

Statutes and Regulations **Veterinary**

November 2017



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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**CHAPTER 98.
VETERINARIANS.**

Article

- 1. Board of Veterinary Examiners (§§08.98.010—08.98.100)**
- 2. Licensing (§§08.98.120—08.98.200)**
- 3. Enforcement (§§08.98.235)**
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**ARTICLE 1.
BOARD OF VETERINARY EXAMINERS.**

Section

- 10. Creation and membership of the board**
- 40. Board meetings**
- 50. Powers and duties of the board**
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Sec. 08.98.010. Creation and membership of the board. There is created the Board of Veterinary Examiners composed of five members appointed by the governor and approved by the legislature. Four members shall be licensed veterinarians who have been in active practice in the state for at least five years preceding appointment and one shall be a public member. A person may not serve on the board who is, or was during the last two years immediately preceding appointment, a member of a faculty, board of trustees, or advisory board of a veterinary school.

Sec. 08.98.040. Board meetings. The board shall hold at least three meetings each year. The board may hold special meetings at the call of the chairman or of a majority of the members. A majority of board members constitutes a quorum and a majority vote of those present is the decision of the board.

Sec. 08.98.050. Powers and duties of the board. (a) The board shall

- (1) establish examination requirements for eligible applicants for licensure to practice veterinary medicine;
- (2) examine, or cause to be examined, eligible applicants for licensure or registration;
- (3) approve the issuance of licenses and student permits to qualified applicants;
- (4) establish standards for the practice of veterinary medicine by regulation;
- (5) conduct disciplinary proceedings in accordance with this chapter;
- (6) adopt regulations requiring proof of continued competency before a license is renewed;
- (7) as requested by the department, monitor the standards and availability of veterinary services provided in the state and report its findings to the department;
- (8) collect, or cause to be collected, data concerning the practice of veterinary technology by veterinary technicians in the state and submit the data to the department for maintenance;
- (9) establish, by regulation, educational and training requirements for
 - (A) the issuance of student permits; and
 - (B) the delegation of duties by veterinarians licensed under this chapter to veterinary technicians;
- (10) require that a licensee who has a federal Drug Enforcement Administration registration number register with the controlled substance prescription database under AS 17.30.200(o);
- (11) identify resources and develop educational materials to assist licensees to identify an animal owner who may be at risk for abusing or misusing an opioid.

(b) The board may

- (1) establish examination and registration requirements for veterinary technicians;
- (2) adopt regulations or do any act necessary to carry out its duties under this chapter.

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

Sec. 08.98.080. Department regulations. The department shall adopt procedural regulations necessary to carry out the duties imposed on it by AS 08.98.070.

Sec. 08.98.090. Applicability of the Administrative Procedure Act. The Administrative Procedure Act (AS 44.62) applies to regulations and proceedings under this chapter.

Sec. 08.98.100. Compensation. Members of the board are entitled to per diem allowances and transportation expenses allowed by law and paid members of other state examining boards.

ARTICLE 2. LICENSING.

Section

- 120. License required**
- 125. Exemptions**
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- 150. Administration of examination**
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Sec. 08.98.120. License required. (a) A person may not practice veterinary medicine, surgery, or dentistry unless the person is licensed as a veterinarian under this chapter or has a temporary permit issued under AS 08.98.186, except that a person may perform functions authorized by

(1) regulation of the board if the person is licensed as a veterinary technician; or
(2) a permit issued under AS 08.02.050 if the person is employed by an agency that has a permit issued under AS 08.02.050.

(b) A person may not
(1) present or attempt to use a license or permit that was issued under this chapter to another person, either directly or by impersonation;
(2) secure or attempt to secure a license or permit under this chapter through deceit, fraud, or intentional misrepresentation;

(3) use or attempt to use an expired or revoked license or permit knowing of the license's or permit's status; or
(4) falsely claim to be licensed or to hold a permit under this chapter.

(c) Violation of this section is a misdemeanor punishable by a fine of not more than \$10,000 or by imprisonment for not more than one year, or by both.

Sec. 08.98.125. Exemptions. This chapter does not apply to the following:

(1) a veterinary medical officer in the military service in the discharge of official duties or as an employee in the federal or state government performing veterinary medical services within the scope of the person's official duties;

(2) a veterinarian who is licensed in another state or country, or a person whose expertise a veterinarian licensed in this state believes would benefit an animal, and who provides only consultation to a veterinarian licensed in this state; in this paragraph, "consultation" means advice or assistance provided in person, telephonically, electronically, or by any other method of communication from a veterinarian or other person whose expertise, in the opinion of the veterinarian, would benefit the animal; and

(3) a veterinarian licensed and residing in another state who provides assistance, as requested by and under the supervision of a veterinarian licensed in this state, for the purpose of providing skills not otherwise available in this state in conducting research or other practice of veterinary medicine on captive or free-ranging wildlife; however, that assistance is limited to not more than three events in a calendar year for not more than a total of 60 days in the year and may not be on a regular or recurring basis, as defined by the board.

Sec. 08.98.140. Content of examination. *[Repealed, Sec. 6 ch 5 SLA 1998].*

Sec. 08.98.150. Administration of examination. The board shall offer examinations at least once a year. Examinations shall be so administered that, whenever possible, one who grades a written examination does not know the identity of the examinee whose test is being graded.

Sec. 08.98.160. Reexamination. A person who fails an examination may apply for a subsequent examination, but shall pay the examination fee each time the person applies.

Sec. 08.98.165. Qualification for license. (a) An applicant is qualified to receive a license as a veterinarian who

(1) is a graduate of an accredited veterinary school or who has successfully completed the Educational Commission for Foreign Veterinary Graduates certification process;

(2) has, within the 60 months preceding application for the license, passed a national examination for veterinarians approved by the board;

(3) has passed the written examination of the state on specific Alaska issues of veterinary practice;

(4) is in good standing, as defined by the board in regulations; and

(5) has paid required fees.

