

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 182

HOUSE BILL 2612

AN ACT

AMENDING SECTIONS 32-2201, 32-2207, 32-2211, 32-2215, 32-2216, 32-2231, 32-2232, 32-2233, 32-2234, 32-2237, 32-2239, 32-2241, 32-2242, 32-2244, 32-2245, 32-2247, 32-2248 AND 32-2249, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 21, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2235; 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. "CERTIFIED VETERINARY TECHNICIAN" MEANS EITHER:

9 (a) A GRADUATE OF A MINIMUM TWO YEAR AMERICAN VETERINARY MEDICAL
10 ASSOCIATION ACCREDITED PROGRAM IN VETERINARY TECHNOLOGY WHO HAS PASSED A
11 NATIONAL AND A STATE VETERINARY TECHNICIAN EXAMINATION.

12 (b) A PERSON WHO IS CERTIFIED ON OR BEFORE DECEMBER 31, 2010 PURSUANT
13 TO THE RULES ADOPTED BY THE BOARD.

14 ~~3-~~ 4. "Consulting" means providing professional or expert advice
15 which is requested by a veterinarian licensed in this state and is rendered
16 only on a specific case basis.

17 ~~4-~~ 5. "Controlled substance" means any substance which is registered
18 and controlled under the federal controlled substances act (P.L. 91-513).

19 ~~5-~~ 6. "Cremation" means the heating process that reduces animal
20 remains to bone fragments by combustion and evaporation.

21 ~~6-~~ 7. "Crematory" means a building or portion of a building that is
22 licensed pursuant to article 8 of this chapter and that houses a retort in
23 which only animal remains are cremated.

24 ~~7-~~ "Diplomate" means ~~a veterinarian certified as a specialist in a~~
25 ~~particular discipline by a national specialty board or college recognized by~~
26 ~~the American veterinary medical association after the completion of~~
27 ~~additional education and training, an internship or residency, passing~~
28 ~~required examinations and meeting any other criteria required by the various~~
29 ~~individual national specialty boards or colleges.~~

30 8. "DIRECT SUPERVISION" MEANS THAT A LICENSED VETERINARIAN IS
31 PHYSICALLY PRESENT AT THE LOCATION WHERE ANIMAL HEALTH CARE IS BEING
32 PERFORMED.

33 ~~8-~~ 9. "Gross incompetence" means any professional misconduct or
34 unreasonable lack of professional skill in the performance of professional
35 practice.

36 ~~9-~~ 10. "Gross negligence" means treatment of a patient or practice of
37 veterinary medicine resulting in injury, unnecessary suffering or death that
38 was caused by carelessness, negligence or the disregard of established
39 principles or practices.

40 11. "INDIRECT SUPERVISION" MEANS THAT A LICENSED VETERINARIAN IS NOT
41 PHYSICALLY PRESENT AT THE LOCATION WHERE ANIMAL HEALTH CARE IS BEING
42 PERFORMED BUT HAS GIVEN EITHER WRITTEN OR ORAL INSTRUCTIONS FOR TREATMENT OF
43 THE ANIMAL PATIENT.

1 ~~10-~~ 12. "Letter of concern" means an advisory letter to notify a
2 veterinarian that, while there is insufficient evidence to support
3 disciplinary action, the board believes the veterinarian should modify or
4 eliminate certain practices and that continuation of the activities that led
5 to the information being submitted to the board may result in action against
6 the veterinarian's license.

7 ~~11-~~ 13. "Licensed veterinarian" means a person who is currently
8 licensed to practice veterinary medicine in this state.

9 ~~12-~~ 14. "Malpractice" means treatment in a manner contrary to accepted
10 practices and with injurious results.

11 ~~13-~~ 15. "Medical incompetence" means lacking sufficient medical
12 knowledge or skills, or both, to a degree likely to endanger the health of
13 patients or lacking equipment, supplies or medication to properly perform a
14 procedure.

15 ~~14-~~ 16. "Negligence" means the failure of a licensed veterinarian to
16 exercise reasonable care in the practice of veterinary medicine.

17 ~~15-~~ 17. "Regularly" means that veterinary services are offered to the
18 public once a month or more frequently.

19 ~~16-~~ 18. "Responsible veterinarian" means the veterinarian responsible
20 to the board for compliance by licensed veterinary premises with the laws and
21 rules of this state and of the federal government pertaining to the practice
22 of veterinary medicine and responsible for the establishment of policy at
23 such premises.

24 19. "SPECIALIST" MEANS A VETERINARIAN CERTIFIED AS A DIPLOMATE IN A
25 PARTICULAR DISCIPLINE BY A NATIONAL SPECIALTY BOARD OR COLLEGE RECOGNIZED BY
26 THE AMERICAN VETERINARY MEDICAL ASSOCIATION AFTER THE COMPLETION OF
27 ADDITIONAL EDUCATION AND TRAINING, AN INTERNSHIP OR RESIDENCY, PASSING
28 REQUIRED EXAMINATIONS AND MEETING ANY OTHER CRITERIA REQUIRED BY THE VARIOUS
29 INDIVIDUAL NATIONAL SPECIALTY BOARDS OR COLLEGES.

30 20. "SUPERVISING VETERINARIAN" MEANS A LICENSED VETERINARIAN WHO IS
31 RESPONSIBLE FOR THE CARE RENDERED TO AN ANIMAL BY A CERTIFIED VETERINARY
32 TECHNICIAN OR A VETERINARY ASSISTANT.

