Senate Engrossed House Bill

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE BILL 2205

AN ACT

AMENDING SECTIONS 32-2201, 32-2207, 32-2211, 32-2212, 32-2213, 32-2214, 32-2215, 32-2216, 32-2218, 32-2219, 32-2231, 32-2238 AND 32-2272, ARIZONA REVISED STATUTES; RELATING TO VETERINARIANS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

32-2201. Definitions

In this chapter, unless the context otherwise requires:

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

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

3. "Certified veterinary technician" means either:

(a) A graduate of a minimum two-year American veterinary medical association accredited program in veterinary technology who has passed a national and a state veterinary technician examination.

(b) A person who is certified on or before December 31, 2010 pursuant to the rules adopted by the board.

4. "Consulting" means providing professional or expert advice that is requested by a veterinarian licensed in this state and that is rendered only on a specific case basis.

5. "Controlled substance" means any substance that is registered and controlled under the federal controlled substances act (P.L. 91-513).

6. "Cremation" means the heating process that reduces animal remains to bone fragments by combustion and evaporation.

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

8. "Direct supervision" means that a licensed veterinarian is physically present at the location where animal health care is being performed.

9. "Gross incompetence" means any professional misconduct or unreasonable lack of professional skill in the performance of professional practice.

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

11. "Indirect supervision" means that a licensed veterinarian is not physically present at the location where animal health care is being performed but has given either written or oral instructions for treatment of the animal patient.

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

13. "Licensed veterinarian" means a person who is currently licensed to practice veterinary medicine in this state.

14. "LICENSED VETERINARY FACULTY MEMBER" MEANS A PERSON WHO IS CURRENTLY LICENSED TO PRACTICE VETERINARY MEDICINE AS AN EMPLOYEE OF A VETERINARY COLLEGE IN THIS STATE.

~~14.~~ 15. "Malpractice" means treatment in a manner contrary to accepted practices and with injurious results.

~~15.~~ 16. "Medical incompetence" means lacking sufficient medical knowledge or skills, or both, to a degree likely to endanger the health of patients or lacking equipment, supplies or medication to properly perform a procedure.

~~16.~~ 17. "Negligence" means the failure of a licensed veterinarian to exercise reasonable care in the practice of veterinary medicine.

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

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

~~19.~~ 20. "Specialist" means a veterinarian who is certified as a diplomate in a particular discipline by a national specialty board or college recognized by the American veterinary medical association after the completion of additional education and training, an internship or residency, passing required examinations and meeting any other criteria required by the various individual national specialty boards or colleges.

~~20.~~ 21. "Supervising veterinarian" means a licensed veterinarian who is responsible for the care rendered to an animal by a certified veterinary technician or a veterinary assistant.

~~21.~~ 22. "Temporary sites" means sites where outpatient veterinary services are performed.

~~22.~~ 23. "Twenty-four hour services" means veterinary services when a veterinarian is on the premises twenty-four hours a day.

~~23.~~ 24. "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from a VETERINARY college ~~of veterinary medicine~~.

~~24.~~ 25. "Veterinarian client patient relationship" means all of the following:

(a) The veterinarian has assumed the responsibility for making medical judgments regarding the animal's health and need for medical treatment and the client, owner or caretaker has agreed to follow the veterinarian's instructions.

(b) The veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the animal's medical condition. Sufficient knowledge is obtained when the veterinarian has recently seen and is personally acquainted with the keeping and caring of the animal as a result of examining the animal, when the veterinarian makes

medically appropriate and timely visits to the premises where the animal is kept or when a veterinarian affiliated with the practice has reviewed the medical record of such examinations or visits.

(c) The veterinarian is readily available for a follow-up evaluation or the veterinarian has arranged for either of the following:

(i) Emergency coverage.

(ii) Continuing care and treatment by another veterinarian who has access to the animal's medical records.

~~25.~~ 26. "Veterinary assistant" means an individual who provides care under the direct or indirect supervision of a veterinarian or certified veterinary technician.

~~26.~~ 27. "Veterinary college" means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation by the American veterinary medical association.

28. "VETERINARY FACULTY MEMBER" MEANS A PERSON WHO HAS RECEIVED A DOCTOR'S DEGREE IN VETERINARY MEDICINE FROM A VETERINARY COLLEGE AND WHO IS AN EMPLOYEE OF A VETERINARY COLLEGE IN THIS STATE.