(b) *[Repealed, Sec. 6 ch 5 SLA 1998].*

Sec. 08.98.167. Qualification for technician license. The board shall adopt regulations under which a person may qualify to be licensed as a veterinary technician.

Sec. 08.98.180. Temporary license. A person who meets the requirements of AS 08.98.165(a)(1), (4), and (5) is entitled to be temporarily licensed after applying for examination if the person works under the supervision of a licensed veterinarian. A license issued under this section is valid until the results of the examinations are published. A person may not receive more than one temporary license. An application for a temporary license must be signed by the supervising veterinarian and accompanied by the temporary license fee required under AS 08.98.190.

Sec. 08.98.184. Licensure by credentials. The board shall approve the issuance of a license to an applicant who holds a valid license to practice veterinary medicine in another state, territory, or country if the applicant

(1) has graduated from an accredited school of veterinary medicine or has successfully completed the Educational Commission for Foreign Veterinary Graduates certification process;

(2) has been engaged in the active practice of veterinary medicine for at least five of the seven years before filing the application;

(3) has passed the written examination of the state on specific Alaska issues of veterinary practice;

(4) is in good standing, as defined by the board in regulations; and

(5) has paid required fees.

Sec. 08.98.186. Temporary permit. A person licensed to practice veterinary medicine in another state who meets the requirements of AS 08.98.165(a)(1), (4), and (5) may be granted a temporary permit to conduct the practice of a person licensed in the state who is absent from practice. An application shall be signed by the person who is or will be absent from practice and by the applicant. A temporary permit is valid for no longer than 60 days after issuance but may be renewed.

Sec. 08.98.188. Student permit. (a) The board may approve the issuance of a student permit to a student enrolled in and in good standing at an accredited college of veterinary medicine who has completed three years of study and is participating in an externship program as part of the college's educational curriculum.

(b) A student permit is valid for not longer than one year and may not extend beyond the student's graduation.

(c) A holder of a student permit is subject to the following limitations:

(1) assistance in diagnosis and surgery must be under the immediate supervision of a veterinarian licensed in this state;

(2) assistance in treatment must be under the direct or indirect supervision of a veterinarian licensed in this state;

(3) not more than one student permit holder at a time may be under the direct supervision of a veterinarian licensed in this state; and

(4) a veterinary practice may not retain more than two student permit holders at a time.

(d) The board shall establish requirements for student permits by regulation.

(e) A person holding a permit under this section is not subject to provisions of this chapter other than this section.

(f) In this section,

(1) "direct supervision" means the supervising veterinarian is on the premises where the animal is being treated and is quickly and easily available;

(2) "immediate supervision" means the supervising veterinarian is in the immediate area and within audible and visual range of the animal patient and the person treating the patient;

(3) "indirect supervision" means the supervising veterinarian does not need to be on the premises but has given either written or oral instructions for the treatment of the animal;

(4) "veterinary practice" means a business that provides veterinary services.

Sec. 08.98.190. Fees. The department shall set fees under AS 08.01.065 for the following

(1) application;

(2) examination;

(3) investigation of credentials;

(4) license;

- (5) license renewal;
- (6) temporary license;
- (7) temporary permit.

Sec. 08.98.200. Reinstatement of lapsed license. A person whose license has lapsed is entitled to have the license reinstated without taking an examination unless the license has remained lapsed more than five years.

ARTICLE 3. ENFORCEMENT.

Section

235. Grounds for imposition of disciplinary sanctions

245. Maximum dosage for opioid prescriptions

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

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;
- (3) advertised professional services in a false or misleading manner;
- (4) has been convicted of a felony or other crime which affects the person's ability to continue to practice competently and safely;
- (5) intentionally or negligently engaged in or permitted the performance of animal care by the person's supervisees which does not conform to minimum professional standards regardless of whether actual injury to the animal occurred;
- (6) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board;
- (7) continued to practice after becoming unfit due to
 - (A) professional incompetence;
 - (B) addiction or severe dependency on alcohol or other drugs which impairs the person's ability to practice safely;
 - (C) physical or mental disability;
- (8) engaged in lewd or immoral conduct in connection with the delivery of professional service;
- (9) prescribed or dispensed an opioid in excess of the maximum dosage authorized under AS 08.98.245;
- (10) procured, sold, prescribed, or dispensed drugs in violation of a law, regardless of whether there has been a criminal action.

Sec. 08.98.245. Maximum dosage for opioid prescriptions. (a) A veterinarian may not issue an initial prescription for an opioid that exceeds a seven-day supply to the owner of an animal patient for outpatient use.

(b) Notwithstanding (a) of this section, a veterinarian may issue a prescription for an opioid that exceeds a seven-day supply to the owner of an animal if the veterinarian determines that more than a seven-day supply of an opioid is necessary

(1) to treat the animal's medical condition or for chronic pain management; the veterinarian may write a prescription for an opioid for the quantity needed to treat the animal's medical condition or chronic pain; the veterinarian shall document in the animal's medical record the condition triggering the prescription of an opioid in a quantity that exceeds a seven-day supply and indicate that a nonopioid alternative was not appropriate to address the medical condition; or

(2) for an owner who is unable to access a veterinarian or pharmacist within the time necessary for a refill of the seven-day supply because of a logistical or travel barrier; the veterinarian may write a prescription for an opioid for the quantity needed to treat the animal for the time that the owner is unable to access a veterinarian or pharmacist; the veterinarian shall document in the animal's medical record the reason for the prescription of an opioid in a quantity that exceeds a seven-day supply and indicate that a nonopioid alternative was not appropriate to address the medical condition.

ARTICLE 4.
GENERAL PROVISIONS.

