens" permit, the board would like to add "event licensing" to statute. This would differ from "locum tenens" since it would be specific only to the event in question, which would limit the scope of practice, responsibility, and length of time for the permit. The events are of shorter duration than the amount of time proposed for "locum tenens." Foreign vets, many of whom would like to participate in events like the international Iditarod, would be prevented from "locum tenens" if they do not have a license somewhere in the United States. In addition, "special event" licensing could also cover consultants or those who give a continued education class.

event licenses

On a motion duly made, seconded, and carried unanimously it was

ACTION

RESOLVED that the board address special event licensing in statute.

The division is to advise the board on the best way to accomplish this. Follow the guidelines presented during the meeting of 2/87, "Special event licensing proposal." Add language that it must be "under the supervision of an Alaska licensed veterinarian."

event lic

Agenda Item 15 Federal Regulations RE: Health Certificates.

A veterinarian who does not have a permanent license in the state is prohibited from issuing federal health certificates which are needed for interstate travel. (Attachment #4)

The division will add this information to the cover sheet of the application.

Agenda Item 17. Telephone Practice.

Dr. Leedy was not present. Telephone practice was addressed as a proposed regulation in 12/87 but unfavorable response was received. Dr. Mersch asked the board to review the 10/1/88 "AVMA Guidelines for Supervising and Distribution of Veterinary Prescription Drugs," and the vet/client relationship. This is to be included as an agenda item at the next meeting.

*Leedy
intro-
duce
12/87
Board
continue
"Telephone
practice"*

On a motion duly made, seconded and carried unanimously, it was

ACTION

RESOLVED that if a board member accepts responsibility for research or presenting a report, this information should be presented to the department in time to be included in the board packet.

The division was requested to review a letter Dr. Leach wrote to Kevin Henderson in July 1988.

Agenda Item 18. Which States Address "Compensation."

On a motion duly made, seconded and carried unanimously, it was

ACTION

RESOLVED that at the same time the division is researching "Animal Health Technicians" in other states, "compensation" and how it is handled in other states be researched as well.

"Compensation"

The board took a break at 2:23.

The board reconvened at 2:30.

Agenda Item 19. AVMA Information.

The board reviewed information sent by the AVMA concerning

- 1) practice act
- 2) model practice act

BOARD OF VETERINARY EXAMINERS
NOVEMBER 3 AND 4, 1988
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- 3) ethics
- 4) exam information

Agenda Item 20. Correspondence. (Attachment #5)

The board directed the division to send items of correspondence which are not routinely sent to all members to be sent to the board chair. The chair will then decide if it is of sufficient importance to be routed to all members.

On a motion duly made, seconded and carried unanimously it was

ACTION

RESOLVED that the division keep the information on impaired vets on file for possible future use.

The examiner is to write to other states to see how the problem with "impaired veterinarians" is handled.

Agenda Item 21. Continued Education. (Attachment #6)

On a motion duly made, seconded and carried unanimously it was

ACTION

RESOLVED that continuing education credits by correspondence will be accepted for 20% of needed credits if these credits are received through approved organizations.

BE IT FURTHER RESOLVED that Veterinary Learning Systems be one of the approved programs for correspondence courses.

Upon a motion duly made, seconded and carried unanimously it was

ACTION

RESOLVED that the division will provide information to the board at the next meeting on the procedures which other boards follow, such as the nursing board, for auditing continuing education credits.

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Agenda Item 31. Wall Certificates.

The licensing supervisor was asked to advise Dr. Reinart that his wall certificate will be sent upon submission of \$20 fee.

Adjourn 4:18.

Friday November 4, 1988

Meeting called to order at 8:31

Roll call. Present and constituting a quorum of the board were:

Dr. Leach, Dr. Moriarty, Mr. Lewis, and Dr. Mersch.

Also present from the Division of Occupational Licensing were Donna Kotyk, Licensing Supervisor and Gary Dodson, Chief Investigator.

