

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

# HOUSE BILL 2612

AN ACT

AMENDING SECTIONS 32-2201, 32-2202, 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           3. Prescribing the forms, content and manner of application for  
2 licensure and certification and renewal of licensure and certification and  
3 setting deadlines for the receipt of materials required by the board.

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

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

9           6. Investigating charges of violations of this chapter and board rules  
10 and orders.

11          7. Employing an executive director who serves at the pleasure of the  
12 board.

13          8. Adopting rules pursuant to title 41, chapter 6 that relate to the  
14 qualifications and regulation of doctors of veterinary medicine, **CERTIFIED**  
15 veterinary technicians, veterinary premises, mobile veterinary clinics and  
16 crematories and other rules that the board deems necessary for the  
17 administration of this chapter. The rules may include continuing education  
18 requirements for licensees and certificate holders and shall include:

19           (a) Minimum standards of veterinary practice.

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

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

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

28           (a) Reproduction of documents.

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

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

33           (d) Provision of a list of the names of veterinarians, **CERTIFIED**  
34 veterinary technicians or veterinary premises licensed or certified by the  
35 board.

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

39          Sec. 4. Section 32-2211, Arizona Revised Statutes, is amended to read:

40          **32-2211. Exceptions from application of chapter**

41          This chapter shall not apply to:

42          1. A commissioned veterinary medical officer of the United States  
43 armed services, or employees of the animal disease eradication division of  
44 the United States department of agriculture.

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

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

8           4. A veterinary student regularly enrolled in the final half of the  
9 veterinary curriculum in any veterinary college approved by the American  
10 veterinary medical association and working under the direct and personal  
11 instruction, control or supervision of a licensed veterinarian, if such  
12 student's compensation is paid solely by such veterinarian. Such student may  
13 perform those acts of health care that are assigned by the veterinarian  
14 having responsibility for the care of the animal. The student is not  
15 permitted to perform anesthesia or surgery unless the student is directly  
16 assisting the supervising ~~licensed~~ veterinarian who is performing the  
17 anesthesia or surgery.

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

23           Sec. 5. Section 32-2215, Arizona Revised Statutes, is amended to read:  
24 32-2215. Qualifications for license

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

26           1. Be of good moral character.

27           2. Be a graduate of a veterinary college that is accredited by the  
28 American veterinary medical association or hold a certificate issued by the  
29 educational commission for foreign veterinary graduates, the program for the  
30 assessment of veterinary education equivalence or a foreign graduate testing  
31 program approved by the board.

32           3. Satisfactorily pass an examination given by the board as provided  
33 in this chapter.

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

38           C. The board may waive the examination requirements pursuant to  
39 section 32-2214, subsection C, paragraph 2 and, except as provided in  
40 subsection E of this section, may issue a license by endorsement to an  
41 applicant to practice veterinary medicine if the applicant provides all  
42 required documentation pursuant to section 32-2213 and meets the following  
43 requirements:

44           1. The applicant holds an active license in one or more other states  
45 OR IN CANADA and submits verification that the applicant has previously taken

1 and passed the examination required by section 32-2214, with a score at least  
2 equal to the score required to pass in this state. An applicant who received  
3 original licensure before the examination required by section 32-2214 was  
4 required in the state in which the applicant was originally licensed may be  
5 eligible for licensure without having taken that examination as required  
6 pursuant to this chapter if all other requirements are met.

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

11 3. The applicant has graduated from a veterinary college recognized by  
12 the board.

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

16 5. The applicant pays a fee for the license of seven hundred fifty  
17 dollars.

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

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

27 2. The applicant's practice is limited to the scope of the applicant's  
28 board certification.