Section

250. Definitions

Sec. 08.98.250. Definitions. In this chapter,

- (1) “accredited veterinary school” means a veterinary college or division of a university or college that offers the degree of Doctor of Veterinary Medicine, or its equivalent as determined by the board, and conforms to the standards required for accreditation by the American Veterinary Medical Association;
- (2) “animal” means any animal other than a human being including mammals, birds, fish, and reptiles, wild or domestic, living or dead;
- (3) “board” means the Board of Veterinary Examiners;
- (4) “department” means the Department of Commerce, Community, and Economic Development;
- (5) “practice of veterinary medicine”
 - (A) means for compensation to
 - (i) 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;
 - (ii) use a manual or mechanical procedure for testing for pregnancy or correcting sterility or infertility; or
 - (iii) render advice or recommendation with regard to 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 any act in (A) of this paragraph for compensation;
 - (C) means to use a description title, abbreviation, or letters in a manner or under circumstances tending to induce the belief that the person using it or them is qualified or licensed to do 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 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;
 - (iii) standard practices commonly performed on farm or domestic animals in the course of routine farming or animal husbandry, when performed by an owner or the owner’s employee unless ownership of the animal is transferred for the purpose of avoiding application of this chapter or the primary purpose of hiring the employee is to avoid application of this chapter;
- (6) “veterinary technician” means a person who performs functions delegated by a veterinarian licensed under this chapter.

CHAPTER 68.
BOARD OF VETERINARY EXAMINERS.

Article

- 1. Veterinary Licensing and Examination**
(12 AAC 68.010— 12 AAC 68.048)
- 2. Standards of Practice**
(12 AAC 68.050— 12 AAC 68.210)
- 3. Continuing Competency Requirements for Veterinarians and Veterinary Technicians**
(12 AAC 68.220— 12 AAC 68.240)
- 4. Veterinary Technicians**
(12 AAC 68.300— 12 AAC 68.360)
- 5. General Provisions**
(12 AAC 68.900— 12 AAC 68.990)

ARTICLE 1.
VETERINARY LICENSING AND EXAMINATION.

Section

- 10. Application for a license by examination**
- 15. Examinations**
- 20. (Repealed)**
- 30. Notification of applicants**
- 35. License by credentials**
- 40. Application for license**
- 41. Courtesy license**
- 45. Temporary license**
- 46. Temporary permits**
- 47. Renewal and reinstatement of license**
- 48. Good standing**

12 AAC 68.010. APPLICATION FOR A LICENSE BY EXAMINATION. (a) An applicant for a license by examination to practice veterinary medicine, surgery, or dentistry shall submit to the board

- (1) a completed application, on a form provided by the department;
 - (2) the applicable fees established in 12 AAC 02.350;
 - (3) evidence that, within 60 months before the date of application, the applicant has passed the North American Veterinary License Examination;
 - (4) official college transcripts showing graduation from an accredited veterinary school, or official records showing successful completion of the Educational Commission for Foreign Veterinary Graduates certification process required by AS 08.98.165(a)(1);
 - (5) if the applicant is, or has ever been, licensed as a veterinarian in another jurisdiction, verification of licensure and evidence of good standing as set out in 12 AAC 68.048, including the disposition of any disciplinary action taken or pending against the applicant, from all licensing jurisdictions where the applicant holds or has ever held a veterinary license;
 - (6) a completed Veterinary Information Verifying Agency (VIVA) score reporting form sent directly from the American Association of Veterinary State Boards;
 - (7) on a form provided by the department, four letters of professional reference completed by veterinarians licensed in this state or another jurisdiction who are familiar with the applicant's training or work in veterinary medicine; if the applicant graduated from a veterinary school within the two years immediately preceding the date of application, two letters of professional reference may be completed and submitted by instructors at the applicant's veterinary school; a letter of professional reference must
 - (A) be sent directly to the department from the person completing the professional reference; and
 - (B) evidence the applicant's good standing under AS 08.98.165(a)(4) and 12 AAC 68.048 by indicating that the applicant is professionally competent, reliable, and worthy of confidence; and
 - (8) any other documentation that the board determines is necessary to document compliance with AS 08.98.165.
- (b) An application for licensure by examination and all supporting documents must be received by the department at least 120 days before the next scheduled examination.
- (c) In addition to the requirements of (a) of this section, an applicant for a license by examination must pass the state written examination required under 12 AAC 68.015.

(d) The board will approve an applicant to sit for the examination in (a)(3) of this section if the applicant is in the final year of veterinary school and a letter of good standing, approved by the board, is received directly by the division from the dean of the applicant's veterinary school.

Authority: AS 08.98.050 AS 08.98.165

12 AAC 68.015. EXAMINATIONS. (a) The passing score on the national examination required in 12 AAC 68.010(a) is the criterion-referenced passing score recommended by the National Board of Veterinary Medical Examiners (NBVME).

(b) The state written examination is required for applicants applying for licensure by examination and applicants applying for licensure by credentials. The following subjects will be covered on the state written examination concerning specific Alaska issues of veterinary practice;

- (1) the board statutes and regulations under AS 08.98 and 12 AAC 68;
- (2) other state statutes and regulations related to animal care;
- (3) laws regarding the import, export, and transportation of animals, health certificates, and the reporting of diseases;
- (4) veterinary epidemiology.

(c) The state written examination is an open book examination. The examination and study materials will be mailed directly to each applicant. Completed examinations must be returned to the department within 30 days after mailing, as shown by the postmark dates. The passing score on the state written examination required by (b) of this section is 90 percent or above.

Authority: AS 08.98.050 AS 08.98.165 AS 08.98.180

12 AAC 68.020. TIME AND PLACE OF EXAMINATION. Repealed 8/13/2000.

12 AAC 68.030. NOTIFICATION OF APPLICANTS. (a) An applicant will be notified in writing by the department of the applicant's grade on the applicable examinations in 12 AAC 68.015.

(b) Upon receipt of written notification of examination grade from the department, a temporary license holder under AS 08.98.180 shall notify the sponsoring veterinarian of whether the holder passed or failed the applicable examinations.

