

**ARRIVED**

7/22/2016

**APOC - ANCH  
PM HC FAX ELE**

TO: State of Alaska, Alaska Public Offices Commission

SUBJECT: Jeanne Olson, POFD Exemption Request

DATE: 21 July 2016

FROM: Jeanne Olson, 1890 Hollowell Road, North Pole, AK 99705

I respectfully appeal your office's decision, dated June 14<sup>th</sup>, 2016, of my POFD exemption request. I received the notice of this decision by registered mail on June 22<sup>nd</sup>, 2016, and now desire to have this issue formally reviewed by the Commission.

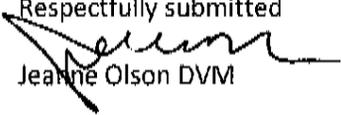
I appreciate the details of past appeals to exempt self-employed filers from reporting clients. It appears that I am the first veterinarian to be included in this growing list of appeals. I also appreciate, and thank you, for the detailed background and explanations that you have provided regarding this issue.

I am appealing for the following reasons:

1. As a licensed veterinarian, I must abide by Alaska's Veterinary Statutes. APOC staff's interpretation of the perceived conflict between 12 AAC 68.100 and 2 AAC 50.775 suggests a one-sided bias. There is no interpretation from the State Board of Veterinary Examiners in this decision. This has the potential to prevent certain professionals from holding a public office.
2. The statement "Staff cannot see circumstances where the mere disclosure that an individual has received veterinarian services for an animal could be construed as embarrassing or detrimental," demonstrates an under appreciation for the human: animal bond, and for the veterinary profession. In fact, one of my clients has responded to my request to allow their name to be publically noticed by saying..."I love my dog. And, yes, I spend a lot of money on his medical bills. But, a lot of friends and co-workers don't believe one should spend so much money on a mere dog. They would ridicule me relentlessly if they knew how much money I spent on him. So, no, I do not want you to release my name."
3. The client list in question is for 2015. I can only estimate the number of clients who have spent more than \$ 1,000 last year. I will need to sift through my receipt books and compare them to the medical records to determine the actual number, as well as the amount paid. This will take some time because many clients have multiple pets. Current estimate is more than 10 but less than 20 clients.
4. What about 2016? If I am elected, and your decision is upheld by the Commission, I intend to inform clients about this financial disclosure obligation. There is certainly the possibility that clients will choose to obtain veterinary services elsewhere because they do not want to have their "business" published by the government. Once again, this obligation has the potential to force certain professions to make a decision about whether to seek public office positions.

5. I find it disheartening that many other public office holders can use the structure and legal loopholes of corporations to shield them from this reporting obligation. I was also appalled to have one person tell me not to report any client, because how would APOC know unless you reported it? Furthermore, it is incredulous that so many individuals holding public office do not claim a Conflict of Interest when they clearly have potential personal or professional gain from their actions. If the purpose of the APOC rules is transparency and honesty, then the devil is in the details. And, the rules should be applied in a broader manner to all individuals.
  
6. I am appealing this decision because the points that I have presented need to be documented as public record. I am not flippantly avoiding the disclosure of my clients' information, nor do I wish your office to have additional work due to this appeal.

Respectfully submitted



Jeanne Olson DVM

Candidate for House District 3



THE STATE  
of ALASKA  
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128  
Anchorage, AK 99508-4149  
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Fax: 907.276.7018  
[www.doa.alaska.gov/apoc](http://www.doa.alaska.gov/apoc)

June 14, 2016

Via EMAIL & CERTIFIED MAIL

Jeanne Olson, DVM  
1890 Hollowell Rd.  
North Pole, AK 99705  
[corvi@mosquionet.com](mailto:corvi@mosquionet.com)

RE: Staff Response to the Request for Exemption

Ms. Olson:

Thank you for timely filing your 2016 Candidate Public Official Financial Disclosure Statement (POFD). This letter is in response to your request for an exemption from the requirement under 2 AAC 50.685(a) that you must disclose a source of income from clients who paid you \$1,000 or more in 2015 made by e-mail on June 1, 2016. You made your request under 2 AAC 50.821 and 2 AAC 50.775. You cite a conflict between 12 AAC 68.100 and 2 AAC 50.775 as the basis for your exemption request. Based on the information you have provided staff denies your exemption request.