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

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

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

37 Sec. 6. Section 32-2216, Arizona Revised Statutes, is amended to read:  
38 **32-2216. Issuance of temporary permits**

39 A. **THE BOARD MAY ISSUE TEMPORARY PERMITS TO** applicants for a license  
40 ~~may be issued temporary permits by the board~~ who at the time of application  
41 are graduates of ~~a~~ **AN AMERICAN VETERINARY MEDICAL ASSOCIATION ACCREDITED**  
42 **veterinary college OR WHO HOLD AN EDUCATION COMMISSION FOR FOREIGN VETERINARY**  
43 **GRADUATES CERTIFICATE OR A PROGRAM FOR THE ASSESSMENT OF VETERINARY EDUCATION**  
44 **EQUIVALENCE CERTIFICATE.**

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

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

30           Sec. 7. Section 32-2231, Arizona Revised Statutes, is amended to read:  
31           32-2231. Acts constituting the practice of veterinary medicine;  
32           exceptions; definitions

33           A. A person shall be regarded as practicing veterinary medicine,  
34 surgery and dentistry within the meaning of this chapter who, within this  
35 state:

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

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

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

3 (b) Perform any operation or manipulation on or apply any apparatus or  
4 appliance to any animal.

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

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

11 4. Prescribes or administers any drug, medicine, treatment, method or  
12 practice, performs any operation or manipulation, or applies any apparatus or  
13 appliance for the cure, amelioration, correction or modification of any  
14 animal condition, disease, deformity, defect, wound or injury for hire, fee,  
15 compensation or reward that is directly or indirectly promised, offered,  
16 expected, received or accepted.

17 B. This section does not apply to:

18 1. Duly authorized representatives of the United States department of  
19 agriculture in the discharge of any duty authorized by the director in charge  
20 of the animal disease eradication division.

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

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

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

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

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

30 (ii) The examination of dental conditions.

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

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

38 (c) The equine dental practitioner provides both of the following to  
39 the board:

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

42 (ii) A written statement signed by the supervising ~~licensed~~  
43 veterinarian that the certified equine dental practitioner will be under the  
44 general or direct supervision of the licensed veterinarian when performing  
45 the procedures prescribed by this paragraph.

1 (d) Both the supervising ~~licensed~~ veterinarian and the certified  
2 equine dental practitioner maintain dental charts for procedures done  
3 pursuant to this paragraph.

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

7 D. For the purposes of this section:

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

10 2. "General supervision" means a licensed veterinarian must be  
11 available for consultation by telephone or other form of immediate  
12 communication.

13 Sec. 8. Section 32-2232, Arizona Revised Statutes, is amended to read:

14 32-2232. Unprofessional or dishonorable conduct

15 As used in this chapter, unprofessional or dishonorable conduct  
16 includes:

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

21 2. Inadequate methods in violation of meat inspection procedures  
22 prescribed by the federal government and Arizona meat inspection laws or  
23 wilful neglect or misrepresentation in the inspection of meat.

24 3. Misrepresentation of services rendered.

25 4. Failure to report, or the negligent handling of, the serious  
26 epidemic diseases of animals, such as anthrax, rabies, glanders, brucellosis,  
27 tuberculosis, foot and mouth disease, hog cholera, and other communicable  
28 diseases known to medical science as being a menace to human or animal  
29 health.

30 5. The dispensing or giving to anyone of live culture or attenuated  
31 live virus vaccines to be administered by a layman without providing  
32 instruction as to their administration and use.

33 6. Having professional connection with, or lending one's name to, any  
34 illegal practitioner of veterinary medicine and the various branches thereof.

35 7. Chronic inebriety or unlawful use of narcotics, dangerous drugs or  
36 controlled substances.

37 8. Fraud or dishonesty in applying or reporting on any test or  
38 vaccination for disease in animals.

39 9. False, deceptive or misleading advertising, having for its purpose  
40 or intent deception or fraud.

41 10. Conviction of a crime involving moral turpitude, or conviction of a  
42 felony.

43 11. Malpractice, gross incompetence or gross negligence in the practice  
44 of veterinary medicine.



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

5           B. The board, ~~—~~ may sanction any of the following conduct as an  
6 administrative violation, rather than unprofessional conduct, and may impose  
7 a civil penalty of not more than one thousand dollars for ~~either~~ ANY of the  
8 following:

9           1. Failure to timely renew the veterinary license or the premises  
10 license while continuing to practice veterinary medicine or conducting  
11 business from that premises.