Authority: AS 08.98.050 AS 08.98.180 AS 08.98.184
AS 08.98.165

12 AAC 68.035. LICENSE BY CREDENTIALS. (a) An applicant for licensure by credentials to practice veterinary medicine, surgery, or dentistry shall submit to the board

- (1) a completed application, on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.350;
- (3) verification of active practice of veterinary medicine for at least five of the seven years before the date of application;
- (4) official college transcripts showing graduation from an accredited veterinary school, or official records showing successful completion of the Educational Commission for Foreign Veterinary Graduates certification process required by AS 08.98.184(1);
- (5) verification of licensure as a veterinarian in another jurisdiction and evidence of good standing as set out in 12 AAC 68.048, including the disposition of any disciplinary action taken or pending against the applicant, from all licensing jurisdictions where the applicant holds or has ever held a veterinary license;
- (6) a completed Veterinary Information Verifying Agency (VIVA) score reporting form sent directly from the American Association of Veterinary State Boards;
- (7) on a form provided by the department, four letters of professional reference completed by veterinarians licensed in this state or another jurisdiction who are familiar with the applicant's training or work in veterinary medicine; a letter of professional reference must
 - (A) be sent directly to the department from the person completing the professional reference; and
 - (B) evidence the applicant's good standing under AS 08.98.184(4) and 12 AAC 68.048 by indicating that the applicant is professionally competent, reliable, and worthy of confidence; and
- (8) any other documentation that the board determines is necessary to document compliance with AS 08.98.184.

(b) In addition to the requirements of (a) of this section, an applicant for a license by credentials must pass the state written examination required under 12 AAC 68.015.

(c) In this section, "active practice" means at least 1,000 hours of practicing veterinary medicine, surgery, or dentistry during a calendar year.

Authority: AS 08.98.050 AS 08.98.184

12 AAC 68.040. APPLICATION FOR LICENSE. An application for a license is included on the same form used for the application for examination. Space is provided on the form to indicate whether licensing will be by examination or by waiver of examination.

Authority: AS 08.98.060 AS 08.98.210

12 AAC 68.041. COURTESY LICENSE. (a) A courtesy license authorizes the licensee to practice veterinary medicine for a special event only. A courtesy license does not authorize the licensee to conduct a general veterinary practice or to perform services outside the scope of practice required for that special event.

(b) The board will, in its discretion, issue a courtesy license to an applicant who

(1) submits a completed courtesy license application on a form provided by the department no later than 30 days before the special event for which the courtesy license is requested; a completed courtesy license application must be signed by the applicant's sponsor and include all of the fees and supporting documentation required in this subsection;

(2) pays the application and licensing fees established in 12 AAC 02.350;

(3) is not a resident of this state;

(4) submits verification of

(A) a valid license and evidence of good standing as set out in 12 AAC 68.048 to practice veterinary medicine in another state or a province of Canada;

(B) current status as a specialist certified by a board recognized by the American Veterinary Medical Association (AVMA) in the specialty area for which the applicant is requesting a courtesy license; or

(C) a valid license and evidence of good standing as set out in 12 AAC 68.048 to practice veterinary medicine in a licensing jurisdiction outside of the United States or Canada; and either

(i) verification of having passed the examination of the Education Commission for Foreign Veterinary Graduates; or

(ii) a signed acknowledgment that the applicant will practice only under the direct supervision of a veterinarian who holds a permanent license in this state or who holds a permanent license in another state and a courtesy license in this state;

(5) identifies the special event for which the license is requested;

(6) identifies the scope of practice required for the event;

(7) identifies the applicant's sponsor; and

(8) attests that the applicant has not

(A) had a veterinary license suspended or revoked in any jurisdiction;

(B) been convicted, by a civilian court of this state, the United States, or another state or territory of a felony or misdemeanor involving alcohol or a controlled substance listed in AS 11.71.140 - 11.71.190 within the three years immediately before the date of application for a courtesy license; and

(C) had two or more repeat convictions, by a civilian court of this state, the United States, or another state or territory of a felony or misdemeanor involving alcohol or a controlled substance listed in AS 11.71.140 - 11.71.190 within the five years immediately before the date of application for a courtesy license, unless the applicant has also successfully completed a treatment program related to abuse of alcohol or a controlled substance since the date of the most recent conviction.

(c) A courtesy license is valid for 30 consecutive days. A person may not be issued more than two courtesy licenses in a calendar year.

(d) The holder of a courtesy license is obligated to uphold the standards of practice identified in 12 AAC 68.070 - 12 AAC 68.190 and is subject to the disciplinary provisions of AS 08.01.075 and AS 08.98.235.

(e) The board will, in its discretion, waive the 30 day application deadline in (b) of this section if the applicant requests a courtesy license to practice veterinary medicine in an emergency situation or if the board determines that the applicant's failure to meet the application deadline is for good cause. Notwithstanding any contrary provision of this section, an applicant may submit under this subsection a notarized copy of a license that meets the requirements of (b)(4) of this section in lieu of license verification from the other jurisdiction.

(f) In this section,

(1) "direct supervision" means the supervising veterinarian is

(A) available for immediate consultation; and

(B) if necessary in the professional judgement of the supervising veterinarian, is physically on the premises with the courtesy license holder;

(2) "emergency situation" means a situation that is unforeseen and potentially threatening to human or animal life;

(3) "special event" means a

(A) sporting event or emergency situation specifically recognized by the board;

(B) specialty clinic in veterinary medicine conducted by a specialist certified by the AVMA and the clinic is limited to the discipline of veterinary medicine in which the courtesy license holder is certified as a specialist; or

(C) spay-and-neuter clinic in a community with no established veterinary service and off the interconnected road system;

(4) “sponsor” means a veterinarian licensed in this state or a representative of a veterinary association in this state who serves as the in-state contact for the board and the public on matters related to a courtesy license holder or applicant, including the courtesy license application, access to patient medical records, and provision of veterinary medical equipment.

(g) A sponsor is responsible for assigning a supervising veterinarian for a courtesy license holder who is required to practice under a supervising veterinarian. A sponsor may not be a competitor in the sporting event for which the courtesy license holder received a license.