33 ~~17-~~ 21. "Temporary sites" means sites where outpatient veterinary
34 services are performed.

35 ~~18-~~ 22. "Twenty-four hour services" means veterinary services when a
36 veterinarian is on the premises twenty-four hours a day.

37 ~~19-~~ 23. "Veterinarian" means a person who has received a doctor's
38 degree in veterinary medicine from a college of veterinary medicine.

39 24. "VETERINARY ASSISTANT" MEANS AN INDIVIDUAL WHO PROVIDES CARE UNDER
40 THE DIRECT OR INDIRECT SUPERVISION OF A VETERINARIAN OR CERTIFIED VETERINARY
41 TECHNICIAN.

42 ~~20-~~ 25. "Veterinary college" means any veterinary college or division
43 of a university or college that offers the degree of doctor of veterinary
44 medicine or its equivalent and that conforms to the standards required for
45 accreditation by the American veterinary medical association.

1 ~~21-~~ 26. "Veterinary medicine" includes veterinary surgery, obstetrics,
2 dentistry, acupuncture, manipulation and all other branches or specialties of
3 veterinary medicine and the prescribing, administering or dispensing of drugs
4 and medications for veterinary purposes.

5 Sec. 2. Section 32-2207, Arizona Revised Statutes, is amended to read:
6 32-2207. Veterinary board; powers and duties

7 The primary duty of the board is to protect the public from unlawful,
8 incompetent, unqualified, impaired or unprofessional practitioners of
9 veterinary medicine through licensure and regulation of the profession in
10 this state. The powers and duties of the board include:

11 1. Administering and enforcing this chapter and board rules.

12 2. Regulating disciplinary actions, the granting, denial, revocation,
13 renewal and suspension of licenses and certificates and the rehabilitation of
14 licensees and certificate holders pursuant to this chapter and board rules.

15 3. Prescribing the forms, content and manner of application for
16 licensure and certification and renewal of licensure and certification and
17 setting deadlines for the receipt of materials required by the board.

18 4. Keeping a record of all licensees and certificate holders, board
19 actions taken concerning all applicants, licensees and certificate holders
20 and the receipt and disbursal of monies.

21 5. Adopting an official seal for attestation of licenses, certificates
22 and other official papers and documents.

23 6. Investigating charges of violations of this chapter and board rules
24 and orders.

25 7. Employing an executive director who serves at the pleasure of the
26 board.

27 8. Adopting rules pursuant to title 41, chapter 6 that relate to the
28 qualifications and regulation of doctors of veterinary medicine, CERTIFIED
29 veterinary technicians, veterinary premises, mobile veterinary clinics and
30 crematories and other rules that the board deems necessary for the
31 administration of this chapter. The rules may include continuing education
32 requirements for licensees and certificate holders and shall include:

33 (a) Minimum standards of veterinary practice.

34 (b) Provisions to ensure that the public has reasonable access to
35 nonconfidential information about the licensing or certification status of
36 persons regulated under this chapter and about resolved complaints against
37 licensees and certificate holders.

38 (c) Provisions to ensure that members of the public have an
39 opportunity to evaluate the services that the board provides to the public.

40 9. Establishing by rule fees and penalties as provided in this
41 chapter, including fees for the following:

42 (a) Reproduction of documents.

43 (b) Verification of information about a licensed veterinarian at the
44 request of a veterinary licensing board in another jurisdiction.

1 (c) Return of checks due to insufficient funds, an order to stop
2 payment or a closed account.

3 (d) Provision of a list of the names of veterinarians, CERTIFIED
4 veterinary technicians or veterinary premises licensed or certified by the
5 board.

6 10. Adopting rules that require the board to inform members of the
7 public about the existence of the office of the ombudsman-citizens aide
8 established by section 41-1375.

9 Sec. 3. Section 32-2211, Arizona Revised Statutes, is amended to read:
10 32-2211. Exceptions from application of chapter

11 This chapter shall not apply to:

12 1. A commissioned veterinary medical officer of the United States
13 armed services, or employees of the animal disease eradication division of
14 the United States department of agriculture.

15 2. A person treating an animal belonging to himself or his employer
16 while in the regular service of such employer, or the animal of another
17 without compensation therefor. Animals consigned by their legal owner for
18 feeding or care to consignment livestock operations shall be considered to be
19 the property of the consignee.

20 3. A licensed veterinarian of another state or foreign country
21 consulting with a licensed veterinarian in this state.

22 4. A veterinary student regularly enrolled in the final half of the
23 veterinary curriculum in any veterinary college approved by the American
24 veterinary medical association and working under the direct and personal
25 instruction, control or supervision of a licensed veterinarian, if such
26 student's compensation is paid solely by such veterinarian. Such student may
27 perform those acts of health care that are assigned by the veterinarian
28 having responsibility for the care of the animal. The student is not
29 permitted to perform anesthesia or surgery unless the student is directly
30 assisting the supervising licensed veterinarian who is performing the
31 anesthesia or surgery.

32 5. A veterinary assistant employed by a licensed veterinarian
33 performing duties other than diagnosis, prognosis, prescription or surgery
34 under the ~~direction and supervision~~ DIRECT SUPERVISION OR INDIRECT
35 SUPERVISION of such veterinarian who shall be responsible for such
36 assistant's performance.

37 Sec. 4. Section 32-2215, Arizona Revised Statutes, is amended to read:
38 32-2215. Qualifications for license

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

40 1. Be of good moral character.