12           2. Failure to notify the board in writing within twenty days of any  
13 change in residence, practice, ownership, management or responsible  
14 veterinarian.

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

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

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

22           Sec. 10. Section 32-2234, Arizona Revised Statutes, is amended to  
23 read:

24           32-2234. Informal and formal hearings; censure or probation;  
25                                   notice; consent agreements; rehearing; judicial  
26                                   review

27           A. If the board receives information indicating that a veterinarian  
28 may have engaged in unprofessional or dishonorable conduct, and if it appears  
29 after investigation that the information may be true, the board may issue a  
30 notice of formal hearing or the board may request an informal interview with  
31 the veterinarian. If the veterinarian refuses the interview, and other  
32 evidence indicates suspension or revocation of the veterinarian's license may  
33 be in order, or if the veterinarian accepts and the results of the interview  
34 indicate suspension or revocation of the veterinarian's license may be in  
35 order, the board shall issue a notice of formal hearing and proceed pursuant  
36 to title 41, chapter 6, article 10. If the veterinarian refuses the  
37 interview, and other evidence relating to the veterinarian's professional  
38 competence indicates that disciplinary action should be taken other than  
39 suspension or revocation of the veterinarian's license, or if the  
40 veterinarian accepts the informal interview and the informal interview and  
41 other evidence relating to the veterinarian's professional competence  
42 indicate that disciplinary action should be taken other than suspension or  
43 revocation of the veterinarian's license, the board may take any or all of  
44 the following actions:

45           1. Issue a decree of censure.

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

8           3. Impose a civil penalty of not to exceed one thousand dollars per  
9 violation.

10           B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE BOARD MAY REQUIRE  
11 A VETERINARIAN OR CERTIFIED VETERINARY TECHNICIAN UNDER INVESTIGATION TO BE  
12 INTERVIEWED BY THE BOARD OR ITS REPRESENTATIVES. THE BOARD OR THE EXECUTIVE  
13 DIRECTOR MAY REQUIRE A LICENSEE OR CERTIFICATE HOLDER WHO IS UNDER  
14 INVESTIGATION PURSUANT TO SUBSECTION A OF THIS SECTION TO UNDERGO AT THE  
15 LICENSEE'S EXPENSE ANY COMBINATION OF MEDICAL, PHYSICAL OR MENTAL  
16 EXAMINATIONS THAT THE BOARD FINDS NECESSARY TO DETERMINE THE VETERINARIAN'S  
17 OR THE CERTIFIED VETERINARY TECHNICIAN'S CONDITION.

18           ~~B.~~ C. If, as a result of information ascertained during an  
19 investigation, informal interview or formal hearing of a veterinarian, the  
20 board has concern for the veterinarian's conduct but has not found the  
21 veterinarian's conduct in violation of section 32-2232, the board in its  
22 discretion may issue a letter of concern to the veterinarian regarding the  
23 veterinarian's conduct or issue a nondisciplinary order requiring the  
24 licensee to complete a prescribed number of hours of continuing education in  
25 an area or areas prescribed by the board to provide the licensee with the  
26 necessary understanding of current developments, skills, procedures or  
27 treatment.

28           ~~C.~~ D. Notwithstanding subsection A of this section, the board may  
29 enter into a consent agreement with a veterinarian either before or after  
30 conducting an informal interview. Pursuant to a consent agreement, the board  
31 may take any of the disciplinary actions listed in subsection A, paragraphs  
32 1, 2 and 3 of this section or may act to otherwise limit or restrict the  
33 veterinarian's practice or to rehabilitate the veterinarian.

34           ~~D.~~ E. If the board finds, based on information it receives pursuant  
35 to this section, that public or animal health, safety or welfare requires  
36 emergency action, and incorporates a finding that emergency action is  
37 necessary in its order, the board may order summary suspension of a license  
38 pending proceedings for revocation or other action. If the board orders a  
39 summary suspension, the board shall serve the licensee with a written notice  
40 that states the charges and that the licensee is entitled to a formal hearing  
41 before the board or an administrative law judge within sixty days pursuant to  
42 title 41, chapter 6, article 10.