Authority: AS 08.01.062 AS 08.98.050 AS 08.98.165

12 AAC 68.045. TEMPORARY LICENSE. (a) An applicant for a temporary license to practice as a veterinarian shall submit

- (1) a completed application for a temporary license on a form provided by the department;
- (2) the temporary license fee established under 12 AAC 02.350;
- (3) a notarized copy of the applicant’s veterinary school diploma or Education Commission for Foreign Veterinary Graduates certificate; and
- (4) a statement signed by the supervising veterinarian, on a form provided by the department, indicating that the applicant will be employed under the veterinarian’s supervision until the applicant’s examination results for the examination under 12 AAC 68.015(b) are reported with a passing score of at least 90 percent.

(b) Repealed 5/30/2015.

Authority: AS 08.98.050 AS 08.98.080 AS 08.98.180

12 AAC 68.046. TEMPORARY PERMITS. (a) The board will issue a temporary permit to conduct the veterinarian practice of a person licensed in the state who is, or will be, absent from practice to an applicant who submits

- (1) a completed application, on a form provided by the department, including the signatures of both the applicant and the licensee;
- (2) the applicable fees established in 12 AAC 02.350;
- (3) a notarized copy of a diploma showing graduation from an accredited veterinary school, or official records showing completion of the Educational Commission for Foreign Veterinary Graduates certification process required by AS 08.98.165(a)(1);
- (4) verification of licensure and evidence of good standing as set out in 12 AAC 68.048 from another jurisdiction where the applicant is currently licensed.

(b) A temporary permit is valid for 60 days after issuance. Upon request to the board and payment of the applicable fees established in 12 AAC 02.350, a temporary permit may be renewed for an additional 60-day period.

(c) In this section, “currently licensed” includes holding a veterinary license that is inactive in another jurisdiction, if the license may be returned to active status by the payment of fees and meeting continuing education requirements.

Authority: AS 08.98.050 AS 08.98.186

12 AAC 68.047. RENEWAL AND REINSTATEMENT OF LICENSE. (a) An applicant for renewal of a veterinary license, or to reinstate a veterinary license that has been lapsed for 60 days or less, must submit

- (1) an application for renewal or reinstatement on a form provided by the department;
- (2) the license renewal fee established in 12 AAC 02.350; and
- (3) documentation that the applicable continuing education requirements of 12 AAC 68.220 – 12 AAC 68.240 have been met.

(b) An applicant for reinstatement of a veterinary license that has been lapsed for more than 60 days but less than two years must submit, in addition to the items required in (a) of this section, the delayed renewal penalty fee established in 12 AAC 03.350.

(c) An applicant for reinstatement of a veterinary license that has been lapsed for two years or more, but less than five years must submit

- (1) an application for reinstatement on a form provided by the department;
- (2) the applicable license renewal and delayed renewal penalty fees established in 12 AAC 02.350; and
- (3) documentation of completion of all continuing education requirements in 12 AAC 68.220 – 12 AAC 68.240 that the applicant would have been required to meet to maintain a current license for the entire period that the license has been lapsed.

(d) A veterinary license that has been lapsed for five years or more may not be reinstated. The former licensee may apply for a new license under AS 08.98 and this chapter.

(e) A licensee or former licensee who was unable to obtain the required continuing education hours for renewal or reinstatement of a veterinary license due to reasonable cause or excusable neglect, may request an exemption from those requirements. The applicant must submit to the board a written request for an exemption that explains the reasonable cause or excusable neglect. If the board decides to grant the exemption, the board may require an

alternative method of compliance with the continuing education requirements to ensure the applicant's continued competency.

- (f) In this section, "reasonable cause or excusable neglect" includes
- (1) chronic illness;
 - (2) retirement;
 - (3) personal or family hardship; or
 - (4) other similar circumstances as determined by the board.

Authority: AS 08.01.065 AS 08.98.050 AS 08.98.200
AS 08.01.100 AS 08.98.190

12 AAC 68.048. GOOD STANDING. (a) When determining whether an applicant is in good standing under AS 08.98 and this chapter, the board will consider whether the applicant

- (1) has ever received a disciplinary sanction arising from the applicant's practice of veterinary medicine, including a fine, reprimand, license suspension or revocation (except for a license action for nonpayment of license renewal fees), probationary limitation, voluntary surrender of a license in lieu of discipline, or consent agreement containing conditions placed by a veterinary licensing authority on the applicant's professional conduct and practice;
- (2) has had federal Drug Enforcement Administration (DEA) privileges that have been restricted or revoked;
- (3) is currently under investigation by another veterinary licensing authority for acts that would provide a basis for disciplinary action in this state;
- (4) has a physical or mental impairment, or an addiction to, severe dependency on, or habitual overuse of alcohol or other drugs, that impairs the applicant's ability to practice veterinary medicine in a manner consistent with the safety of a patient or the public;
- (5) has ever been convicted of a felony;
- (6) has ever been convicted of a crime arising from conduct substantially related to the practice of veterinary medicine;
- (7) has any pending criminal charges;
- (8) is of good moral character;
- (9) has submitted the applicable four letters of professional reference required under 12 AAC 68.010(a)(7) or 12 AAC 68.035(a)(7) stating that the applicant is professionally competent, reliable, and worthy of confidence.

(b) An applicant must provide information about any administrative, civil, or criminal action listed in (a) of this section in sufficient detail to enable the board to determine the circumstances and seriousness of the conduct, and whether and how it was related to the practice of veterinary medicine. The information required under this subsection must be supplied to the board directly from the appropriate authorities.

Authority: AS 08.98.050 AS 08.98.180 AS 08.98.186
AS 08.98.165 AS 08.98.184

ARTICLE 2. STANDARDS OF PRACTICE.

Section

50. (Repealed)
60. (Repealed)
70. Conflict of interest
80. Treatment of patients
90. Certificate of health
100. Confidential relationship
110. (Repealed)
120. (Repealed)
130. Objectives of the profession
140. Emergency veterinary services
150. Prohibited advertising
160. Reporting illegal practice
170. (Repealed)
180. (Repealed)
190. Patient abandonment by owner
200. (Repealed)
210. (Repealed)

12 AAC 68.050. EVIDENCE OF INCOMPETENCE. Repealed 7/11/81.

12 AAC 68.060. APPROVED SCHOOLS. Repealed 7/11/81.

12 AAC 68.070. CONFLICT OF INTEREST. It is unprofessional to represent conflicting interests, except by express consent of all concerned, given after a full disclosure of the facts. A conflict of interest results when a veterinarian is employed by a buyer to inspect an animal for soundness or other reason, and he or she accepts a fee from the seller. Acceptance of a fee from both the buyer and the seller is grounds for disciplinary sanction under AS 08.98.235(2) and (6).