41 2. Be a graduate of a veterinary college that is accredited by the
42 American veterinary medical association or hold a certificate issued by the
43 educational commission for foreign veterinary graduates, the program for the
44 assessment of veterinary education equivalence or a foreign graduate testing
45 program approved by the board.

1 3. Satisfactorily pass an examination given by the board as provided
2 in this chapter.

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

7 C. The board may waive the examination requirements pursuant to
8 section 32-2214, subsection C, paragraph 2 and, except as provided in
9 subsection E of this section, may issue a license by endorsement to an
10 applicant to practice veterinary medicine if the applicant provides all
11 required documentation pursuant to section 32-2213 and meets the following
12 requirements:

13 1. The applicant holds an active license in one or more other states
14 OR IN CANADA and submits verification that the applicant has previously taken
15 and passed the examination required by section 32-2214, with a score at least
16 equal to the score required to pass in this state. An applicant who received
17 original licensure before the examination required by section 32-2214 was
18 required in the state in which the applicant was originally licensed may be
19 eligible for licensure without having taken that examination as required
20 pursuant to this chapter if all other requirements are met.

21 2. The applicant has been lawfully and actively engaged in the
22 practice of veterinary medicine for at least three of the preceding five
23 years or six of the preceding ten years in one or more states IN THIS COUNTRY
24 OR IN CANADA before filing an application for licensure in this state.

25 3. The applicant has graduated from a veterinary college recognized by
26 the board.

27 4. The applicant passes a state examination approved by the board. A
28 grade of at least seventy-five per cent is required to successfully pass the
29 examination.

30 5. The applicant pays a fee for the license of seven hundred fifty
31 dollars.

32 D. The board may waive the examination requirements pursuant to
33 section 32-2214, subsection C, paragraph 2 and, except as provided in
34 subsection E of this section, may issue a specialty license to an applicant
35 to practice veterinary medicine if the applicant provides all required
36 documentation pursuant to section 32-2213 and meets the following
37 requirements:

38 1. The applicant holds a current certification as a ~~diplomate~~
39 SPECIALIST of a national specialty board or college recognized by the
40 American veterinary medical association.

41 2. The applicant's practice is limited to the scope of the applicant's
42 board certification.

43 3. The applicant successfully passes a state examination approved by
44 the board with a score of at least seventy-five per cent.

1 4. The applicant pays a fee for the specialty license of seven hundred
2 fifty dollars.

3 E. The board shall determine if previous disciplinary action prevents
4 licensure by endorsement or specialty licensure of an applicant to practice
5 veterinary medicine and the board may discipline the licensee at the time of
6 licensure as a result of the previous disciplinary action.

7 Sec. 5. Section 32-2216, Arizona Revised Statutes, is amended to read:
8 32-2216. Issuance of temporary permits

9 A. THE BOARD MAY ISSUE TEMPORARY PERMITS TO applicants for a license
10 ~~may be issued temporary permits by the board~~ who at the time of application
11 are graduates of ~~a~~ AN AMERICAN VETERINARY MEDICAL ASSOCIATION ACCREDITED
12 veterinary college OR WHO HOLD AN EDUCATION COMMISSION FOR FOREIGN VETERINARY
13 GRADUATES CERTIFICATE OR A PROGRAM FOR THE ASSESSMENT OF VETERINARY EDUCATION
14 EQUIVALENCE CERTIFICATE.

15 B. The temporary permit issued under ~~the provisions of~~ this section
16 entitles the applicant to engage in the active practice of veterinary
17 medicine in this state as an employee of a licensed veterinarian, the state
18 or any county or municipality in this state. Such applicant shall be
19 eligible for the next examination, if ~~he or she~~ THE APPLICANT has not
20 violated any provision of this chapter. Such applicant working under the
21 direct and personal instruction, control or supervision of a licensed
22 veterinarian and whose compensation is paid by such veterinarian may perform
23 those acts of animal health care assigned by the veterinarian having
24 responsibility for the care of the animal. No temporary permit shall be
25 valid beyond the time for the next license examination for which the
26 applicant is qualified. In the event any such applicant fails for good and
27 sufficient reason to take the examination, the board, by majority consent,
28 may extend the permit until the next succeeding examination. Except as
29 otherwise provided in this section, the holder of a temporary permit must be
30 examined and satisfactorily pass the license examination next following the
31 issuance of the permit and duly receive a license in order to continue active
32 professional practice. No more than two temporary permits shall be issued to
33 one individual. For THE purposes of this subsection, "direct and personal
34 instruction, control or supervision" means that a veterinarian licensed by
35 the board is physically present and personally supervising a temporary
36 permittee when ~~a~~ THE permittee is practicing acts of veterinary medicine
37 except if ~~a~~ THE permittee is at a temporary site for the purpose of
38 delivering services to large animals or if ~~a~~ THE permittee is administering
39 emergency services not during regular office hours. In these cases, phone
40 contact constitutes direct and personal instruction, control or supervision.

41 C. If an employer, for any reason, terminates the employment of the
42 applicant, the employing veterinarian shall notify the board and the
43 temporary permit is immediately void.

1 Sec. 6. Section 32-2231, Arizona Revised Statutes, is amended to read:
2 32-2231. Acts constituting the practice of veterinary medicine;
3 exceptions; definitions

4 A. A person shall be regarded as practicing veterinary medicine,
5 surgery and dentistry within the meaning of this chapter who, within this
6 state:

7 1. By advertisement, or by any notice, sign or other indication, or by
8 a statement written, printed or oral, in public or in private, made, done or
9 procured by himself or any other at his request claims, announces, makes
10 known or pretends ~~his~~ ability or willingness to diagnose any animal
11 condition, disease, deformity, defect, wound or injury or to perform any type
12 of surgical procedure on animals.

