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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

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

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: April 5, 2023

RE: Filed Permanent Regulations: Board of Veterinary Examiners

Board of Veterinary Examiners regulations re: Veterinarian-client-patient relationship definition and requirements (12 AAC 68.215)

Attorney General File:	2022200599
Regulation Filed:	4/5/2023
Effective Date:	5/5/2023
Print:	246, July 2023

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Alison Osborne, Regulations Specialist



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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March 30, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *2 AAC 68.215: Board of Veterinary Examiners - Veterinarian-client-patient relationship definition and requirements*

Our file: 2022200599

Dear Lieutenant Governor Dahlstrom:

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 letter 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 concern the definition of and requirements for a veterinarian-client-patient relationship.

The regulations were adopted by the Board of Veterinary Examiners after the close of the public comment period. The December 13, 2022 public notice and the February 23, 2023 order certifying changes 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 corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Digitally signed by
Rebecca C. Polizzotto
Date: 2023.03.30
09:23:15 -08'00'

Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/ehp

CC w/enclosure: Alison Osborne, Regulations Specialist
Department of Commerce, Community and Economic Development

Brad Sharp, Assistant Attorney General
Department of Law

Steven Weaver, Assistant Attorney General
Department of Law

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

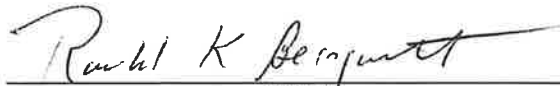
The attached three pages of regulations, outlining the specific criteria required to establish a veterinarian-client-patient relationship, are certified to be a correct copy of the regulation changes that the Board of Veterinary Examiners adopted at its February 23, 2023 meeting, under the authority of AS 08.01.062, AS 08.01.063, and AS 08.98.050, 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: 2/23/2023



Rachel Bergart, DVM, Chair
Board of Veterinary Examiners

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on April 5, 2023 at 10:10 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

for 

Nancy Dahlstrom, Lieutenant Governor

Effective: May 5, 2023.

Register: 246, July 2023.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, 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, 2022.



Nancy Dahlstrom

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

12 AAC 68 is amended by adding a new section to Article 2 to read:

12 AAC 68.215. Veterinarian-client-patient relationship. (a) A veterinarian-client-patient relationship exists, and a licensed veterinarian may engage in the practice of veterinary medicine for the patient, if the veterinarian

(1) conducts an initial physical meeting with the client and patient, at which the veterinarian

(A) performs a physical examination on the patient; or

(B) is personally acquainted with the keeping and care of the patient through medically appropriate visits to the premises where the patient is maintained;

(2) has sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the patient's medical conditions;

(3) has assumed responsibility for making clinical judgments for the health of the patient and the need for medical therapy, and has instructed the client on a course of therapy appropriate to the circumstance;

(4) maintains records for the patient; and

(5) provides oversight of treatment and is readily available to provide, or has provided for, follow-up medical care in the event of adverse reactions or failure of the treatment regimen.

(b) Once a veterinarian-client-patient relationship is established under (a) of this section, it may be maintained by electronic or telephonic means during the 12 months that follow the initial examination or premises visit. Not later than 12 months after the initial physical

examination or medically appropriate visit of the premises, the licensed veterinarian, client, and patient must meet for another physical examination or premises visit. Each additional physical examination or premises visit must occur not later than 12 months after the prior physical exam or premises visit for the veterinarian-client-patient relationship to continue.

(c) The licensed veterinarian or the client may decline or discontinue a veterinarian-client-patient relationship.

(d) A licensed veterinarian who in good faith engages in the practice of veterinary medicine by rendering or attempting to render emergency care to a patient when a client cannot be identified, or where a veterinarian-client-patient relationship is not established, is not subject to discipline based solely on the veterinarian's inability to establish a veterinarian-client-patient relationship.

(e) Notwithstanding the requirements in (a)(1) of this section for an initial physical meeting, a veterinarian licensed in this state may conduct an initial evaluation of a patient through electronic or telephonic means only in remote regions of this state where there is no locally available veterinarian if

(1) travel for a physical examination or premises visit with the client is impossible;

(2) the veterinarian requests that, when reasonably achievable, the patient be presented for an in-person examination or that the veterinarian conduct a medically appropriate visit to the premises where the patient is kept; and

(3) the veterinarian provides the client with the veterinarian's identity and clinic

Register 246, July 2023 PROFESSIONAL REGULATIONS

address.

(f) A veterinarian providing care for patients under (e) of this section does not establish a veterinarian-client-patient relationship without having met the requirements of (a)(2) - (5) and (b) of this section. (Eff. 5 / 5 / 2023, Register 246)

Authority: AS 08.98.050