

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
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Anchorage, Alaska 99501
907.269.7460
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Amy Demboski
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: April 16, 2020

RE: Filed Permanent Regulations: Board of Veterinary Examiners

Board of Veterinary Examiners regulations re: student permits and registration of licensed veterinarians with the prescription drug monitoring program (PDMP) controlled substance prescription database (12 AAC 68.500(b)(2); 12 AAC 68.930; 12 AAC 68.990(4))

Attorney General File:	2019200498
Regulation Filed:	4/16/2020
Effective Date:	5/16/2020
Print:	234, July 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Sher Zinn, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO REGULATIONS OF THE BOARD OF VETERINARY EXAMINERS

The attached one page of regulations, dealing with student permits, registration with the prescription drug monitoring program (PDMP), and definitions, are hereby certified to be a correct copy of the regulation changes the Board of Veterinary Examiners adopted at its February 24, 2020 teleconference meeting, under the authority of AS 08.98.050, AS 08.98.188, AS 17.30.200, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Veterinary Examiners paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: March 19, 2020
Juneau, Alaska

Rachel K. Bergmott, DVM
Dr. Rachel Bergmott, Chair
Board of Veterinary Examiners

FILING CERTIFICATION

April Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on April 16th, 2020 at 1:57 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

for Kevin Meyer, Lieutenant Governor

Effective: May 16th 2020.

Register: 234, July 2020.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



A handwritten signature in blue ink, appearing to read "K. Meyer", is written over a horizontal dotted line.

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Chapter 68. Board of Veterinary Examiners.

12 AAC 68.500(b)(2) is repealed:

(2) repealed 5 / 16 / 2020;

(Eff. 9/19/2009, Register 191; am 5 / 16 / 2020, Register 234)

Authority: AS 08.98.050 AS 08.98.188

12 AAC 68 is amended by adding ^{a new section} ~~new sections~~ to Article 6 to read:

12 AAC 68.930. Registration with the prescription drug monitoring program controlled substance prescription database. A licensed veterinarian who has a federal Drug Enforcement Administration registration number must register with the prescription drug monitoring program (PDMP) controlled substance prescription database under AS 17.30.200.

(Eff. 5 / 16 / 2020, Register 234)

Authority: AS 08.98.050 AS 17.30.200

12 AAC 68.990(4) is amended to read:

(4) “division” means the division of corporations, business and professional
[OCCUPATIONAL] licensing in the department;

(Eff. 4/10/88, Register 106; am 5/9/98, Register 146; am 1/1/2000, Register 152; ^{am}

5 / 16 / 2020, Register 234)

Authority: AS 08.98.050

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: April 15, 2020

File No.: 2019200498

Thru: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Tel. No.: 465-3600

From: Steven C. Weaver *SCW*
Senior Assistant Attorney General
Legislation and Regulations Section

Re: Board of Veterinary Examiners
regulations re: student permits and
registration of licensed veterinarians
with the prescription drug monitoring
program (PDMP) controlled
substance prescription database
(12 AAC 68.500(b)(2); 12 AAC
68.930; 12 AAC 68.990(4))

The Department of Law has reviewed the attached regulations of the Board of Veterinary Examiners against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Board of Veterinary Examiners after the close of the public comment period. The regulations repeal a reference to a student permit fee, address the requirement for licensed veterinarians to register with the prescription drug monitoring program (PDMP) controlled substance prescription database under AS 17.30.200, and make a technical update to a definition.

We note that this project is related to a Department of Commerce, Community, and Economic Development set of proposed amendments to Board of Veterinary Examiners fees under 12 AAC 02.350; that project includes a proposed repeal of the student permit fee (Department of Law file number 2020200226). The deadline for receiving public comments on those regulations was March 27, 2020.

We also note that the Board of Veterinary Examiners withdrew from the final regulations provisions relating to temporary licenses, temporary permits, veterinary-client-patient relationships, and veterinary medical clinics.

The June 10, 2019 public notice and the March 19, 2020 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The correction are shown on the attached copy of the regulations.