~~27.~~ 29. "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, acupuncture, manipulation and all other branches or specialties of veterinary medicine and the prescribing, administering or dispensing of drugs and medications for veterinary purposes.

30. "VETERINARY STUDENT" MEANS A STUDENT WHO IS REGULARLY ENROLLED IN A VETERINARY COLLEGE.

Sec. 2. Section 32-2207, Arizona Revised Statutes, is amended to read:

32-2207. Veterinary board; powers and duties

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

1. Administering and enforcing this chapter and board rules.

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

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

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

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

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

7. Subject to title 41, chapter 4, article 4, employing an executive director who serves at the pleasure of the board.

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

(a) Minimum standards of veterinary practice.

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

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

(d) A PROVISION THAT LICENSED VETERINARY FACULTY MEMBERS ARE NOT SUBJECT TO CONTINUING EDUCATION REQUIREMENTS.

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

(a) Reproduction of documents.

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

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

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

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

Sec. 3. Section 32-2211, Arizona Revised Statutes, is amended to read:

32-2211. Exceptions from application of chapter

This chapter shall not apply to:

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

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

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

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

4. A VETERINARY STUDENT WHO PERFORMS ACTS OF HEALTH CARE OR PRESCRIBED VETERINARY PROCEDURES AS A PART OF THE STUDENT'S EDUCATIONAL EXPERIENCE IF BOTH OF THE FOLLOWING APPLY:

(a) THE ACTS ARE ASSIGNED BY A LICENSED VETERINARIAN OR A LICENSED VETERINARY FACULTY MEMBER WHO IS RESPONSIBLE FOR THE ANIMAL'S CARE.

(b) THE STUDENT WORKS UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN OR A LICENSED VETERINARY FACULTY MEMBER.

5. A veterinary assistant employed by a licensed veterinarian performing duties other than diagnosis, prognosis, prescription or surgery under the direct supervision or indirect supervision of such veterinarian who shall be responsible for such assistant's performance.

Sec. 4. Section 32-2212, Arizona Revised Statutes, is amended to read:

32-2212. Issuance of license; previous licenses qualified; use of designations

A. If ~~the~~ AN applicant FOR A VETERINARY LICENSE satisfactorily passes the examination given by the board, demonstrates a scientific and practical knowledge of the art and science of veterinary medicine and~~, in addition,~~ complies with ~~the provisions of~~ this chapter, the board shall issue a license to the applicant to practice veterinary medicine in this state.

B. IF AN APPLICANT FOR A VETERINARY FACULTY MEMBER LICENSE COMPLIES WITH THIS CHAPTER AND IS APPROVED BY THE BOARD, THE BOARD SHALL ISSUE A VETERINARY FACULTY MEMBER LICENSE TO THE APPLICANT TO PRACTICE VETERINARY MEDICINE AS A FACULTY MEMBER OF THE VETERINARY COLLEGE WHERE THE APPLICANT IS EMPLOYED. A LICENSED VETERINARY FACULTY MEMBER MAY PRACTICE VETERINARY MEDICINE ONLY UNDER THE LICENSEE'S OFFICIAL ACADEMIC RESPONSIBILITIES.

~~B.~~ C. The board shall deny licensure to an applicant who has satisfied all licensing requirements but who has not submitted the license issuance fee within twelve months after the date of the examination OR, FOR A VETERINARY FACULTY MEMBER LICENSE APPLICANT, WITHIN TWELVE MONTHS AFTER THE DATE OF APPLICATION. An applicant who fails to submit the fee within that time forfeits ~~his~~ qualification for licensure, and the applicant shall reapply for licensure pursuant to sections 32-2213 and 32-2214.

~~C.~~ D. All persons presently licensed to practice veterinary medicine in the state of Arizona who have complied with the provisions of law existing prior to June 12, 1967 shall be considered as licensed veterinarians under

this chapter, and the names of such licensees shall be entered ~~upon~~ ON the official register kept by the board.

~~D.~~ E. No person shall append any letters to such person's name~~,~~ indicating a degree in veterinary medicine, such as D.V.M. or V.M.D., or use the word doctor, veterinary, veterinarian, professor, animal doctor~~,~~ OR animal surgeon, or any abbreviation or combination thereof of similar import in connection with such person's name, or any trade name in the conduct of any occupation or profession pertaining to the diagnosis or treatment of animal diseases or conditions mentioned in this chapter, unless such person is licensed to practice veterinary medicine under ~~the provisions of~~ this chapter.

