



## Notice of Proposed Changes to Regulations of the Board of Veterinary Examiners

### Proposed Regulations - FAQ

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*April 2021*

#### 1. What are the changes to the regulations being proposed?

The Board of Veterinary Examiners (Board) is proposing to amend certain regulations, and add other regulations. The changes are listed below for each section.

**12 AAC 68.010, Application for a license by examination.** This section is being proposed to decrease the number of days a complete application must be on file with the department prior to the examination deadline. Currently a file must be complete at least 120 days before the examination deadline, and if adopted, the number of days will be reduced to 15. Changes also include adding the name of the testing organization.

**12 AAC 68.215, Veterinarian-Client-Patient relationship.** This is a new section that will define a client-patient relationship and require the relationship to be initiated before caring for or treating an animal.

**12 AAC 68.315(b), Veterinary technician examination.** This section is being proposed to decrease the number of days a complete application must be on file with the department prior to the examination deadline. Currently a file must be complete at least 120 days before the examination deadline, and if adopted, the number of days will be reduced to 15. Changes also include adding the name of the testing organization.

**12 AAC 68.910, Medical records.** This section is being amended to add disposal of electronic medical records.

**12 AAC 68.930, Registration with the prescription drug monitoring program controlled substance prescription database.** This section is proposed to amend the registration requirements for the PDMP for a veterinarian and the veterinarian's delegate. The change includes the requirement of the veterinarian to register not later than 30 days after receiving a permit or license, or from the date the veterinarian receives a new valid DEA registration.

**12 AAC 68.935, Compliance with the prescription drug monitoring program controlled substance prescription database.** This section outlines the requirements for complying with the PDMP. The requirements include:

- The veterinarian or delegate must review the client's information in the PDMP prior to writing a prescription, dispensing, or administering a schedule II or III controlled substance to the client.
- The veterinarian must report to the PDMP on a daily basis if they are dispensing a controlled substance from their veterinary practice. On days when no dispensing of a controlled substance occurs, the veterinarian is still required to submit a report to the PDMP.

Subsection (c) gives the reasons a veterinarian is *not* required to review the client's information in the PDMP including:

- If the patient is receiving treatment in an inpatient setting; at the scene of an emergency; in an emergency veterinary hospital; and immediately before, during, or within the first 48 hours after surgery or a medical procedure.
- The prescription is non-refillable and is written for a quantity to last not more than three days.

**12 AAC 68.990, Definitions.** This section is amended by adding a definition for "veterinary facility" and "veterinary medical facility".

## **2. Why are the changes being proposed?**

12 AAC 68.010 and 12 AAC 68.315 is being amended to accommodate the examination applicants due to the issues that have occurred during the COVID-19 pandemic. The 120 days currently in place prohibited many applicants from being able to sit for the exam for Alaska. This will allow greater flexibility in being able to sit for the national examination required for licensure.

12 AAC 68.215 is a proposed new section that clearly defines the requirements of a veterinarian-client-patient relationship. This will define what the legal relationship is between the veterinarian, their client, and the animal patient being treated. It will also enhance the protection of the public from potentially predatory telemedicine and clearly outline what is required of providers for practice in Alaska.

This regulation will assist veterinarians in complying with the federal Veterinary Feed Directive, which relates to veterinarians who prescribe medications for any animal that may enter the food chain for human consumption. In addition, the change will help protect the food supply by ensuring veterinarians provide for a site visit to the farm or facility in a timely manner when applicable.

12 AAC 68.910 is proposed to be amended to allow for disposal of electronic medical records as there is no provision currently in the regulations for an electronic medical record. Many veterinarians are using electronic records and this provides clarification.

12 AAC 68.930 is proposed to be amended to give a deadline date for PDMP registration. This gives the board and applicants a known date for registering. The Board of Pharmacy has also adopted the 30 day requirement for all prescribing practitioners and adding to the veterinary regulations will allow easy reference for licensees. For clarification purposes it also gives the veterinarian the requirements for allowing a delegate to access the PDMP. A delegate must have a current license issued under AS 08 to review information in the database.

12 AAC 68.935 is a new section outlining the requirements for complying with the PDMP. These are not new requirements, just being added to the veterinary regulations. Similar requirements are in the pharmacy regulations for all prescribing practitioners. Adding the requirements to the veterinary regulations will ensure the veterinarian knows and understands the requirements specifically for veterinarians and allows for easy access without having to look at the pharmacy regulations.

12 AAC 68.990 is proposed to add a definition for a “veterinary facility” and “veterinary medical facility” in current regulations for clarification purposes.

### **3. What is the cost to comply with the new regulations?**

There is no expected cost to comply with the proposed regulations.

### **4. When will the new regulations be effective?**

After the public comment deadline, comments received are compiled and given to the Board for consideration. The Board may adopt the regulation as written/publicly noticed, may amend and adopt them, or choose to take no action, or may withdraw the proposed regulations in part or in its whole. After Board action, the adopted regulations go to Department of Law (DOL) for final review/approval. DOL either approves or disapproves regulations. Once approved by DOL, it goes to the Lt. Governor for filing. Regulation takes effect on the 30th day after they have been filed by the Lt. Governor.

Do you have a question that is not answered here? Please email [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov) so it can be added.