

REFERENCE TITLE: veterinarian complaints; attorney notice

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2345

Introduced by
Representative Payne

AN ACT

AMENDING SECTION 32-2234, ARIZONA REVISED STATUTES; 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 32-2234, Arizona Revised Statutes, is amended to
3 read:

4 32-2234. Informal interviews; formal hearings; notice;
5 disciplinary actions; consent agreements;
6 rehearing; judicial review

7 A. If the board receives ~~information~~ A COMPLAINT indicating that a
8 veterinarian may have engaged in unprofessional or dishonorable conduct,
9 and if it appears after investigation that the information CONTAINED IN
10 THE COMPLAINT may be true, the board may issue a notice of formal hearing
11 or the board may request an informal interview with the veterinarian. If
12 the veterinarian refuses the interview, and other evidence indicates THAT
13 suspension or revocation of the veterinarian's license may be in order, or
14 if the veterinarian accepts and the results of the interview indicate THAT
15 suspension or revocation of the veterinarian's license may be in order,
16 the board shall issue a notice of formal hearing and proceed pursuant to
17 title 41, chapter 6, article 10. If the veterinarian refuses the
18 interview, and other evidence relating to the veterinarian's professional
19 competence indicates that disciplinary action should be taken other than
20 suspension or revocation of the veterinarian's license, or if the
21 veterinarian accepts the informal interview and the informal interview and
22 other evidence relating to the veterinarian's professional competence
23 indicate that disciplinary action should be taken other than suspension or
24 revocation of the veterinarian's license, the board may take any or all of
25 the following actions:

26 1. Issue a decree of censure.

27 2. Fix a period and terms of probation as are best adapted to
28 protect the public and rehabilitate or educate the veterinarian. The
29 terms of probation may include temporary suspension, ~~for not to exceed~~
30 MORE THAN thirty days, ~~or~~ restriction of the veterinarian's license to
31 practice. The VETERINARIAN'S failure to comply with any term of the
32 probation is cause to consider the entire case plus any other alleged
33 violations of this chapter at a formal hearing pursuant to title 41,
34 chapter 6, article 10.

35 3. Impose a civil penalty of not ~~to exceed one thousand dollars~~
36 MORE THAN \$1,000 per violation.

37 B. Notwithstanding subsection A of this section, the board may
38 require a veterinarian or certified veterinary technician WHO IS under
39 investigation to be interviewed by the board or its representatives. The
40 board may require a licensee or certificate holder who is under
41 investigation pursuant to subsection A of this section to undergo at the
42 licensee's or certificate holder's expense any combination of medical,
43 physical or mental examinations that the board finds necessary to
44 determine the veterinarian's or the certified veterinary technician's
45 condition.

1 C. On receipt of an allegation of drug or alcohol abuse, the board
2 or the executive director acting with the approval of both a veterinarian
3 member and a public member of the board may require a licensee or
4 certificate holder who is under investigation pursuant to subsection A of
5 this section to undergo, at the licensee's or certificate holder's
6 expense, testing or examination to detect the presence of alcohol or other
7 drugs.

8 D. If, as a result of information ascertained during an
9 investigation, informal interview or formal hearing of a
10 veterinarian, the board has concern for the veterinarian's conduct but
11 has not found the veterinarian's conduct in violation of section 32-2232,
12 the board in its discretion may issue a letter of concern to the
13 veterinarian regarding the veterinarian's conduct or issue a
14 nondisciplinary order requiring the licensee to complete a prescribed
15 number of hours of continuing education in an area or areas prescribed by
16 the board to provide the licensee with the necessary understanding of
17 current developments, skills, procedures or treatment.

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

24 F. If the board finds, based on information it receives pursuant to
25 this section, that public or animal health, safety or welfare requires
26 emergency action, and incorporates a finding that emergency action is
27 necessary in its order, the board may order summary suspension of a
28 license pending proceedings for revocation or other action. If the board
29 orders a summary suspension, the board shall serve the licensee with a
30 written notice that states the charges and that the licensee is entitled
31 to a formal hearing before the board or an administrative law judge within
32 sixty days pursuant to title 41, chapter 6, article 10.

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

37 H. After service of notice of the decision of the board suspending
38 or revoking a license, censuring a licensee, placing a licensee on
39 probation or dismissing the complaint, the licensee may apply for a
40 rehearing or review by filing a motion pursuant to title 41, chapter 6,
41 article 10. The filing of a motion for rehearing shall be a condition
42 precedent to the right of appeal provided by this section. The filing of
43 a motion for rehearing shall suspend the operation of the board's action
44 in suspending or revoking a license or censuring or placing a licensee on
45 probation and shall allow the licensee to continue to practice as a

1 veterinarian pending denial or granting of the motion and pending the
2 decision of the board on rehearing if the motion is granted. The board
3 may also grant a rehearing on its own motion, ~~if~~ if it finds newly
4 discovered evidence or any other reason justifying a reconsideration of
5 the matter.

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

9 J. If the **ARIZONA** state veterinary medical examining board acts to
10 modify any veterinarian's prescription writing privileges, ~~it~~ **THE BOARD**
11 shall immediately notify the Arizona state board of pharmacy of the
12 modification.

13 **K. THE BOARD SHALL PROVIDE WRITTEN NOTICE TO A PERSON WHO FILED A**
14 **COMPLAINT WITH THE BOARD PURSUANT TO SUBSECTION A OF THIS SECTION IF THE**
15 **BOARD CONDUCTS A MEETING PURSUANT TO THIS SECTION WITH THE PERSON OR HOLDS**
16 **A HEARING PURSUANT TO THIS SECTION. THE NOTICE SHALL STATE THAT THE**
17 **PERSON MAY BRING AN ATTORNEY TO THE MEETING OR HEARING.**

18 ~~K.~~ L. All notices that the board is required to provide to any
19 person under this chapter are fully effective by personal service or by
20 mailing a true copy of the notice by certified, return receipt mail
21 addressed to the person's last known address of record in the board's
22 files. Notice by mail is complete at the time of its deposit in the mail.
23 Service on any person represented in a matter by an attorney is complete
24 when the notice is sent to the attorney at the last known address of
25 record in the board's files.

26 ~~L.~~ M. The board shall retain all complaint files for at least ten
27 years and shall retain all complaint files in which disciplinary action
28 was taken for at least twenty-five years.