13 2. Advertises or makes known or claims ~~his~~ ability and willingness to
14 perform the following for hire, fee, compensation or reward that is directly
15 or indirectly promised, offered, expected, received or accepted:

16 (a) Prescribe or administer any drug, medicine, treatment, method or
17 practice for any animal.

18 (b) Perform any operation or manipulation on or apply any apparatus or
19 appliance to any animal.

20 (c) Give any instruction or demonstration for the cure, amelioration,
21 correction or reduction or modification of any animal condition, disease,
22 deformity, defect, wound or injury.

23 3. Diagnoses or prognosticates any animal condition, disease,
24 deformity, defect, wound or injury for hire, fee, reward or compensation that
25 is directly or indirectly promised, offered, expected, received or accepted.

26 4. Prescribes or administers any drug, medicine, treatment, method or
27 practice, performs any operation or manipulation, or applies any apparatus or
28 appliance for the cure, amelioration, correction or modification of any
29 animal condition, disease, deformity, defect, wound or injury for hire, fee,
30 compensation or reward that is directly or indirectly promised, offered,
31 expected, received or accepted.

32 B. This section does not apply to:

33 1. Duly authorized representatives of the United States department of
34 agriculture in the discharge of any duty authorized by the director in charge
35 of the animal disease eradication division.

36 2. A certified veterinary technician performing a task or function
37 authorized by the rules of the board in the employ of and under the
38 direction, supervision and control of a licensed veterinarian.

39 3. An equine dental practitioner if all of the following apply:

40 (a) The equine dental practitioner is certified by the international
41 association of equine dentistry or the academy of equine dentistry.

42 (b) The equine dental practitioner performs any of the following
43 procedures under the general supervision of a licensed veterinarian:

44 (i) The application of any apparatus used to work on the oral cavity.

45 (ii) The examination of dental conditions.

1 (iii) The removal of overgrowth from the teeth of horses and the
2 removal of sharp enamel points from the teeth of horses, excluding any
3 extractions unless the certified equine dental practitioner is under the
4 direct supervision of a licensed veterinarian.

5 (iv) Any treatment of the oral cavity as authorized by the animal's
6 owner, excluding any extractions unless the certified equine dental
7 practitioner is under the direct supervision of a licensed veterinarian.

8 (c) The equine dental practitioner provides both of the following to
9 the board:

10 (i) Proof of current certification from the international association
11 of equine dentistry or the academy of equine dentistry.

12 (ii) A written statement signed by the supervising licensed
13 veterinarian that the certified equine dental practitioner will be under the
14 general or direct supervision of the licensed veterinarian when performing
15 the procedures prescribed by this paragraph.

16 (d) Both the supervising licensed veterinarian and the certified
17 equine dental practitioner maintain dental charts for procedures done
18 pursuant to this paragraph.

19 C. Notwithstanding subsection B, paragraph 3, only a licensed
20 veterinarian and not an equine dental practitioner may prescribe or
21 administer, or both prescribe and administer, any drug or medicine.

22 D. For the purposes of this section:

23 1. "Direct supervision" means a licensed veterinarian must authorize
24 and be physically present for the procedure.

25 2. "General supervision" means a licensed veterinarian must be
26 available for consultation by telephone or other form of immediate
27 communication.

28 Sec. 7. Section 32-2232, Arizona Revised Statutes, is amended to read:

29 32-2232. Unprofessional or dishonorable conduct

30 As used in this chapter, unprofessional or dishonorable conduct
31 includes:

32 1. The fraudulent use of any certificate or other official form used
33 in practice that would increase the hazard of dissemination of disease, the
34 transportation of diseased animals or the sale of inedible food products of
35 animal origin for human consumption.

36 2. Inadequate methods in violation of meat inspection procedures
37 prescribed by the federal government and Arizona meat inspection laws or
38 wilful neglect or misrepresentation in the inspection of meat.

39 3. Misrepresentation of services rendered.

40 4. Failure to report, or the negligent handling of, the serious
41 epidemic diseases of animals, such as anthrax, rabies, glanders, brucellosis,
42 tuberculosis, foot and mouth disease, hog cholera, and other communicable
43 diseases known to medical science as being a menace to human or animal
44 health.

