

**CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 251(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 4/3/12

Referred: Finance

Sponsor(s): REPRESENTATIVES DICK AND JOULE

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the Board of Veterinary Examiners; relating to the practice of**  
2 **veterinary medicine; and creating a task force to report on the availability of and need**  
3 **for veterinary services in rural Alaska."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 08.98 is amended by adding a new section to read:

6 **Sec. 08.98.122. Persons practicing without compensation.** (a)  
7 Notwithstanding AS 08.98.250(5)(C), a person who is not licensed under  
8 AS 08.98.120 may practice veterinary medicine in this state and use a description,  
9 title, abbreviation, or letters in a manner or under circumstances that induce the belief  
10 that the person is qualified or licensed to practice veterinary medicine if

11 (1) the person is licensed to practice veterinary medicine in another  
12 state, practicing within the scope of that license, and the license is in good standing;  
13 and

14 (2) the person's practice in this state is uncompensated practice.

1 (b) The department shall verify that the license of a person seeking to practice  
 2 under (a) of this section is in good standing by requiring the person seeking to practice  
 3 under (a) of this section to provide, on a form prescribed by the department, the  
 4 person's name, physical address, contact telephone numbers, and electronic mail  
 5 address, and a list of all states in which the person holds a license to practice  
 6 veterinary medicine. The person shall provide with the form a copy of the person's  
 7 license to practice veterinary medicine. The department shall make the form  
 8 prescribed under this subsection available electronically.

9 (c) In this section, "uncompensated practice" means practice for which no  
 10 wages or other remuneration is given as payment for services. In this subsection,  
 11 "remuneration" does not include reimbursement for actual expenses incurred or other  
 12 nonmonetary consideration.

13 \* **Sec. 2.** AS 08.98.235 is amended to read:

14 **Sec. 08.98.235. Grounds for imposition of disciplinary sanctions.** After a  
 15 hearing, the board may impose a disciplinary sanction on a person licensed under this  
 16 chapter when the board finds that the person

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

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

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

22 (4) has been convicted of a felony or other crime **that** [WHICH]  
 23 affects the person's ability to continue to practice competently and safely;

24 (5) intentionally or negligently engaged in **animal care** or permitted  
 25 the performance of animal care by the person's supervisees **that** [WHICH] does not  
 26 conform to minimum professional standards regardless of whether actual injury to the  
 27 animal occurred;

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

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

31 (A) professional incompetence; **the board may not base a**

1           **finding of professional incompetence solely on the unconventional nature**  
 2           **of the licensee's practice in the absence of demonstrable physical harm to**  
 3           **an animal patient;**

4                           (B) addiction or severe dependency on alcohol or other drugs  
 5           **that** [WHICH] impairs the person's ability to practice safely;

6                           (C) physical or mental disability;

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

9           \* **Sec. 3.** AS 08.98 is amended by adding a new section to article 3 to read:

10                   **Sec. 08.98.245. Complaints, investigations, and hearings.** (a) A complaint  
 11           against a person licensed under this chapter

12                           (1) may be filed only

13   (A) by a person who owns or is responsible for the care of the  
 14           animal whose treatment is the subject of the complaint;

15   (B) against a licensee who treated the animal;

16                           (2) must include documentation of the details described in (1) of this  
 17           subsection;

18                           (3) must be made under oath;

19                           (4) must be filed within two years after the date of the occurrence of  
 20           the act or omission that is the basis of the complaint.

21                           (b) The department shall send notice to the licensee describing the complaint  
 22           or allegation.

23                           (c) During the investigation of a complaint submitted in compliance with (a)  
 24           of this section, the department shall

25   (1) interview, under oath, the complainant, the licensee, and, if  
 26           applicable, the licensee's technician or assistant, and determine, among other issues,  
 27           whether the complainant followed aftercare procedures, if any, recommended by the  
 28           licensee;

29   (2) include in its investigative report all relevant information, including  
 30           exculpatory evidence, obtained under (1) of this subsection.

31                           (d) A board member whose principal place of veterinary practice lies within

1 five miles of a licensee's principal place of veterinary practice may not participate in a  
2 disciplinary hearing relating to that licensee.

3 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

5 **TASK FORCE ON THE AVAILABILITY OF AND NEED FOR VETERINARY**  
6 **SERVICES IN RURAL ALASKA.** (a) The Task Force on the Availability of and Need for  
7 Veterinary Services in Rural Alaska is created in the legislative branch of state government.

8 (b) The task force consists of 11 members, as follows:

9 (1) two members of the house of representatives from rural districts, appointed  
10 by the speaker of the house of representatives;

11 (2) two members of the senate from rural districts, appointed by the president  
12 of the senate;

13 (3) the state epidemiologist or the state epidemiologist's designee;

14 (4) the state public health veterinarian or the state public health veterinarian's  
15 designee;

16 (5) the state veterinarian, or the state veterinarian's designee; and

17 (6) four members appointed by the governor as follows:

18 (A) one public member;

19 (B) one representative of the Alaska Federation of Natives;

20 (C) two licensed veterinarians, one from a rural area and one from an  
21 urban area; at least one of the licensed veterinarians may not serve on the Board of  
22 Veterinary Examiners.

23 (c) The members appointed under (b)(6) of this section are entitled to transportation  
24 and per diem expenses authorized for members of boards and commissions under  
25 AS 39.20.180.

26 (d) The members of the task force shall select a chair from among the members.

27 (e) Not later than December 31, 2012, the task force shall

28 (1) examine the need for and status of veterinary services in rural Alaska,  
29 including the availability of rabies vaccinations and other public health concerns the task  
30 force considers necessary to review;

31 (2) make recommendations to the governor and the legislature on how to

1 improve veterinary services in rural Alaska.