Your request notes the perceived conflict between 12 AAC 68.100 and 2 AAC 50.775. The regulation 12 AAC 68.100 is under the Standards of Practice area for the Board of Veterinarian Examiners and states, "A licensed veterinarian shall maintain a confidential relationship with the client or the client's authorized agent." The regulation does not specify what is confidential. A different regulation, 12 AAC 68.910(d), states that "Patient medical records may not be released to a third party without the written consent of the patient's owner" with exceptions for public health reasons or case summaries for other medical purposes. APOC staff interprets this to mean that the medical contents of the patient's (*i.e.*, animal's) records are the confidential material and that the existence of the relationship between the patient's owner and the veterinarian is not confidential.

From 2008 to present the Alaska Public Offices Commission has received 11 requests to exempt self-employed filers from reporting clients. Eight of these requests have been denied, two partially granted, and one approved.<sup>1</sup> The one approved request was based on the HIPPA requirements for physicians. The two partially approved requests were for

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<sup>1</sup> The denied matters concerned requests from self-employed attorneys (3), an accountant, a realtor, and a contractor to not disclose clients, as well as two sitting magistrates who desired other materials to be exempted. The realtor appealed the Commission's decision to Superior Court where it was upheld.

attorneys who were involved in the areas of adoptions, Medicaid rules, and estate planning. All of these areas are noted as exempt areas in 2 AAC 50.775.

In 2010, in the denial of one of the attorney exemption requests, staff noted that attorneys must disclose the names of clients unless the disclosure would be embarrassing or detrimental to the client. Staff cannot see circumstances where the mere disclosure that an individual has received veterinarian services for an animal could be construed as embarrassing or detrimental.

In those exemption requests that have been denied, similar claims regarding a matter of professional ethics has been cited as the reason for the exemption. Based on a 1985 Informal Attorney General Opinion (File No. 366-298-85), that reason is not sufficient to override the state's interest in having the financial affairs of candidates and public officials made public.<sup>2</sup>

Other states such as Florida and Illinois have statutes that require veterinarians to keep the contents of veterinary medical records confidential. Illinois statute states that "No veterinarian shall be required to disclose any information *concerning the veterinarian's care of an animal* except on written authorization or other waiver by the veterinarian's client or on appropriate court order or subpoena."<sup>3</sup> Florida's law notes that records regarding care of an animal are not to be released to anyone except the client, clients' legal representative, or other veterinarian involved in care.<sup>4</sup>

APOC staff has searched for any court cases where the confidentiality of veterinary-client relationship in a public official financial disclosure statement was at issue and was unable to find any such cases. However, APOC did find decisions that are tangentially relevant to this discussion. In *Kaufman v. Langhofer*, an Arizona court found that a pet owner could not recover damages for emotional distress "because that would offer broader compensation for the loss of a pet than for the loss of a human."<sup>5</sup> A similar holding was made in a Michigan case.<sup>6</sup> Following the logic in these cases, it would go too far to enable a veterinarian who is a candidate of public office to not disclose financial relationships with clients because this would provide greater confidentiality protections to animals than to the human clients of attorneys or the health information of human patients of medical physicians. Moreover, Alaska's public official financial disclosure laws do not seek the disclosure of any medical or treatment records of a veterinary patient.

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<sup>2</sup> AS 39.50.010(b); see 1982 Inf. Op. Att'y Gen. (Feb. 15; No. 366-298-85) ([http://www.law.alaska.gov/pdf/opinions/opinions\\_2000/00-024\\_661010087.pdf](http://www.law.alaska.gov/pdf/opinions/opinions_2000/00-024_661010087.pdf)).

<sup>3</sup> 225 ILCS 115/25.17(a) (emphasis added).

<sup>4</sup> F.S.A. § 474.2165(4).

<sup>5</sup> *Kaufman v. Langhofer*, 222 P.3d 272 (Ariz.App. Div. 1, 2009). available at <https://www.animallaw.info/cases/topic/veterinarian-issues>.

<sup>6</sup> *Koester v. VCA Animal Hosp.*, 624 N.W.2d 209 (Mich. App., 2000); lv. app. den. 631 N.W. 2d 339 (Mich. 2001), available at <https://www.animallaw.info/cases/topic/veterinarian-issues>.