Sec. 5. Section 32-2213, Arizona Revised Statutes, is amended to read:

32-2213. Application for license; retention of examination materials

A. A person desiring to practice veterinary medicine or surgery, INCLUDING AS A FACULTY MEMBER AT A VETERINARY COLLEGE, shall ~~make a written application~~ APPLY IN WRITING to the board for a license to practice. The application shall be on a form provided by the board and shall require the following information:

1. THE name, age and address of the applicant.

2. THE names of schools of veterinary medicine THAT THE APPLICANT attended, THE dates of attendance and THE date of transfer.

3. THE degrees held from schools of veterinary medicine.

4. ~~Places~~ THE LOCATION and length of time in active practice in other states or territories of the United States, if any, and ~~that~~ WHETHER OR NOT the applicant is in good standing in ~~such places~~ EACH LOCATION OF PRACTICE.

5. An affidavit that the facts recited in the application are accurate, true, and complete.

6. An affidavit that no complaint has been filed and is pending, no investigation is pending and no disciplinary action has been taken or is pending on any veterinary license the applicant holds from another state.

7. FOR A VETERINARY FACULTY MEMBER LICENSE APPLICATION, DOCUMENTATION FROM AN AUTHORIZED OFFICIAL OF A VETERINARY COLLEGE IN THIS STATE THAT SHOWS THAT THE APPLICANT HAS BEEN APPOINTED TO THE FACULTY OF THAT VETERINARY COLLEGE.

~~7.~~ 8. ~~Such~~ ANY other information ~~as may be~~ THAT IS required by rules adopted by the board.

B. All examination papers, tapes, questions and answers shall be maintained in accordance with a retention schedule approved by the Arizona state library, archives and public records.

Sec. 6. Section 32-2214, Arizona Revised Statutes, is amended to read:

32-2214. Examination of applicants; confidentiality

A. All applicants for a VETERINARY license, NOT INCLUDING A VETERINARY FACULTY MEMBER LICENSE, shall be given a state examination.

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

C. The examination shall consist of the following:

1. A state examination approved by the board.

2. The North American veterinary licensing examination.

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

E. A grade of at least seventy-five per cent shall be required to successfully pass the North American veterinary licensing examination. A grade of at least seventy-five per cent shall be required to successfully pass the state examination. The scores of the North American veterinary licensing examination and the state examination shall not be averaged. National board scores that are received from either the national examination committee or the North American veterinary licensing examination committee from another state may be accepted for part of an applicant's passing score.

F. An applicant's score that was received within the preceding five years and that is on record at the national examination service or the North American veterinary licensing examination committee shall be verified through either the national examination service or the North American veterinary licensing examination committee, unless the applicant is applying for endorsement or a specialty license under section 32-2215, subsection C or D, in which case the applicant's score shall be transcribed and received by the board.

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

Sec. 7. Section 32-2215, Arizona Revised Statutes, is amended to read:

32-2215. Qualifications for license to practice veterinary medicine

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

1. Be of good moral character.

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

3. Satisfactorily pass an examination given by the board as provided in this chapter. THIS PARAGRAPH DOES NOT APPLY TO AN APPLICANT FOR A VETERINARY FACULTY MEMBER LICENSE.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 8. Section 32-2216, Arizona Revised Statutes, is amended to read:

32-2216. Issuance of temporary permits; emergency temporary permits; definition

A. The board may issue temporary permits to ~~applicants for a license who at the time of application are~~ VETERINARY LICENSE APPLICANTS AND TO VETERINARIANS LICENSED IN OTHER STATES WHO ENTER THIS STATE TO PROVIDE VOLUNTARY SERVICES DURING A STATE OF EMERGENCY AS DECLARED BY THE GOVERNOR OR THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE BOARD OF SUPERVISORS HAS DECLARED A STATE OF EMERGENCY PURSUANT TO SECTION 26-311. APPLICANTS FOR ALL TEMPORARY PERMITS MUST BE graduates of an American veterinary medical association accredited veterinary college or ~~who hold an education~~ HOLDERS OF A CERTIFICATE FROM THE EDUCATIONAL commission for foreign veterinary graduates ~~certificate~~ or FROM a program for the assessment of veterinary education ~~equivalence certificate~~ AT THE TIME OF APPLICATION.

