

## NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the Register first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the Register after the final rules have been submitted for filing and publication.

### NOTICE OF FINAL RULEMAKING

#### TITLE 3. AGRICULTURE

#### CHAPTER 11. VETERINARY MEDICAL EXAMINING BOARD

#### PREAMBLE

#### **1. Sections Affected**

#### **Rulemaking Action**

R3-11-101	Amend
R3-11-102	Amend
R3-11-103	Amend
R3-11-105	Amend
R3-11-107	Amend
R3-11-108	Amend
R3-11-109	New Section
R3-11-202	Repeal
R3-11-302	Amend
R3-11-303	Amend
R3-11-304	Amend
R3-11-305	Amend
R3-11-402	Amend
R3-11-403	Amend
R3-11-404	Repeal
R3-11-405	Amend
R3-11-501	Repeal
R3-11-501	New Section
R3-11-502	Repeal
R3-11-502	New Section
R3-11-503	Repeal
R3-11-603	Amend
R3-11-604	Amend
R3-11-605	Amend
R3-11-607	Amend
R3-11-701	Repeal
R3-11-701	New Section
R3-11-702	Repeal
R3-11-702	New Section
R3-11-703	Repeal
R3-11-703	New Section
R3-11-704	Repeal
R3-11-704	New Section
R3-11-705	Amend
R3-11-706	Amend
R3-11-801	Amend
R3-11-802	Amend
R3-11-803	New Section
R3-11-805	New Section
R3-11-807	New Section
R3-11-901	New Section
R3-11-902	New Section
R3-11-903	New Section
R3-11-904	New Section
R3-11-905	New Section

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**2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 32-2204(B), 32-2207(8), and 32-2207(9)

Implementing statutes: A.R.S. §§ 32-2204(A), 32-2207(2), 32-2207(3), 32-2207(6), 32-2207(10), 32-2213(A)(7), 32-1-2214, 32-2215, 32-2216, 32-2217.01, 32-2218, 32-2232(12), 32-2234, 32-2237, 32-2242 through 32-2250, 32-2271, 32-2272, 32-2275, and 32-2281

**3. The effective date of the rules:**

September 20, 2000

**4. A list of previous notices appearing in the Register addressing the proposed rules:**

Notice of Rulemaking Docket Opening: 5 A.A.R. 4372, November 19, 1999

Notice of Proposed Rulemaking: 6 A.A.R. 1542, April 28, 2000

**5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Louise Battaglia, Executive Director

Address: Veterinary Medical Examining Board  
1400 West Washington, Suite 230  
Phoenix, Arizona 85007

Telephone: (602) 542-3095

Fax: (602) 542-3093

**6. An explanation of the rule, including the agency's reasons for initiating the rule:**

The Veterinary Medical Board (Board) is proposing rules that contain clear standards of practice for veterinarians and clarify the ethical standards for veterinarians in Article 5. The standards for a veterinary medical premises in Article 7 are also being updated. Additionally, the Board is making changes to Articles 1, Definitions; 2, Application and Examination for Licensure; 3, Temporary Permittees; 4, Continuing Education Requirements; 6, Veterinary Technicians; and 8, Drug Dispensing as stated in its 5-Year-Review Report that was approved by the Governor's Regulatory Review Council in December 1998. The Board is adding new sections to Article 8 and Article 9, Investigations and Hearings. Many of these changes include changing passive to active voice and clarifying subjective standards so that the rules are enforceable. Terms and phrases used in the rules are being amended to reflect changes in their use and to conform to current rulemaking style and format requirements. Additional definitions are also being added to clarify terms or phrases and afford consistent interpretation of the rules. A provision has been added for the ombudsman-citizens-aid. Requirements for renewals are being amended. The Board is adding the penalty fee stated in A.R.S. § 32-2272(E) for failure to timely pay the renewal fee for a veterinary medical premises license. The Board is repealing, amending, or adding any other sections as necessary.

**7. A reference to any study the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:**

None

**8. A showing of good cause why the rules are necessary to promote a statewide interest if the rule will diminish a previous grant of a political subdivision of the state:**

Not applicable

**9. The summary of the economic, small business, and consumer impact:**

A. Objective of the rulemaking

The Veterinary Medical Board (Board) is proposing rules that contain clear standards of practice for veterinarians and clarify the ethical standards for veterinarians in Article 5. The standards for a veterinary medical premises in Article 7 are also being updated. Additionally, the Board is making changes to Articles 1, Definitions; 2, Application and Examination for Licensure; 3, Temporary Permittees; 4, Continuing Education Requirements; 6, Veterinary Technicians; and 8, Drug Dispensing as stated in its 5-Year-Review Report that was approved by the Governor's Regulatory Review Council in December 1998. The Board is adding new sections to Article 8 and Article 9, Investigations and Hearings. Many of these changes include changing passive to active voice and clarifying subjective standards so that the rules are enforceable. Terms and phrases used in the rules are being amended to reflect changes in their use and to conform to current rulemaking style and format requirements. Additional definitions are also being added to clarify terms or phrases and afford consistent interpretation of the rules. A provision has been added for the ombudsman-citizens-aid. Requirements for renewals are being amended. The Board is adding the penalty fee stated in A.R.S. § 32-2272(E) for failure to timely pay the renewal fee for a veterinary medical premises license. The Board is repealing, amending, or adding any other sections as necessary.

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B. Identification of those affected by the rulemaking

The costs associated with implementation of the rules will be borne by the Board. Licensed veterinarians, applicants for veterinary licenses, temporary permittees, certified veterinary technicians, and veterinary medical premises licensees bear the costs of complying with the rules.

Beneficiaries of the rules include licensed veterinarians, applicants for veterinary medical premises licenses, veterinary medical premises licensees, temporary permittees, certified veterinary technicians, consumers of veterinary medical services, and animal patients.

C. Summary of the economic, small business, and consumer impact statement

The Secretary of State's cost for publishing the rules is minimal.

The cost for review by the Governor's Regulatory Review Council is minimal.

The costs to the Board are moderate for promulgation of the rules. The Board's costs to administer and enforce the rules are substantial.

The definitions benefit an applicant for a veterinary medical premises license by providing the applicant with consistency and understanding of the rules. They do not increase costs to any of the different types of applicants or licensees.

Because the standards for veterinary medical premises in the proposed rules are currently required by the Board in its inspection report, they add minimal costs to an applicant for a veterinary medical premises license and a licensee. The minimal costs include requiring nonporous materials for floors, tables, countertops, sinks, and fixtures within a veterinary medical premises; ensuring water capable of achieving temperatures from 32°F to 212°F on a veterinary medical premises is provided; providing storage space for biohazardous waste and refrigerated storage space large enough for all deceased animals on the veterinary medical premises; and providing storage space for biohazardous waste separate from storage space used for the transportation of deceased animals on a mobile clinic.

A veterinary medical premises will not incur additional costs because of the penalty fee in proposed R3-11-605. The Board is already authorized by A.R.S. § 32-2272(E) to collect and has been collecting this fee.

Veterinary medical premises licensees obtain a benefit from proposed R3-11-605 because the rule provides the licensee with the discretion to delegate tasks to a certified veterinary technician while under a licensed veterinarian's direction, supervision, and control.

The proposed rules in R3-11-501, Ethical Standards, clarify the current rules and should not add any economic costs to a veterinarian.

Proposed R3-11-604 benefits a veterinary technician applicant by allowing the applicant to use an examination that was passed within 5 years of application to qualify for certification.