The laws of other states note that the contents of veterinary records are confidential. Alaska law does not provide for a veterinarian-client privilege, but the regulation cited, 12 AAC 68.100, does impose a duty of confidentiality on veterinarians. Alaska Statute 39.50 does not seek the contents of any patient files kept by a veterinarian, the cause of the need to seek veterinary services, or the treatment considered or delivered. Alaska Statute 39.50 only requires that the name of the client and the amount paid to the filer be disclosed if the total amount was over \$1,000 in the preceding calendar year.<sup>7</sup>

APOC staff understands your concerns, but the reasons you have provided do not fall within the established list of exemptions available under current regulations (2 AAC 50.775). APOC staff is unable to see any conflict between 12 AAC 68.100 and the reporting of income from clients in this instance. The identity of a veterinary client and the amount paid to the veterinarian is not confidential under AS 39.50.030(b)(1)(F), although the argument could be made that the specific nature of the services provided are confidential under 12 AAC 68.100.

If you do not agree with the staff determination, you have the right to appeal the staff decision to the Commission as provided in 2 AAC 50.831. Under that regulation you have 30 days to appeal this staff decision. If you decide not to appeal this decision, you must amend your 2016 Candidate POFD within the same 30 days to reflect those clients that paid you more than \$1,000 in calendar year 2015.

Please feel free to contact APOC staff if you have any questions or require any additional information. A copy of the statutes and regulations cited in this letter is attached. Thank you for your time and attention.

ALASKA PUBLIC OFFICES COMMISSION (APOC)

Sincerely,



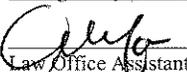
Paul Dauphinais  
APOC, Executive Director

Encl(s): Statutes and Regulations Cited

**Certificate of Service**

I certify that on this date, I served a true copy of the foregoing document via Certified Mail, Return Receipt Request, to:

Jeanne Olson, DVM  
1890 Hollowell Rd.  
North Pole, AK 99705  
[corvi@mosquitonet.com](mailto:corvi@mosquitonet.com)

  
Law Office Assistant

6.14.16  
Date

9171-9690-0935-0107-7019-06

<sup>7</sup> AS 39.50.030(b)(1)

(225 ILCS 115/25.17)

Illinois

(225 ILCS 115/) Veterinary Medicine and Surgery Practice Act of 2004.

(Section scheduled to be repealed on January 1, 2024)

Sec. 25.17. Disclosure of patient records; maintenance.

(a) No veterinarian shall be required to disclose any information concerning the veterinarian's care of an animal except on written authorization or other waiver by the veterinarian's client or on appropriate court order or subpoena. Any veterinarian releasing information under written authorization, or other waiver by the client, or court order of subpoena is not liable to the client or any other person. The privilege provided by this Section is waived to the extent that the veterinarian's client or the owner of the animal places the care and treatment or the nature and extent of injuries to the animal at issue in any civil or criminal proceeding. When communicable disease laws, cruelty to animal laws, or laws providing for public health and safety are involved, the privilege provided by this Section is waived.

(b) Copies of patient records must be released to the client upon written request as provided for by rule.

(c) Each person who provides veterinary medical services shall maintain appropriate patient records as defined by rule. The patient records are the property of the practice and the practice owner. Patient records shall, if applicable, include the following:

- (1) patient identification;
- (2) client identification;
- (3) dated reason for visit and pertinent history;
- (4) physical exam findings;
- (5) diagnostic, medical, surgical or therapeutic procedures performed;
- (6) all medical treatment must include identification of each medication given in the practice, together with the date, dosage, and route of administration and frequency and duration of treatment;
- (7) all medicines dispensed or prescribed must be recorded, including directions for use and quantity;
- (8) any changes in medications or dosages, including telephonically or electronically initiated changes, must be recorded;
- (9) if a necropsy is performed, then the record must reflect the findings;
- (10) any written records and notes, radiographs, sonographic images, video recordings, photographs or other images,

and laboratory reports;

(11) other information received as the result of consultation;

(12) identification of any designated agent of the client for the purpose of authorizing veterinary medical or animal health care decisions; and

(13) any authorizations, releases, waivers, or other related documents.

(d) Patient records must be maintained for a minimum of 5 years from the date of the last known contact with an animal patient.