Agenda Item 24 On a motion duly made and in accordance with AS 44.62.310(c)(3) it was

ACTION

RESOLVED that the board go into executive session.

Time: 8:35.

Adjourned from executive session at 10:03.

On a motion duly made, seconded and carried unanimously it was

ACTION

RESOLVED to close cases:

VE 87-776

VE 88-778

VE 88-779

VE 88-780

And keep case VE 88-777 open.

Upon a motion duly made, seconded and carried unanimously, it was

ACTION

RESOLVED that the board go into executive session for investigative report.

Time: 1:46

Adjourned from executive session at 2:10

VE 88-1901 closed

Agenda Item 26. Review of Applications.

Dr. Hollick:

On a motion duly made, seconded and carried unanimously, it was

ACTION

RESOLVED that the division write to Dr. Hollick and advise her: 1) that she is being offered an opportunity for exam review, 2) if she is practicing, she is in violation of statute, 3) she is to be informed of the filing deadline for the next examination and the supervising veterinarian should get a carbon copy of the letter.

Dr. Vanek:

Upon a motion duly made, seconded and carried unanimously, it was

ACTION

RESOLVED that the division write to Dr. Vanek and advise her that her temporary permit has not been approved; if she is practicing, she is in violation of statute, and that the filing deadline for the next examination is December 14, 1988.

At the December 1987 meeting, the examiner was given the authority to approve applicants for examination.

Upon a motion duly made, seconded and carried unanimously, it was

ACTION

RESOLVED that in order for temporary permits and temporary licenses to be approved, they must be reviewed by a designated board member prior to issuance.

} Bd
control
of
temp
lic

BOARD OF VETERINARY EXAMINERS
NOVEMBER 3 AND 4, 1988
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The examiner may not approve temporary permits or temporary licenses unless directed to do so by the designated board member. If the board member who is reviewing the application has questions, he will direct the examiner to poll the whole board. In addition, it was mentioned that when the examiner is reviewing applicants for examination, if there is any question at all about an applicant, the designated board member is to be contacted. Dr. Leach asked the supervisor to review applications for this past year for one in which all the personal references appeared to be in the same handwriting. Dr. Leach is the board member delegated to review applications for temporary permit or temporary license.

*Leach
to
review
temp.
permits
&
lic.*

The personal data sheet section of the application for a person who is taking the exam must be sent to the exam proctor for identification purposes.

10:37 break

10:48 back on record.

Agenda Item 25
and 29

Examination.

Upon a motion duly made, seconded and carried unanimously, the board

ACTION

RESOLVED to go into executive session in accordance with AS 44.62.310(c)(3) for the purposes of preparing the examination at 11:35.

Out of executive session at 11:56 for lunch.

1:10 meeting reconvened.

The division is directed to put all existing exam questions onto the computer to create a master exam. The board will review every question and put them into a true-false, multiple choice format. Board will also provide source backup material.

Once this format is utilized, the division will be able to correct the exams except for the slide section. The December exam will be graded within 30 days by the division. It will then be sent to the board for review and for correction of the slide portion of the exam.

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A lay proctor may be used for administering the NBE since it is usually administered on a different day than the state exam. If the board can label and prepare the slides in a way that a lay proctor could present them at the state exam, a lay proctor may be used. For both the December '88 and June '89 exams, however, as a lot of work is being done on the exams, a board member will continue to administer.

The exam topics:

- 1) small animal
- 2) large animal
- 3) regulatory/public health
- 4) Alaskana
- 5) slides

The first three sections of the exam will be composed of 100 questions each worth one point apiece. The slides and Alaskana portion questions will be worth two points. There will be 30 questions on Alaskana and 20 questions on slides.

The small animal and large animal sections will be divided into:

- 1) diagnosis
- 2) treatment
- 3) general knowledge
- 4) therapeutic pharmacology

Of the 100 questions, 70% will be on small animal, 20% on large animal and 10% on regulatory/public health.

