

REFERENCE TITLE: veterinarians; malpractice; unprofessional conduct;  
action

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

## **HB 2692**

Introduced by  
Representative Payne

AN ACT

AMENDING SECTION 32-2232, 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)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 32-2232, Arizona Revised Statutes, is amended to  
3 read:  
4 32-2232. Unprofessional or dishonorable conduct  
5 As used in this chapter, unprofessional or dishonorable conduct  
6 includes:  
7 1. The fraudulent use of any certificate or other official form  
8 used in practice that would increase the hazard of dissemination of  
9 disease, the transportation of diseased animals or the sale of inedible  
10 food products of animal origin for human consumption.  
11 2. Inadequate methods in violation of meat inspection procedures  
12 prescribed by the federal government and Arizona meat inspection laws or  
13 wilful neglect or misrepresentation in the inspection of meat.  
14 3. Misrepresentation of services rendered.  
15 4. Failure to report, or the negligent handling of, the serious  
16 epidemic diseases of animals, such as anthrax, rabies, glanders,  
17 brucellosis, tuberculosis, foot and mouth disease, hog cholera, and other  
18 communicable diseases known to medical science as being a menace to human  
19 or animal health.  
20 5. The dispensing or giving to anyone of live culture or attenuated  
21 live virus vaccines to be administered by a layman without providing  
22 instruction as to their administration and use.  
23 6. Having professional connection with, or lending one's name to,  
24 any illegal practitioner of veterinary medicine and the various branches  
25 thereof.  
26 7. Chronic inebriety or unlawful use of narcotics, dangerous drugs  
27 or controlled substances.  
28 8. Fraud or dishonesty in applying or reporting on any test or  
29 vaccination for disease in animals.  
30 9. False, deceptive or misleading advertising, having for its  
31 purpose or intent deception or fraud.  
32 10. Conviction of a crime involving moral turpitude, or conviction  
33 of a felony.  
34 11. Malpractice, gross incompetence or gross negligence in the  
35 practice of veterinary medicine. FOR THE PURPOSES OF THIS PARAGRAPH,  
36 "MALPRACTICE", "GROSS INCOMPETENCE" AND "GROSS NEGLIGENCE" INCLUDE THE  
37 FAILURE OF A VETERINARIAN WHO EXAMINES AN ANIMAL TO PROVIDE THE ANIMAL'S  
38 OWNER OR CARETAKER WITH ALL THE MEDICAL INFORMATION ABOUT THE ANIMAL THAT  
39 IS RELEVANT TO THE ANIMAL'S HEALTH, INCLUDING DISCLOSING ALL OF THE  
40 ANIMAL'S MEDICAL ISSUES THAT ARE NECESSARY FOR THE OWNER OR CARETAKER TO  
41 MAKE A FULLY INFORMED DECISION WHETHER TO PURSUE FURTHER TREATMENT OF THE  
42 ANIMAL WITH THAT VETERINARIAN OR WITH ANOTHER VETERINARIAN.  
43 12. Violation of the ethics of the profession as defined by rules  
44 adopted by the board.

- 1           13. Fraud or misrepresentation in procuring a license.
- 2           14. Knowingly signing a false affidavit.
- 3           15. Distribution of narcotics, dangerous drugs, prescription-only  
4 drugs or controlled substances for other than legitimate purposes.
- 5           16. Violation of or failure to comply with any state or federal laws  
6 or regulations relating to the storing, labeling, prescribing or  
7 dispensing of controlled substances or prescription-only drugs as defined  
8 in section 32-1901.
- 9           17. Offering, delivering, receiving or accepting any rebate, refund,  
10 commission, preference, patronage, dividend, discount or other  
11 consideration, whether in the form of money or otherwise, as compensation  
12 or inducement for referring animals or services to any person.
- 13           18. Violating or attempting to violate, directly or indirectly, or  
14 assisting or abetting the violation or conspiracy to violate any of the  
15 provisions of this chapter, a rule adopted by the board or a written order  
16 of the board.
- 17           19. Failing to dispense drugs and devices in compliance with article  
18 7 of this chapter.
- 19           20. Performing veterinary services without adequate equipment and  
20 sanitation considering the type of veterinary services provided.
- 21           21. Failure to maintain adequate records of veterinary services  
22 provided.
- 23           22. Medical incompetence in the practice of veterinary medicine.
- 24           23. Cruelty to or neglect of animals. For the purposes of this  
25 paragraph, "cruelty to or neglect of animals" means knowingly or  
26 negligently torturing, beating or mutilating an animal, killing an animal  
27 in an inhumane manner or depriving an animal of necessary food, water or  
28 shelter.
- 29           24. Representing that the veterinarian is a specialist if the  
30 veterinarian lacks the credentials to be a specialist.
- 31           25. Performing veterinary services without having a valid  
32 veterinarian client patient relationship.
- 33           26. Releasing, prescribing or dispensing any prescription drugs in  
34 the absence of a valid veterinarian client patient relationship.
- 35           27. FAILING TO PROVIDE RECORDS OR COPIES OF RECORDS OF VETERINARY  
36 MEDICAL SERVICES, INCLUDING COPIES OF RADIOGRAPHS, TO AN ANIMAL OWNER OR  
37 ANOTHER LICENSED VETERINARIAN CURRENTLY PROVIDING VETERINARY MEDICAL  
38 SERVICES WITHIN TEN DAYS AFTER THE DATE OF THE ANIMAL OWNER'S OR LICENSED  
39 VETERINARIAN'S REQUEST, OR IN FEWER THAN TEN DAYS IF THE ANIMAL'S MEDICAL  
40 CONDITION REQUIRES.
- 41           28. MAKING A FALSE STATEMENT ON OR ALTERING ANY DOCUMENT, RECORD OR  
42 REPORT CONCERNING THE MEDICAL TREATMENT OF AN ANIMAL.

1           Sec. 2. Title 32, chapter 21, article 3, Arizona Revised Statutes,  
2 is amended by adding section 32-2240.02, to read:

3           32-2240.02. Private right of action

4           A PERSON HAS A PRIVATE RIGHT OF ACTION IN SUPERIOR COURT AGAINST A  
5 VETERINARIAN IF THE PERSON IS IN A VETERINARIAN-CLIENT PATIENT  
6 RELATIONSHIP WITH THE VETERINARIAN AND THE VETERINARIAN DOES NOT FULLY  
7 DISCLOSE ALL OF THE INFORMATION ABOUT THE ANIMAL'S MEDICAL CONDITION TO  
8 THE PERSON, RESULTING IN THE PERSON DELAYING PURSUIT OF ADDITIONAL  
9 VETERINARY CARE FOR THE ANIMAL TO SAVE THE ANIMAL'S LIFE OR DIMINISH THE  
10 ANIMAL'S SUFFERING.