(e) Information and records related to patient care shall remain confidential except as provided in subsections (a) and (b) of this Section.

(Source: P.A. 96-1322, eff. 7-27-10.)

## The 2015 Florida Statutes

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**Title XXXII**  
REGULATION OF PROFESSIONS  
AND OCCUPATIONS

**Chapter 474**  
VETERINARY MEDICAL  
PRACTICE

**View Entire**  
**Chapter**

### CHAPTER 474

### VETERINARY MEDICAL PRACTICE

474.2165 Ownership and control of veterinary medical patient records; report or copies of records to be furnished.—

(1) As used in this section, the term “records owner” means any veterinarian who generates a medical record after making a physical examination of, or administering treatment or dispensing legend drugs to, any patient; any veterinarian to whom records are transferred by a previous records owner; or any veterinarian’s employer, provided the employment contract or agreement between the employer and the veterinarian designates the employer as the records owner.

(2) Each person who provides veterinary medical services shall maintain medical records, as established by rule.

(3) Any records owner licensed under this chapter who makes an examination of, or administers treatment or dispenses legend drugs to, any patient shall, upon request of the client or the client’s legal representative, furnish, in a timely manner, without delays for legal review, copies of all reports and records relating to such examination or treatment, including X rays. The furnishing of such report or copies shall not be conditioned upon payment of a fee for services rendered.

(4) Except as otherwise provided in this section, such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the client or the client's legal representative or other veterinarians involved in the care or treatment of the patient, except upon written authorization of the client. However, such records may be furnished without written authorization under the following circumstances:

- (a) To any person, firm, or corporation that has procured or furnished such examination or treatment with the client's consent.
- (b) In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the client or the client's legal representative by the party seeking such records.
- (c) For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient and the client, or provided written permission is received from the client or the client's legal representative.

**AS 39.50.010. Findings and purpose.** (a) It is declared by the people of the State of Alaska that the purposes of this chapter are

- (1) to discourage public officials from acting upon a private or business interest in the performance of a public duty;
- (2) to assure that public officials in their official acts are free of the influence of undisclosed private or business interests;
- (3) to develop public confidence in persons seeking or holding public office, enhance the dignity of the offices and make them attractive to citizens who are motivated to public service; and
- (4) to develop accountability in government by permitting public access to information necessary to judge the credentials and performance of those who seek and hold public office.

(b) The people of the State of Alaska declare that

- (1) public office is a public trust that should be free from the danger of conflict of interest;
- (2) the public has a right to know of the financial and business interests of persons who seek or hold public office;
- (3) a compelling state interest requires that candidates for office and office holders disclose their personal and business financial interests;
- (4) reasonable disclosure requirements do not violate an individual's right to privacy when the individual seeks or holds public office and a compelling state interest in the disclosure exists; and
- (5) reasonable disclosure requirements do not have the effect of chilling the exercise of the right of a qualified person to seek or hold public office.

**AS 39.50.030. Contents of statements.** (a) Each statement must be an accurate representation of the financial affairs of the public official or candidate and must contain the same information for each member of the person's family, as specified in (b) and (d) of this section, to the extent that it is ascertainable by the public official or candidate.

(b) Each statement filed by a public official or candidate under this chapter must include the following:

(1) for all sources of income over \$1,000 during the preceding calendar year, including taxable capital gains, and for all gifts from a single source with a cumulative value exceeding \$250 in a calendar year, received by the person, the person's spouse or domestic partner, or the person's dependent child,

(A) each source of the income or gift;

(B) the recipient of the income or gift;

(C) the amount of the income or value of the gift;

(D) a brief statement describing whether the income was earned by commission, by the job, by the hour, or by some other method;

(E) the approximate number of hours worked to earn the income; and

(F) unless required by law to be kept confidential, a description sufficient to make clear to a person of ordinary understanding the nature of each service performed and the date the service was performed;

(2) the identity, by name and address, of each business in which the person, the person's spouse or domestic partner, or the person's dependent child has an interest or was a stockholder, owner, officer, director, partner, proprietor, or employee during the preceding calendar year, except that an interest of less than \$1,000 in the stock of a publicly traded corporation need not be included;

(3) the identity and nature of each interest in real property, including an option to buy, owned at any time during the preceding calendar year by the person, the person's spouse or domestic partner, or the person's dependent child;