Division procedures for exam

- 1) proctor needs to see proof of ID as evidenced by personal data sheet form of application which examiner must send.
- 2) Slide projector must be available
- 3) Lights in the room must dim.
- 4) Time limit for exam:
written - 1 hour
slides and Alaskana - 1 hour

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NOVEMBER 3 AND 4, 1988
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- 5) The exam will be composed of two booklets; first section will have first three topics worth 100 points; second booklet will have slides and Alaskana portions.
- 6) Every applicant must be sent a statute book and veterinary handbook.

Dr. Mersch will prepare the December '88 exam. It will be true/false, multiple choice.

Dr. Leach will proctor the December '88 state exam. Dr. Moriarty and Mr. Lewis will review the December '88 exam after the division grades it.

Upon a motion duly made, seconded, and carried unanimously it was

ACTION

RESOLVED that the board go into executive session in accordance with AS 44.62.310(c)(3) for exam preparation.

Time: 2:42

Adjourned from executive session at 3:10

Additional items added to agenda.

1. Fees.

Upon a motion duly made, seconded and carried unanimously, it was

ACTION

RESOLVED that the division do a review of exam fees for all licensing areas and present this information to the board for the next meeting.

2. Travel.

Upon a motion duly made, seconded and carried unanimously, it was

ACTION

RESOLVED that funding be made available to send a board member to Western States Conference in February.

BOARD OF VETERINARY EXAMINERS
NOVEMBER 3 AND 4, 1988
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Discussion: No one is able to attend.

Upon a motion duly, seconded and carried unanimously,
it was

ACTION

RESOLVED that since no one can attend the
February meeting, the board feels it's extremely
important to send a representative to the July
AVMA meeting. The representative is to
determined at a later date.

The American Association of Veterinarians
State Boards meeting is held in conjunction
with the AVMA meeting.

4. Resignation.

Dr. Mersch has submitted his resignation to be effective
November 15, 1988.

*Mersch
resigns*

Upon a motion duly made, seconded and carried
unanimously, it was

RESOLVED to elect Dr. Leach as new
chairman to the board.

ACTION } *Leach
Chair*

5. Legislation.

Upon a motion duly made, seconded and carried
unanimously, it was

RESOLVED to elect Mr. Lewis to be
legislative liaison for the board.

ACTION } *Lewis is
leg
liaison*

Agenda Item 30.

Upon a motion duly made by, seconded and carried
unanimously, it was

ACTION

RESOLVED to schedule the next board meeting
for February 2-3, 1989 in Juneau, AK.

Upon a motion duly made, seconded and carried
unanimously, it was

BOARD OF VETERINARY EXAMINERS
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ACTION

RESOLVED that the Spring examination scheduled for June 8, 1989 in Anchorage be followed by a one day board meeting on June 9, 1989 which will be held in conjunction with the state meeting.

The licensing examiner is to notify the AVMA journal of the exam date within a week after the date has been set.

Upon a motion duly made, seconded, and carried unanimously, it was

ACTION

RESOLVED to adjourn the meeting at 3:40 p.m.

Respectively submitted,

James Leach, DVM

Donna Kotyk, Licensing Supervisor

Vet. Bd. (5)

A PERFORMANCE REPORT
ON THE BOARD OF
VETERINARY EXAMINERS

July 1, 1984 - June 30, 1988

Audit Control Number

08-1343-89-R

note
**AUDIT MISSES TRUE
IMPACT OF SB287.**
**WHERE DO THEY
GET THEIR INFO
(from Board?)**
SEE PGS 9+10

Acting Commissioner, Department of
Commerce and Economic
Development

Lari

Deputy Commissioner, Department
of Commerce and Economic
Development

Vaca

Members of the
Board of Veterinary Examiners

Member
Member
Member
Member
Member

James B. Leach III, D.V.M.
Derrick J. Leedy, D.V.M.
Stephen A. Mersch, D.V.M.
Patrick J. Moriarty, D.V.M.
Bill Lewis

STATE OF ALASKA

THE LEGISLATURE BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
P.O. BOX W
JUNEAU, ALASKA 99811-3300

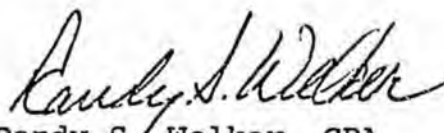
October 17, 1988

Members of the Legislative Budget
and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "sunset" review of the Board of Veterinary Examiners.