- 1 5. The dispensing or giving to anyone of live culture or attenuated
2 live virus vaccines to be administered by a layman without providing
3 instruction as to their administration and use.
- 4 6. Having professional connection with, or lending one's name to, any
5 illegal practitioner of veterinary medicine and the various branches thereof.
- 6 7. Chronic inebriety or unlawful use of narcotics, dangerous drugs or
7 controlled substances.
- 8 8. Fraud or dishonesty in applying or reporting on any test or
9 vaccination for disease in animals.
- 10 9. False, deceptive or misleading advertising, having for its purpose
11 or intent deception or fraud.
- 12 10. Conviction of a crime involving moral turpitude, or conviction of a
13 felony.
- 14 11. Malpractice, gross incompetence or gross negligence in the practice
15 of veterinary medicine.
- 16 12. Violation of the ethics of the profession as defined by rules
17 adopted by the board.
- 18 13. Fraud or misrepresentation in procuring a license.
- 19 14. Knowingly signing a false affidavit.
- 20 15. Distribution of narcotics, dangerous drugs, prescription-only drugs
21 or controlled substances for other than legitimate purposes.
- 22 16. Violation of or failure to comply with any state or federal laws or
23 regulations relating to the storing, labeling, prescribing or dispensing of
24 controlled substances or prescription-only drugs as defined in section
25 32-1901.
- 26 17. Offering, delivering, receiving or accepting any rebate, refund,
27 commission, preference, patronage, dividend, discount or other consideration,
28 whether in the form of money or otherwise, as compensation or inducement for
29 referring animals or services to any person.
- 30 18. Violating or attempting to violate, directly or indirectly, or
31 assisting or abetting the violation or conspiracy to violate any of the
32 provisions of this chapter, a rule adopted by the board or a written order of
33 the board.
- 34 19. Failing to dispense drugs and devices in compliance with article 7
35 of this chapter.
- 36 20. Performing veterinary services without adequate equipment and
37 sanitation considering the type of veterinary services provided.
- 38 21. Failure to maintain adequate records of veterinary services
39 provided.
- 40 22. Medical incompetence in the practice of veterinary medicine.
- 41 23. Cruelty to or neglect of animals. For the purposes of this
42 paragraph, "cruelty to or neglect of animals" means knowingly or negligently
43 torturing, beating or mutilating an animal, killing an animal in an inhumane
44 manner or depriving an animal of necessary food, water or shelter.

1 24. REPRESENTING THAT THE VETERINARIAN IS A SPECIALIST IF THE
2 VETERINARIAN LACKS THE CREDENTIALS TO BE A SPECIALIST.

3 Sec. 8. Section 32-2233, Arizona Revised Statutes, is amended to read:

4 32-2233. Revocation or suspension of license or permit; civil
5 penalty; report of perjury

6 A. The board, by majority consent, may revoke or suspend a permit or
7 license granted to any person under ~~the provisions of~~ this chapter or may
8 impose a civil penalty of not to exceed one thousand dollars against any
9 veterinarian or the responsible veterinarian, or both, for:

10 1. Unprofessional or dishonorable conduct.

11 2. Publicly professing to cure or treat diseases of a highly
12 contagious, infectious and incurable nature.

13 3. Curing or treating an injury or deformity in such a way as to
14 deceive the public.

15 4. Testing any animal for any communicable disease and knowingly
16 stating verbally or in writing that the animals are diseased or in a
17 disease-free condition if the statement is contrary to the indication of the
18 test made.

19 B. The board, ~~may~~ sanction any of the following conduct as an
20 administrative violation, rather than unprofessional conduct, and may impose
21 a civil penalty of not more than one thousand dollars for ~~either~~ ANY of the
22 following:

23 1. Failure to timely renew the veterinary license or the premises
24 license while continuing to practice veterinary medicine or conducting
25 business from that premises.

26 2. Failure to notify the board in writing within twenty days of any
27 change in residence, practice, ownership, management or responsible
28 veterinarian.

29 3. MINOR RECORDS VIOLATIONS THAT ARE ROUTINE ENTRIES INTO A MEDICAL
30 RECORD AND THAT DO NOT AFFECT THE DIAGNOSIS OR CARE OF THE ANIMAL.

31 C. The civil penalties collected pursuant to this chapter shall be
32 deposited in the state general fund.

33 D. THE BOARD MAY REPORT TO THE PROPER LEGAL AUTHORITIES FOR PERJURY
34 ANYONE IT SUSPECTS OF GIVING DELIBERATE, FRAUDULENT TESTIMONY WHETHER THE
35 TESTIMONY IS GIVEN PERSONALLY, TELEPHONICALLY OR IN WRITING.

36 Sec. 9. Section 32-2234, Arizona Revised Statutes, is amended to read:

37 32-2234. Informal and formal hearings; censure or probation;
38 notice; consent agreements; rehearing; judicial
39 review

40 A. If the board receives information indicating that a veterinarian
41 may have engaged in unprofessional or dishonorable conduct, and if it appears
42 after investigation that the information may be true, the board may issue a
43 notice of formal hearing or the board may request an informal interview with
44 the veterinarian. If the veterinarian refuses the interview, and other
45 evidence indicates suspension or revocation of the veterinarian's license may

1 be in order, or if the veterinarian accepts and the results of the interview
2 indicate suspension or revocation of the veterinarian's license may be in
3 order, the board shall issue a notice of formal hearing and proceed pursuant
4 to title 41, chapter 6, article 10. If the veterinarian refuses the
5 interview, and other evidence relating to the veterinarian's professional
6 competence indicates that disciplinary action should be taken other than
7 suspension or revocation of the veterinarian's license, or if the
8 veterinarian accepts the informal interview and the informal interview and
9 other evidence relating to the veterinarian's professional competence
10 indicate that disciplinary action should be taken other than suspension or
11 revocation of the veterinarian's license, the board may take any or all of
12 the following actions:

13 1. Issue a decree of censure.

14 2. Fix a period and terms of probation as are best adapted to protect
15 the public and rehabilitate or educate the veterinarian. The terms of
16 probation may include temporary suspension, for not to exceed thirty days, or
17 restriction of the veterinarian's license to practice. The failure to comply
18 with any term of the probation is cause to consider the entire case plus any
19 other alleged violations of this chapter at a formal hearing pursuant to
20 title 41, chapter 6, article 10.

21 3. Impose a civil penalty of not to exceed one thousand dollars per
22 violation.