The principle beneficiary of the proposed rules is the consumer of veterinary medical services, including the animal patient. The proposed rules clarify requirements to protect the health and safety of the animal patient.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

The Board made technical and grammatical changes to the rules based on comments and suggestions of the Governor's Regulatory Review Council's staff. Additionally, the Board changed the first sentence in R3-11-501 to read: According to A.R.S. § 32-2232(A)(12), a veterinarian practicing under a license or permit shall practice according to the following standards of professional ethics based on the Principles of Veterinary Medical Ethics of the American Veterinary Association, published by the American Veterinary Medical Association in 1999.

**11. A summary of the principal comments and the agency response to them:**

There were no written or oral comments.

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**13. Incorporations by reference and their location in the rules:**

None

**14. Was this rule previously adopted as an emergency rule? If so, please indicate the Register citation:**

The rule was not adopted as an emergency rule.

**15. The full text of the rules follows:**

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**TITLE 3. AGRICULTURE**

**CHAPTER 11. VETERINARY MEDICAL EXAMINING BOARD**

**ARTICLE 1. GENERAL PROVISIONS**

Sections

- R3-11-101. Definitions
- R3-11-102. Board Meetings
- R3-11-103. Renewal of Veterinary License
- R3-11-105. Fees
- R3-11-107. ~~Registering with Board~~ Residence and Practice Addresses
- R3-11-108. Time-Frames for Licensure, Certification, and Permit Approvals
- R3-11-109. Office of the Ombudsman-Citizens Aide

**ARTICLE 2. APPLICATION AND EXAMINATION FOR LICENSURE**

Section

- ~~R3-11-202. Time, Place, and Date of Examinations~~

**ARTICLE 3. TEMPORARY PERMITTEES**

Sections

- R3-11-302. Termination of Employment
- R3-11-303. ~~Multiple employment~~ Employment
- R3-11-304. ~~Extension of temporary permits~~ Temporary Permits
- R3-11-305. ~~“Good and sufficient reason” for failure to take examination~~ and Sufficient Reason” for Failure to Take a State Examination

**ARTICLE 4. CONTINUING EDUCATION REQUIREMENTS**

Sections

- R3-11-402. ~~Approval of Courses~~ Continuing Education
- R3-11-403. Documentation of Attendance
- ~~R3-11-404. Credit hours~~
- R3-11-405. Waiver

~~**ARTICLE 5. PROFESSIONAL ETHICS AND STANDARDS**~~

**ARTICLE 5. STANDARDS OF PRACTICE**

Sections

- ~~R3-11-501. Established Standards of Ethics~~
- R3-11-501. Ethical Standards
- ~~R3-11-502. Discharge of Patients~~
- R3-11-502. Standards of Practice
- ~~R3-11-503. Established Standards of Veterinary Medical Record Keeping~~

**ARTICLE 6. VETERINARY TECHNICIANS**

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- R3-11-603. Examination Committee
- R3-11-604. Examinations
- R3-11-605. Certified Veterinary Technician Services
- R3-11-607. Renewal of Veterinary Technician ~~Certificates~~ Certificate

**ARTICLE 7. VETERINARY MEDICAL PREMISES AND EQUIPMENT**

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- ~~R3-11-701. Building and Ground standards~~
- R3-11-701. General Veterinary Medical Premises Standards
- ~~R3-11-702. Standards for Veterinary Premises~~
- R3-11-702. Equipment and Supplies
- ~~R3-11-703. Equipment Standards~~
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R3-11-706. Mobile Units

**ARTICLE 8. DRUG DISPENSING**

Sections

- R3-11-801. Notification That Prescription-only Drugs or Controlled Substances May Be Available at a Pharmacy
- R3-11-802. Labeling Requirements
- R3-11-803. Packaging Requirements
- R3-11-805. Storage
- R3-11-807. Dispensing Drugs

**ARTICLE 9. INVESTIGATIONS AND HEARINGS**

Sections

- R3-11-901. Investigations of Alleged Violations
- R3-11-902. Informal Interview
- R3-11-903. Formal Hearing
- R3-11-904. Rehearing or Review of Decisions
- R3-11-905. Depositions, Issuance of Subpoenas, Service

**ARTICLE 1. GENERAL PROVISIONS**

**R3-11-101. Definitions**

The following definitions apply to this Chapter unless otherwise specified:

1. “Animal owner” means an individual who has all or part of the lawful right to an animal or an individual designated by the animal owner to act on the animal owner’s behalf.
2. “Compartment” means an enclosure provided for the containment of an animal.
3. “Continuing education” means completing or presenting a workshop, seminar, lecture, conference, class, or instruction related to the practice of veterinary medicine.
4. “Controlled substance” means the same as the definition in A.R.S. § 32-2201.
5. “Credit hour” means 1 clock hour of participation in continuing education.
- ~~A.~~ “Direct and personal instruction, control, or supervision”, pursuant to A.R.S. § 32-2211(4), pertaining to veterinary students, shall mean on-the-premise instruction control, or supervision.
- ~~B.~~ Recognized veterinary colleges. The qualification requirements of A.R.S. §§ 32-2215(A)(2) and 32-2216(A) and that part of the definition of “Veterinary College” pursuant to A.R.S. § 32-2201(15) which requires conformity to the standards required for accreditation by the American Veterinary Medical Association, shall mean:
  1. Actual accreditation by the American Veterinary Medical Association of the college of veterinary medicine from which the applicant received the degree, or
  2. If the American Veterinary Medical Association had not accredited the college of veterinary medicine at the time the applicant graduated, that the standards of the applicant’s college of veterinary medicine conformed to those standards required by the American Veterinary Medical Association for accreditation in the year in which the applicant received that degree. In all instances, the burden of showing such conformity shall lie with the applicant.
6. “Direction, supervision, and control” means:
  - a. Pertaining to veterinary technicians, the written or oral instructions of a veterinarian responsible for an animal.
  - b. Pertaining to temporary permittees, the same as direct and personal instruction, control, or supervision as stated in A.R.S. § 32-2216(B).
7. “Disciplinary action” means a proceeding brought by the Board under A.R.S. § 32-2201 et seq, Article 9 of these rules, or a state licensing agency or board.
8. “Dispense” means the same as the definition in A.R.S. § 32-2281(E).
9. “Hours of operation” means the specific time during which a licensed veterinary medical premises is open to the public for business.
10. “Housed” means an animal is maintained in a compartment.
11. “Livestock” means the same as the definition of livestock and ratites in A.R.S. § 3-1201(5).
12. “Medication” means an over-the-counter drug defined in A.R.S. § 32-1901, prescription-only drug, prescription-only device defined in A.R.S. § 32-1901, or controlled substance.
- ~~13.~~ A “mobile clinic” “Mobile clinic” is means a self-contained trailer, van, or mobile home not attached to the ground designed to function as a self-contained clinic.
- ~~14.~~ A “mobile unit” “Mobile unit” is means a vehicle from which out-patient veterinary medical services are delivered to temporary sites and which that is not designed to function as a self-contained clinic.
- ~~15.~~ “Over-the-counter drug” means a drug that does not bear on its label the legend “Caution: Federal Law Prohibits Dispensing Without Prescription.” the same as the definition in A.R.S. § 32-1901.