At the request of the Chairman, during Fiscal Year 1988 budget deliberations, the Audit Division's budget was revised to reflect certain changes in the organization of the Committee's two Divisions. The revised budget of the Audit Division reflected efficiencies that might be obtained by utilizing the staff of the Legislative Finance Division on selected audit assignments during the interim.

As a result, the audit of the Board of Veterinary Examiners was conducted and this report has been prepared by the Legislative Finance Division. We feel this report discharges our responsibility under Titles 24 and 44. The report is submitted for your review.



Randy S. Welker, CPA
Legislative Auditor
Division of Legislative Audit

STATE

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
P.O. BOX WF
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

October 10, 1988

Members of the
Legislative Budget and Audit Committee:

In accordance with the provisions of Title 24 and 44 of the Alaska Statutes (sunset legislation), the attached report is submitted for your review.

A PERFORMANCE REPORT
ON THE BOARD OF
VETERINARY EXAMINERS

July 1, 1984 to June 30, 1988

Audit Control Number

08-1343-89-R



Mike Greany, Director
Legislative Finance Division

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PURPOSE AND SCOPE OF THE REPORT

PURPOSE

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have examined the activities of the Board of Veterinary Examiners for the past four fiscal years to determine if the Board has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Board of Veterinary Examiners should be reestablished. The law now specifies that the Board will terminate June 30, 1989, and has one year from that date to conclude its affairs.

SCOPE

The major areas of our examination were the licensing, examination, administration, complaint, and affirmative action functions of the Board. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Tests of files and documents of licensee.
3. Interviews with the license examiner.
4. Complaints filed with the Division of Occupational Licensing, Human Rights Commission, Equal Employment Opportunity Offices, Attorney General's Office, and the Ombudsman's Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General's opinions applicable to the professional board.

(Intentionally left blank)

ORGANIZATION AND FUNCTION

The Board of Veterinary Examiners is a regulatory board consisting of four licensed veterinarians and one public member. The authority of the Board is outlined within Alaska Statutes 08.98.010-.250.

The Board determines the minimum quality of veterinary care in the State by:

1. Examining and issuing licenses to qualified applicants;
2. Establishing or amending rules and regulations necessary to enforce State statutes; and
3. Holding hearings to revoke or suspend the license of a person violating the veterinary statutes and regulations.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing. The division provides the Board with licensing and investigative support. The licensing section processes applications, maintains license files, answers inquiries, and provides other administrative help.

(Intentionally left blank)

REPORT CONCLUSION

POLICY ISSUES

This review contains policy and/or procedural issues raised as a result of our evaluation of various Board practices. The final decisions affecting the practices are not within the scope of this report, but require legislative consideration. In debating these issues, the oversight committees should take into consideration the findings and recommendations presented in this report so that the potential impact on changes can be evaluated.

REPORT CONCLUSION

In our opinion, the Board of Veterinary Examiners should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety, and welfare. The Board provides this service by establishing minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Assurance that licensed professionals act in a competent manner is provided by active investigation of complaints and revocation of suspension of licenses where appropriate.

The Findings and Recommendations Section (see page 7), describe areas where weaknesses or conflicts exist. Therefore, we have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board.

(Intentionally left blank)

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Board of Veterinary Examiners should consider registering veterinary technicians.

The Alaska statutes (AS 08.98.050) contain general provisions for veterinary technicians that allow the Board to: define the scope of practice, establish minimum education and training requirements; and establish examination and registration requirements. With statutory authority the Board has promulgated professional regulations (12 AAC 68) that specifically identify professional limits and minimum requirements imposed upon veterinary technicians. Nevertheless, registration requirements have not been imposed upon practicing veterinary technicians.