Authority: AS 08.98.050

12 AAC 68.080. TREATMENT OF PATIENTS. A licensed veterinarian shall exercise the degree of care, skill, and diligence in treating patients that is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in the community in which the veterinarian practices. Failure to comply with this section constitutes incompetence for the purpose of AS 08.98.235.

Authority: AS 08.98.050 AS 08.98.235

12 AAC 68.090. CERTIFICATE OF HEALTH. No licensed veterinarian may issue a certificate of health for an animal unless he or she performs the inspection and the appropriate tests if required.

Authority: AS 08.98.050

12 AAC 68.100. CONFIDENTIAL RELATIONSHIP. (a) A licensed veterinarian shall maintain a confidential relationship with the client or the client's authorized agent.

(b) Nothing in this section limits or interferes with a licensed veterinarian's ability to report suspected animal abuse.

Authority: AS 08.98.050

12 AAC 68.110. TESTIMONIALS. Repealed 7/11/81.

12 AAC 68.120. SOLICITING. Repealed 7/11/81.

12 AAC 68.130. OBJECTIVES OF THE PROFESSION. The principal objectives of the veterinary profession are to render veterinary services to society, to assist in conserving livestock resources, and to assist in relieving suffering of animals. A veterinarian should further these objectives.

Authority: AS 08.98.050

12 AAC 68.140. EMERGENCY VETERINARY SERVICES. A veterinarian shall establish a method by which veterinary services will be available to patients in cases of emergency.

Authority: AS 08.98.050

12 AAC 68.150. PROHIBITED ADVERTISING. A veterinarian may not personally, or on behalf of an associate, use or allow to be used any form of public communication or advertising that

- (1) is false or misleading;
- (2) refers to secret methods of treatment;
- (3) is not identified as a paid advertisement; or
- (4) states or implies that a veterinarian is a certified specialist unless the veterinarian is certified in that speciality by a board recognized by the American Veterinary Medical Association.

Authority: AS 08.98.050

12 AAC 68.160. REPORTING ILLEGAL PRACTICE. A veterinarian shall report to the division incidents that the veterinarian believes to be violations of laws regulating the practice of veterinary medicine.

Authority: AS 08.98.050

12 AAC 68.170. EXERCISE OF PROFESSIONAL JUDGMENT AND SKILLS. Repealed 5/9/98.

12 AAC 68.180. PATIENT ABANDONMENT BY VETERINARIAN. Repealed 5/9/98.

12 AAC 68.190. PATIENT ABANDONMENT BY OWNER. (a) If a patient is abandoned by its owner at a veterinary clinic authorized to service the patient, and the owner refuses to claim the patient and pay the fees for

services rendered, the veterinarian will be practicing the proper standard of care under AS 08.98 and this chapter for the patient if

(1) the veterinarian sends a notice of abandonment by certified mail to the last known address of the owner and the owner does not respond to the notice within ten days by claiming the patient and paying the fees for services rendered; and

(2) the veterinarian makes reasonable efforts to reach the owner.

(b) If the owner of a patient does not respond to the notice of abandonment, as described in (a) of this section, the veterinarian may dispose of the patient by sale, placement, or humane euthanasia.

Authority: AS 08.98.050

12 AAC 68.200. EMERGENCY TREATMENT. Repealed 5/9/98.

12 AAC 68.210. PROHIBITED TRANSACTIONS. Repealed 5/9/98.

ARTICLE 3. CONTINUING COMPETENCY REQUIREMENTS FOR VETERINARIANS AND VETERINARY TECHNICIANS.

Section

220. Continuing competency requirements

225. Continuing competency requirements for first-time license renewal

230. Approved continuing education programs

240. Certification of compliance

12 AAC 68.220. CONTINUING COMPETENCY REQUIREMENTS. (a) Except as provided in 12 AAC 68.225, an applicant for renewal of a veterinarian license must certify having completed 30 contact hours of continuing education during the concluding licensing period.

(b) Except as provided in 12 AAC 68.225, an applicant for renewal of a veterinary technician license must certify having completed 10 contact hours of continuing education during the concluding licensing period.

(c) For the purposes of this section,

(1) one contact hour equals a minimum of 50 minutes of instruction;

(2) one continuing education unit awarded by a professional association equals 10 contact hours;

(3) one academic semester credit hour equals 15 contact hours;

(4) one academic quarter credit hour equals 10 contact hours.

Authority: AS 08.98.050 AS 08.98.080

12 ACC 68.225. CONTINUING COMPETENCY REQUIREMENTS FOR FIRST-TIME LICENSE RENEWAL. (a) A veterinarian who is applying for license renewal for the first time shall certify having completed 15 contact hours of continuing education for each complete calendar year that the applicant was licensed during the concluding licensing period.

(b) A veterinary technician who is applying for license renewal for the first time shall certify having completed five contact hours of continuing education for each complete calendar year that the applicant was licensed during the concluding licensing period.

Authority: AS 08.98.050 AS 08.98.080

12 AAC 68.230. APPROVED CONTINUING EDUCATION PROGRAMS. (a) A veterinarian or veterinary technician shall obtain the number of continuing education contact hours required by 12 AAC 68.220 in a continuing education program sponsored by

(1) the American Veterinary Medical Association;

(2) allied veterinary medical associations and veterinary specialty boards recognized by the American Veterinary Medical Association;

(3) a state or local veterinary association;

(4) an accredited veterinary school;

(5) other formal, organized professional associations approved by the board;

(6) courses approved by the board; or

(7) the American Association of Veterinary State Boards Registry of Approved Continuing Education (RACE Program);

(8) the United States Department of Agriculture;

(9) Departments of Fish and Game or an equivalent governmental agency in another state; or

(10) the division within the Department of Health and Social Services that oversees public health or an equivalent government agency in another state.

