

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 144

# HOUSE BILL 2010

AN ACT

AMENDING SECTIONS 32-2201, 32-2214, 32-2215, 32-2237, 32-2239 AND 32-2240,  
ARIZONA REVISED STATUTES; RELATING TO VETERINARIANS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-2201, Arizona Revised Statutes, is amended to  
3 read:

4 32-2201. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Animal" means any animal other than human.

7 2. "Board" means the Arizona state veterinary medical examining board.

8 3. "Consulting" means providing professional or expert advice which  
9 is requested by a veterinarian licensed in this state and is rendered only  
10 on a specific case basis.

11 4. "Controlled substance" means any substance which is registered and  
12 controlled under the federal controlled substances act (P.L. 91-513).

13 5. "Diplomate" means a veterinarian certified as a specialist in a  
14 particular discipline by a national specialty board or college recognized by  
15 the American veterinary medical association after the completion of  
16 additional education and training, an internship or residency, passing  
17 required examinations and meeting any other criteria required by the various  
18 individual national specialty boards or colleges.

19 6. "GROSS INCOMPETENCE" MEANS ANY PROFESSIONAL MISCONDUCT OR  
20 UNREASONABLE LACK OF PROFESSIONAL SKILL IN THE PERFORMANCE OF PROFESSIONAL  
21 PRACTICE.

22 7. "GROSS NEGLIGENCE" MEANS TREATMENT OF A PATIENT OR PRACTICE OF  
23 VETERINARY MEDICINE RESULTING IN INJURY, UNNECESSARY SUFFERING OR DEATH THAT  
24 WAS CAUSED BY CARELESSNESS, NEGLIGENCE OR THE DISREGARD OF ESTABLISHED  
25 PRINCIPLES OR PRACTICES.

26 ~~8.~~ 8. "Letter of concern" means an advisory letter to notify a  
27 veterinarian that, while there is insufficient evidence to support  
28 disciplinary action, the board believes the veterinarian should modify or  
29 eliminate certain practices and that continuation of the activities that led  
30 to the information being submitted to the board may result in action against  
31 the veterinarian's license.

32 ~~9.~~ 9. "Licensed veterinarian" means a person who is currently  
33 licensed to practice veterinary medicine in this state.

34 ~~10.~~ 10. "Malpractice" means ~~any one of the following:~~

35 ~~(a) treatment in a manner contrary to accepted practices and with~~  
36 ~~injurious results.~~

37 ~~(b) Any professional misconduct or unreasonable lack of professional~~  
38 ~~skill or fidelity in the performance of professional practice.~~

39 ~~(c) Negligent treatment or practice of veterinary medicine resulting~~  
40 ~~in injury, unnecessary suffering or death which was caused by carelessness,~~  
41 ~~disregard of established principles or practices or neglect.~~

42 ~~11.~~ 11. "Medical incompetence" means lacking in sufficient medical  
43 knowledge or skills, or both, to a degree likely to endanger the health of  
44 patients.

1 12. "NEGLIGENCE" MEANS THE FAILURE OF A LICENSED VETERINARIAN TO  
2 EXERCISE REASONABLE CARE IN THE PRACTICE OF VETERINARY MEDICINE.

3 ~~10.~~ 13. "Regularly" means that veterinary services are offered to the  
4 public once a month or more frequently.

5 ~~11.~~ 14. "Responsible veterinarian" means the veterinarian responsible  
6 to the board for compliance by licensed veterinary premises with the laws and  
7 rules of this state and of the federal government pertaining to the practice  
8 of veterinary medicine and responsible for the establishment of policy at  
9 such premises.

10 ~~12.~~ 15. "Temporary sites" means sites where outpatient veterinary  
11 services are performed.

12 ~~13.~~ 16. "Twenty-four hour services" means veterinary services when a  
13 veterinarian is on the premises twenty-four hours a day.

14 ~~14.~~ 17. "Veterinarian" means a person who has received a doctor's  
15 degree in veterinary medicine from a college of veterinary medicine.

16 ~~15.~~ 18. "Veterinary college" means any veterinary college or division  
17 of a university or college that offers the degree of doctor of veterinary  
18 medicine or its equivalent and that conforms to the standards required for  
19 accreditation by the American veterinary medical association.

20 ~~16.~~ 19. "Veterinary medicine" includes veterinary surgery, obstetrics,  
21 dentistry, acupuncture, manipulation and all other branches or specialties  
22 of veterinary medicine and the prescribing, administering or dispensing of  
23 drugs and medications for veterinary purposes.

