Kevin Meyer Lieutenant Governor State Capitol Juneau, Alaska 99811 907.465.3520 WWW.LTGOV.ALASKA,GOV



530 West 7th Ave, Suite 1700 Anchorage, Alaska 99501 907.269.7460 LT.GOVERNOR@ALASKA.GOV

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:

August 21, 2020

RE:

Filed Permanent Regulations: Board of Veterinary Examiners

Board of Veterinary Examiners Regulation re: Examination Requirements, Temporary Licenses and Permits, Client-Patient Relationship, and Definitions (12 AAC 68.015-990)

Attorney General File:

2020200380

Regulation Filed:

8/21/2020

Effective Date:

9/20/2020

Print:

235, October 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 two pages of regulations, dealing with examinations, temporary permits and licenses are hereby certified to be a correct copy of the regulation changes the Board of Veterinary Examiners adopted at its July 7, 2020 teleconference meeting, under the authority of AS 08.98.050, AS 08.98.080, AS 08.98.165, AS 08.98.180, and AS 08.98.186, 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.

7/13/2020	
DATE: Juneau, Alaska	Rachel Berngartt 18D59D3A899E4D7
	Dr. Rachel Berngartt, Chair Board of Veterinary Examiners
A .	LING CERTIFICATION for the State of Alaska, certify that on Angust
1,000	5 .m., I filed the attached regulations according to the
	For Kevin Meyer, Lieutenant Governor
Effective: September 20, 2020 Register: 236 October 2010	

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.

OF THE STATE OF TH

KEVIN MEYER LIEUTENANT GOVERNOR

K-Mu

Chapter 68. Board of Veterinary Examiners.

12 AAC 68.015(c) is amended to read:

(C) The state written examination is an open book examination. The examination and study materials will be mailed or provided electronically directly to each applicant. Completed examinations must be returned to the department within 30 days after mailing or provided electronically, as shown by the postmark or electronic dates. The passing score on the state written examination required by (b) of this section is 90 percent or above. (Eff. 9/2/2001, Register 159; am 8/23/2003, Register 167; am 1/14/2007, Register 181; am 1/10/2010, Register 235)

Authority:

AS 08.98.050

AS 08.98.165

AS 08.98.180

12 AAC 68.045(a)(3) is amended to read:

(3) a notarized copy of the applicant's veterinary school diploma showing graduation from an accredited veterinary school, or official transcripts from an accredited veterinary school, or official records showing completion of the Educational [EDUCATION]

Commission for Foreign Veterinary Graduates certification process required by AS 08.98.165(a)(1) [CERTIFICATE]; and

(Eff. 10/21/92, Register 124; am 8/13/2000, Register 155; am 5/30/2015, Register 214; am

9 / 10 / 2020, Register 1235)

Authority:

AS 08.98.050

AS 08.98.080

AS 08.98.180

12 AAC 68.046(a)(3) is amended to read:

(3) a notarized copy of the applicant's veterinary school [A] diploma showing

Register 135, October 2020 PROFESSIONAL REGULATIONS

graduation from an accredited veterinary school, or official transcripts 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); and (Eff. 1/1/2000, Register 152; am 4/9/2005, Register 174; am 1/20 / 2000, Register 235)

Authority: AS 08.98.050 AS 08.98.186

(((Publisher: Please use language below for amendment to 12 AAC 68.016(c) on pg. 1.)))

(c) The state written examination is an open book examination. The department will provide electronic examination and study materials to an approved applicant and will notify an applicant when material is available using the electronic mail address provided on the applicant's completed application. A completed electronic examination must be substitled to the department within 30 days after the department sends the electronic mail message, as shown by the date-stamp on the message. At an applicant's request, or if an electronic mail address is not provided by the applicant, examination and study materials will be mailed directly to the [EACH] applicant. An examination completed by mail [completed directly 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 (6) of this section is 90 percent or above.

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer Lieutenant Governor

Date: August 19, 2020

File No.: 2020200380

Tel. No.: 465-3600

From: Susan R. Pollard SRP

Chief Assistant Attorney General and Regulations Attorney
Legislation and Regulations Section

Re: Board of Veterinary Examiners
Regulation re: 12 AAC 68.015-990:
Examination Requirements,
Temporary Licenses and Permits,
Client-Patient Relationship,

Definitions

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 concern providing examination materials electronically and allowing the use of official transcripts as proof of graduation.

