

REFERENCE TITLE: **veterinary medicine; electronic means**

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

SB 1053

Introduced by
Senator Shope

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)

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

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

4 32-2201. Definitions

5 In this chapter, unless the context otherwise requires:

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

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

9 3. "Certified veterinary technician" means either:

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

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

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

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

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

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

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

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

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

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

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

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

3 14. "Licensed veterinary faculty member" means a person who is
4 currently licensed to practice veterinary medicine as an employee of a
5 veterinary college in this state.

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

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

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

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

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

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

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

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

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

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

37 25. "Veterinarian client patient relationship" means ~~all of the~~
38 ~~following~~ A RELATIONSHIP BETWEEN A VETERINARIAN AND A CLIENT OR THE OWNER
39 OR CARETAKER OF AN ANIMAL IN WHICH THE VETERINARIAN MEETS ALL OF THE
40 FOLLOWING:

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

1 (b) ~~The veterinarian~~ Has sufficient knowledge of the animal to
2 initiate at least a general or preliminary diagnosis of the animal's
3 medical condition. FOR THE PURPOSES OF THIS SUBDIVISION, sufficient
4 knowledge is obtained when ANY OF THE FOLLOWING OCCURS:

5 (i) The veterinarian has recently seen and is personally acquainted
6 with the keeping and caring of the animal as a result of examining the
7 animal. ~~, when~~

8 (ii) The veterinarian makes medically appropriate and timely visits
9 to the premises where the animal is kept. ~~or when~~

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

12 (iv) THE VETERINARIAN OBTAINS CURRENT KNOWLEDGE OF THE ANIMAL
13 THROUGH ELECTRONIC MEANS, INCLUDING VIA AUDIO-ONLY TELEPHONE OR A
14 VIDEO-BASED COMMUNICATION MEDIUM.

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

17 (i) Emergency coverage.

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

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

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

27 28. "Veterinary faculty member" means a person who has received a
28 doctor's degree in veterinary medicine from a veterinary college and who
29 is an employee of a veterinary college in this state.

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

34 30. "Veterinary student" means a student who is regularly enrolled
35 in a veterinary college.

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

38 32-2240.02. Veterinarian client patient relationship through
39 electronic means; consent; prescriptions; scope
40 of practice

41 A. NOTWITHSTANDING ANY OTHER LAW, A VETERINARIAN MAY ESTABLISH A
42 VETERINARIAN CLIENT PATIENT RELATIONSHIP THROUGH ELECTRONIC MEANS IF ALL
43 OF THE FOLLOWING APPLY:

44 1. THE VETERINARIAN IS LICENSED PURSUANT TO THIS CHAPTER OR HOLDS A
45 PERMIT PURSUANT TO SECTION 32-2217.01.

1 2. THE VETERINARIAN OBTAINS CONSENT FROM THE CLIENT, INCLUDING AN
2 ACKNOWLEDGEMENT THAT THE STANDARDS OF CARE PRESCRIBED BY THIS CHAPTER
3 APPLY TO IN-PERSON VISITS AND VISITS THROUGH ELECTRONIC MEANS. THE
4 VETERINARIAN SHALL MAINTAIN FOR AT LEAST ONE YEAR DOCUMENTATION OF THE
5 CONSENT DESCRIBED IN THIS PARAGRAPH.

6 3. THE VETERINARIAN IS ABLE TO REFER THE CLIENT TO A LOCAL
7 VETERINARIAN WHO CAN SEE THE ANIMAL IN PERSON. THE CLIENT HAS THE OPTION
8 TO CHOOSE AN IN-PERSON VISIT.

9 B. VETERINARIANS MAY PRESCRIBE DRUGS OR MEDICATIONS AFTER
10 ESTABLISHING A VETERINARY CLIENT PATIENT RELATIONSHIP THROUGH ELECTRONIC
11 MEANS, EXCEPT THAT:

12 1. PRESCRIPTIONS BASED ON AN ELECTRONIC EXAMINATION MAY BE
13 INITIALLY ISSUED FOR NOT MORE THAN THIRTY DAYS AND MAY NOT BE RENEWED FOR
14 MORE THAN THIRTY DAYS WITHOUT AN ADDITIONAL ELECTRONIC EXAMINATION OR AN
15 IN-PERSON EXAMINATION.

16 2. A PRESCRIPTION RENEWED ONCE AND BASED ONLY ON ELECTRONIC
17 EXAMINATIONS MAY NOT BE RENEWED AGAIN WITHOUT AN IN-PERSON EXAMINATION.

18 3. THE VETERINARIAN MAY NOT ORDER, PRESCRIBE OR MAKE AVAILABLE A
19 CONTROLLED SUBSTANCE AS DEFINED IN SECTION 36-2501 UNLESS THE VETERINARIAN
20 HAS PERFORMED AN IN-PERSON PHYSICAL EXAMINATION OF THE PATIENT OR MADE
21 MEDICALLY APPROPRIATE AND TIMELY VISITS TO THE PREMISES WHERE THE PATIENT
22 IS KEPT.

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