24 Sec. 2. Section 32-2214, Arizona Revised Statutes, is amended to read:  
25 32-2214. Examination of applicants; confidentiality

26 A. All applicants for a license shall be given an A STATE examination.

27 B. Examinations shall be held in January and June of each year unless  
28 otherwise provided by the board.

29 C. The examination shall consist of the following:

30 1. A state examination approved by the board.

31 ~~2. The national board examination.~~

32 ~~3. The clinical competency test.~~

33 2. THE NORTH AMERICAN VETERINARY LICENSING EXAMINATION.

34 D. The state examination shall be so conducted that the members of the  
35 board do not know the name of the applicant until the judging or grading is  
36 officially completed.

37 E. A grade of AT LEAST seventy-five per cent shall be required to  
38 successfully pass the ~~national board written~~ NORTH AMERICAN VETERINARY  
39 LICENSING examination ~~and the clinical competency test~~. A score GRADE of AT  
40 LEAST seventy-five per cent shall be required to successfully pass the state  
41 examination. The scores of the NORTH AMERICAN VETERINARY LICENSING  
42 EXAMINATION AND THE state examination, ~~the clinical competency test and the~~  
43 ~~national board examination~~ shall not be averaged. Failure of any of the  
44 ~~three parts shall constitute failure of the entire examination~~. National  
45 board scores from another state may be accepted for the written part of a

1 ~~candidate's score, if such score was in fact a national board score as~~  
2 ~~prepared by the professional examination service, was received within the~~  
3 ~~preceding five years and is on record at the professional examination service~~  
4 ~~unless the applicant is applying for endorsement or a specialty license under~~  
5 ~~section 32-2215, subsection C or D. Scores from the national board~~  
6 ~~examination given in other states must be transcribed and received by the~~  
7 ~~board from the professional examination service~~ THAT ARE RECEIVED FROM EITHER  
8 THE NATIONAL EXAMINATION COMMITTEE OR THE NORTH AMERICAN VETERINARY LICENSING  
9 EXAMINATION COMMITTEE FROM ANOTHER STATE MAY BE ACCEPTED FOR PART OF AN  
10 APPLICANT'S PASSING SCORE.

11 F. AN APPLICANT'S SCORE THAT WAS RECEIVED WITHIN THE PRECEDING FIVE  
12 YEARS AND THAT IS ON RECORD AT THE NATIONAL EXAMINATION SERVICE OR THE NORTH  
13 AMERICAN VETERINARY LICENSING EXAMINATION COMMITTEE SHALL BE VERIFIED THROUGH  
14 EITHER THE NATIONAL EXAMINATION SERVICE OR THE NORTH AMERICAN VETERINARY  
15 LICENSING EXAMINATION COMMITTEE, UNLESS THE APPLICANT IS APPLYING FOR  
16 ENDORSEMENT OR A SPECIALTY LICENSE UNDER SECTION 32-2215, SUBSECTION C OR D  
17 IN WHICH CASE THE APPLICANT'S SCORE SHALL BE TRANSCRIBED AND RECEIVED BY THE  
18 BOARD.

19 F. G. All examination materials, records of examination grading and  
20 performance and transcripts of educational institutions concerning applicants  
21 or licensees are confidential and not public records.

22 Sec. 3. Section 32-2215, Arizona Revised Statutes, is amended to read:  
23 32-2215. Qualifications for license

24 A. An applicant for a license issued under this chapter shall:

25 1. Be of good moral character.

26 2. Be a graduate of a veterinary college or hold a certificate issued  
27 by the educational commission for foreign veterinary graduates of the  
28 American veterinary medical association.

29 3. Satisfactorily pass an examination given by the board as provided  
30 in this chapter.

31 B. An applicant may be denied licensure either before or after  
32 examination if the applicant has committed any act that if committed by a  
33 licensee would be grounds for suspension or revocation of a license to  
34 practice veterinary medicine under this chapter.

35 C. The board may waive the examination requirements pursuant to  
36 section 32-2214, subsection C, paragraphs PARAGRAPH 2 and 3 and issue a  
37 license by endorsement to an applicant to practice veterinary medicine if the  
38 applicant provides all required documentation pursuant to section 32-2213 and  
39 meets the following requirements:

40 1. The applicant holds an active license in one or more other states  
41 and submits verification that he THE APPLICANT has previously taken and  
42 passed the ~~national board~~ examination REQUIRED BY SECTION 32-2214, with a  
43 score at least equal to the score required to pass in this state. An  
44 applicant who received original licensure before the ~~national board~~  
45 examination REQUIRED BY SECTION 32-2214, was required in the state in which

1 the applicant was originally licensed may be eligible for licensure without  
2 having taken that examination as required pursuant to this chapter if all  
3 other requirements are met.