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- ~~G.~~ “Direction, supervision, and control” pertaining to veterinary technicians, for the purposes of A.R.S. § 32-2241, shall mean that degree of control by the veterinarian having actual charge of the case or animal which will ensure that the activities of the veterinary technician are within the scope of the orders, assignments, or prescriptions of the veterinarian;
16. “Party” means the same as the definition in A.R.S. § 41-1001.
17. “Personnel” means any individual, licensed by the Board or unlicensed, who works on a veterinary medical premises.
18. “Physical plant” means a building housing a veterinary medical premise or a licensed area within a building, including the architectural, structural, mechanical, electrical, plumbing, and fire protection elements of the building.
- ~~E~~19. “Prescription-only drug” means any drug, other than a controlled substance required by the federal act to bear on its label the legend “Caution: Federal Law Prohibits Dispensing Without Prescription.” the same as the definition in A.R.S. § 32-1901.
20. “Responsible veterinarian” means the same as in A.R.S. § 32-2201.
21. “Sanitize” means to disinfect and reduce pathogen counts, including bacteria, viruses, mold, and fungi.
22. “Veterinary medical premise” means a physical plant licensed by the Board on which veterinary medical services will be performed.
23. “Veterinary medical services” means the acts listed in A.R.S. § 32-2201(16).

**R3-11-102. Board Meetings**

- ~~A.~~ The annual meeting of the Board shall be held in June of each year.
- ~~B.~~ The date, time, and place of the annual meeting of the Board shall be made available to the public at the office of the Arizona State Veterinary Medical Examining Board at least 20 days prior to the meeting. All special meetings of the Board, shall be set at the direction of the Chairman, who shall instruct the Executive Director of the Board to notify each Board member of the meeting date, time, and place at least five days prior to the meeting.
- ~~A.~~ The Board shall hold its annual meeting in June of each year. The Board shall make the date, time, and place of an annual meeting available to the public at least 20 days before the date of the annual meeting.
- ~~B.~~ The Chair shall set a special meeting of the Board and instruct the executive director of the Board to notify each Board member of the special meeting date, time, and place at least 5 days before the special meeting date.

**R3-11-103. Renewal of Veterinary License**

- ~~A.~~ Pursuant to A.R.S. § 32-2218, all licenses issued under the provisions of Chapter 21, Title 32, Arizona Revised Statutes shall expire on December 31 of every even-numbered year unless renewed.
- ~~B.~~ All licensees shall submit renewal fees and up-to-date information concerning current practice status, location of practice, correct home and business mailing addresses prior to February 1, of every odd-numbered year on a renewal application form provided and mailed to all licensees by the Board.
- ~~C.~~ All licensees shall meet the continuing education requirements of Article 4 of these rules as a condition of renewal of their licenses.
- ~~D.~~ Failure to submit the appropriate license renewal fee or an affidavit of attendance in continuing education programs or courses prior to February 1 of every odd-numbered year shall result in automatic forfeiture of all privileges and rights extended by said license and licensee shall immediately cease and desist from engaging further in the practice of veterinary medicine until compliance with the provisions of A.R.S. § 32-2218 and Article 4 of the rules has been fully met.
- ~~E.~~ Continued veterinary practice by a licensee whose license has been forfeited for failure to renew or affirm attendance of continuing education programs or courses shall constitute “probable cause” of criminal violations of A.R.S. § 32-2238(A)(4) for purposes of referral to the County Attorney’s Office or the Office of the Attorney General for criminal prosecution, injunctive relief or any other action warranted under the circumstances.
- ~~A.~~ According to A.R.S. § 32-2218, a license issued under the provisions of A.R.S. § 32-2201 et seq expires on December 31 of every even-numbered year unless renewed.
- ~~B.~~ A licensee shall meet the continuing education requirements of Article 4 of these rules as a condition of renewal of a license.
- ~~C.~~ No later than February 1 of every odd-numbered year, a licensee shall submit to the Board:
1. A renewal form, provided by the Board, that is signed and dated by the licensee and contains:
    - a. The licensee’s name, social security number, residence and practice addresses, location of veterinary practice, and telephone number; and
    - b. Current information concerning the license status, including whether any disciplinary action has been taken by or is pending before the Board;
  2. The renewal fee required by the Board; and
  3. A list of continuing education completed by the licensee that meets the requirements in Article 4 of these rules.
- ~~D.~~ If a licensee fails to submit a license renewal form, renewal fee, or list of continuing education by February 1 of every odd-numbered year, the licensee shall immediately stop engaging in the practice of veterinary medicine until the licensee complies with the requirements in A.R.S. § 32-2218 and these rules.

E. Continued veterinary practice by a licensee who fails to comply with continuing education requirements or fails to submit a renewal application or fee shall constitute “probable cause” of criminal violations of A.R.S. § 32-2238(A)(4) for purposes of referral to the County Attorney’s Office or the Office of the Attorney General for criminal prosecution, injunctive relief, or any other action provided by law.

**R3-11-105. Fees**

- A. No Change
- B. No Change
- C. Veterinary medical premises fees are as follows:
  - 1. No Change
  - 2. No Change
  - 3. No Change
  - 4. No Change
  - 5. Penalty fee under A.R.S. § 32-2272(E)                      \$100.00
- D. No Change
- E. No Change
- F. No Change
- G. No Change
- H. No Change

**R3-11-107. ~~Registering with Board~~ Residence and Practice Addresses**

- A. Within 20 days after the issuance of a license, ~~the~~ a licensee shall provide written notice to the Board of all residence and practice addresses.
- B. ~~Thereafter, the~~ A licensee shall provide written notice to the Board within 20 days ~~of any~~ after a change of residence or practice addresses address.

**R3-11-108. Time-Frames for Licensure, Certification, and Permit Approvals**

- A. No Change
- B. No Change
- C. No Change
- D. No Change
- E. No Change
  - 1. No Change
  - 2. Take the dispensing optician state, national, or clinical competency veterinary examination or veterinary technician examination.
- F. No Change
- G. No Change
- Table 1** No Change

**R3-11-109. Office of the Ombudsman-Citizens Aide**

Upon request, the Board shall provide the name, address, and telephone number of the ombudsman-citizens aide.

**ARTICLE 2. APPLICATION AND EXAMINATION FOR LICENSURE**

**~~R3-11-202. Time, Place, and Date of Examination~~**

- ~~A.~~ Examinations of applicants for licensure as veterinarians in Arizona shall be held semi-annually at a time, place, and date to be provided in writing to all applicants that have been accepted and paid their fees not less than 20 days before the examination.
- ~~B.~~ All applications for the state examination shall be received in the office of the Board no later than seven days prior to the scheduled examination date and shall be accompanied by the examination fees. The fees shall be submitted only by certified check or money order.

**ARTICLE 3. TEMPORARY PERMITTEES**

**R3-11-302. Termination of Employment**

A temporary permittee and the temporary permittee’s employer shall ~~immediately~~ notify the Board in writing within 10 days from the date any time the permit holder temporary permittee ceases employment to be employed by a veterinarian who is providing “direct and personal instruction, control, or supervision.” direction, supervision, and control.

**R3-11-303. Multiple Employment**

A temporary permittee ~~who is~~ working under the ~~“direct and personal instruction, control or supervision”~~ direction, supervision, and control of more than ~~one~~ 1 licensed veterinarian shall ~~immediately~~ notify the Board within 24 hours of a change in a each supervising veterinarian.