B. The temporary permit issued under this section entitles ~~the~~ A VETERINARY LICENSE applicant to engage in the active practice of veterinary medicine in this state as an employee of a licensed veterinarian, the state or any county or municipality in this state. Such applicant shall be eligible for the next examination, if the applicant has not violated any provision of this chapter. Such applicant working under the direct and personal instruction, control or supervision of a licensed veterinarian and whose compensation is paid by such veterinarian may perform those acts of animal health care assigned by the veterinarian having responsibility for the care of the animal. ~~No temporary permit shall be valid beyond the time for the next license examination for which the applicant is qualified. In the event any such~~ THE TEMPORARY PERMIT DESCRIBED IN THIS SUBSECTION EXPIRES TWENTY DAYS AFTER THE EXAMINATION. IF THE applicant fails for good and sufficient reason to take the examination, the board, by majority consent, may extend the permit until the next succeeding examination. Except as otherwise provided in this section, the holder of a temporary permit must be examined and satisfactorily pass the license examination next following the issuance of the permit and duly receive a license in order to continue active professional practice. ~~No more than two temporary permits shall be issued to one individual.~~ THE TEMPORARY PERMIT MAY BE EXTENDED ONLY ONE TIME. For the purposes of this subsection, "direct and personal instruction, control or supervision" means that a veterinarian licensed by the board is physically present and personally supervising a temporary permittee when the permittee is practicing acts of veterinary medicine except if the permittee is at a temporary site for the purpose of delivering services to large animals or if the permittee is administering emergency services not during regular office hours. In these cases, phone contact constitutes direct and personal instruction, control or supervision.

C. If an employer, for any reason, terminates the employment of the applicant, the employing veterinarian shall notify the board and the

temporary permit DESCRIBED IN SUBSECTION B OF THIS SECTION is immediately void.

D. AN EMERGENCY TEMPORARY PERMIT THAT IS ISSUED TO AN INDIVIDUAL WHO IS A VETERINARIAN LICENSED IN GOOD STANDING IN ANOTHER STATE ENTITLES THE INDIVIDUAL TO PROVIDE VOLUNTARY VETERINARY CARE DURING A STATE OF EMERGENCY FOR THE SOLE PURPOSE OF ASSISTING IN CARE RELATED TO THAT EMERGENCY. THE EMERGENCY TEMPORARY PERMIT EXPIRES NINETY DAYS AFTER THE DATE OF ISSUANCE OR AT THE END OF THE STATE OF EMERGENCY, WHICHEVER OCCURS FIRST. AN APPLICANT FOR AN EMERGENCY TEMPORARY PERMIT SHALL SUBMIT A COMPLETE APPLICATION, INCLUDING INFORMATION REGARDING VETERINARY LICENSURE IN ANY OTHER STATE AND VERIFICATION THAT THE STATUTES AND RULES PERTAINING TO THE BOARD HAVE BEEN REVIEWED. THE BOARD SHALL VERIFY WHETHER THE VETERINARIAN IS LICENSED IN THE STATE OR STATES INDICATED AND CONFIRM THE APPLICANT'S GOOD STANDING. THE APPLICANT IS NOT REQUIRED TO PASS THE STATE VETERINARY EXAMINATION. A VETERINARIAN WHO IS ISSUED AN EMERGENCY TEMPORARY PERMIT UNDER THIS SECTION SHALL PRACTICE IN ACCORDANCE WITH ALL LAWS AND RULES RELATED TO THE PRACTICE OF VETERINARY MEDICINE IN THIS STATE. THE BOARD MAY INVESTIGATE ANY ALLEGED VIOLATION BY A HOLDER OF AN EMERGENCY TEMPORARY PERMIT AND TAKE DISCIPLINARY ACTION AS PRESCRIBED IN THIS CHAPTER. A VETERINARIAN GRANTED AN EMERGENCY TEMPORARY PERMIT UNDER THIS SECTION IS A LICENSED, CERTIFIED OR AUTHORIZED EMERGENCY RESPONDER PURSUANT TO SECTION 26-353 AND AN EMERGENCY WORKER AS DEFINED IN SECTION 26-301.

E. FOR THE PURPOSES OF THIS SECTION, "EMERGENCY TEMPORARY PERMIT" MEANS A TEMPORARY PERMIT THAT IS ISSUED TO A VETERINARIAN LICENSED IN ANOTHER STATE WHO ENTERS THIS STATE TO PROVIDE VOLUNTARY SERVICES DURING A STATE OF EMERGENCY AS DECLARED BY THE GOVERNOR OR THE COUNTY BOARD OF SUPERVISORS PURSUANT TO SECTION 26-311.