1           ~~E.~~ F. Before a permit or license may be revoked or suspended for any  
2 cause provided by section 32-2233, other than by terms of probation, the  
3 board must serve notice and conduct a hearing in the manner prescribed by  
4 title 41, chapter 6, article 10.

5           ~~F.~~ G. After service of notice of the decision of the board suspending  
6 or revoking a license, censuring a licensee, placing a licensee on probation  
7 or dismissing the complaint, the licensee may apply for a rehearing or review  
8 by filing a motion pursuant to title 41, chapter 6, article 10. The filing  
9 of a motion for rehearing shall be a condition precedent to the right of  
10 appeal provided by this section. The filing of a motion for rehearing shall  
11 suspend the operation of the board's action in suspending or revoking a  
12 license or censuring or placing a licensee on probation and shall allow the  
13 licensee to continue to practice as a veterinarian pending denial or granting  
14 of the motion and pending the decision of the board on rehearing if the  
15 motion is granted. The board may also grant a rehearing on its own motion,  
16 if it finds newly discovered evidence or any other reason justifying a  
17 reconsideration of the matter.

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

21           ~~H.~~ I. If the state veterinary medical examining board acts to modify  
22 any veterinarian's prescription writing privileges, it shall immediately  
23 notify the Arizona state board of pharmacy of the modification.

24           ~~I.~~ J. All notices that the board is required to provide to any person  
25 under this chapter are fully effective by personal service or by mailing a  
26 true copy of the notice by certified, return receipt mail addressed to the  
27 person's last known address of record in the board's files. Notice by mail  
28 is complete at the time of its deposit in the mail. Service on any person  
29 represented in a matter by an attorney is complete when the notice is sent to  
30 the attorney at the last known address of record in the board's files.

31           ~~J.~~ K. The board shall retain all complaint files for at least ten  
32 years and shall retain all complaint files in which disciplinary action was  
33 taken for at least twenty-five years.

34           Sec. 11. Title 32, chapter 21, article 3, Arizona Revised Statutes, is  
35 amended by adding section 32-2235, to read:

36           32-2235. Complaints

37           A. EXCEPT AS PROVIDED IN SUBSECTION C, A PERSON MAY FILE A COMPLAINT  
38 WITH THE BOARD AGAINST A VETERINARIAN FOR A VIOLATION OF THIS CHAPTER ONLY IF  
39 THERE IS A VETERINARIAN-CLIENT RELATIONSHIP BETWEEN THE TWO PERSONS. FOR THE  
40 PURPOSES OF THIS SUBSECTION, A VETERINARIAN-CLIENT RELATIONSHIP IS  
41 ESTABLISHED WHEN THE VETERINARIAN HAS ASSUMED RESPONSIBILITY FOR MAKING  
42 CLINICAL JUDGMENTS REGARDING AN ANIMAL'S HEALTH AND NEED FOR MEDICAL  
43 TREATMENT AND THE CLIENT HAS AGREED TO FOLLOW THE VETERINARIAN'S  
44 INSTRUCTIONS.

1 B. EXCEPT AS PROVIDED IN SUBSECTION C, COMPLAINTS FILED PURSUANT TO  
2 THIS CHAPTER MAY NOT BE ANONYMOUS.

3 C. THE FOLLOWING PERSONS MAY FILE A COMPLAINT WITH THE BOARD, AND THE  
4 COMPLAINT MAY BE ANONYMOUS IF IT IS REGARDING EITHER OF THE FOLLOWING:

5 1. AN EMPLOYEE OR FAMILY MEMBER OF A VETERINARIAN IF THE SUBJECT OF  
6 THE COMPLAINT IS SUBSTANCE ABUSE BY VETERINARIAN.

7 2. ANY PERSON WHO IS COMPLAINING ABOUT A PERSON COMMITTING THE  
8 UNAUTHORIZED PRACTICE OF VETERINARY MEDICINE.