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**R3-11-304. Extension of Temporary Permits**

~~Pursuant to the provisions of The Board shall extend a temporary permit as allowed by A.R.S. § 32-2216(B), and its requirements, a temporary permit shall be extended only if the temporary permittee has applied submits the application required by R3-11-301, is qualified, qualifies under A.R.S. § 32-2216(B) and this Article, and is accepted scheduled to take the next scheduled Board state examination following a failed state examination.~~

**R3-11-305. “Good and Sufficient Reason” for Failure to Take Examination**

~~For purposes of A.R.S. § 32-2216(B), a temporary permittee shall be deemed to have “good and sufficient reason” for failing to take the examination for which scheduled if the Board finds that such failure was due to illness or disability, military service, or other circumstances demonstrated to have been beyond the control of the licensee.~~

~~For purposes of A.R.S. § 32-2216(B), the Board shall consider the following in determining whether “good and sufficient reason” exists for failure to take a state examination:~~

- ~~1. Illness or disability,~~
- ~~2. Military service, or~~
- ~~3. Any other circumstance demonstrated by the temporary permittee to be beyond the temporary permittee’s control.~~

**ARTICLE 4. CONTINUING EDUCATION REQUIREMENTS**

**R3-11-402. Approval of Courses Continuing Education**

- ~~A. The subject matter of courses or programs intended to meet continuing education requirements shall be within those subjects which are standardly taught in veterinary colleges and other related subjects approved by the Board.~~
- ~~B. The Board may approve those courses for continuing education which are taught by veterinary colleges or that are sponsored by the continuing education departments of veterinary colleges.~~
- ~~C. The Board may approve courses in veterinary education which are sponsored by the AVMA or the Arizona Veterinary Medical Association, or other states or national veterinary associations or academies as approved by the Board.~~

~~The following continuing education is approved by the Board:~~

- ~~1. Continuing education taught in schools of veterinary medicine; or~~
- ~~2. Continuing education sponsored by the Arizona Veterinary Medical Association, American Association of Veterinary State Boards, or a state or national veterinary association or academy approved by the Board.~~

**R3-11-403. Documentation of Attendance**

- ~~A. Subject to the exceptions of A.A.C. Except as provided in R3-11-401(B) and (C), each application for renewal shall be a licensee shall submit a renewal application that is accompanied by a list of courses and a notarized affidavit of attendance of 20 the required number of credit hours of Board approved courses and programs in continuing education. approved continuing education.~~
- ~~B. Any material false statement in this affidavit shall be grounds for taking disciplinary action against a veterinary license under the provisions of A.R.S. § 32-2233(A)(1), 32-2232(12), 32-2232(14), and 32-2234, or refusal to renew a license under the provision of A.R.S. § 32-2236.~~

**R3-11-404. Credit Hours**

~~One hour of credit shall be allowed for each hour of participation in any program or course approved pursuant to A.A.C. R-11-402.~~

**R3-11-405. Waiver**

~~If, upon application for waiver, the Board finds that the failure of the licensee to obtain the required continuing education credit hours was due to the licensee’s disability, military service or absence from the United States, or was due to other circumstances beyond the control of the licensee which are deemed good and sufficient by the Board, then, upon notation of such findings in the records of the Board, the requirements shall be waived for that renewal only.~~

~~**BA.** A licensee seeking a waiver from the continuing educational requirements in this Article shall submit a written request to the Board that contains the licensee's name, reason for the request, and an explanation of the reason for the request. The Board shall comply with the timeframes in R3-11-108 when granting or denying the request for a waiver.~~

~~**AB.** The Board shall consider the following in determining whether to grant a waiver from the continuing education requirements in this Article:~~

- ~~1. Illness or disability,~~
- ~~2. Military service or absence from the United States, or~~
- ~~3. Any other circumstance demonstrated by the licensee to be beyond the licensee’s control.~~

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**ARTICLE 5. PROFESSIONAL ETHICS AND STANDARDS**  
**ARTICLE 5. STANDARDS OF PRACTICE**

**R3-11-501. Established Standards of Ethics**

Pursuant to the provisions of A.R.S. § 32-2232.A.12, all veterinarians practicing under a license or permit shall be required to practice in accordance with the standards of professional ethics as herein established. The breach of any of the following standards shall constitute grounds for taking disciplinary action against a veterinary license or permit pursuant to A.R.S. §§ 32-2233 and 32-2234.

1. All licensees and permittees shall conform to the standards of ethics as set forth in the constitution, bylaws and code of ethics of the AVMA and the Arizona Veterinary Medical Association in existence as of the final adoption of this rule.
2. A veterinarian who accepts an animal as a patient is responsible for the welfare of said patient unless released, referred, or discharged by the veterinarian or the veterinarian is dismissed by the owner.
3. The records or copies thereof of any patient treated by a veterinarian shall be available upon request of the owner to any other veterinarian who assumes treatment of that patient.
4. It shall be considered unethical to knowingly make false statements on, or to alter with intent to deceive, any document, record or report concerning treatment of a patient.

**R3-11-501. Ethical Standards**

According to A.R.S. § 32-2232(A)(12), a veterinarian practicing under a license or permit shall practice according to the following standards of professional ethics based on the Principles of Veterinary Medical Ethics of the American Veterinary Association, published by the American Veterinary Medical Association in 1999. The breach of any of the following standards constitutes grounds for disciplinary action against a veterinary license or permit under A.R.S. §§ 32-2233 and 32-2234.

1. A veterinarian shall strive to show respect for the veterinarian's colleagues, the owner of an animal to whom veterinary medical services are being provided, and the public through courteous verbal or written interchange, considerate treatment, professional appearance, professionally acceptable procedures, and the utilization of current professional and scientific knowledge.
2. A veterinarian shall not slander or injure the professional standing or reputation of another member of the profession or condemn the character of that individual's professional acts in a false or misleading manner.
3. A veterinarian shall offer or seek a consultation or a referral whenever it appears that the quality of veterinary medical service provided by the veterinarian will be enhanced.
4. When a veterinarian agrees to provide veterinary medical services to an animal, the veterinarian shall comply with the standards of practice in R3-11-502 regardless of the fees charged.
5. A responsible veterinarian employed by a partnership, corporation, or individual, that is not licensed by the Board shall ensure that the veterinary judgment and responsibility of each veterinarian employed by the partnership, corporation, or individual is neither influenced nor controlled by the partnership, corporation, or individual to the detriment of the animal.
6. A veterinarian shall ensure that emergency services are consistent with A.R.S. § 32-2201 through § 32-2281, this Chapter, and the needs and standards of the locality where the emergency medical services are provided.
7. A veterinarian is free to choose whom the veterinarian will serve within the limits of the law. A veterinarian who agrees to provide veterinary medical services to an animal is responsible for the welfare of the animal until the animal is released, referred, or discharged by the veterinarian or the veterinarian is dismissed by the animal owner.
8. A veterinarian shall provide records or copies of records of veterinary medical services, including copies of radiographs, to an animal owner or other licensed veterinarian currently providing veterinary medical services within 10 working days from the date of the animal owner's or other licensed veterinarian's request, or in less than 10 working days if the animal's medical condition requires;
9. A veterinarian shall not make a false statement on or alter any document, record, or report concerning treatment of an animal.

**R3-11-502. Discharge of Patients**

Upon discharge or completion of treatment of any patient, the veterinarian shall give the owner or responsible person instructions concerning further care or treatment and further examination of the patient.

**R3-11-502. Standards of Practice**

- A.** Before providing veterinary medical services or housing an animal, a responsible veterinarian shall ensure that the animal owner is provided a written notice that states whether personnel will be present on the veterinary medical premises for 24-hour observation of the animal.
- B.** Before providing veterinary medical services, a veterinarian shall ensure that the animal owner is provided an estimate of the cost for the veterinary medical services, except in the case of livestock.
- C.** Before an animal is discharged, a veterinarian shall ensure that the animal owner is provided with instructions detailing the care of the animal after discharge.

