MEMORANDUM

TO: Victoria Caltagirone
Department of Commerce, Community and Economic Development

FROM: Kady Levale, Office of the Lieutenant Governor
465.3509

DATE: June 24, 2022

RE: Filed Permanent Regulations: Board of Veterinary Examiners

Department of Commerce, Community and Economic Development; Board of Veterinary Examiners regulations re: exams, records, PDMP, and definitions (12 AAC 68)

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Attorney General File: 2021200143
Regulation Filed: 6/24/2022
Effective Date: 7/24/2022
Print: 243, October 2022

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist
ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF VETERINARY EXAMINERS

The attached five pages of regulations, dealing with examinations, medical records, prescription drug monitoring program, and definitions, are certified to be a correct copy of the regulation changes that the Board of Veterinary Examiners adopted at its April 6, 2022 videoconference meeting, under the authority of AS 08.98.050, AS 08.98.080, AS 08.98.165, AS 08.98.167, and 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: 6/2/2022

Denise Albert, DVM, Acting Chair
Board of Veterinary Examiners

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on June 24, 2022 at 9:21 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

Kevin Meyer, Lieutenant Governor

Effective: July 24, 2022
Register: 243, October 2022
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.

KEVIN MEYER
LIEUTENANT GOVERNOR
12 AAC 68.010(a)(3) is amended to read:

(3) evidence that, within 60 months before the date of application, the applicant has passed the North American Veterinary License Examination, administered by the International Council for Veterinary Assessment (ICVA):

12 AAC 68.010(b) is amended to read:

(b) An application for licensure by examination and all supporting documents must be received by the department not later than 15 [at least 120] days before the deadline to register for the [NEXT SCHEDULED] examination, as set by the International Council for Veterinary Assessment (ICVA).

(Eff. 3/27/71, Register 37; am 7/11/81, Register 79; am 4/22/83, Register 86; am 6/29/84, Register 90; am 4/10/88, Register 106; am 12/27/90, Register 116; am 5/9/98, Register 146; am 1/1/2000, Register 152; am 8/13/2000, Register 155; am 9/2/2001, Register 159; am 5/23/2003, Register 166; am 8/6/2006, Register 179; am 5/11/2007, Register 182; am 5/30/2015, Register 214; am **7/24/2022** Register 243)

Authority: AS 08.98.050 AS 08.98.165

Editor's note: The International Council for Veterinary Assessment (ICVA), described in 12 AAC 68.010(a)(3) and (b), may be reached at P.O. Box 1356, Bismarck, ND 58502; telephone: (701) 224-0332. The website for the North American Veterinary License Examination (NAVLE), administered by the ICVA, is https://www.icva.net/navle/.

As of Register 230 (July 2019), the regulations attorney made a technical revision under AS 44.62.125(b)(6), to 12 AAC 68.010(a)(7).
12 AAC 68.315(b) is amended to read:

(b) An application for examination or reexamination must be received by the department not later than 15 [AT LEAST 120] days before the deadline to register for [DATE OF] the [NEXT] examination, as set by the American Association of Veterinary State Boards. 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.

(Eff. 10/21/92, Register 124; am 5/9/98, Register 146; am 9/2/2001, Register 159; am 4/9/2005, Register 174; am 5/30/2015, Register 214; am 7/24/2022, Register 243)

Authority: AS 08.98.050 AS 08.98.080 AS 08.98.167

Editor's note: The Veterinary Technician National Examination, described in 12 AAC 68.315, is sponsored by the American Association of Veterinary State Boards (AAVSB), 380 W. 22nd Street, Suite 101, Kansas City, MO 64108; Telephone: (816) 931-1504; website at https://aavsb.org/vtne-overview/the-online-application.

12 AAC 68.910(e) is amended to read:

(e) Unless released to the client [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, or electronic disposal, so that the records are totally destroyed. (Eff. 2/10/85, Register 93; am 5/9/98, Register 146; am 7/24/2022, Register 243)

Authority: AS 08.98.050
12 AAC 68.930 is repealed and readopted to read:

12 AAC 68.930. Registration with the prescription drug monitoring program
controlled substance prescription database. (a) 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 and
12 AAC 52.855(a).

(b) A licensed veterinarian may delegate, in accordance with AS 17.30.200(d)(3), the
reviewing of client information and the reporting of patient data only to another veterinarian or
veterinary technician employed in the same practice who holds a current license under AS 08.68.

(c) The veterinarian's delegate must be registered with the PDMP using a separate login,
and shall register using the name of the delegating veterinarian. The veterinarian may not give
the veterinarian's login to a delegate. (Eff. 5/16/2020, Register 234; am 7/24/2020, Register 243)

Authority: AS 08.98.050 AS 17.30.200

12 AAC 68 is amended by adding a new section to read:

12 AAC 68.935. Compliance with the prescription drug monitoring program
controlled substance prescription database. (a) Unless excused under AS 17.30.200(t) and (c)
of this section, a licensed veterinarian or the veterinarian's delegate must review the information
in the prescription drug monitoring program (PDMP) controlled substance prescription database
to check a client's prescription records before the veterinarian dispenses or prescribes a schedule
II or III controlled substance to the client.

(b) Unless excused under AS 17.30.200(t) and (c) of this section, a licensed veterinarian

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who dispenses a schedule II, III, or IV controlled substance must submit the information as required under AS 17.30.200(b) to the PDMP daily, including days when the veterinarian does not dispense any controlled substances. When reporting a dispensed controlled substance under this subsection, the veterinarian shall use the name of the client.

(c) A licensed veterinarian is not required to review the client's information in the PDMP database before prescribing, administering, or dispensing a controlled substance if

(1) the patient is receiving treatment

   (A) in an inpatient setting;

   (B) at the scene of an emergency;

   (C) in an emergency veterinary hospital; or

   (D) immediately before, during, or within the first 48 hours after surgery or a medical procedure; or

(2) the prescription is non-refillable and is written for a quantity intended to last for not more than three days.

(d) In this section,

(1) "reporting" means inputting prescription data for the client's animal patient;

(2) "emergency veterinary hospital" means a veterinary hospital or emergency service that

   (A) is an independent after-hours service, an independent 24-hour service, or part of a full-service hospital;

   (B) has the primary function of receiving, treating, and monitoring emergency patients during its specified hours of operation; and

   (C) has a licensed veterinarian in attendance at all hours of operation and
sufficient staff available to provide timely and appropriate care. (Eff. 7/24/2022.)

Register 243)

Authority: AS 08.98.050 AS 17.30.200

12 AAC 68.990 is amended by adding a new paragraph to read:

(6) "veterinary facility" or "veterinary medical facility"

(A) means any premises or facility where the practice of veterinary
medicine is performed, including a mobile clinic, temporary clinic, outpatient clinic,
veterinary hospital or clinic, emergency facility, specialty facility, referral facility, or
veterinary center;

(B) does not include the premises of

(i) a veterinary client;

(ii) a research facility; or

(iii) the United States armed forces. (Eff. 4/10/88, Register 106;
am 5/9/98, Register 146; am 1/1/2000, Register 152; am 5/16/2020, Register 234;
am 7/24/2022; Register 243)