9 D. THE BOARD SHALL DETERMINE WHETHER A VETERINARY-CLIENT RELATIONSHIP  
10 EXISTS IF THE EXISTENCE OF THE RELATIONSHIP IS IN DISPUTE.

11 E. THE BOARD, UPON ITS OWN INITIATIVE AND BASED UPON INFORMATION FROM  
12 ANY SOURCE, MAY INVESTIGATE ANY ALLEGED VIOLATION OF THIS CHAPTER.

13 Sec. 12. Section 32-2237, Arizona Revised Statutes, is amended to  
14 read:

15 32-2237. Committee to investigate violations; referral to  
16 county attorney or attorney general; inspection of  
17 records; subpoenas; civil penalty; injunctions;  
18 cease and desist orders; confidentiality

19 A. The board shall appoint one or more investigative committees, each  
20 consisting of three members of the general public who are not board members  
21 and two licensed veterinarians who are not board members. The investigative  
22 committee may interview witnesses, gather evidence and otherwise investigate  
23 any ~~charges~~ ALLEGATIONS accusing any person of violating any of the  
24 provisions of this chapter. An assistant attorney general shall advise the  
25 investigative committee on all questions of law arising out of its  
26 investigations. The expenses of the committee shall be paid out of the  
27 veterinary medical examining board fund.

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

31 1. A summary of the investigation.

32 2. Findings of fact.

33 3. Either a recommendation to dismiss the ~~charge~~ ALLEGATION MADE IN  
34 THE COMPLAINT or a finding that a violation of this chapter or a rule adopted  
35 pursuant to this chapter occurred.

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

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

45 1. Issue a cease and desist order.

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

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

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

7           E. The board or its agents or employees may at all reasonable times  
8 have access to and the right to copy any documents, reports, records or other  
9 physical evidence of any veterinarian including documents, reports, records  
10 or physical evidence maintained by and in the possession of any veterinary  
11 medical hospital, clinic, office or other veterinary medical premises being  
12 investigated if such documents, records, reports or other physical evidence  
13 relates to a specific investigation or proceeding conducted by the board.

14           F. The board on its own initiative or upon application of any person  
15 involved in an investigation or proceeding conducted by the board may issue  
16 subpoenas compelling the attendance and testimony of witnesses or demanding  
17 the production for examination or copying of documents, reports, records or  
18 any other physical evidence if such evidence relates to the specific  
19 investigation or proceeding conducted by the board.

20           G. Except as provided in this subsection, all materials, documents and  
21 evidence associated with a pending or resolved complaint or investigation are  
22 confidential and are not public records. The following materials, documents  
23 and evidence are not confidential and are public records if they relate to  
24 resolved complaints:

25           1. The complaint.

26           2. The response and any rebuttal statements submitted by the licensee  
27 or certificate holder.

28           3. Board discussions of complaints that are recorded pursuant to  
29 section 32-2204, subsection C.

30           4. Written reports of an investigative committee that are prepared  
31 pursuant to subsection B of this section.

32           5. Written statements of the board that are prepared pursuant to  
33 subsection C of this section.

34           Sec. 13. Section 32-2239, Arizona Revised Statutes, is amended to  
35 read:

36           32-2239. Duty of veterinarian to report suspected abuse,  
37 cruelty, neglect or animal fighting; immunity

38           ~~A. A veterinarian shall report in writing concerning any dog fighting~~  
39 ~~or animal abuse to a local law enforcement agency in the county where the~~  
40 ~~veterinarian is practicing within thirty days of any examination or treatment~~  
41 ~~administered to any dog or any animal which the veterinarian reasonably~~  
42 ~~suspects and believes has participated in an organized dog fight or any~~  
43 ~~animal which the veterinarian reasonably suspects and believes has been~~  
44 ~~abused. The report shall contain the breed and description of the dog or any~~  
45 ~~animal together with the name and address of the owner.~~