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- D.** Before euthanizing an animal for which the animal owner is known, a veterinarian shall obtain written authorization from the animal owner or verbal authorization from the animal owner that is witnessed by 1 other individual.
- E.** A veterinarian shall separate an animal with a suspected or diagnosed contagious disease or illness so that neither the animal nor the interior of the animal's compartment comes into contact with another animal or the other animal's compartment.
- F.** If general anesthesia is administered or surgery is performed on an animal by a veterinarian, the veterinarian shall ensure:
1. Authorization to perform surgery is obtained from the animal owner if the animal owner is known, before surgery is performed;
  2. The animal owner is provided the notifications stated in R3-11-502(A) and (B) before anesthesia is administered or surgery is performed;
  3. Within 6 hours before anesthesia is administered or surgery is performed, the animal is examined and the animal's temperature, heart rate, respiratory rate, diagnosis, and general condition are recorded in the animal's medical record;
  4. Expired supplies are not used;
  5. The animal's heart rate and respiratory rate are recorded in the animal's medical record immediately after giving the animal a general anesthetic and monitored and recorded a minimum of every 15 minutes while anesthesia is being administered;
  6. After the animal is given a general anesthetic, the animal is continuously observed by personnel until the animal is extubated and able to swallow; and
  7. For 3 years from the date of the administration of an anesthesia, a written anesthetic log is maintained on the veterinary medical premises that includes:
    - a. The animal's name and species,
    - b. The name of the animal owner,
    - c. The date of administration of the anesthesia,
    - d. The recovery status of the animal, and
    - e. The name of the veterinarian administering the anesthesia.
- G.** A veterinarian shall follow manufacturer's label requirements for the storage and handling of biologics, veterinary supplies, and veterinary medications.
- H.** A veterinarian who dispenses prescription-only-drugs shall:
1. Comply with all federal and state laws including 3 A.A.C. 11, Article 8, regarding the dispensing of prescription-only-drugs; and
  2. Ensure that a prescription-only-drug or prescription-only device is destroyed or returned to the manufacturer or distributor no later than 30 days from its expiration date;
- I.** A veterinarian who dispenses controlled substances shall:
1. Comply with all federal and state laws including 3 A.A.C. 11, Article 8; and
  2. Maintain an inventory record on the veterinary medical premises for 2 years from the date of entry of each controlled substance purchased by the veterinarian that contains the:
    - a. Name of the controlled substance,
    - b. Strength of the controlled substance,
    - c. Date the controlled substance was received by the veterinarian,
    - d. Amount of the controlled substance received by the veterinarian,
    - e. Name of the distributor of the controlled substance, and
    - f. Invoice number.
  3. Maintain a dispensing log on the veterinary medical premises, separate from the inventory record for 2 years from the date of entry that contains for each controlled substance dispensed the:
    - a. Name of the controlled substance,
    - b. Strength of the controlled substance,
    - c. Amount of the controlled substance,
    - d. Name of the animal to whom dispensed,
    - e. Name of the animal owner,
    - f. Date dispensed, and
    - g. Name of the veterinarian who dispensed the drug.
- J.** For 3 years from the last date an animal receives veterinary medical services, a veterinarian shall maintain a written medical record on the veterinary medical premises containing the:
1. Name, address, and telephone number of the animal owner;
  2. Description, sex, breed, weight, and age of the animal;
  3. Date of veterinary medical services;
  4. Results of examination, including temperature, heart rate, respiratory rate, diagnosis, and general condition of the animal, except for livestock;
  5. Treatment provided to the animal;

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6. Name of each medication administered including dosage, amount, and frequency;
  7. Name of each medication prescribed including dosage, amount, and frequency;
  8. Name and result of each diagnostic and laboratory test conducted;
  9. Signature or initials of each individual placing an entry in the medical record; and
  10. Signature or initials of the veterinarian performing the veterinary medical services.
- K.** A veterinarian shall ensure that a radiograph of an animal is permanently labeled with the following information and maintained on the veterinary medical premises for 3 years from the last date an animal receives veterinary medical services:
1. The name of the animal owner,
  2. The name of the animal,
  3. The date the radiograph was taken,
  4. The name of the veterinarian or veterinary medical premises, and
  5. The anatomical orientation.

**R3-11-503. Established Standards of Veterinary Medical Record Keeping**

- A.** Patient medical records must be maintained for every animal accepted and treated as an individual patient by a veterinarian and for every animal group (e.g. herd, litter, flock) treated by a veterinarian. These records must be maintained and stored in an orderly manner lending itself to immediate retrieval.
- B.** The following data must be clearly noted:
1. Name, address and phone number of owner or agent.
  2. Description, sex (if readily determinable), breed and age of animal; or description group.
  3. Date animal or group was seen, admitted, discharged.
  4. Results of examination, condition, diagnosis suspected.
  5. All medications, treatment, prescriptions or prophylaxis given, including amount and frequency for both inpatient and outpatient care.
  6. Diagnostic and laboratory tests or techniques utilized, and results of each.
- C.** Veterinarians who practice with other veterinarians shall indicate by recognizable means on each patient's or animal group's medical record any treatment he or she has performed or which he or she has directed a technician or assistant to perform.
- D.** All radiographs must be permanently labeled to identify the veterinarian or premise, the patient, the owner, the date, and anatomical orientation.
- E.** Medical records of both individual and group patients shall be maintained for a minimum of three years after the last visit.

**ARTICLE 6. VETERINARY TECHNICIANS**

**R3-11-603. Examination Committee**

The Board will may appoint a committee of Arizona licensed veterinarians and certified veterinary technicians of sufficient number to assist the Board in the preparation to prepare and in the administration administer of the examination examinations of applicants for veterinary technician certificates. The An examination as recommended by the examination committee shall be is subject to the approval of the Board.

**R3-11-604. Examinations**

- A.** All applications for examination shall be received in the office of the Arizona State Veterinary Medical Examining Board no later than 60 days prior to the scheduled examination date and shall be accompanied by all required application forms, papers and information, and the examination fees. Said fees shall be submitted by certified check or money order only.
- B.** Examinations of applicants for certification as a veterinary technician in Arizona shall be held at least annually at a time, place, and date to be provided in writing to all applicants no less than 20 days before the examination.
- C.** An applicant shall be required to pass the Veterinary Technician National Examination (VTNE) and the state examination with scores of at least 70 % in both examinations prior to licensure.
- D.** An applicant who has passed the Veterinary Technician National Examination within five calendar years preceding application for examination in Arizona shall request that the scores be forwarded to the Board directly from the Professional Examination Service.
- A.** The Board shall hold a veterinary technician examination at least once a year. A minimum of 20 days before the examination, the Board shall send an applicant a written notice of the date, time, and place of the examination.
- B.** An applicant shall pass a national veterinary technician examination and an Arizona veterinary technician examination with a score of at least 70 % on each examination before being certified by the Board.
- C.** If an applicant has passed either a national veterinary technician examination or an Arizona veterinary technician examination within 5 years before the date of the application, the applicant is not required to retake the examination that was passed.