23 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE BOARD MAY REQUIRE
24 A VETERINARIAN OR CERTIFIED VETERINARY TECHNICIAN UNDER INVESTIGATION TO BE
25 INTERVIEWED BY THE BOARD OR ITS REPRESENTATIVES. THE BOARD MAY REQUIRE A
26 LICENSEE OR CERTIFICATE HOLDER WHO IS UNDER INVESTIGATION PURSUANT TO
27 SUBSECTION A OF THIS SECTION TO UNDERGO AT THE LICENSEE'S OR CERTIFICATE
28 HOLDER'S EXPENSE ANY COMBINATION OF MEDICAL, PHYSICAL OR MENTAL EXAMINATIONS
29 THAT THE BOARD FINDS NECESSARY TO DETERMINE THE VETERINARIAN'S OR THE
30 CERTIFIED VETERINARY TECHNICIAN'S CONDITION.

31 C. ON RECEIPT OF AN ALLEGATION OF DRUG OR ALCOHOL ABUSE, THE BOARD OR
32 THE EXECUTIVE DIRECTOR ACTING WITH THE APPROVAL OF BOTH A VETERINARIAN MEMBER
33 AND A PUBLIC MEMBER OF THE BOARD MAY REQUIRE A LICENSEE OR CERTIFICATE HOLDER
34 WHO IS UNDER INVESTIGATION PURSUANT TO SUBSECTION A OF THIS SECTION TO
35 UNDERGO, AT THE LICENSEE'S OR CERTIFICATE HOLDER'S EXPENSE, TESTING OR
36 EXAMINATION TO DETECT THE PRESENCE OF ALCOHOL OR OTHER DRUGS.

37 ~~B-~~ D. If, as a result of information ascertained during an
38 investigation, informal interview or formal hearing of a veterinarian, the
39 board has concern for the veterinarian's conduct but has not found the
40 veterinarian's conduct in violation of section 32-2232, the board in its
41 discretion may issue a letter of concern to the veterinarian regarding the
42 veterinarian's conduct or issue a nondisciplinary order requiring the
43 licensee to complete a prescribed number of hours of continuing education in
44 an area or areas prescribed by the board to provide the licensee with the

1 necessary understanding of current developments, skills, procedures or
2 treatment.

3 ~~E.~~ E. Notwithstanding subsection A of this section, the board may
4 enter into a consent agreement with a veterinarian either before or after
5 conducting an informal interview. Pursuant to a consent agreement, the board
6 may take any of the disciplinary actions listed in subsection A, paragraphs
7 1, 2 and 3 of this section or may act to otherwise limit or restrict the
8 veterinarian's practice or to rehabilitate the veterinarian.

9 ~~F.~~ F. If the board finds, based on information it receives pursuant
10 to this section, that public or animal health, safety or welfare requires
11 emergency action, and incorporates a finding that emergency action is
12 necessary in its order, the board may order summary suspension of a license
13 pending proceedings for revocation or other action. If the board orders a
14 summary suspension, the board shall serve the licensee with a written notice
15 that states the charges and that the licensee is entitled to a formal hearing
16 before the board or an administrative law judge within sixty days pursuant to
17 title 41, chapter 6, article 10.

18 ~~G.~~ G. Before a permit or license may be revoked or suspended for any
19 cause provided by section 32-2233, other than by terms of probation, the
20 board must serve notice and conduct a hearing in the manner prescribed by
21 title 41, chapter 6, article 10.

22 ~~H.~~ H. After service of notice of the decision of the board suspending
23 or revoking a license, censuring a licensee, placing a licensee on probation
24 or dismissing the complaint, the licensee may apply for a rehearing or review
25 by filing a motion pursuant to title 41, chapter 6, article 10. The filing
26 of a motion for rehearing shall be a condition precedent to the right of
27 appeal provided by this section. The filing of a motion for rehearing shall
28 suspend the operation of the board's action in suspending or revoking a
29 license or censuring or placing a licensee on probation and shall allow the
30 licensee to continue to practice as a veterinarian pending denial or granting
31 of the motion and pending the decision of the board on rehearing if the
32 motion is granted. The board may also grant a rehearing on its own motion,
33 if it finds newly discovered evidence or any other reason justifying a
34 reconsideration of the matter.

35 ~~I.~~ I. Except as provided in section 41-1092.08, subsection H, any
36 party aggrieved by a final order or decision of the board may appeal to the
37 superior court pursuant to title 12, chapter 7, article 6.

38 ~~J.~~ J. If the state veterinary medical examining board acts to modify
39 any veterinarian's prescription writing privileges, it shall immediately
40 notify the Arizona state board of pharmacy of the modification.

41 ~~K.~~ K. All notices that the board is required to provide to any person
42 under this chapter are fully effective by personal service or by mailing a
43 true copy of the notice by certified, return receipt mail addressed to the
44 person's last known address of record in the board's files. Notice by mail
45 is complete at the time of its deposit in the mail. Service on any person

1 represented in a matter by an attorney is complete when the notice is sent to
2 the attorney at the last known address of record in the board's files.

3 ~~J.~~ L. The board shall retain all complaint files for at least ten
4 years and shall retain all complaint files in which disciplinary action was
5 taken for at least twenty-five years.