The professional practice and function of a veterinary technician is analogous to the relationship between a medical doctor and licensed nurse. A qualified veterinary technician would be familiar with medical practices, such as, the technical application and use of an x-ray machine and the injection of drugs into animals. However, the Board has not determined if those who are acting in the capacity of a veterinary technician have fulfilled education and training requirements. A means to determine if practitioners are qualified to practice would be to require certification or registration of qualified applicants.

The American Veterinary Medical Association (AVMA) has conducted a survey of other states to determine the extent of registration or licensing of veterinary technicians. According to information provided by AVMA; 39 states have laws or regulations governing the registration of veterinary technicians and 32 states administer the Veterinary Technician National Examination and/or a state examination prior to registration or certification.

Registering veterinary technicians would provide reasonable assurance that only qualified individuals are practicing this profession and thereby, fulfill the Board's primary purpose of protecting the public's welfare and the health of animals.

(Intentionally left blank)

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative factors as they relate to the public need defined in the "sunset" law. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

I. The extent to which the board, commission, or program has operated in the public interest.

A. The Board has served the public by examining and licensing qualified applicants, and proposing changes in regulations that are necessary to enforce State statutes and improve the quality of veterinary care. To conduct these functions the Board has held an average of two board meetings and two examination sessions a year for the past two calendar years:

B. Specifically, the Board has enhanced the practice of veterinary care by promulgating regulations concerning:

1. the retention, confidentiality, release of information and disposition of patient medical records,
2. fees, gender references and other miscellaneous "house keeping" changes.

II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

The Board should consider registering veterinary technicians. (See Recommendation No. 1.)

III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

The Board has proposed statutory changes of the Veterinary statutes (AS 08.98) to clarify areas of confusion. Specifically, the Board has proposed the statutes to be amended to:

1. remove any mention of an examination given by the American Veterinary Association. The association no longer administers an examination.

SB 287 goes much further than this

2. remedy the confusion often associated with the terms of temporary license and temporary permits by exchanging the term "temporary permits" for locum tenens permits.

SB 287 -
see "for compensation"

3. expand the definition of the practice of veterinary medicine to include the providing of emergency services for compensation and to exempt lay vaccinators and federal employed veterinarians from the statutes.

IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

! → The Board has advertised proposed regulation changes in major newspapers located in Anchorage, Fairbanks and Juneau. The Board has not actively solicited comments on its operations and services it has provided.

V. The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

The Board has encouraged public participation through newspaper announcements concerning proposed changes and additions to regulations.

VI. The efficiency with which public inquires or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.

In the last four fiscal years there have been no complaints filed against the Board with the Ombudsman Office or the Attorney General's Office.

VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

In the last three fiscal years the Board has issued:

1. 31 licenses,
2. 8 temporary licenses and
3. 12 temporary permits.

VIII. The extent to which State personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area or activity or interest.

The Human Rights Commission and the Equal Employment Opportunity Office have received no complaints related to the Board's activities.

IX. The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to the previous section, Findings and Recommendations.

(Intentionally left blank)

APPENDIX

(Intentionally left blank)

APPENDIX A

BOARD OF VETERINARY EXAMINERS
SCHEDULE OF REVENUES COMPARED WITH EXPENDITURES
For Fiscal Year 1988
(Unaudited)
(Note 1)

Average Revenue (Note 2)		\$ 9,070
Expenditures (Note 3)		
Personal Services	\$24,291	
Travel	2,674	
Contractual Services	2,820	
Supplies	494	
Equipment	<u>266</u>	
		<u>30,545</u>
Excess of Expenditures Over Revenues (Note 5)		<u><\$21,475></u>

Schedule 1
Types of Revenues
(Note 4)

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
License Application Fee	\$ 30	With application
National Examination Fee	\$ 90	With application
Clinical Competency Test Fee	\$ 40	With application
State Examination Fee	\$ 50	With application
License Fee	\$100	At initial biennial license period
License Renewal Fee	\$100	Every two years
Temporary License Fee	\$ 20	With application
Temporary Permit Fee	\$ 50	With application

Note 1

The Schedule of Revenues Compared with Expenditures was prepared from available records and discussions with the Division of Occupational Licensing (DOL) personnel. The records were not audited by us and, accordingly, we do not express an opinion on the Board's Schedule of Revenues Compared with Expenditures.