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**R3-11-605. Certified Veterinary Technician Services**

- A.** ~~The following tasks may be performed under the direction, supervision, and control of a licensed veterinarian currently registered to practice in this state, provided said veterinarian makes a daily physical examination of the patient treated.~~
- ~~1. Venipuncture, drawing venous blood—this includes inserting an indwelling catheter when required.~~
  - ~~2. Catheterization of the urinary bladder.~~
  - ~~3. Injections, including hypodermic injections and parenteral fluids, except when in conflict with government regulations.~~
  - ~~4. Immunizations immediately after examination by a licensed veterinarian, except when in conflict with government regulations.~~
  - ~~5. Assist in the administration of anesthesia; induction of anesthesia shall be performed by the supervising veterinarian; monitoring and maintaining anesthesia may be performed by the technician.~~
  - ~~6. Exposing and developing X ray film.~~
  - ~~7. Collection and administering whole blood or plasma to a patient.~~
  - ~~8. Assisting in surgery as directed by the supervising veterinarian.~~
  - ~~9. Take electrocardiograms and electroencephalograms tracings;~~
  - ~~10. Taking and preparing skin scrapings for examination.~~
  - ~~11. Recording vital and necessary information of patient records, pertinent to a sick or injured animal.~~
  - ~~12. Preparing cultures for bacteriological examination.~~
  - ~~13. Routine laboratory procedures including hematology, serology, chemistry, urinalysis, fecal analysis, and skin scrapings.~~
  - ~~14. Administering oral drugs, colonic irrigations, and wound dressings.~~
  - ~~15. Dental prophylaxis, not including extractions.~~
  - ~~16. Preparation of patients for surgery, including clipping, scrubbing, disinfecting operative site as well as sterilizing drapes, instruments, gloves, gowns, etc., used in surgery.~~
  - ~~17. Preparation of medicants for dispensing to clients on the direct or written order of the supervising veterinarian.~~
  - ~~18. Maintaining surgery log, X ray log, and laboratory log.~~
  - ~~19. Maintaining pharmacy records.~~
- B.** ~~Under conditions of an emergency, a certified veterinary technician may render the following lifesaving aid and treatment:~~
- ~~1. Application of tourniquets or pressure bandages to control hemorrhage;~~
  - ~~2. Administration of pharmacological agents and parenteral fluids shall only be performed after direct communication with a veterinarian authorized to practice in this state, and such veterinarian either present or en route to the location of the distressed animal;~~
  - ~~3. Resuscitative oxygen procedures;~~
  - ~~4. Establishing open airways including intubation appliances, but excluding surgery;~~
  - ~~5. Perform external cardiac massage;~~
  - ~~6. Application of temporary splints or bandages to prevent further injury to bones or soft tissues;~~
  - ~~7. Application of appropriate wound dressings and external supportive treatment in severe burn cases;~~
  - ~~8. External supportive treatment in heat prostrate cases.~~
- A.** Except as provided in subsection (B), a certified veterinary technician may perform the tasks delegated by a licensed veterinarian while under the direction, supervision, and control of the licensed veterinarian.
- B.** A certified veterinary technician shall not:
1. Perform surgery.
  2. Diagnose.
  3. Prescribe a medication, or
  4. Provide a prognosis.

**R3-11-607. Renewal of Veterinary Technician Certificates Certificate**

- A.** ~~All certificate holders shall submit renewal fees and up-to-date information concerning current employment status, location of employment, and correct home and business mailing addresses prior to February 1 of every odd-numbered year on a renewal application form provided and mailed to all certificate holders by the Board.~~
- B.** ~~Failure to submit the appropriate certificate renewal fee prior to February 1 of every odd-numbered year shall result in forfeiture of all privileges and rights extended by the certificate and the certificate holder must immediately cease and desist in engaging further in the performance of veterinary technician services until the compliance with the requirements of subsection (A) and payment of a delinquency fee in addition to the certificate renewal fee.~~
- A.** A certified veterinary technician shall submit the renewal fee and information concerning current employment status, location of employment, and residence and practice addresses before February 1 of every odd-numbered year on a renewal application form provided and mailed to the certified veterinary technician by the Board.

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- B.** A certified veterinary technician who fails to submit the certificate renewal fee and required information before February 1 of every odd-numbered year shall forfeit all privileges and rights extended by the certificate. The veterinary technician shall immediately cease performing veterinary technician services until complying with the requirements of subsection (A) and paying the delinquency fee required in R3-11-105 in addition to the certificate renewal fee.

**ARTICLE 7. VETERINARY MEDICAL PREMISES AND EQUIPMENT**

**R3-11-701. Building and Ground Standards**

- ~~**A.** Buildings and grounds at which animals are accepted for veterinary medical services shall be constructed and maintained in accordance with applicable state and local building, zoning, and health department regulations.~~
- ~~**B.** Fire prevention measures must meet state and local fire codes.~~
- ~~**C.** The veterinary medical premises shall be identifiable as a veterinary medical facility during all hours in which services are available. If the premise is to remain open to the public at night, outside lighting to identify the premises shall be maintained.~~

**R3-11-701. General Veterinary Medical Premises Standards**

A responsible veterinarian shall ensure that:

1. The physical plant of a veterinary medical premises conforms to state and local building and fire codes and local zoning requirements;
2. A veterinary medical premise's identification is visible to the public from the outside of its physical plant. The identification includes the hours of operation and shall be placed so that it is unobstructed from public view. If the hours of operation include hours after dusk, a means of illuminating the sign shall be provided and used during the hours of operation after dusk;
3. Floors, tables, countertops, sinks, and fixtures within the veterinary medical premises are made of nonporous materials that may be sanitized;
4. Water and a means of achieving water temperatures from 32°F to 212°F is provided on the veterinary medical premises;
5. Refrigerated storage space, large enough to contain all deceased animals except livestock, is provided on the veterinary medical premises, pending necropsy and disposal pick-up; and
6. Storage space is provided on the veterinary medical premises for biohazardous waste pending disposal pick-up.
7. If animals, other than livestock, will be housed on a veterinary medical premises, an individual compartment, equipped with a latch, for each animal housed on the veterinary medical premise is provided.

**R3-11-702. Standards for Veterinary Premises**

~~Prior to the admission of any animal for treatment, hospitalization, or boarding by a veterinary medical facility, the owner or responsible person for the animal shall be informed in writing whether personnel trained in patient observation will attend the patient continuously outside regular office hours.~~

**R3-11-702. Equipment and Supplies**

A responsible veterinarian shall ensure that equipment and supplies are available on the veterinary medical premises of an adequate number and type to provide the veterinary medical services that are offered at the veterinary medical premises.

**R3-11-703. Equipment Standards**

- ~~**A.** Each veterinary premise shall be equipped with adequate diagnostic and treatment equipment and supplies to provide the services offered at a level consistent with the standards of veterinary practice within the community in which the premise is located.~~
- ~~**B.** Each veterinary medical premise shall meet manufacturers' label requirements for biologics and other supplies and medications requiring temperature control.~~
- ~~**C.** Oxygen equipment and supplies for administration must be readily available any time general anesthesia is to be administered to a small animal.~~
- ~~**D.** Premises offering surgery must have properly sterilized surgical supplies and instruments.~~
- ~~**E.** An individual compartment must be provided on the premises for each animal being housed.~~

**R3-11-703. Maintenance Standards for a Veterinary Medical Premises**

A responsible veterinarian shall ensure that:

1. All exits, corridors, and passageways inside and outside the veterinary medical premises are unobstructed at all times;
2. Combustible material such as paper, boxes, or rags are not allowed to accumulate inside or outside the veterinary medical premises;
3. Temperatures are maintained between 65°F and 90°F in each room where an animal, other than livestock, is treated or housed;
4. Floors, countertops, tables, sinks, and any other equipment or fixtures used in a veterinary medical premises are maintained in a clean condition and sanitized after contact with an animal or animal tissue; and

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5. Animal compartments are cleaned and sanitized at least once every 24 hours when an animal, other than livestock, is being housed and after each animal, other than livestock, vacates the compartment.