(4) the identity of each trust or other fiduciary relationship in which the person, the person's spouse or domestic partner, or the person's dependent child held a beneficial interest exceeding \$1,000 during the preceding calendar year, a description and identification of the property contained in each trust or relation, and the nature and extent of the beneficial interest in it;

(5) any loan or loan guarantee of more than \$1,000 made to the person, the person's spouse or domestic partner, or the person's dependent child, and the identity of the maker of the loan or loan guarantor and the identity of each creditor to whom the person, the person's spouse or domestic partner, or the person's dependent child owed more than \$1,000; this paragraph requires disclosure of a loan, loan guarantee, or indebtedness only if the loan or guarantee was made, or the indebtedness incurred, during the preceding calendar year, or if the amount still owing on the loan, loan guarantee, or indebtedness was more than \$1,000 at any time during the preceding calendar year;

(6) a list of all contracts and offers to contract with the state or an instrumentality of the state during the preceding calendar year held, bid, or offered by the person, the person's spouse or domestic partner, or the person's dependent child, a partnership, limited liability company, or professional corporation of which the person is a member, or a corporation in which the person or the person's spouse, domestic partner, or dependent child, or a combination of them, hold a controlling interest; and

(7) a list of all mineral, timber, oil, or any other natural resource lease held, or lease offer made, during the preceding calendar year by the person, the person's spouse or

domestic partner, or the person's dependent child, a partnership, limited liability company, or professional corporation of which the person is a member, or a corporation in which the person or the person's spouse, domestic partner, or dependent child, or a combination of them, holds a controlling interest.

(c) *[Repealed, Sec. 26 ch 25 SLA 1975]*.

(d) In addition to the requirements of (b) of this section, each statement filed under this chapter by a public official in the executive branch of state government other than the chair or a member of a state commission or board must include a disclosure of the formation or maintenance of a close economic association involving a substantial financial matter as required by this subsection. The disclosure must be sufficiently detailed so that a reader can ascertain the nature of the association. A public official shall disclose a close economic association with

- (1) a legislator;
- (2) a public official who is not an elected or appointed municipal officer;
- (3) a lobbyist; or
- (4) a public officer if the person required to make the disclosure is the governor or the lieutenant governor.

(e) If a public official required to disclose a close economic association under (d) of this section forms a close economic association after the date on which the public official files the financial disclosure statement required by (a) of this section, disclosure of the association must be made to the commission within 60 days after the formation of the association.

(f) When making a disclosure under (d) of this section concerning a relationship with a lobbyist to whom the public official is married or who is the public official's domestic partner, the public official shall also disclose the name and address of each employer of the lobbyist and the total monetary value received from the lobbyist's employer. The public official shall report changes in the employers of the spouse or domestic partner within 48 hours after the change. In this subsection, "employer of the lobbyist" means the person from whom the lobbyist received money, or goods or services having a monetary value, for engaging in lobbying on behalf of the person.

(g) The requirements in this section for disclosures related to a person's domestic partner do not apply to an elected or appointed municipal officer.

(h) In this section,

(1) "close economic association" means a financial relationship that exists between a public official required to disclose a close economic association under (d) of this section and some other person or entity, including a relationship where the public official serves as a consultant or advisor to, is a member or representative of, or has a financial interest in an association, partnership, limited liability company, business, or corporation;

(2) "lobbyist" has the meaning given in AS 24.60.990(a);

(3) "public officer" has the meaning given in AS 39.52.960.

**Sec. 39.50.035. Exemptions.** A person subject to this chapter is not exempt from any of its provisions except to the extent state courts determine that legally privileged professional relationships preclude complete compliance.

## **2 AAC 50.685. Reporting sources of income and gifts**

(a) In a disclosure statement required by AS 24.60.200 or AS 39.50.020, a legislative branch filer, public official, or candidate shall report the applicable information required in AS 39.50.030 (b)(1) for all amounts greater than \$1,000 received as

(1) compensation or benefits received from an employer, including a nonprofit entity, and a government employer; compensation or benefits include wages, salary, commissions, tips, bonuses, housing, and use of an automobile;

(2) dividends, interest, and other distributions of earnings from a business or investment;

(3) self-employment income as provided in 2 AAC 50.700;

(4) rental income as provided in 2 AAC 50.725; and

(5) any other income, including proceeds of a sale of goods or property, capital gains, pensions, retirement account cash-outs, government entitlements, alimony or child support payments, honoraria, and payments not otherwise accounted for.