6 Sec. 10. Title 32, chapter 21, article 3, Arizona Revised Statutes, is
7 amended by adding section 32-2235, to read:

8 32-2235. Complaints

9 A. ANY PERSON MAY FILE A COMPLAINT AGAINST A LICENSEE FOR A VIOLATION
10 OF THIS CHAPTER. EXCEPT AS PROVIDED IN SUBSECTION C, COMPLAINTS SHALL BE
11 SUBMITTED IN PROPER FORM AND SIGNED BY THE COMPLAINANT. EACH COMPLAINT SHALL
12 BE TURNED OVER TO AN APPOINTED STAFF INVESTIGATOR WHO SHALL COMPILE THE
13 WRITTEN COMPLAINT AND THE WRITTEN RESPONSE AND MAY VERIFY STATEMENTS AND ANY
14 EVIDENCE SUBMITTED BY THE COMPLAINANT AND THE RESPONDENT.

15 B. IF AFTER COMPLETION OF THIS PRELIMINARY INVESTIGATION THE STAFF
16 INVESTIGATOR BELIEVES THAT THERE WOULD NOT BE A VIOLATION OF THIS CHAPTER IF
17 THE ALLEGATIONS WERE PROVEN TO BE TRUE OR IF THE COMPLAINT DOES NOT FALL
18 UNDER THE JURISDICTION OF THE BOARD, THE BOARD SHALL REVIEW THE WRITTEN
19 INFORMATION AND INVESTIGATIVE REPORT AT A SCHEDULED BOARD MEETING AT WHICH
20 TIME THE BOARD MAY DISMISS THE COMPLAINT OR PROCEED AS OTHERWISE AUTHORIZED.

21 C. A COMPLAINT MAY BE ANONYMOUS IF IT IS REGARDING EITHER OF THE
22 FOLLOWING:

23 1. SUBSTANCE ABUSE BY A VETERINARIAN OR CERTIFIED VETERINARY
24 TECHNICIAN.

25 2. A PERSON COMMITTING THE UNLICENSED PRACTICE OF VETERINARY MEDICINE.

26 D. THE BOARD, ON ITS OWN INITIATIVE AND BASED ON INFORMATION FROM ANY
27 SOURCE, MAY INVESTIGATE ANY ALLEGED VIOLATION OF THIS CHAPTER.

28 Sec. 11. Section 32-2237, Arizona Revised Statutes, is amended to
29 read:

30 32-2237. Committee to investigate violations; referral to
31 county attorney or attorney general; inspection of
32 records; subpoenas; civil penalty; injunctions;
33 cease and desist orders; confidentiality

34 A. The board shall appoint one or more investigative committees, each
35 consisting of three members of the general public who are not board members
36 and two licensed veterinarians who are not board members. The investigative
37 committee may interview witnesses, gather evidence and otherwise investigate
38 any ~~charges~~ ALLEGATIONS accusing any person of violating any of the
39 provisions of this chapter. An assistant attorney general shall advise the
40 investigative committee on all questions of law arising out of its
41 investigations. The expenses of the committee shall be paid out of the
42 veterinary medical examining board fund.

43 B. The investigative committee shall prepare a written report relating
44 to any ~~charge~~ ALLEGATIONS it investigates. The committee shall present its
45 report to the board in an open meeting. The report shall include:

- 1 1. A summary of the investigation.
- 2 2. Findings of fact.
- 3 3. Either a recommendation to dismiss the charge ALLEGATION MADE IN
- 4 THE COMPLAINT or a finding that a violation of this chapter or a rule adopted
- 5 pursuant to this chapter occurred.
- 6 C. If the board rejects any recommendation contained in a report of
- 7 the investigative committee, it shall document the reasons for its decision
- 8 in writing.
- 9 D. Upon the complaint of any citizen of this state, or upon its own
- 10 initiative, the board may investigate any alleged violation of this chapter.
- 11 If after investigation the board has probable cause to believe that an
- 12 unlicensed person is performing acts that are required to be performed by a
- 13 person licensed pursuant to this chapter, the board may take one or more of
- 14 the following enforcement actions:
- 15 1. Issue a cease and desist order.
- 16 2. Request the county attorney or attorney general to file criminal
- 17 charges against the person.
- 18 3. File an action in the superior court to enjoin the person from
- 19 engaging in the unlicensed practice of veterinary medicine.
- 20 4. After notice and an opportunity for a hearing, impose a civil
- 21 penalty of not more than one thousand dollars for each violation.
- 22 E. The board or its agents or employees may at all reasonable times
- 23 have access to and the right to copy any documents, reports, records or other
- 24 physical evidence of any veterinarian including documents, reports, records
- 25 or physical evidence maintained by and in the possession of any veterinary
- 26 medical hospital, clinic, office or other veterinary medical premises being
- 27 investigated if such documents, records, reports or other physical evidence
- 28 relates to a specific investigation or proceeding conducted by the board.
- 29 F. The board on its own initiative or upon application of any person
- 30 involved in an investigation or proceeding conducted by the board may issue
- 31 subpoenas compelling the attendance and testimony of witnesses or demanding
- 32 the production for examination or copying of documents, reports, records or
- 33 any other physical evidence if such evidence relates to the specific
- 34 investigation or proceeding conducted by the board.
- 35 G. Except as provided in this subsection, all materials, documents and
- 36 evidence associated with a pending or resolved complaint or investigation are
- 37 confidential and are not public records. The following materials, documents
- 38 and evidence are not confidential and are public records if they relate to
- 39 resolved complaints:
- 40 1. The complaint.
- 41 2. The response and any rebuttal statements submitted by the licensee
- 42 or certificate holder.
- 43 3. Board discussions of complaints that are recorded pursuant to
- 44 section 32-2204, subsection C.