Sec. 9. Section 32-2218, Arizona Revised Statutes, is amended to read:

32-2218. License renewal and reinstatement

A. Except as provided in SUBSECTION D OF THIS SECTION OR section 32-4301, a license issued under this chapter remains in effect until December 31 of every even-numbered year unless IT IS suspended or revoked. Except as provided in section 32-4301, on submittal of an application for renewal and payment of a renewal fee, a license is renewed for two years.

B. Failure to pay the license fee before February 1 following expiration of the license shall be a forfeiture of the license, and the license shall not be restored except upon written application to the board and payment of a penalty fee of fifty dollars in addition to all regular license fees and past due fees owed to the board. A person applying for reinstatement of a license within thirty-six months of expiration shall not be required to submit to an examination because of failure to pay the license fee, but it is unlawful for a person to practice veterinary medicine or any branch of veterinary medicine during the period in which the person's license has been forfeited by reason of nonpayment of the license fee. If an applicant for reinstatement of a license has not completed the continuing

education requirements, a license may be reinstated if the continuing education requirements are completed within six months of reinstatement. A person who does not apply for reinstatement within thirty-six months after expiration of the license must meet the requirements set forth in sections 32-2213, 32-2214 and 32-2215.

C. An application for renewal shall include a signed statement that no complaint has been filed and is pending, no investigation is pending and no disciplinary action has been taken or is pending on any veterinary license the veterinarian holds from another state.

D. A VETERINARY FACULTY MEMBER LICENSE ISSUED UNDER THIS CHAPTER REMAINS IN EFFECT UNTIL DECEMBER 31 OF EVERY EVEN-NUMBERED YEAR UNLESS IT IS SUSPENDED OR REVOKED OR UNLESS THE LICENSEE IS NO LONGER EMPLOYED BY THE VETERINARY COLLEGE. IF THE LICENSEE IS NO LONGER EMPLOYED BY THE VETERINARY COLLEGE, THE LICENSE EXPIRES ON THE DATE OF THE SEPARATION OF EMPLOYMENT.

Sec. 10. Section 32-2219, Arizona Revised Statutes, is amended to read:

32-2219. Fees; veterinary licenses; veterinary faculty member licenses

A. Every original application FOR A VETERINARY LICENSE OR A VETERINARY FACULTY MEMBER LICENSE shall be accompanied by an examination fee of not more than four hundred dollars.

B. For every issuance of a VETERINARY license OR A VETERINARY FACULTY MEMBER LICENSE there shall be collected a fee of not more than one hundred dollars in even-numbered years and two hundred dollars in odd-numbered years.

C. For every renewal of a VETERINARY license OR A VETERINARY FACULTY MEMBER LICENSE there shall be collected a fee of not more than four hundred dollars.

D. Every request for a temporary permit shall be accompanied by a fee of seventy-five dollars.

E. For every issuance of a duplicate license, there shall be collected a fee of not more than twenty-five dollars.

F. No fee shall be returned to an applicant.

Sec. 11. Section 32-2231, Arizona Revised Statutes, is amended to read:

32-2231. Acts constituting the practice of veterinary medicine; exceptions; definitions

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

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

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

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

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

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

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

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

B. This section does not apply to:

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

2. A certified veterinary technician performing a task or function authorized by the rules of the board in the employ of and under the direction, supervision and control of a licensed veterinarian OR A LICENSED VETERINARY FACULTY MEMBER.

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

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

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

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

(ii) The examination of dental conditions.

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

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

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

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

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

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

4. A VETERINARY STUDENT WHO PERFORMS ACTS OF HEALTH CARE OR PRESCRIBED VETERINARY PROCEDURES AS A PART OF THE STUDENT'S EDUCATIONAL EXPERIENCE IF BOTH OF THE FOLLOWING APPLY:

(a) THE ACTS ARE ASSIGNED BY A LICENSED VETERINARIAN OR A LICENSED VETERINARY FACULTY MEMBER WHO IS RESPONSIBLE FOR THE ANIMAL'S CARE.

(b) THE STUDENT WORKS UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN OR A LICENSED VETERINARY FACULTY MEMBER.

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

D. For the purposes of this section:

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

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

Sec. 12. Section 32-2238, Arizona Revised Statutes, is amended to read:

32-2238. Violations; classification

A. A person is guilty of a class 1 misdemeanor who:

1. Practices veterinary medicine or surgery under an assumed name.

2. Falsely impersonates another practitioner.

3. Fraudulently obtains a veterinary medical diploma, license or record of registration.

4. Practices veterinary medicine or surgery without a license and registration.

5. Unlawfully assumes or advertises a veterinary title conveying the impression that the person is a lawful practitioner.