SCW

cc w/ enc.: Rachel K. Berngantt, DVM, Chair
Board of Veterinary Examiners
(via e-mail through Sher Zinn)

Amy Demboski, Assistant Commissioner and Regulations Contact
Department of Commerce, Community, and Economic Development

Sara Chambers, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Sher Zinn, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Ashley Brown, Assistant Attorney General
Commercial, Fair Business, and Child Support Section

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

BRIEF DESCRIPTION: The Board of Veterinary Examiners proposes to adopt changes to the regulations regarding temporary permits and licenses, student permits, veterinary-client-patient relationships, registration with the prescription drug monitoring program (PDMP), veterinary medical facilities, and definitions.

The Board of Veterinary Examiners (Board) proposes to adopt regulation changes in Title 12, Chapter 68 of the Alaska Administrative Code including the following:

1. **12 AAC 68.045. Temporary license**, is being proposed to clarify requirements for verification of a veterinary degree for obtaining a temporary license.
2. **12 AAC 68.046. Temporary permits**, is being proposed to clarify requirements for verification of a veterinary degree for obtaining a temporary permit.
3. **12 AAC 68.075. Veterinary-client-patient relationship**, is a proposed a new section establishing the requirements for a veterinary-client-patient relationship.
4. **12 AAC 68.500. Student permit**, is being amended by repealing the student permit fee.
5. **12 AAC 68.930. Registration with the prescription drug monitoring program controlled substance prescription database**, is a proposed new section requiring registration with the prescription drug monitoring program controlled substance prescription database (PDMP).
6. **12 AAC 68.940. Veterinary medical facility**, is a proposed new section establishing requirements for a veterinary medical facility to designate a licensed veterinarian as the manager of the facility.
7. **12 AAC 68.990. Definitions**, is being proposed to amend current definitions and add a definition for “veterinary medical facility” and “veterinary facility”.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/194452>, and using the comment link. **The comments must be received not later than 4:30 p.m. on July 15, 2019.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board’s website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofVeterinaryExaminers.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, no later than July 8, 2019, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/vet-0619.pdf>.

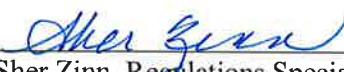
After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.98.050; AS 08.98.080; AS 08.98.180; AS 08.98.186; AS 08.98.188; AS 17.30.200

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.98.050; AS 08.98.080; AS 08.98.180; AS 08.98.186; AS 08.98.188; AS 17.30.200

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 6/10/19



Sher Zinn, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION (AS 44.62.190(d))

1. **Adopting agency:** Board of Veterinary Examiners – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Temporary license and permit requirements, repeal of certain fees, veterinary-client-patient relationships, veterinary facilities, registration with the PDMP.
3. **Citation of regulation:** 12 AAC 68.045 - 12 AAC 68.990.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarify current regulations; compliance with statutes.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
 - A private person:** \$25 for biennial registration with the PDMP for veterinarians with a DEA registration.
 - Another state agency:** None known.
 - A municipality:** None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2020 or in subsequent years.

9. The name of the contact person for the regulation:

Ilsa Lund, Licensing Examiner

Board of Veterinary Examiners

Division of Corporations, Business and Professional Licensing

Telephone: (907) 465-1037

E-mail: ilsa.lund@alaska.gov

10. The origin of the proposed action: Board of Veterinary Examiners.

11. Date: 6/10/19

Prepared by: Sher Zinn

Sher Zinn
Regulations Specialist

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION


I, Sher Zinn, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 68, dealing with student permits, registration with the prescription drug monitoring program (PDMP), veterinary medical facilities, and definitions, has been given by being:

1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the proposed regulation;
6. furnished electronically to incumbent State of Alaska legislators;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);

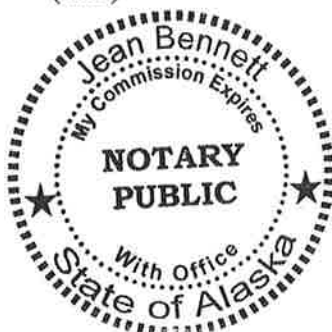
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.


Date: 12/17/19


Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau, AK on
12-17-19

(date)




Notary Public in and for the State of Alaska
My commission expires W/office

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Sher Zinn, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

In compliance with AS 44.62.215, the Department of Commerce, Community, and Economic Development has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Veterinary Examiners regulations on dealing with student permits, registration with the prescription drug monitoring program (PDMP), veterinary medical facilities, and definitions.