(b) No more than one-third of the total continuing education contact hours required under this chapter may be in nonscientific topics.

Authority: AS 08.98.050 AS 08.98.080

12 AAC 68.240. CERTIFICATION OF COMPLIANCE. (a) A veterinarian or veterinary technician shall submit, on a form provided by the department, a statement of compliance with the continuing competency requirements of 12 AAC 68.220— 12 AAC 68.230, at the time of license renewal.

(b) The board will, in its discretion, require a veterinarian or veterinary technician to submit additional evidence of compliance with the continuing competency requirements. The veterinarian or veterinary technician shall maintain evidence of compliance with continuing competency requirements for three years from the date the continuing competency was received.

(c) Repealed 5/9/98.

Authority: AS 08.98.050 AS 08.98.080

ARTICLE 4. VETERINARY TECHNICIANS.

Section

- 300. Veterinary technician scope of practice**
- 310. Veterinary technician licensing requirements**
- 315. Veterinary technician examination**
- 320. (Repealed)**
- 330. Unethical conduct of a veterinary technician**
- 360. (Repealed)**

12 AAC 68.300. VETERINARY TECHNICIAN SCOPE OF PRACTICE. (a) A veterinary technician must be

- (1) licensed by the board;
- (2) the employee of a veterinarian licensed under AS 08.98; and
- (3) knowledgeable in
 - (A) the care and handling of animals;
 - (B) the basic principles of animal health; and
 - (C) routine laboratory and clinical procedures.

(b) The duties of a veterinary technician are limited to the performance of those services for which the veterinary technician is trained and which are compatible with the scope of AS 08.98. A veterinary technician may provide advanced animal care services, including the dispensing of medicine, only under the supervision and direction of a veterinarian licensed under AS 08.98.

(c) A veterinary technician licensed under AS 08.98 may not

- (1) prescribe medicine;
- (2) perform surgery; or
- (3) diagnose, prognose, or interpret diagnostic test results.

(d) In this section, “under the supervision and direction of a licensed veterinarian” means that the veterinary technician is employed by the supervising veterinarian to perform only those animal care duties delegated by, and within the routine practice of, the supervising veterinarian and that the supervising veterinarian

(1) accepts all responsibility for the quality and effectiveness of the care provided by the veterinary technician;

(2) personally examines the animals cared for by the veterinary technician to assure that the animal has received the proper care; however, a licensed veterinary technician may provide care to an animal under the remote direction of the technician’s employing veterinarian in communities that do not have an established veterinary practice;

(3) does all billing for the services provided by a veterinary technician.

(e) A person who is obtaining on-the-job training to meet the requirements of 12 AAC 68.310(b)(4)(B), may perform veterinary technician duties described in 12 AAC 68.300 only under the direct supervision of a licensed veterinarian or licensed veterinary technician.

(f) For the purposes of this section,

(1) “direct supervision” means the licensed veterinarian or the licensed veterinary technician who is supervising the person who is obtaining on-the-job training is on the premises and is quickly and easily available.

(2) “advanced animal care services” means the science and art of providing all aspects of professional medical care and treatment for animals, “advanced animal care services” does not include diagnosis, prognosis, surgery, and prescription for animals.

Authority: AS 08.98.050 AS 08.98.080 AS 08.98.120

12 AAC 68.310. VETERINARY TECHNICIAN LICENSING REQUIREMENTS. (a) Repealed 4/29/93.

(b) The board will, in its discretion, license a person as a veterinary technician who

- (1) submits a completed application on the form provided by the department;
- (2) pays the application and license fees established in 12 AAC 02.350;
- (3) has passed the examination required in 12 AAC 68.315;
- (4) documents the required education and training by providing

(A) official transcripts showing successful completion of a veterinary technician training program accredited by the American Veterinary Medical Association or the Canadian Veterinary Medical Association; or

(B) employment verification forms completed by the supervising veterinarian verifying that the applicant has been working at least 700 hours a year for at least two of the previous three years immediately preceding the date of application, of which one year must be within this state;

(5) on a form provided by the department, submits three letters of professional reference completed by persons familiar with the applicant’s education or training as a veterinary technician stating that the applicant is professionally competent, reliable, and worthy of confidence; at least two letters of reference must be completed by veterinarians licensed in this state or another jurisdiction; if the applicant graduated from a veterinary technician training program within the two years immediately preceding the date of application, letters of professional reference from instructors at the applicant’s veterinary technician training program may be substituted for the letters of professional reference from veterinarians; a letter of professional reference must be sent directly to the department from the person completing the professional reference; and

(6) submits any other documentation that the board determines is necessary to determine whether the applicant meets the requirements of this section.

Authority: AS 08.98.050 AS 08.98.080 AS 08.98.167

12 AAC 68.315. VETERINARY TECHNICIAN EXAMINATION. (a) The examination required for licensure as a veterinary technician is the Veterinary Technician National Examination sponsored by the American Association of Veterinary State Boards.

(b) An application for examination or reexamination must be received by the department at least 45 days before the date of the next examination. Applicants who fail the examination may retake the examination within one year from the date of their application. After the expiration of one year from the date of application, applicants who wish to retake the examination must reapply for it.

(c) An applicant for a veterinary technician license may apply to sit for the examination before meeting the requirements of 12 AAC 68.310(b)(4). However, before licensure, an applicant applying under 12 AAC 68.310(b)(4)(A) shall show proof of graduation in the form of official transcripts, a certified copy of the applicant’s diploma, or an official letter of verification of graduation sent directly to the department from the program recognized under 12 AAC 68.310(b)(4)(A). If official transcripts were not previously submitted, official transcripts must be received by the department before examination scores will be released to the applicant applying under 12 AAC 68.310(b)(4)(A).