1 A. A VETERINARIAN WHO REASONABLY SUSPECTS OR BELIEVES THAT AN ANIMAL  
2 HAS BEEN A VICTIM OF ABUSE, CRUELTY OR NEGLECT OR HAS BEEN INVOLVED IN ANIMAL  
3 FIGHTING SHALL REPORT THAT SUSPICION, OR CAUSE A REPORT TO BE MADE, TO LAW  
4 ENFORCEMENT WITHIN FORTY-EIGHT HOURS AFTER TREATMENT OR EXAMINATION. THE  
5 REPORT SHALL INCLUDE THE BREED AND DESCRIPTION OF THE ANIMAL AND THE NAME AND  
6 ADDRESS OF THE OWNER OR PERSON WHO SOUGHT THE EXAMINATION OR TREATMENT.  
7 VETERINARY RECORDS SHALL BE PROVIDED TO LOCAL LAW ENFORCEMENT ON REQUEST IN  
8 FURTHERANCE OF ANY CRIMINAL INVESTIGATION FOR ABUSE, CRUELTY, NEGLECT OR  
9 ANIMAL FIGHTING.

10 B. A veterinarian shall report, in writing, suspected cases of abuse  
11 of livestock to the associate director of the division of animal services in  
12 the Arizona department of agriculture pursuant to title 3, chapter 11,  
13 article 1. The report shall be made within ~~thirty days of~~ FORTY-EIGHT HOURS  
14 AFTER treatment or examination and shall include the breed and description of  
15 the animal together with the name and address of the owner.

16 C. A veterinarian who files a report as provided in this section shall  
17 be immune from civil liability with respect to any report made in good faith.

18 Sec. 14. Section 32-2241, Arizona Revised Statutes, is amended to  
19 read:

20 32-2241. Certified veterinary technician; services performed

21 A CERTIFIED veterinary technician may perform those services authorized  
22 by the board pursuant to section 32-2245 in the employ of and under the  
23 direction, supervision and control of a licensed veterinarian who shall be  
24 responsible for the performance of the CERTIFIED veterinary technician.  
25 Compensation for such authorized services shall be derived solely from the  
26 employing veterinarian.

27 Sec. 15. Section 32-2242, Arizona Revised Statutes, is amended to  
28 read:

29 32-2242. Application for certification as veterinary  
30 technician; qualifications

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

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

35 ~~1-~~ satisfactory evidence of graduation from a two-year curriculum in  
36 veterinary technology, or the equivalent of such graduation as determined by  
37 the board, in a college or other institution approved by the board.

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

42 C. The application shall be accompanied by the application and  
43 examination fee established by the board.

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

4 1. PROOF THAT THE APPLICANT'S ORIGINAL SCORE MEETS THE MINIMUM SCORE  
5 REQUIRED BY THE BOARD.

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

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

10 Sec. 16. Section 32-2244, Arizona Revised Statutes, is amended to  
11 read:

12 32-2244. Certificate

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

17 Sec. 17. Section 32-2245, Arizona Revised Statutes, is amended to  
18 read:

19 32-2245. Certified veterinary technician; services; rules and  
20 regulations

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

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

26 Sec. 18. Section 32-2247, Arizona Revised Statutes, is amended to  
27 read:

28 32-2247. Renewal of expired certificates

29 Except as otherwise provided in this article, an expired certificate  
30 may be renewed at any time within ~~five~~ THREE years after its expiration on  
31 filing of application for renewal on a form prescribed by the board and  
32 payment of the renewal fee in effect on the last preceding regular renewal  
33 date. Except as provided in section 32-4301, if the certificate is renewed  
34 more than thirty days after its expiration, the applicant as a condition  
35 precedent to renewal shall also pay the delinquency fee established by the  
36 board. Renewal under this section shall be effective on the date on which  
37 the application is filed, on the date the renewal fee is paid or on the date  
38 on which the delinquency fee, if any, is paid, whichever occurs last.