**R3-11-704. Housekeeping Standards**

- ~~A. Regulations of the Arizona Department of Health Services and of the local Health Department pertaining to sewage, sanitation and public health requirements shall be observed.~~  
~~B. All areas of the veterinary medical grounds, buildings and facilities shall be kept clean and free of refuse.~~  
~~C. Floors, countertops, tables, sinks, and similar equipment and fixtures shall be cleaned and disinfected after contact with any internal organ, body fluid or other bodily discharge of a patient.~~  
~~D. Examination tables, surgery tables and all indoor animal compartments shall be cleaned and disinfected after each patient use.~~  
~~E. Indoor animal compartments and exercise runs must be cleaned and disinfected at least once a day when in use.~~  
~~F. Large animal compartments shall be cleaned at least once daily while in use. If communicable disease of the patient housed therein is present, the enclosure must be disinfected after each patient usage.~~

**R3-11-704. Surgical Equipment**

In addition to complying with the requirements in this Article, if surgery is performed on a veterinary medical premises, a responsible veterinarian shall ensure that the following is provided on the veterinary medical premises:

1. Caps, masks, and sterile gloves and gowns;
2. Sterile surgical packs, including:
  - i. Drapes;
  - ii. Sponges; and
  - iii. Surgical instruments necessary to perform a surgical procedure;
3. An oxygen tank that contains oxygen sufficient for each animal to whom general anesthesia is administered;
4. A means of administering anesthesia for each animal that will receive general anesthesia;
5. A fixed or portable surgical light to illuminate the surgical site; and
6. A light for use if the surgical light will not operate.

**R3-11-705. Mobile Clinics**

- ~~A. All facility, housekeeping and equipment standards enumerated in this Chapter for fixed site clinics shall be applicable to mobile clinics.~~  
~~B. All mobile clinics shall be equipped with:~~
  1. ~~Hot and cold water source.~~
  2. ~~Collection tank for the disposal of waste materials.~~
  3. ~~A power source to operate all diagnostic equipment.~~

A. Except for R3-11-701(1), R3-11-701(2), R3-11-701(5), and R3-11-701(6) the application process and standards contained in this Article apply to mobile clinics.

B. A responsible veterinarian shall provide a mobile clinic with:

  1. An electrical power source;
  2. Storage space for biohazardous waste pending disposal pick-up; and
  3. Storage space, separate from storage space in subsection (B)(2), for the transportation of a deceased animal.

**R3-11-706. Mobile Units**

- ~~A. Drugs shall be maintained in a safe and orderly manner.~~  
~~B. Facilities shall be provided for meeting manufacturer's requirements for biologics, medication and supplies requiring temperature control.~~  
~~C. Surgical equipment shall be in either individual sterilized packs or a sterilizing solution.~~  
A responsible veterinarian shall:
1. Ensure that controlled substances and prescription-only drugs are maintained accessible only to authorized personnel,
  2. Meet manufacturer's label requirements for the storage and handling of biologics and veterinary supplies and medications requiring temperature control, and
  3. Maintain sterile surgical supplies and equipment.

**ARTICLE 8. DRUG DISPENSING**

**R3-11-801. Notification That Prescription-only Drugs or Controlled Substances May Be Available at a Pharmacy**

- ~~A. A dispensing veterinarian shall notify an animal owner or person responsible for the animal that some prescription-only products, drugs and controlled substances may be available at a pharmacy. Notification may be made in any of the following ways: by:~~

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1. ~~Orally Stating the availability~~ at or before the time of dispensing; ;
  2. ~~By posting~~ Posting a written statement ~~which that~~ is visible to the animal owner ~~or person responsible for the animal.~~ ; or
  3. ~~By providing~~ Providing ~~each animal the~~ animal owner ~~or person responsible for the animal~~ with written notification.
  4. ~~By having each animal owner or person responsible for the animal sign a statement that the veterinarian provided notification.~~
- B.** ~~A dispensing veterinarian may provide~~ A written prescription to the animal owner ~~may be provided~~ if requested by an animal owner ~~or person responsible for the animal.~~

**R3-11-802. Labeling Requirements**

A veterinarian shall dispense ~~A~~ a prescription-only ~~product drug~~ or a controlled substance ~~shall be dispensed~~ in a container bearing a ~~clearly~~ legible label ~~which that~~ sets forth all of the information ~~required by~~ in A.R.S. § 32-2281(A)(1), and the name and telephone number of the veterinary medical premises ~~license~~ from which the prescription-only ~~product drug~~ or controlled substance ~~was~~ is dispensed.

**R3-11-803. Packaging Requirements**

- A.** A veterinarian shall dispense 4 ounces or less of a prescription-only-drug in a child-proof container unless the animal owner waives this requirement.
- B.** A veterinarian shall dispense a controlled substance in a child-proof container.
- C.** A veterinarian may dispense more than 4 ounces of a bulk prescription-only-drug in a nonchild-proof container.
- D.** A veterinarian may dispense a prescription-only products drug in the manufacturer's original dispensing package without repackaging the product prescription-only-drug in a child-proof container.

**R3-11-805. Storage**

- A.** A dispensing veterinarian shall store controlled substances under lock and key except for controlled substances that are authorized by a responsible veterinarian to be administered by personnel.
- B.** A dispensing veterinarian shall store prescription-only-drugs in an area to which members of the public are not allowed access unless accompanied by a veterinarian or a member of the veterinarian's staff.
- C.** A dispensing veterinarian shall store prescription-only drugs and prescription-only devices shall be stored in compliance with state and federal laws and in compliance with the manufacturer's requirements.

**R3-11-807. Dispensing a Controlled Substance or Prescription-only Drug**

- A.** When dispensing a controlled substance:
1. A dispensing veterinarian or personnel who are not veterinarians but who are authorized by a veterinarian may:
    - a. Select the controlled substance.
    - b. Count the quantity of the controlled substance, and
    - c. Place the controlled substance in a prescription container.
  2. Licensed or unlicensed personnel may:
    - a. Prepare labels.
    - b. Prepare drug containers for controlled substances, or
    - c. Record information required by state and federal laws.
  3. A dispensing veterinarian shall review the label of a repackaged controlled substance and the patient's medical record and ensure that the label complies with R3-11-502 and R3-11-502(J) and state and federal laws before the controlled substance is dispensed.
- B.** When dispensing a prescription-only drug:
1. A dispensing veterinarian or personnel who are not veterinarians but who are authorized by a veterinarian may:
    - a. Repackage prescription-only drugs.
    - b. Prepare labels.
    - c. Prepare containers for prescription-only drugs, or
    - d. Record information required by state or federal laws.
  2. The dispensing veterinarian authorizing the dispensing shall ensure that records are maintained according to R3-11-502(H) and R3-11-502(I) and all state and federal laws are followed.

**ARTICLE 9. INVESTIGATIONS AND HEARINGS**

**R3-11-901. Investigations of Alleged Violations**

- A.** A person may notify the Board of an alleged violation of A.R.S. §§ 32-2201 through 32-2281 and this Chapter. The Board also may initiate a complaint on its own motion.
- B.** The Board shall send a written notice of the complaint to the licensee. The licensee shall provide a written response and all relevant records or documents concerning the complaint if requested by the Board, no later than 15 days from the date of the notice.

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**C.** The Board may request the complainant or the licensee to reply to any statements or documents the Board receives concerning a complaint. If the Board requests the complainant or licensee to provide the Board with additional information concerning a complaint, the complainant or the licensee shall respond in writing within 15 days from the date of the request.

**D.** The Board may request the complainant or the licensee to appear before the Board to assist in the Board's investigation.