6. Knowingly violates any other provision of this chapter.

B. This chapter ~~shall~~ DOES not ~~be construed to~~ prohibit ANY OF THE FOLLOWING:

1. A person from practicing veterinary medicine or any of its branches in partnership with another practitioner, or under a partnership or firm name, if the partnership or firm is clearly identified as that of a practicing veterinarian, and if all members of the partnership or firm are licensed to practice veterinary medicine by the board.

2. A VETERINARY STUDENT FROM PERFORMING ACTS OF HEALTH CARE OR PRESCRIBED VETERINARY PROCEDURES AS A PART OF THE STUDENT'S EDUCATIONAL EXPERIENCE IF BOTH OF THE FOLLOWING APPLY:

(a) THE ACTS ARE ASSIGNED BY A LICENSED VETERINARIAN OR A LICENSED VETERINARY FACULTY MEMBER WHO IS RESPONSIBLE FOR THE ANIMAL'S CARE.

(b) THE STUDENT WORKS UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN OR A LICENSED VETERINARY FACULTY MEMBER.

3. A LICENSED VETERINARY FACULTY MEMBER FROM PERFORMING THE LICENSED VETERINARY FACULTY MEMBER'S REGULAR CLINICAL FUNCTIONS, FROM GIVING LECTURES, INSTRUCTIONS OR DEMONSTRATIONS OR FROM PRACTICING VETERINARY MEDICINE AS A VETERINARY FACULTY MEMBER IN CONNECTION WITH CONTINUING EDUCATION COURSES OR SEMINARS TO LICENSED VETERINARIANS, CERTIFIED VETERINARY TECHNICIANS, VETERINARY STUDENTS OR VETERINARY TECHNICIAN STUDENTS.

Sec. 13. Section 32-2272, Arizona Revised Statutes, is amended to read:

32-2272. Veterinary premises license; application; nontransferability; expiration; renewal; civil penalty

A. Any person who desires to establish premises at or from which veterinary services are offered to the public shall file with the board an application for a veterinary premises license accompanied by the license fee.

B. The application shall be on a form prescribed and furnished by the board and shall contain:

1. The name and location of the premises.

2. The name of the person owning the premises and the name and signature of the veterinarian responsible to the board for the operation of the premises. The responsible veterinarian shall be a veterinarian who is licensed in this state and who resides in this state or who holds a special permit under section 32-2217.01, EXCEPT THAT A VETERINARIAN WHO ONLY PROVIDES SERVICES AT A TEMPORARY SITE IN THE STATE DOES NOT HAVE TO RESIDE IN THIS STATE.

3. A description of the services provided at or from the premises.

C. A license is valid only for the responsible veterinarian to whom it is issued. A license is not subject to sale, assignment or transfer, voluntary or involuntary. A license is not valid for any premises other than those for which issued. If there have been major changes in the scope of veterinary services offered, the premises are subject to reinspection.

D. A change of responsible veterinarian or owner shall cancel a premises license. The responsible veterinarian or owner shall surrender the premises license to the board within twenty days of the change in responsible veterinarian or owner. The failure of the responsible veterinarian or owner to notify the board in writing within twenty days of a change in responsible veterinarian or owner is grounds for disciplinary action.

E. Except as provided in section 32-4301, a license expires on December 31 of every even-numbered year unless suspended or revoked. A license is renewable for two years upon payment of the renewal fee. If the renewal fee is not paid before February 1 following the expiration of the license, a penalty fee of one hundred dollars shall be paid in addition to the renewal fee before the premises may be relicensed.

F. Within ninety days of receipt of an initial application and fee, the board shall issue a license if the application demonstrates compliance with this article or shall notify the applicant at his last address of record if the application is not in conformance with this article. Veterinary medical services may be performed at any premises for which an application fee is submitted pending issuance of the license or notification of a deficiency in the application.

G. If a veterinary premises ceases to operate and the premises owner is subject to this chapter, the premises owner must continue to comply with the requirements of this chapter and rules adopted by the board. The premises owner is subject to a civil penalty of not more than one thousand dollars for each violation of the requirements of this chapter or rules adopted by the board. The total penalty shall not exceed five thousand dollars.

H. If the responsible veterinarian is only an employee, the premises owner is subject to a civil penalty of not more than one thousand dollars for each violation of this article. The total penalty shall not exceed five thousand dollars.