CHAPTER 124

SENATE BILL 1053

AN ACT

AMENDING SECTION 32-2201, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 21, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2240.02; 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.

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

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.

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

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

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.

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.

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.

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

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

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

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. FOR THE PURPOSES OF THIS SUBDIVISION, sufficient knowledge is obtained when ANY OF THE FOLLOWING OCCURS:

(i) The veterinarian has recently seen and is personally acquainted with the keeping and caring of the animal as a result of examining the animal.

(ii) The veterinarian makes medically appropriate and timely visits to the premises where the animal is kept.

(iii) A veterinarian affiliated with the practice has reviewed the medical record of such examinations or visits.

(iv) THE VETERINARIAN OBTAINS CURRENT KNOWLEDGE OF THE ANIMAL BY CONDUCTING A REAL-TIME ELECTRONIC EXAMINATION USING AN AUDIO-VIDEO BASED COMMUNICATION MEDIUM.

(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.

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

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.

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. Title 32, chapter 21, article 3, Arizona Revised Statutes, is amended by adding section 32-2240.02, to read:

32-2240.02. Veterinarian client patient relationship through electronic means; consent; prescriptions; scope of practice

A. NOTWITHSTANDING ANY OTHER LAW AND EXCEPT FOR AN ANIMAL THAT IS USED IN COMMERCIAL FOOD PRODUCTION THAT IS REGULATED UNDER TITLE 3, A VETERINARIAN MAY ESTABLISH A VETERINARIAN CLIENT PATIENT RELATIONSHIP THROUGH ELECTRONIC MEANS IF ALL OF THE FOLLOWING APPLY:
1. The veterinarian is licensed pursuant to this chapter or holds a permit pursuant to section 32-2217.01.

2. The veterinarian obtains informed consent from the client, including an acknowledgement that the standards of care prescribed by this chapter apply to in-person visits and visits through electronic means. The veterinarian shall maintain for at least three years documentation of the consent described in this paragraph.

3. The veterinarian provides the client with the veterinarian's name and contact information and secures an alternate means of contacting the client if the electronic means is interrupted. The electronic or written record provided to the client after the telemedicine visit must include the veterinarian's license number.

4. Before conducting an evaluation of the patient through electronic means, the veterinarian advises the client of all of the following:
   (a) The veterinarian may ultimately recommend an in-person visit.
   (b) The veterinarian is prohibited by federal law from prescribing some drugs or medications based only on an electronic examination.
   (c) The appointment through electronic means may be terminated at any time.

5. The veterinarian is able to recommend the client to a local veterinarian who can see the animal in person. The client has the option to choose an in-person visit.

B. A veterinarian may prescribe drugs or medications after establishing a veterinary client patient relationship through electronic means, except that:
   1. Prescriptions based only on an electronic examination may be initially issued for up to fourteen days and may be renewed one time for up to fourteen days with an additional electronic examination.
   2. Prescriptions based only on electronic examinations and that have been renewed once may not be renewed again without an in-person examination.
   3. The veterinarian must notify the client that some prescription drugs or medications may be available at a pharmacy and, if requested, the veterinarian will submit a prescription to a pharmacy that the client chooses.
   4. The veterinarian may not order, prescribe or make available a controlled substance as defined in section 36-2501 unless the veterinarian has performed an in-person physical examination of the patient or made medically appropriate and timely visits to the premises where the patient is kept.
5. THE VETERINARIAN SHALL PRESCRIBE ALL DRUGS AND MEDICATIONS IN ACCORDANCE WITH ALL FEDERAL AND STATE LAWS.

C. VETERINARIAN SERVICES PROVIDED THROUGH ELECTRONIC MEANS ARE SUBJECT TO THE RULES ADOPTED PURSUANT TO SECTION 32-2275 RELATING TO THE PRACTICE OF VETERINARY MEDICINE.

APPROVED BY THE GOVERNOR MAY 8, 2023.