1 Sec. 14. Section 32-2242, Arizona Revised Statutes, is amended to
2 read:

3 32-2242. Application for certification as veterinary
4 technician; qualifications

5 A. A person desiring to be certified as a veterinary technician shall
6 make written application to the board upon a form furnished by the board.

7 B. The applicant shall be of good moral character and at least
8 eighteen years of age and shall furnish ~~one of the following:~~

9 ~~1. satisfactory evidence of graduation from a two-year curriculum in~~
10 ~~veterinary technology, or the equivalent of such graduation as determined by~~
11 ~~the board, in a college or other institution approved by the board.~~

12 ~~2. Satisfactory evidence that the applicant has been employed for at~~
13 ~~least two years as a veterinary assistant under the supervision of a~~
14 ~~veterinarian regularly licensed in this state and is recommended to the board~~
15 ~~by the employing veterinarian or veterinarians.~~

16 C. The application shall be accompanied by the application and
17 examination fee established by the board.

18 D. AN APPLICANT FROM ANOTHER STATE IS NOT REQUIRED TO RETAKE THE
19 VETERINARY TECHNICIAN NATIONAL EXAMINATION IF THE APPLICANT CAN PROVIDE ALL
20 OF THE FOLLOWING:

21 1. PROOF THAT THE APPLICANT'S ORIGINAL SCORE MEETS THE MINIMUM SCORE
22 REQUIRED BY THE BOARD.

23 2. PROOF THAT THE APPLICANT HOLDS AN ACTIVE LICENSE IN GOOD STANDING
24 IN ANOTHER STATE OR IN CANADA.

25 3. PROOF OF EMPLOYMENT AS A VETERINARY TECHNICIAN IN TWO OF THE
26 PRECEDING FOUR YEARS OR FOUR OF THE PRECEDING SEVEN YEARS.

27 Sec. 15. Section 32-2244, Arizona Revised Statutes, is amended to
28 read:

29 32-2244. Certificate

30 An applicant who passes the examination prescribed by the board shall,
31 ~~upon~~ ON payment of the fee established by the board WITHIN ONE YEAR AFTER
32 PASSING THE EXAMINATION, SHALL receive a certificate in a form prescribed by
33 the board.

34 Sec. 16. Section 32-2245, Arizona Revised Statutes, is amended to
35 read:

36 32-2245. Certified veterinary technician; services; rules and
37 regulations

38 A. The board shall adopt rules and regulations pertaining to and
39 limiting the services performed by a CERTIFIED veterinary technician.

40 B. Services performed by a CERTIFIED veterinary technician shall not
41 include surgery, diagnosis or prognosis of animal diseases or prescribing of
42 drugs and medicine.

1 6. Violating or attempting to violate, directly or indirectly, or
2 assisting or abetting the violation or conspiracy to violate any of the
3 provisions of this chapter, a rule adopted under this chapter or a written
4 order of the board issued pursuant to this chapter.

5 7. Practicing veterinary medicine.

6 8. Gross incompetence or gross negligence.

7 9. Following orders that are in violation of this chapter or rules
8 adopted pursuant to this chapter.

9 B. In an emergency, a CERTIFIED VETERINARY technician may render
10 emergency care or first aid if the technician is supervised telephonically by
11 a licensed veterinarian or until a licensed veterinarian arrives. This does
12 not preclude emergency care as outlined in section 32-2261.

13 C. IF THE BOARD RECEIVES INFORMATION INDICATING THAT A CERTIFIED
14 VETERINARY TECHNICIAN MAY HAVE ENGAGED IN UNPROFESSIONAL OR DISHONORABLE
15 CONDUCT AND IT APPEARS AFTER INVESTIGATION THAT THE INFORMATION MAY BE TRUE,
16 THE BOARD MAY REQUEST AN INFORMAL INTERVIEW. IF THE CERTIFIED VETERINARY
17 TECHNICIAN REFUSES THE INTERVIEW OR IF OTHER EVIDENCE RELATING TO THE
18 TECHNICIAN'S PROFESSIONAL COMPETENCE INDICATES THAT DISCIPLINARY ACTION
19 SHOULD BE TAKEN, THE BOARD MAY TAKE THE ACTION AS PRESCRIBED BY SUBSECTION A
20 OF THIS SECTION.

21 D. IF, AS A RESULT OF INFORMATION ASCERTAINED DURING AN INVESTIGATION,
22 INFORMAL INTERVIEW OR FORMAL HEARING OF A CERTIFIED VETERINARY TECHNICIAN,
23 THE BOARD HAS CONCERN FOR THE CERTIFIED VETERINARY TECHNICIAN'S CONDUCT BUT
24 HAS NOT FOUND THE CONDUCT TO BE A REASON LISTED IN SUBSECTION A OF THIS
25 SECTION, THE BOARD MAY ISSUE A LETTER OF CONCERN TO THE TECHNICIAN REGARDING
26 THE TECHNICIAN'S CONDUCT.

APPROVED BY THE GOVERNOR APRIL 27, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 21, 2010,

by the following vote: 57 Ayes,

3 Nays, 0 Not Voting

[Signature]
Speaker of the House

Cheryl Staube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
21 day of April, 2010,

at 3:46 o'clock P. M.

Nicole Bendle
Secretary to the Governor

Approved this 27th day of

April, 2010,

at 3:19 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2612

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 28th day of April, 2010,

at 8:32 o'clock a M.

[Signature]
Secretary of State