(d) An applicant who applies to sit for the examination under (a) of this section and subsequently is unable to graduate from a program recognized under 12 AAC 68.310(b)(4)(A) and sit for the examination is ineligible for a refund of the examination fees.

Authority: AS 08.98.050 AS 08.98.080 AS 08.98.167

12 AAC 68.320. VETERINARY AIDES AND ASSISTANTS. Repealed 10/21/92.

12 AAC 68.330. UNETHICAL CONDUCT OF A VETERINARY TECHNICIAN. The following conduct is unethical for a veterinary technician and is grounds for disciplinary action under AS 08.98.235:

(1) practicing or offering to practice as a veterinary technician without being employed and supervised by a licensed veterinarian;

(2) accepting a payment for services rendered as a veterinary technician from someone other than the veterinary technician's employer;

(3) compromising the confidentiality of the veterinarian-client relationship as described in 12 AAC 68.100;

(4) failing to acknowledge that the veterinary technician is not a licensed veterinarian;

(5) failing to acknowledge that the veterinary technician is an employee of a veterinarian;

(6) undertaking procedures or performing treatment that has not been authorized by the supervising veterinarian;

(7) undertaking procedures or performing treatment that the veterinary technician is not trained or competent to perform.

Authority: AS 08.98.050 AS 08.98.080 AS 08.98.235

12 AAC 68.360. VETERINARY AIDES AND ASSISTANTS. Repealed 5/9/98.

ARTICLE 5. STUDENT PERMIT.

Section

500. Student permit

12 AAC 68.500. STUDENT PERMIT. (a) The board will issue a student permit to an applicant who meets the requirements of AS 08.98.188 and this section.

(b) An applicant for a student permit under this section must submit to the department

(1) a complete application, on a form provided by the department;

(2) the applicable fees established in 12 AAC 02.350;

(3) a letter of good standing from the dean of the applicant's accredited college of veterinary medicine verifying the applicant is in the applicant's fourth year of veterinary school; and

(4) a signed sponsor statement from a veterinarian licensed in this state stating that the veterinarian will supervise the student as specified in AS 08.98.188.

(c) A student permittee must be sponsored by a specific veterinarian licensed in this state, but may work under the appropriate supervision of another veterinarian licensed in this state in the same practice as the sponsor.

(d) A student permit issued under this section is nonrenewable and is valid for one year from the date of issue or until the date of the applicant's graduation from the applicant's accredited college of veterinary medicine, whichever occurs first.

Authority: AS 08.98.050 AS 08.98.188

ARTICLE 6. GENERAL PROVISIONS.

Section

900. Prescription labeling

910. Medical records

920. Board member absences

990. Definitions

12 AAC 68.900. PRESCRIPTION LABELING. (a) All drugs prescribed and dispensed by a veterinarian for patient treatment must be labeled at the time of dispensing.

(b) The prescription label, or unit dosage package, must contain

(1) name of the owner of the patient;

(2) name of the prescribing veterinarian;

(3) name of the drug;

(4) strength and quantity of the drug;

(5) date dispensed;

(6) name and address of the veterinary facility dispensing the drug; and

(7) directions for the owner administering the drug to the patient.

Authority: AS 08.98.050

12 AAC 68.910. MEDICAL RECORDS. (a) A licensed veterinarian or veterinary medical facility shall maintain an individual record on every client or patient consultation.

(b) Original patient medical records must be retained by the veterinary medical facility or licensed veterinarian who prepared them, including all electrocardiogram tracings, radiographs, and results of laboratory tests. It is the responsibility of the veterinary medical facility or licensed veterinarian to safeguard patient and client information against loss, tampering, or use by unauthorized persons.

(c) Copies of a licensee's record or a summary report of the record, and copies of all data and papers pertaining to a particular patient must be furnished to the patient's owner, designated veterinarian, or duly authorized representative within 30 days after a written request by the owner or duly authorized representative, or within a

shorter time if necessary for the care of the patient. A reasonable fee to cover the cost of preparing or obtaining the copies may be charged.

(d) Patient medical records may not be released to a third party without the written consent of the patient's owner, except that

(1) information on spaying, neutering, or rabies vaccination may be released to public health and animal control agencies without written consent; and

(2) copies of records or case summaries may be sent to other veterinarians, veterinary medical facilities, or public health agencies requiring the information for therapeutic, statistical, or other medical purposes without written consent.

(e) Unless released to the patient's owner, patient medical records must be retained by the veterinary medical facility or licensed veterinarian for a minimum of five years. Records may be disposed of by tearing, shredding, or burning so that the records are totally destroyed.

Authority: AS 08.98.050

12 AAC 68.920. BOARD MEMBER ABSENCES. The board will, in its discretion, recommend to the governor that a member be removed from the board if that member has been absent for any reason from three board meetings within a two-year period.

Authority: AS 08.01.020 AS 08.98.050

12 AAC 68.990. DEFINITIONS. In this chapter

- (1) "client" means the person who owns or is responsible for the care of an animal;
- (2) "department" means the Department of Commerce, Community, and Economic Development;
- (3) "patient" means the animal or animals under the care of a veterinarian;
- (4) "division" means the division of corporations, business and professional licensing in the department;
- (5) "board" means the Board of Veterinary Examiners established under AS 08.98.010.

Authority: AS 08.98.050

APPENDIX

**TITLE 9.
CODE OF CIVIL PROCEDURE.**

**CHAPTER 65
MISCELLANEOUS PROVISIONS.**

Sec. 09.65.097. Civil Liability For Emergency Veterinary Care. (a) A veterinarian licensed in this or another licensing jurisdiction, or a person working under the direct supervision of a licensed veterinarian, who renders emergency care to an injured or ill animal that reasonably appears to the veterinarian or supervised person to be in immediate need of emergency aid in order to avoid serious harm or death is not liable for civil damages as a result of an act or omission in rendering emergency aid.

(b) This section does not apply to service rendered at the request of an owner of the animal and does not preclude liability for civil damages as a result of gross negligence or reckless or intentional misconduct. (§ 1 ch 18 SLA 1986)