Note 2

Revenues are primarily composed of license renewal fees. Due to a change in law, licenses will be renewed on a biennial basis starting December 1988. Because of the two year renewal cycle, revenues will increase substantially every second year. To obtain an average of annual revenues collected, we combined actual receipts collected in FY88 with the division's estimate of revenues to be collected in FY89. The FY89 estimated revenues are based upon the change in licensing fees as of October 1988.

Note 3

Expenditures consist of direct costs resulting from board member activities, (i.e. travel and per diem) and an allocation of direct and indirect costs of DOL. Expenditures do not include expenses incurred by other Departments or other divisions of the Department of Commerce and Economic Development in assisting the Board.

Note 4

The schedule reflects the changes in licensing fees as of October 1988. Fees were raised in response to legislative intent to make the Boards more self supporting.

Note 5

The amount of revenue generated by a board's activity depends upon the number of licensee's that are regulated by the board. A small number of licensed professionals, generally lead to an excess of expenditures over revenues. Conversely, a large number of licensees generally results in an excess of revenues over expenditures.

The comparison of revenues and expenditures for all licensing boards indicates, that collectively, the licensing boards are substantially self supporting. The following schedule represents revenues and expenditures for all boards combined:

Average Revenue	\$2,130,834
Expenditures	<u>2,242,216</u>
Excess Expenditures	< <u>\$ 111,382</u> >

STATE OF ALASKA

STEVE COWPER, GOVERNOR

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

P.O. BOX D-LIC
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2534

DIVISION OF OCCUPATIONAL LICENSING

December 20, 1988

DEC 20 1988

Mr. Randy S. Welker
Legislative Auditor
Division of Legislative Audit
P.O. Box W
Juneau, AK 99811-3300

Dear Mr. Welker:

This is written in response to the Audit Division's (hereinafter "Audit") preliminary audit report of its sunset performance review of the Board of Veterinary Examiners (hereinafter "Board"). Below is the Department of Commerce and Economic Development's (hereinafter "Department") comments on Audit's preliminary findings and recommendations.

Response to Recommendation No. 1

Audit recommends that the Board consider adopting regulations [under its authority in AS 08.98.050(b)(1)] to provide for the examination and registration of veterinary technicians.

This is to advise that the Department has no objection to such a recommendation and, indeed, would support such a recommendation to the Board. While we are cognizant that this matter is of some controversy within this state's veterinary community, we concur with Audit's finding that the current "vet tech" licensing standards are perhaps not fully conducive to protection of the public welfare or the health of its animals.

Regulation 12 AAC 68.310(a)(2) provides that a veterinary technician can qualify to practice veterinary technology under the supervision of a licensed veterinarian if the technician documents "an established relationship" with an active, Alaska-licensed veterinarian; 12 AAC 68.310(b) gives the Board the discretion to require documentation of a technician's qualifications. However, if one of only two criteria (the second is graduation from a college-level AVMA vet tech program) for authority to practice as a vet tech is simply having an established relationship with a licensed veterinarian -- without any actual schooling or even minimal experience requirements -- we believe the public might well be

Mr. Randy S. Welker

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December 20, 1988

more comfortable with the establishment in administrative regulation of some higher standard of technician practice.

It is our understanding the Board does not oppose such a recommendation and will undertake the process of developing a set of regulations for public review and comment in 1989.

If we can be of further assistance, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Larry Mercurieff for".

