

Senate Engrossed

~~technical correction; malpractice claim review~~
(now: animal acupuncture; certification; requirements)

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1401

AN ACT

AMENDING SECTION 32-2231, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 39, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3928; RELATING TO ANIMAL ACUPUNCTURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-2231, Arizona Revised Statutes, is amended to
3 read:

4 32-2231. Acts constituting the practice of veterinary
5 medicine; exceptions; definitions

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

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

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

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

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

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

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

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

35 B. This section does not apply to:

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

39 2. A certified veterinary technician performing a task or function
40 authorized by the rules of the board in the employ of and under the
41 direction, supervision and control of a licensed veterinarian or a
42 licensed veterinary faculty member.

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

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

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

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

8 (ii) The examination of dental conditions.

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

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

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

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

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

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

27 4. A veterinary student who performs acts of health care or
28 prescribed veterinary procedures as a part of the student's educational
29 experience if both of the following apply:

30 (a) The acts are assigned by a licensed veterinarian or a licensed
31 veterinary faculty member who is responsible for the animal's care.

32 (b) The student works under the direct supervision of a licensed
33 veterinarian or a licensed veterinary faculty member.

34 5. AN ACUPUNCTURIST WHO IS TREATING AN ANIMAL PURSUANT TO SECTION
35 32-3928 AND WHO IS IN COMPLIANCE WITH ALL OF THE FOLLOWING:

36 (a) IS NATIONALLY CERTIFIED BY THE AMERICAN BOARD OF ANIMAL
37 ACUPUNCTURE OR THE NATIONAL CERTIFICATION COMMISSION FOR ACUPUNCTURE AND
38 ORIENTAL MEDICINE TO TREAT ANIMALS.

39 (b) PROVIDES PROOF OF CURRENT CERTIFICATION IN ANIMAL ACUPUNCTURE
40 TO THE ACUPUNCTURE BOARD OF EXAMINERS.

41 (c) HAS RECEIVED A REFERRAL FOR ACUPUNCTURE TREATMENT FROM A
42 LICENSED VETERINARIAN WHO HAS DIAGNOSED THE ANIMAL.

43 (d) MAINTAINS RECORDS ON EVERY ANIMAL AND PROVIDES THE RECORDS TO
44 THE TREATING VETERINARIAN ON REQUEST.

1 (e) MAINTAINS ADEQUATE INSURANCE TO SPECIFICALLY COVER ANY INJURIES
2 TO THE ANIMAL, THE ANIMAL'S OWNER OR STAFF MEMBERS WORKING ON THE ANIMAL.

3 (f) IF THE ACUPUNCTURIST IS NOT PROVIDING THE TREATMENT IN A
4 LICENSED VETERINARY PREMISES THAT IS OPERATED BY A LICENSED VETERINARIAN,
5 COMPLIES WITH ALL OF THE FOLLOWING:

6 (i) THE ANIMAL IS NOT TREATED IN THE SAME AREA AS HUMAN PATIENTS.

7 (ii) THE PREMISES HAS SECURED AREAS TO CONTAIN ANIMALS SAFELY
8 DURING ANY TREATMENT.

9 (iii) THE STAFF IS TRAINED TO PROPERLY HOLD ANY ANIMAL BEING
10 TREATED.

11 (iv) PROTOCOLS ARE IN PLACE TO HANDLE EMERGENCY SITUATIONS THAT MAY
12 ARISE WITH THE ANIMAL THAT IS BEING TREATED.

13 (v) SANITATION PROTOCOLS ARE IN PLACE TO ENSURE HUMAN AND ANIMAL
14 SAFETY.

15 (vi) ANY RULES ADOPTED BY THE ACUPUNCTURE BOARD OF EXAMINERS.

16 (g) ASSESSES AND TREATS THE ANIMAL CONSISTENT WITH THE LICENSED
17 ACUPUNCTURIST'S TRAINING AND, ON REQUEST, COMMUNICATES THE FINDINGS,
18 TREATMENT AND RESULTS TO THE TREATING LICENSED VETERINARIAN IN A TIMELY
19 MANNER. ON REQUEST, THE TREATING LICENSED VETERINARIAN SHALL PROVIDE THE
20 TREATING ACUPUNCTURIST WITH ALL MEDICAL INFORMATION THAT MAY ASSIST IN THE
21 TREATMENT OF THE ANIMAL.

22 (h) IS SOLELY LIABLE FOR THE ACUPUNCTURE TREATMENT PROVIDED TO THE
23 ANIMAL THAT IS ALSO UNDER THE CARE OF A LICENSED VETERINARIAN.

24 C. Notwithstanding subsection B, paragraph 3 of this section, only
25 a licensed veterinarian and not an equine dental practitioner may
26 prescribe or administer, or both prescribe and administer, any drug or
27 medicine.

28 D. For the purposes of this section:

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

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

34 Sec. 2. Title 32, chapter 39, article 2, Arizona Revised Statutes,
35 is amended by adding section 32-3928, to read:

36 32-3928. Treating animals: certification: requirements:
37 definition

38 A. AN ACUPUNCTURIST MAY APPLY FOR CERTIFICATION BY THE BOARD TO
39 TREAT ANIMALS IF THE ACUPUNCTURIST IS NATIONALLY CERTIFIED BY THE AMERICAN
40 BOARD OF ANIMAL ACUPUNCTURE OR THE NATIONAL CERTIFICATION COMMISSION FOR
41 ACUPUNCTURE AND ORIENTAL MEDICINE TO TREAT ANIMALS. THE BOARD MAY
42 PRESCRIBE THE PROCEDURE FOR APPLYING FOR CERTIFICATION AND THE
43 CERTIFICATION FEE. AN ACUPUNCTURIST WHO RECEIVES CERTIFICATION TO TREAT
44 ANIMALS MAY APPLY ALL APPROPRIATE MODALITIES PRESCRIBED IN THIS CHAPTER
45 AND THE RULES ADOPTED PURSUANT TO THIS CHAPTER IN TREATING ANIMALS.

1 B. AN ACUPUNCTURIST WHO IS CERTIFIED BY THE BOARD TO TREAT ANIMALS
2 MAY TREAT AN ANIMAL PURSUANT TO SECTION 32-2231.

3 C. THE BOARD SHALL ADJUDICATE COMPLAINTS ARISING FROM ACUPUNCTURE
4 TREATMENT ON ANIMALS AND SHALL CONSULT A LICENSED VETERINARIAN AS A
5 SUBJECT MATTER EXPERT ON ANIMAL HEALTH.

6 D. FOR THE PURPOSES OF THIS SECTION, "LICENSED VETERINARIAN" HAS
7 THE SAME MEANING PRESCRIBED IN SECTION 32-2201.