4 2. The applicant has been lawfully and actively engaged in the  
5 practice of veterinary medicine for at least three of the preceding five  
6 years or six of the preceding ten years in one or more states before filing  
7 an application for licensure in this state.

8 3. The applicant has graduated from a veterinary college recognized  
9 by the board.

10 4. The board determines that no disciplinary action has been taken  
11 against the applicant by any public agency concerned with the practice of  
12 veterinary medicine and that the applicant has not been the subject of  
13 adverse judgments resulting from the practice of veterinary medicine that the  
14 board determines constitute evidence of a pattern of incompetency or  
15 negligence.

16 5. The applicant passes a state examination approved by the board. A  
17 grade of seventy-five per cent is required to successfully pass the  
18 examination.

19 6. The applicant pays a fee for the license of seven hundred fifty  
20 dollars.

21 D. The board may waive the examination requirements pursuant to  
22 section 32-2214, subsection C, paragraphs PARAGRAPH 2 and 3 and may issue a  
23 specialty license to an applicant to practice veterinary medicine if the  
24 applicant provides all required documentation pursuant to section 32-2213 and  
25 meets the following requirements:

26 1. The applicant holds a current certification as a diplomate of a  
27 national specialty board or college recognized by the American veterinary  
28 medical association.

29 2. The board determines that no disciplinary action has been taken  
30 against the applicant by any public agency concerned with the practice of  
31 veterinary medicine and that the applicant has not been the subject of  
32 adverse judgments resulting from the practice of veterinary medicine that the  
33 board determines constitute evidence of a pattern of incompetency or  
34 negligence.

35 3. The applicant's practice is limited to the scope of his THE  
36 APPLICANT'S board certification.

37 4. The applicant successfully passes a state examination approved by  
38 the board with a score of at least seventy-five per cent.

39 5. The applicant pays a fee for the specialty license of seven hundred  
40 fifty dollars.

1           Sec. 4. Section 32-2237, Arizona Revised Statutes, is amended to read:  
2           32-2237. Committee to investigate violations; referral to  
3           county attorney or attorney general; inspection of  
4           records; subpoenas; civil penalty; injunctions;  
5           cease and desist orders; confidentiality

6           A. The board shall appoint one or more investigative committees, each  
7 consisting of the ~~board's chief medical investigator, one other staff~~  
8 ~~investigator, two~~ THREE members of the general public who are not board  
9 members and one TWO licensed veterinarian VETERINARIANS who ~~is~~ ARE not a  
10 board member MEMBERS. The investigative committee may interview witnesses,  
11 gather evidence and otherwise investigate any charges accusing any person of  
12 violating any of the provisions of this chapter. An assistant attorney  
13 general shall advise the investigative committee on all questions of law  
14 arising out of its investigations. The expenses of the committee shall be  
15 paid out of the veterinary medical examining board fund.

16           B. The investigative committee shall prepare a written report relating  
17 to any charge it investigates. The committee shall present its report to the  
18 board in an open meeting. The report shall include:

19           1. A summary of the investigation.

20           2. Findings of fact.

21           3. Either a recommendation to dismiss the charge or a finding that a  
22 violation of this chapter or a rule adopted pursuant to this chapter  
23 occurred.

24           C. If the board rejects any recommendation contained in a report of  
25 the investigative committee, it shall document the reasons for its decision  
26 in writing.

27           D. Upon the complaint of any citizen of this state, or upon its own  
28 initiative, the board may investigate any alleged violation of this chapter.  
29 If after such investigation the board has probable cause to believe that an  
30 unlicensed person is performing acts that are required to be performed by a  
31 person licensed pursuant to this chapter, the board may take one or more of  
32 the following enforcement actions:

33           1. Issue a cease and desist order.

34           2. Request the county attorney or attorney general to file criminal  
35 charges against the person.

36           3. File an action in the superior court to enjoin the person from  
37 engaging in the unlicensed practice of veterinary medicine.

38           4. After notice and an opportunity for a hearing, impose a civil  
39 penalty of not more than one thousand dollars for each violation.

40           E. The board or its agents or employees may at all reasonable times  
41 have access to and the right to copy any documents, reports, records or other  
42 physical evidence of any veterinarian including documents, reports, records  
43 or physical evidence maintained by and in the possession of any veterinary  
44 medical hospital, clinic, office or other veterinary medical premises being

1 investigated if such documents, records, reports or other physical evidence  
2 relates to a specific investigation or proceeding conducted by the board.