Larry Mercurieff
Commissioner

LM/RPB/pal/0.061
122088b

Vet. Bd. (6)

note

Regs
"Telephone" (1987)
Practice

NOT ADOPTED

DUE TO NEGATIVE
RESPONSES.

BD CONTINUES TO
PURSUE.

MAR. 16, 1987

0

REGULATIONS
NOTICE OF PROPOSED CHANGES TO THE REGULATIONS OF THE
BOARD OF VETERINARY EXAMINERS

Notice is hereby given that the Board of Veterinary Examiners, Department of Commerce and Economic Development, under authority vested by AS 08.98.050, proposes to amend, repeal, and adopt regulations in Title 12 of the Alaska Administrative Code which address fees, correct gender references, correct the name of the department, address veterinary consultation without a personal examination, and other housekeeping changes which serve to implement and clarify AS 08.98.050 as follows:

1. 12 AAC 68.010(a) is rewritten to refer to new fee regulations;
2. 12 AAC 68.020 is rewritten to remove reference to exam space;
3. 12 AAC 68.030(a) and (b) are amended to make housekeeping changes and to delete a 60-day notice deadline;
4. 12 AAC 68.070, .090, .100, .150 and .160 are amended or rewritten to correct gender references;
5. 12 AAC 68.205 is added to establish standards of practice for consultation without a personal examination, including consultation by telephone; and
6. 12 AAC 68.990 is added to establish a definition section, including definitions of "department," "client," and "patient."

←
telephone
practice

Notice is also given that any person interested may present written statements or arguments relevant to the proposed action by mailing them to Kevin Henderson, Regulations Specialist, Division of Occupational Licensing, P.O. Box D-LIC, Juneau, Alaska 99811, so that they are received no later than Friday, April 24, 1987.

Copies of the proposed regulations may be obtained by writing to the above address or by telephoning (907) 465-2535.

This action is not expected to require an increased appropriation.

The Department of Commerce and Economic Development, upon its own motion or at the request of any interested person, may, after the deadline stated above, adopt proposals within the scope of this notice without further notice or may decide to take no action on them.

Kathy Marshall
Kathy Marshall, Director
Division of Occupational Licensing

DATE: 3/3/87

March 87 not adopted
due to negative response received

veterinary medicine. (Eff. 4/22/83, Reg. 06; am / / , received
Reg.)

Authority: AS 08.9B.0501(a)(4)
and (b)(2)

12 AAC 6B is amended by adding a new section to read:

X →

"telephone practice"

12.AAC 6B.205. CONSULTATION WITHOUT A PERSONAL EXAMINATION. (a) In those cases where a veterinarian provides consultation or prescribes treatment without a personal examination of the animal, including services provided by telephone or any other communication device the veterinarian shall maintain a written record which includes

(1) the client's name, mailing address and telephone number;

(2) the animal's complete history and physical symptoms;

(3) the tentative diagnosis; and

(4) the prescribed treatment.

(b) The veterinarian shall advise the client to arrange for a personal follow-up examination. Only conditions that have a reasonable probability of accurate diagnosis, improvement or cure should be prescribed for without a personal examination by a veterinarian.

mail order or mailed drugs

(c) A veterinarian shall not prescribe or dispense a treatment or medication that, when administered by the client, could place the client in jeopardy of being harmed. A controlled substance or general anesthetic agent must not be sent to the client.

(d) A veterinarian shall advise the client to monitor the animal's progress, and if the animal does not make the anticipated progress to consult with the prescribing veterinarian or an alternative veterinarian.

(e) A veterinarian is entitled to collect a fee for services provided and should advise the client of the anticipated fee, if any, during the initial consultation. (Eff. / / , Reg.)

Authority: AS 08.98.050

12 AAC 68 is amended by adding a new section to read:

12 AAC 68.990. DEFINITIONS. In this chapter

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

(2) "client" means the person who owns or is responsible for the care of an animal.

(3) "patient" means the animal or animals under the care of a veterinarian. (Eff. / / , Reg.)

Authority: AS 08.98.050

vet can charge for "consultation" without telling client they will be charged