The May 20, 2020, public notice and the July 13, 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. Although the edits may on first glance look extensive, they were made with input from agency personnel to ensure correct understanding of the board's intent and incorporation of the process of how an applicant may access an electronic examination. The corrections are shown on the attached copy of the regulations.

SRP:sjw

cc w/enc:

Rachel K. Berngartt, 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

Glenn Hoskinson, Special Assistant to the Commissioner 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

Harriet Milks, Assistant Attorney General Commercial, Fair Business, and Child Support Section

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

BRIEF DESCRIPTION: The Board of Veterinary Examiners proposes to adopt changes to the regulations regarding examinations, temporary permits and licenses, veterinary-client-patient relationships, 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 68.015. Examinations, is being proposed to clarify the way the state written examination is provided to applicants, and subsequently returned to the board.
- 2. 12 AAC 68.045. Temporary license, is being proposed to clarify requirements for verification of a veterinary degree for obtaining a temporary license.
- 3. 12 AAC 68.046. Temporary permits, is being proposed to clarify requirements for verification of a veterinary degree for obtaining a temporary permit.
- **4. 12 AAC 68.075. Veterinary-client-patient relationship**, is a proposed a new section establishing the requirements for a veterinary-client-patient relationship.
- 5. 12 AAC 68.990. Definitions, is being proposed to add a definition for "telemedicine services".

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/198260, and using the comment link. The comments must be received not later than 4:30 p.m. on June 22, 2020. Comments received after this deadline will not be considered by the Board.

Oral comments relevant to the proposed regulations may also be submitted at an oral hearing to be held June 2, 2020, by video and teleconference. You may register in advance for the video conference at https://zoom.us/meeting/register/tJEvdO2upjwsHNApLlk6AscF-9leHBW-Cger, or by telephone at 800-315-6338 during the hearing. The hearing will be held from 9:15 a.m. to 10:00 a.m. and might be extended to accommodate those present before 9:15 a.m. who did not have an opportunity to comment. Callers should be on the line before the hearing begins at 9:15 a.m. if they would like to provide oral testimony. Due to the COVID-19 outbreak, no in-person testimony or written comments will be taken at the hearing.

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 <u>RegulationsAndPublicComment@alaska.gov</u>, no later than June 15, 2020, 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-0520.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 08.98.165; AS 08.98.180; AS 08.98.186.

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.98.050; AS 08.98.080; AS 08.98.165; AS 08.98.180; AS 08.98.186.

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

DATE: 5/20/2020

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: Written exam, temporary licenses and permits, veterinary-client-patient relationships.
- 3. Citation of regulation: 12 AAC 68.015 12 AAC 68.990.
- 4. Department of Law file number: To be assigned.
- 5. Reason for the proposed action: Update and clarify current regulations.
- 6. Appropriation/Allocation: Corporations, Business and Professional Licensing #2360.
- 7. Estimated annual cost to comply with the proposed action to:

A private person: None known.
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: 5/30/3000 Prepared by: Sher Zinn Regulation

Regulations Specialist

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU Attention To: ATTN TO: JUN MAIQUIS PO BOX 110806, JUNEAU, AK 99811

Order #: W0015427

Cost: \$577.72

JUN 0 2 2020

Division of Corporations, Business

s

STATE OF ALASKA THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that 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

05/20/2020

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

Subscribed and sworn to before me this 21st day of May 2020.

Notary Public in and for The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES

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

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 68.015. Examinations, is being proposed to clarify the way the state written examination is provided to applicants, and subsequently returned to the board.
- 12 AAC 68.045. Temporary license, is being proposed to clarify requirements for verification of a veterinary degree for obtaining a temporary license.
- 12 AAC 68.046. Temporary permits, is being proposed to clarify requirements for verification of a veterinary degree for obtaining a temporary permit.
- 12 AAC 68.075. Veterinary-client-patient relationship, is a proposed a new section establishing the requirements for a veterinary-client-patient relationship.
- 12 AAC 68.990. Definitions, is being proposed to add a definition for "telemedicine services".