3 F. The board on its own initiative or upon application of any person  
4 involved in an investigation or proceeding conducted by the board may issue  
5 subpoenas compelling the attendance and testimony of witnesses or demanding  
6 the production for examination or copying of documents, reports, records,  
7 or any other physical evidence if such evidence relates to the specific  
8 investigation or proceeding conducted by the board.

9 G. Except as provided in this subsection, all materials, documents and  
10 evidence associated with a pending or resolved complaint or investigation are  
11 confidential and are not public records. The following materials, documents  
12 and evidence are not confidential and are public records if they relate to  
13 resolved complaints:

- 14 1. The complaint.
- 15 2. The response and any rebuttal statements submitted by the licensee  
16 or certificate holder.
- 17 3. Board discussions of complaints that are recorded pursuant to  
18 section 32-2204, subsection C.
- 19 4. Written reports of an investigative committee that are prepared  
20 pursuant to subsection B of this section.
- 21 5. Written statements of the board that are prepared pursuant to  
22 subsection C of this section.

23 Sec. 5. Section 32-2239, Arizona Revised Statutes, is amended to read:  
24 32-2239. Duty of veterinarian to report suspected dog  
25 participant of dog fight or animal abuse; immunity

26 A. A veterinarian shall report in writing concerning any dog FIGHTING  
27 OR ANIMAL ABUSE to a local law enforcement agency in the county where he THE  
28 VETERINARIAN is practicing within five THIRTY days of any examination or  
29 treatment administered to any dog OR ANY ANIMAL which he THE VETERINARIAN  
30 reasonably suspects and believes has participated in an organized dog fight  
31 OR ANY ANIMAL WHICH THE VETERINARIAN REASONABLY SUSPECTS AND BELIEVES HAS  
32 BEEN ABUSED. The report shall contain the breed and description of the dog  
33 OR ANY ANIMAL together with the name and address of the owner.

34 B. A VETERINARIAN SHALL REPORT, IN WRITING, SUSPECTED CASES OF ABUSE  
35 OF LIVESTOCK TO THE ASSOCIATE DIRECTOR OF THE DIVISION OF ANIMAL SERVICES IN  
36 THE ARIZONA DEPARTMENT OF AGRICULTURE PURSUANT TO TITLE 3, CHAPTER 11,  
37 ARTICLE 1. THE REPORT SHALL BE MADE WITHIN THIRTY DAYS OF TREATMENT OR  
38 EXAMINATION AND SHALL INCLUDE THE BREED AND DESCRIPTION OF THE ANIMAL  
39 TOGETHER WITH THE NAME AND ADDRESS OF THE OWNER.

40 ~~B.~~ C. A veterinarian who files a report as provided in this section  
41 shall be immune from civil liability with respect to any report made in good  
42 faith.

1           Sec. 6. Section 32-2240, Arizona Revised Statutes, is amended to read:  
2           32-2240. Reporting of unprofessional conduct; immunity  
3           A. Any person may, ~~and a veterinarian shall,~~ report to the board any  
4 information the person has that appears to show that a veterinarian is or may  
5 be medically incompetent or is or may be guilty of:  
6           1. Unprofessional conduct.  
7           2. ANIMAL ABUSE.  
8           B. A person who reports information to the board in good faith  
9 pursuant to this section is immune from civil liability.

APPROVED BY THE GOVERNOR APRIL 18, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2001.

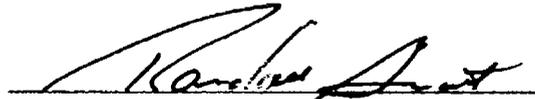
Passed the House January 29, 2001,

Passed the Senate April 4, 2001,

by the following vote: 57 Ayes,  
0 Nays, 3 Not Voting

by the following vote: 30 Ayes,  
0 Nays, 0 Not Voting

  
Speaker of the House

  
President of the Senate

  
Chief Clerk of the House

  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**H.B. 2010**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 12, 2001,

by the following vote: 42 Ayes,

4 Nays, 14 Not Voting

Jake Flake  
Speaker of the House  
Pro Tempore  
Thomas L. Moore  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12 day of April, 2001,

at 1:41 o'clock P M.

Jandra Ramirez  
Secretary to the Governor

Approved this 18 day of

April, 2001,

at 10:55 o'clock 2 M.

Janet Lee  
Governor of Arizona

H.B. 2010

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19 day of April, 2001,

at 3:13 o'clock P M.

Patricia Rayless  
Secretary of State