**R3-11-902. Informal Interview**

**A.** The Board shall conduct an informal interview under A.R.S. § 32-2234 as follows:

1. The Board shall send a written notice of the informal interview to all parties by personal service or certified mail, return receipt requested, at least 20 days before the informal interview. The notice shall contain:
  - a. The time, place, and date of the informal interview;
  - b. An explanation of the informal nature of the informal interview;
  - c. A statement of the subject matter or issues involved;
  - d. The licensee's right to appear with or without counsel;
  - e. A notice that if a licensee or complainant fails to appear at the informal interview, the informal interview may be held in the licensee's or complainant's absence; and
  - e. The licensee's right to a formal hearing held according to A.R.S. § 32-2234.
2. During the informal interview, the Board may:
  - a. Swear in the licensee and all witnesses;
  - b. Question the licensee and all witnesses; and
  - c. Deliberate.
3. At the conclusion of the informal interview the Board may:
  - a. Order additional investigation;
  - b. Order another informal interview;
  - c. Dismiss the complaint;
  - d. Impose disciplinary sanctions authorized by A.R.S. § 32-2234 if a violation is found; or
  - e. Order a formal hearing on the complaint.

**B.** The Board shall issue written findings of fact, conclusions of law, and order of the Board no later than 60 days from the date of the conclusion of the informal interview.

**C.** A licensee or the Board may seek a Board rehearing or review of a Board decision as stated in A.A.C. R3-11-904 or A.R.S. § 41-1092.02.

**R3-11-903. Formal Hearing**

**A.** If a formal hearing under A.R.S. § 32-2234 is to be held before an administrative law judge, the requirements in A.R.S. § 41-1092 through 41-1092.11 apply.

**B.** If a formal hearing under A.R.S. § 32-2234 is to be held directly before the Board, the following apply:

1. The Board shall provide a written complaint and notice of formal hearing to a licensee at the licensee's last known address of record, by personal service or certified mail, return receipt requested at least 20 days before the date set for the formal hearing;
2. A licensee served with a complaint and notice of hearing shall file an answer by the date specified in the notice of hearing admitting or denying the allegations in the complaint;
3. A complaint and notice of hearing may be amended at any time. The Board shall send written notice of any changes in the complaint and notice of hearing to the licensee at least 20 days before a formal hearing;
4. The licensee may appear at the formal hearing with or without the assistance of an attorney. If the licensee fails to appear, the Board may hold the formal hearing in the licensee's absence;
5. The Board may conduct a formal hearing without adherence to the rules of procedure or rules of evidence used in civil proceedings. At the formal hearing the Board shall rule on the procedure to be followed and admissibility of evidence; and
6. The Board shall send a written decision that includes written findings of fact, conclusions of law, and order of the Board to the licensee and all parties within 60 days after the formal hearing is concluded. A licensee or the Board may seek rehearing or review of the order according to A.A.C. R3-11-904 or A.R.S. § 41-1092.02.

**R3-11-904. Rehearing or Review of Decisions**

**A.** Except as provided in subsection (F), a party who is aggrieved by a decision issued by the Board may file with the Board, not later than 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the grounds for rehearing or review. For purposes of this Section, a decision is considered to have been served when personally delivered to the party's last known address or mailed by certified mail to the party or the party's attorney.

**B.** A party filing a motion for rehearing or review under this rule may amend the motion at any time before it is ruled upon by the Board. Other parties may file a response within 15 days after the date the motion for rehearing or review is filed. The Board may require that the parties file supplemental memoranda explaining the issues raised in the motion and may permit oral argument.

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- C.** The Board may grant a rehearing or review of the decision for any of the following causes materially affecting the party's rights:
1. Irregularity in the proceedings of the Board or an abuse of discretion, which deprived the party of a fair hearing;
  2. Misconduct of the Board or its hearing officer or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly-discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing; or
  7. That the findings of fact or decision is not supported by the evidence or is contrary to law.
- D.** The Board may affirm or modify its decision or grant a rehearing to any party on all or part of the issues for any of the reasons in subsection (C). An order granting a rehearing or review shall specify the grounds for the rehearing or review.
- E.** Not later than 30 days after a decision is issued by the Board, the Board may, on its own initiative, grant a rehearing or review of its decision for any of the reasons in subsection (C). An order granting a rehearing shall specify the grounds for the rehearing or review.
- F.** If the Board makes specific findings that the immediate effectiveness of a decision is necessary for the immediate preservation of public health and safety and determines that a rehearing or review of the decision is impracticable, unnecessary or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, the aggrieved party shall make an application for judicial review of the decision within the time limits permitted for an application for judicial review of the Board's final decision at A.R.S. § 41-1092.02.
- G.** The Board shall rule on the motion for rehearing or review within 15 days after the response has been filed, or at the Board's next meeting after the motion is received, whichever is later. If a motion for rehearing or review is granted, the Board shall hold the rehearing or review with 120 days from the date the Board issues the order for rehearing or review.

**R3-11-905. Depositions, Issuance of Subpoenas, Service**

- A.** A party desiring to take the deposition of a witness who is unable to attend a hearing before the Board shall submit a request to take a deposition of an unavailable witness to the Board.
1. If the Board grants the request to take a deposition of an unavailable witness, the party may proceed to take the deposition of the witness by complying with the Arizona Rules of Civil Procedure.
  2. The Board may, in its discretion, designate the time and place before whom the deposition may be taken.
  3. The party requesting the deposition shall bear the expense of the deposition.
- B.** A subpoena may be issued as follows:
1. If a hearing is to be conducted by the Board, the Board may issue a subpoena for the attendance of a witness or the production of books, records, documents and other evidence according to A.R.S. § 32-2237(F).
    - a. The Board shall serve a subpoena on each party at least 10 days before the hearing date.
    - b. A party shall submit a written request for a subpoena with the Board. The party shall submit the request in the time necessary to allow compliance with subsection (B)(1)(a).
    - c. The party requesting service of a subpoena shall bear the expense of the service of the subpoena.
  2. If a hearing is to be conducted by an administrative law judge, a subpoena is issued by the Office of Administrative Hearings according to A.R.S. § 41-1092.02.
- C.** Service of any decision, order, notice, subpoena, or other process may be made personally in the same manner as provided for service of process in a civil action, or may be mailed by certified mail, postage prepaid, to the last address of record with the Board.
1. Personal service is effective on the date received. Service by certified mail is effective when deposited in the United States mail.
  2. Service upon an attorney for a party constitutes service upon the party.
  3. Proof of service may be made by the affidavit or oral testimony of the process server.



**15. The full text of the rules follows:**

**TITLE 7. EDUCATION**

**ARTICLE 7. INSTRUCTION, FACULTY, AND STAFF**

Section

R7-1-711. Providing Community College Services to a County without a Community College District

**ARTICLE 7. INSTRUCTION, FACULTY, AND STAFF**

**R7-1-711. Providing Community College Services to a County without a Community College District**

- A.** A county without a community college district (unorganized county) may contract for in-county services with one or more community college districts.
- B.** The contract between the unorganized county board of supervisors and the community college district for in-county services shall:
  - 1. Comply with the requirement of A.R.S. § 15-1470 (Extension courses; intergovernmental agreements) and A.R.S. § 11-952 through 11-954 (Intergovernmental agreement provisions).
  - 2. Be approved by the community college district governing board and the unorganized county's board of supervisors prior to the services being offered.
  - 3. Be approved by the State Board.
- C.** For all services covered by this rule:
  - 1. The State Board shall approve tuition and fees for students enrolled in credit courses. The community college district may set the amount of remuneration for all other services.
  - 2. State aid may be claimed for credit courses.
  - 3. An annual report for the previous fiscal year shall be submitted to the State Board by September 1 of each year. The annual report shall include locations where services are provided within the unorganized county and aggregate enrollment.
- D.** In-county services include all services that are offered within the unorganized county for which a physical presence within the county is maintained. Services delivered via education technology methods that do not require a designated receive site are exempt from this rule, but are subject to R7-1-714.