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. 9981-10806. 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/firensing.this.notice.org.comments must be received not later than 4:30 p.m. on June 22, 2020. Comments received after this deadline will not be considered by the Board.

oral comments relevant to the proposed regulations may also be submitted at an oral hearing to be held June 2, 2020, which is the control of the video conference. You may register in advance for the video conference at https://zoom.us/meeting/register/trevd/20up/ssHAPJLKASAC-9leHBW/cgc, or by telephone at 800-315-6338 during the hearing. The hearing will be held from 9-15 a.m. to 10:00 a.m. and might be extended to accommodate those present before 9:15 a.m. who did not have an opportunity to comment. Callers should be on the line before the hearing begins at 9:15 a.m. if they would like to provide oral testimony. Due to the COVID-19 outbreak, no in person testimony or written comments will be taken at the hearing.

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, A. 99811-0806 or by e-mail at Regulations Andrublic Comment alaska gov. The questions must be received at least 10 days before the end of the public comment period. The floard 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/cbpi/Professionali_ersing/Boardol/Veterinary/Eaminers.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 Regulations And public Comment@ alaska.gov, no later than June 15, 200, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Orlline Public Notice System and by contacting Sher 210 at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, or go to https://www.commerce.alaska.gov/web/portals/s/pub/ VET-0320.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 08.98.165; AS 08.98.180; AS 08.98.186.

Statutes Being Implemented, Interpreted, or Made Specifi AS 08.98.050; AS 08.98.080; AS 08.98.165; AS 08.98.180; A 08.98.186.

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

DATE: 5/20/2020 By: /s/ 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.

Published: May 20, 2020

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 examinations, temporary permits and licenses, veterinary-client-patient relationships, 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.

posted on the Alaska Oninte Fuolic Notice	e System,
Date: 7/20/2020	
	Sher Zinn, Regulations Specialist
Subscribed and sworn to before me at	Juneau, Alaska or
(date)	
NOTARY PUBLIC	Notary Public in and for the State of Alaska My commission expires

AFFIDAVIT OF ORAL HEARING

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

On June 2, 2020, at 9:15 a.m., in room B, 333 Willoughby Ave., 9th Floor, Juneau, Alaska, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 12 AAC 68.015, 12 AAC 68.045, 12 AAC 68.046, 12 AAC 68.075, and 12 AAC 68.990, dealing with examinations, temporary permits and licenses, veterinary-client-patient relationships, and definitions.

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.

I certify under penalty of perjury that the foregoing is true.

Date: 6/30/2020

Ilsa Lund

Digitally signed by Ilsa Lund Date: 2020.06.30 08:17:18 -08'00'

(password-protected electronic signature) Ilsa Lund, Licensing Examiner

State of Alaska Juneau, Juneau City and Borough

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 examinations, temporary permits and licenses, veterinary-client-patient relationships, and definitions.



Notary Public in and for the State of Alaska
My commission expires: wo office

Excerpt from the minutes of the meeting held by the Board of Veterinary Examiners on Tuesday, July 7, 2020.

On a motion duly made by Denise Albert, seconded by Hal Geiger and with unanimous approval it was:

RESOLVED to ADOPT 12 AAC 68.015(c), 12 AAC 68.045(a)(3), and 12 AAC 68.046(a)(3) as written.

On a motion duly made by Hal Geiger and seconded by Denise Albert it was:

RESOLVED to ADOPT 12 AAC 68.075 regarding VCPR as written.

Board Member	Yes	No	Absent
Rachel Berngartt		X	
Hal Geiger		X	
Chris Michetti			x
Scott Flamme		X	
Denise Albert		X	

On a motion duly made by Hal Geiger, seconded by Scott Flamme, and with unanimous approval it was:

RESOLVED to WITHDRAW 12 AAC 68.075 and 12 AAC 68.990 from the current regulations project.

AFFIDAVIT OF BOARD OF VETERINARY EXAMINERS ACTION

I, Ilsa Lund, Licensing Examiner, for the Board of Veterinary Examiners, under penalty of perjury, state the following:

The attached motion dealing with examinations, temporary permits and licenses, was passed by the Board of Veterinary Examiners during its July 7, 2020 teleconference 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.

I certify under penalty of perjury that the foregoing is true.

Date:	7/13/2020	DocuSigned by:
		Dayon
		E85161D69312484
		(password-protected electronic signature)
		Ilsa Lund, Licensing Examiner

State of Alaska Juneau, Juneau City and Borough