(b) In a disclosure statement required by AS 39.50.020, a public official or candidate shall report the applicable information required in AS 39.50.030 (b)(1) for any gift with a fair market value greater than \$250, and for all gifts from a single source with a cumulative value greater than \$250. A public official or candidate is not required to report an item received without consideration from a family member, a parent, nondependent child, sibling, grandparent, aunt, uncle, niece, or nephew. The requirements of this subsection do not apply to a legislative branch filer. However, nothing in this section relieves a legislative branch filer from a reporting requirement or limitation on acceptance of gifts in any other provision of law.

(c) The amount of any income more than \$1,000 that must be reported, or the value of a gift more than \$250 that must be reported, may be stated in a range rather than as an exact amount. The ranges to be used for this purpose are the following:

(1) more than \$250 and no more than \$1,000, for gifts only;

(2) more than \$1,000 and no more than \$2,000;

(3) more than \$2,000 and no more than \$5,000;

(4) more than \$5,000 and no more than \$10,000;

(5) more than \$10,000 and no more than \$20,000;

(6) more than \$20,000 and no more than \$50,000;

- (7) more than \$50,000 and no more than \$100,000;
- (8) more than \$100,000 and no more than \$200,000;
- (9) more than \$200,000 and no more than \$500,000;
- (10) more than \$500,000 and no more than \$1,000,000;
- (11) more than \$1,000,000.

**History: Eff. 12/22/2011, Register 200**

**Authority:** AS 15.13.030; AS 24.60.200; AS 24.60.220; AS 39.50.020; AS 39.50.030; AS 39.50.050

**2 AAC 50.775. Exemption from reporting sources of income**

(a) A legislative branch filer, public official, or candidate required under AS 24.50.200 or AS 39.50.020 to file a disclosure statement may, for any reason set out in this section, request an exemption from the requirement to report the name of an individual who was a source of income, the amount of income, or any other information required under AS 39.50.030 or 2 AAC 50.680 - 2 AAC 50.740. An exemption request must comply with 2 AAC 50.821. The person requesting any exemption has the burden of proving each fact necessary to show that an exemption available under this section is applicable.

(b) A legislative branch filer, public official, or candidate may request an exemption from the requirement to report the name of a source of income, the amount of income, or any other information required under AS 39.50.030 or 2 AAC 50.680 - 2 AAC 50.740 regarding an individual who received

(1) mental health services provided by a mental health practitioner including a psychiatrist, psychologist, or therapist;

(2) medical services and the source of income was

(A) an individual who received medical services related to abortion, contraception, reproductive health, a sexual disorder, or a terminal illness;

(B) a minor who received medical services without the knowledge of a parent or legal guardian if a reasonable person in the situation of the minor would experience substantial concern, anxiety, or embarrassment from publication of the minor's name as a source of income;

(C) a married individual who received medical services without the knowledge of the individual's spouse if a reasonable person in the situation of the individual would experience substantial concern, anxiety, or embarrassment from publication of the individual's name as a source of income; or

(D) an individual who received medical services of any nature if at least 67 percent of the patients of a self-employed legislative branch filer, public official, candidate, or family member were individuals described in (A) - (C) of this paragraph; or

(3) legal services provided by an attorney and the source of income was

(A) a minor who received legal services without the knowledge of a parent or legal guardian if a reasonable person in the situation of the minor would experience substantial concern, anxiety, or embarrassment from publication of the minor's name as a source of income;

(B) a married individual who received legal services without the knowledge of the individual's spouse if a reasonable person in the situation of the individual would experience substantial concern, anxiety, or embarrassment from publication of the individual's name as a source of income;

(C) an individual who received legal services of any nature if at least 67 percent of the clients of a self-employed legislative branch filer, public official, candidate, or family member were individuals described in (A) or (B) of this paragraph.