Date: 12/17/19

Sher Zinn
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau, AK on
12-17-19
(date)



Jean Bennett
Notary Public in and for the State of Alaska
My commission expires: w/office

ANCHORAGE DAILY NEWS

RECEIVED
Juneau

JUN 18 2019

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AFFIDAVIT OF PUBLICATION

Account #: 268972

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Order#

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Cost

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Product

ADN-Anchorage Daily News

Placement

0300

Position

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STATE OF ALASKA
THIRD JUDICIAL DISTRICT

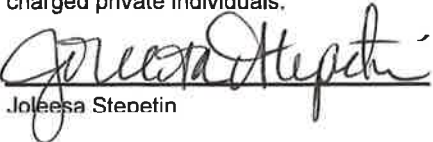
Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

June 10, 2019

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed


Joleesa Stepetin

Subscribed and sworn to before me
this 12th day of June, 2019

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

7/17/2020

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Nowling

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

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4. **12 AAC 68.500. Student permit.** is being amended by repealing the student permit fee.
5. **12 AAC 68.930. Registration with the prescription drug monitoring program controlled substance prescription.**

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Compensation: The starting salary range is \$59,401 - \$63,019, with placement based upon experience. The benefit package includes retirement and health insurance.
Further information: Application and job description are available at: <https://deltajunction.us/employment-2/>

required.
Alaska for the type of vehicle or equipment operated is
• Possession of a valid driver's license issued by the State of
experience.
and resolve problems, including one year of supervisory
subordinate positions and to be able to answer questions
library field, sufficient to thoroughly understand the work of
• Five (5) years of progressively responsible experience in the
Master's degree in Library Information Science preferred.
Library Director in a community the size of Delta Junction.
in accordance with the Alaska State Library guidelines for a
Librarianship or a course of study related such as Education,

AFFIDAVIT OF BOARD OF VETERINARY EXAMINERS ACTION

I, Ilsa Lund, occupational licensing examiner for the Board of Veterinary Examiners under penalty of perjury, state the following:

The attached motion dealing with student permits, registration with the prescription drug monitoring program (PDMP), and definitions was passed by the Board of Veterinary Examiners during its February 24, 2020, meeting.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

Date: 4/9/2020

Ilsa Lund Digitally signed by Ilsa Lund
Date: 2020.04.09 15:40:08 -0800

(password-protected electronic signature)

Ilsa Lund, Occupational Licensing Examiner

State of Alaska

Juneau, City and Borough of Juneau

AAG Auth, Mr. Auth pointed out that one of the problems with the board adoption 12AAC 68.940 was that the board would not have enforcement authority over a veterinary medical facility. Ms. Brown recommended to the board that they readopt the regulations packet from that meeting without that regulation and the definition (12AAC 69.990). If the board wishes to pursue authority to regulate veterinary medical facilities, it will have to go through statute.

On a motion duly made by Rachel Berngartt, seconded by Chris Michetti, and passed unanimously, it was:

RESOLVED to WITHDRAW 12AAC 68.940 and 12AAC 68.990(6) from the adopted regulations packet.

Right-touch Regulation

On a motion duly made by Rachel Berngartt, seconded by Scott Flamme, and passed unanimously, it was:

APPROVED to send out for public comment the change to 12AAC 68.015(c) as proposed by OLE Lund.

12 AAC 68.015. EXAMINATIONS.

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

(Eff. ____/____/____, Register ____)

Authority: AS 08.98.050 AS 08.98.165 AS 08.98.180

OLE Lund requested authority from the board to approve VTNE applicants for the national examination. Certain thresholds would need to be met—for example, turning in an initial application and verification of training with the division, registering for the exam through AAVSB, and submitting at least one reference. There is no procedure for this in regulations but, historically, documents were compiled and then submitted to the board for approval. OLE Lund would like to remove some of the burden from the board by using her experience and best judgment to approve individuals. The board had previously stated that they did not wish to impose undue financial hardship onto veterinary technicians. In the past, if VTNE applicants had not submitted all required documents for review, the application packet was not submitted to the board and the individual was not approved to take the exam in this jurisdiction. Failure to gain exam approval causes applicants to lose \$200 or more.