39 Sec. 19. Section 32-2248, Arizona Revised Statutes, is amended to  
40 read:

41 32-2248. Renewal of certification; certificates expired three  
42 years or more

43 Except as provided in section 32-4301, a person who fails to renew a  
44 certificate within ~~five~~ THREE years after its expiration may not renew it,

1 and it shall not be restored, reissued or reinstated thereafter, but such  
2 person may apply for and obtain a new certificate if:

- 3 1. The applicant is of good moral character.
- 4 2. No fact, circumstance or condition exists which, if the certificate  
5 were issued, would justify its revocation or suspension.
- 6 3. The applicant takes and passes the examination, if any, which would  
7 be required on application for certification for the first time.
- 8 4. All fees are paid which would be required on application for  
9 certification for the first time.

10 Sec. 20. Section 32-2249, Arizona Revised Statutes, is amended to  
11 read:

12 32-2249. Revocation or suspension of certificate; grounds;  
13 emergency care by technician; letter of concern

14 A. Except as provided in subsection B **OF THIS SECTION**, the board may  
15 revoke or suspend a certificate or place a **CERTIFIED VETERINARY** technician on  
16 probation for any of the following reasons:

- 17 1. The employment of fraud, misrepresentation or deception in  
18 obtaining certification.
- 19 2. Conviction on a charge of cruelty to animals or conviction of a  
20 felony, in which case the record of such conviction will be conclusive  
21 evidence.
- 22 3. Chronic inebriety or habitual use of narcotics, dangerous drugs or  
23 controlled substances.
- 24 4. Gross ignorance or inefficiency in connection with the performance  
25 of technical procedures in veterinary medicine.
- 26 5. Representing himself as a doctor of veterinary medicine.
- 27 6. Violating or attempting to violate, directly or indirectly, or  
28 assisting or abetting the violation or conspiracy to violate any of the  
29 provisions of this chapter, a rule adopted under this chapter or a written  
30 order of the board issued pursuant to this chapter.
- 31 7. Practicing veterinary medicine.
- 32 8. Gross incompetence or gross negligence.
- 33 9. Following orders that are in violation of this chapter or rules  
34 adopted pursuant to this chapter.

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

39 **C. IF THE BOARD RECEIVES INFORMATION INDICATING THAT A CERTIFIED**  
40 **VETERINARY TECHNICIAN MAY HAVE ENGAGED IN UNPROFESSIONAL OR DISHONORABLE**  
41 **CONDUCT AND IT APPEARS AFTER INVESTIGATION THAT THE INFORMATION MAY BE TRUE,**  
42 **THE BOARD MAY REQUEST AN INFORMAL INTERVIEW. IF THE CERTIFIED VETERINARY**  
43 **TECHNICIAN REFUSES THE INTERVIEW OR IF OTHER EVIDENCE RELATING TO THE**  
44 **TECHNICIAN'S PROFESSIONAL COMPETENCE INDICATES THAT DISCIPLINARY ACTION**

1 SHOULD BE TAKEN, THE BOARD MAY TAKE THE ACTION AS PRESCRIBED BY SUBSECTION A  
2 OF THIS SECTION.

3 D. IF, AS A RESULT OF INFORMATION ASCERTAINED DURING AN INVESTIGATION,  
4 INFORMAL INTERVIEW OR FORMAL HEARING OF A CERTIFIED VETERINARY TECHNICIAN,  
5 THE BOARD HAS CONCERN FOR THE CERTIFIED VETERINARY TECHNICIAN'S CONDUCT BUT  
6 HAS NOT FOUND THE CONDUCT TO BE A REASON LISTED IN SUBSECTION A OF THIS  
7 SECTION, THE BOARD MAY ISSUE A LETTER OF CONCERN TO THE TECHNICIAN REGARDING  
8 THE TECHNICIAN'S CONDUCT.

9 Sec. 21. Retention of members

10 Notwithstanding section 32-2202, Arizona Revised Statutes, as amended  
11 by this act, all persons serving as members of the Arizona state veterinary  
12 medical examining board on the effective date of this act may continue to  
13 serve until the expiration of their normal terms. The governor shall make  
14 all subsequent appointments as prescribed by statute.