(c) A legislative branch filer, public official, or candidate may request an exemption if

(1) the legislative branch filer, public official, or candidate is prohibited by law or court-ordered settlement from reporting the name of a source of income, the amount of income, or any other information required under AS 39.50.030 or 2 AAC 50.680 - 2 AAC 50.740;

(2) the legislative branch filer, public official or candidate believes reporting the name of a source of income, the amount of income, or any other information required under AS 39.50.030 or 2 AAC 50.680 - 2 AAC 50.740, would violate rights of the source under state or federal statutes or constitutions;

(3) the legislative branch filer, public official, or candidate believes that reporting the name of a source of income would disclose protected health information that the filer is prohibited from disclosing under 42 U.S.C. 1320d - 1320d-9 (Health Insurance Portability and Accountability Act (HIPAA) of 1996).

(d) A legislative branch filer, public official, or candidate may request a personal security exemption from reporting the name of a minor that is a source of income, the amount of

income, or any other information required under AS 39.50.030 or 2 AAC 50.680 - 2 AAC 50.740 that exposes the public official, candidate, or a family member to a personal security threat.

(e) A legislative branch filer, public official, or candidate may request an exemption from reporting the name of a source of income, the amount of income, or any other information required under AS 39.50.030 or 2 AAC 50.680 - 2 AAC 50.740 if a state or federal law or court order requires the name of the source or the other information to be kept confidential.

(f) Notwithstanding any other provision of this section, a legislative branch filer, public official, or candidate may request an exemption from reporting the name of a source of income, the amount of income, or any other information required under AS 39.50.030 or 2 AAC 50.680 - 2 AAC 50.740, if the public official or candidate demonstrates that the right to privacy of the information outweighs the compelling state interest in disclosing the information.

**History:** Eff. 7/20/95, Register 135; am 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200

**Authority:** AS 15.13.030; AS 24.60.200; AS 24.60.220; AS 24.60.230; AS 39.50.020; AS 39.50.030; AS 39.50.035; AS 39.50.050

### **2 AAC 50.821. Request for exemption or waiver**

(a) To request an exemption allowed under AS 15.13, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50, or a waiver of any requirement of this chapter, a person shall file a written request for exemption or waiver. A written request for exemption or waiver must be submitted on or before the due date of any report or filing to which it relates, and must provide the following information:

- (1) the name of the person requesting the exemption or waiver;
- (2) the person's mailing address;
- (3) the electronic mail address or telephone number at which the person may readily be contacted;
- (4) the matter for which the person seeks an exemption or waiver;
- (5) if the exemption or waiver request relates to information for which this chapter provides an exemption, the applicable provision of this chapter;

(6) a statement whether the requested exemption or waiver is for a single report or filing, or for additional future reports requiring similar information;

(7) the reasons for the exemption request;

(8) any other information essential to the particular exemption or waiver request; and

(9) a certification by the person requesting the exemption or waiver that all facts stated in the request are true.

(b) No later than 30 days after the commission receives a written exemption request that complies with (a) of this section, the staff shall send to the person requesting the exemption or waiver, at the address listed in the request, either a staff recommendation that the commission grant or deny the request, or a decision granting or denying the request. The staff shall issue a recommendation, and the matter will be presented to the commission for decision as provided in 2 AAC 50.826 if the staff determines

(1) that the exemption request presents a factual or legal issue on which the commission has not previously made a decision in a substantially similar request for an exemption or waiver;

(2) that the exemption request requires a policy decision by the commission; or

(3) for other good reason.

(c) If the staff issues a decision granting the request, the decision must specifically describe the scope and duration of the exemption or waiver. If the staff issues a decision denying the request, the decision must state the reasons and notify the person requesting the exemption or waiver of the right to appeal the staff decision to the commission as provided in 2 AAC 50.831. If the person that requested the exemption or waiver does not file an administrative appeal to the commission within 30 days after the date the staff decision is mailed or delivered to the person,

(1) the decision is final, and may not be appealed to the commission at a later date; and

(2) the person shall comply with any requirement of this chapter for which the exemption or waiver request was denied.

(d) A person that has requested an exemption under this section is not required to comply with the requirement from which the exemption request seeks relief if

(1) the staff issued a recommendation subject to commission review and the commission has not issued a final written order on that recommendation; or

(2) the commission has not issued a decision after a person appealed a staff decision in compliance with (c) of this section and 2 AAC 50.831.

**History:** Eff. 12/22/2011, Register 200; am 1/16/2015, Register 213

**Authority:** AS 15.13.030 AS 24.45.021 AS 24.60.220 AS 39.50.035 AS 39.50.050

### **2 AAC 50.831. Administrative appeal of staff decision**

(a) A person that receives an adverse staff decision, including a penalty assessment under 2 AAC 50.855, may appeal the staff decision to the commission as provided in this section. Unless otherwise provided, a person must appeal from an adverse staff decision by filing a notice of appeal and a written statement explaining the reasons the appellant believes the staff decision should be rejected. The notice of appeal and statement of reasons must be mailed or delivered to the commission no later than 30 days after the date the staff decision was mailed or delivered to the person. The commission will not consider an appeal that is not timely filed.

(b) The commission will consider a notice of appeal and statement of reasons at the next regularly scheduled commission meeting unless, in its discretion, the commission schedules the appeal for a special meeting. The commission will give the appellant advance notice of the date, time, and place the commission will consider the appeal. The appellant may appear in person or telephonically, and may be represented by an agent or an attorney licensed to practice in this state. The commission will determine the order of presentations on the appeal.

(c) After considering the statement of reasons and other relevant evidence, the commission will affirm, reject, or modify the staff decision. No later than 10 days after the date the commission enters its order, the staff shall send written notice of the commission's decision to the appellant at the appellant's address on file with the commission. An adverse decision of the commission may be appealed to the superior court as provided in AS 44.62.560 and Rules 601 - 612 of the Alaska Rules of Appellate Procedure.

**History:** Eff. 12/22/2011, Register 200

**Authority:** AS 15.13.030; AS 24.45.021; AS 24.60.220; AS 39.50.050

### **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.

**History: Eff. 3/27/71, Register 37; am 4/10/88, Register 106; am 9/19/2009, Register 191**

**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.

**History: Eff. 2/10/85, Register 93; am 5/9/98, Register 146**

**Authority:** AS 08.98.050



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of Administration**

ALASKA PUBLIC OFFICES COMMISSION

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September 12, 2016

Jeanne Olson, DVM  
1890 Hollowell Road  
North Pole, AK 99705  
[corvi@mosquitonet.com](mailto:corvi@mosquitonet.com)

Re: COMMISSION MEETING NOTICE

Jeanne Olson:

At its October 25, 2016 Commission Meeting in Anchorage, the Commission will review the matter of your appeal of staff's denial of your POFD reporting exemption request. I have enclosed your appeal, and staff's denial of that appeal that will be presented to the Commission at the meeting.

You have a right to participate at the meeting in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate. This matter is expected to be heard beginning at **11:15 a.m. on Tuesday, October 25, 2016**. Staff will send you a copy of the final decision by the Commission. If you have any questions, contact APOC.

ALASKA PUBLIC OFFICES COMMISSION

Maria Bulfa  
APOC Staff

**Certificate of Service**

I certify that on this date, I served a true copy of the forgoing document via Email & Certified Mail, Return Receipt, to:

Jeanne Olson, DVM  
1890 Hollowell Road  
North Pole, AK 99705  
[corvi@mosquitonet.com](mailto:corvi@mosquitonet.com)

*Maria Bulfa* 9/12/2016  
Law Office Assistant Date

Candidate for Alaska State House Request for Exemption/Waiver

1. Jeanne Olson, DVM
2. 1890 Hollowell Rd  
North Pole, Alaska 99705
3. E-mail: <[corvi@mosquionet.com](mailto:corvi@mosquionet.com)>  
Phone # (907)-488-8800
4. Matter for which I am seeking an exemption/waiver-  
Code  
2 AAC 50.821  
(b) (1)  
parts (A) (C) and (F)

Parts (B) (D) and (E) are addressed in my Candidate Financial Disclosure.

5. This request for exemption relates to provisions in 2 AAC 50.775.
6. The requested exemption is for the current and any future reports requiring similar information.
7. As a licensed Alaska veterinarian, I am required by 12 AAC 68.100 to maintain a confidential relationship with my clients and thus the disclosure requirements of 2 AAC 50.775 conflict with 12 AAC 68.100.
8. My Alaska Veterinary License is #253. I am in good standing with the Alaska Board of Veterinary Examiners.

I hereby declare that all the stated facts in this request are true.

Signed,

Jeanne Olson, DVM June 1, 2016