

REFERENCE TITLE: veterinarians; malpractice; unprofessional conduct;
action

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

SB 1383

Introduced by
Senator Kavanagh

AN ACT

AMENDING SECTIONS 32-2232 AND 32-2233, 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 OF VETERINARY MEDICINE.

26 7. Chronic inebriety or THE unlawful use of narcotics, dangerous
27 drugs 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:

37 (a) THE FAILURE OF A LICENSED VETERINARIAN WHO EXAMINES AN ANIMAL
38 TO PROVIDE THE ANIMAL'S OWNER OR CARETAKER WITH ALL THE KNOWN MEDICAL
39 INFORMATION ABOUT THE ANIMAL THAT IS RELEVANT TO THE ANIMAL'S HEALTH,
40 INCLUDING DISCLOSING ALL OF THE ANIMAL'S KNOWN MEDICAL ISSUES THAT ARE
41 NECESSARY FOR THE OWNER OR CARETAKER TO MAKE A FULLY INFORMED DECISION
42 WHETHER TO PURSUE FURTHER TREATMENT OF THE ANIMAL WITH THAT LICENSED
43 VETERINARIAN OR WITH ANOTHER VETERINARIAN.

44 (b) THE FAILURE OF A LICENSED VETERINARIAN TO SUPERVISE UNLICENSED
45 PERSONS WHOM THE LICENSED VETERINARIAN AUTHORIZES TO PERFORM AN INVASIVE

1 PROCEDURE, INCLUDING INSERTING ENDOTRACHEAL TUBING, ADMINISTERING
2 MEDICATION INTRAVENOUSLY OR PERFORMING ANY OTHER INVASIVE PROCEDURE, ON AN
3 ANIMAL IF THE PROCEDURE RESULTS IN SERIOUS INJURY OR DEATH TO THE ANIMAL.

4 12. Violation of the ethics of the profession as defined by rules
5 adopted by the board.

6 13. Fraud or misrepresentation in procuring a license.

7 14. Knowingly signing a false affidavit.

8 15. Distribution of narcotics, dangerous drugs, prescription-only
9 drugs or controlled substances for other than legitimate purposes.

10 16. Violation of or failure to comply with any state or federal laws
11 or regulations relating to ~~the~~ storing, labeling, prescribing or
12 dispensing ~~of~~ controlled substances or prescription-only drugs as defined
13 in section 32-1901.

14 17. Offering, delivering, receiving or accepting any rebate, refund,
15 commission, preference, patronage, dividend, discount or other
16 consideration, whether in the form of money or otherwise, as compensation
17 or inducement for referring animals or services to any person.

18 18. Violating or attempting to violate, directly or indirectly, or
19 assisting or abetting the violation or conspiracy to violate ~~any of the~~
20 ~~provisions of~~ this chapter, a rule adopted by the board or a written order
21 of the board.

22 19. Failing to dispense drugs and devices in compliance with article
23 7 of this chapter.

24 20. Performing veterinary services without adequate equipment and
25 sanitation considering the type of veterinary services provided.

26 21. Failure to maintain adequate records of veterinary services
27 provided.

28 22. Medical incompetence in the practice of veterinary medicine.

29 23. Cruelty to or neglect of animals. For the purposes of this
30 paragraph, "cruelty to or neglect of animals" means knowingly or
31 negligently torturing, beating or mutilating an animal, killing an animal
32 in an inhumane manner or depriving an animal of necessary food, water or
33 shelter.

34 24. Representing that the **LICENSED** veterinarian is a specialist if
35 the **LICENSED** veterinarian lacks the credentials to be a specialist.

36 25. Performing veterinary services without having a valid
37 veterinarian client patient relationship.

38 26. Releasing, prescribing or dispensing any prescription drugs in
39 the absence of a valid veterinarian client patient relationship.

40 27. **MAKING A FALSE STATEMENT ON OR ALTERING ANY DOCUMENT, RECORD OR**
41 **REPORT CONCERNING THE MEDICAL TREATMENT OF AN ANIMAL.**

1 Sec. 2. Section 32-2233, Arizona Revised Statutes, is amended to
2 read:

3 32-2233. Revocation or suspension of license or permit; civil
4 penalties; report of perjury

5 A. The board, by majority consent, may revoke or suspend a permit
6 or license granted to any person under this chapter or may impose a civil
7 penalty of not ~~to exceed one thousand dollars~~ MORE THAN \$1,000 against any
8 veterinarian or the responsible veterinarian, or both, for:

9 1. Unprofessional or dishonorable conduct.

10 2. Publicly professing to cure or treat diseases of a highly
11 contagious, infectious and incurable nature.

12 3. Curing or treating an injury or deformity in such a way as to
13 deceive the public.

14 4. Testing any animal for any communicable disease and knowingly
15 stating verbally or in writing that the ~~animals are~~ ANIMAL IS diseased or
16 in a disease-free condition if the statement is contrary to the indication
17 of the test made.

18 B. The board may sanction any of the following conduct as an
19 administrative violation, rather than unprofessional conduct, and may
20 impose a civil penalty of not more than ~~one thousand dollars~~ \$1,000 for
21 any of the following:

22 1. Failure to timely renew the veterinary license or the premises
23 license while continuing to practice veterinary medicine or conducting
24 business from ~~that~~ THOSE premises.

25 2. Failure to notify the board in writing within twenty days ~~of~~
26 AFTER any change in residence, practice, ownership, management or
27 responsible veterinarian.

28 3. Minor records violations that are routine entries into a medical
29 record and that do not affect the diagnosis or care of the animal.

30 4. FAILURE TO PROVIDE RECORDS OR COPIES OF RECORDS OF VETERINARY
31 MEDICAL SERVICES, INCLUDING COPIES OF RADIOGRAPHS, TO THE OWNER OF OR
32 ANOTHER LICENSED VETERINARIAN CURRENTLY PROVIDING VETERINARY MEDICAL
33 SERVICES TO AN ANIMAL WITHIN TEN DAYS AFTER THE DATE OF THE OWNER'S OR
34 LICENSED VETERINARIAN'S REQUEST OR IN LESS THAN TEN DAYS IF THE ANIMAL'S
35 MEDICAL CONDITION REQUIRES.

36 C. The civil penalties collected pursuant to this chapter shall be
37 deposited in the state general fund.

38 D. The board may report to the proper legal authorities for perjury
39 anyone it suspects of giving deliberate, fraudulent testimony whether the
40 testimony is given personally, telephonically or in writing.

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

43 32-2240.02. Private right of action; damages

44 A. A PERSON HAS A PRIVATE RIGHT OF ACTION IN COURT AGAINST A
45 LICENSED VETERINARIAN IF THE PERSON IS IN A VETERINARIAN CLIENT PATIENT

1 RELATIONSHIP WITH THE LICENSED VETERINARIAN AND THE LICENSED VETERINARIAN
2 EITHER:
3 1. DOES NOT FULLY DISCLOSE ALL OF THE KNOWN INFORMATION ABOUT THE
4 ANIMAL'S MEDICAL CONDITION TO THE PERSON, RESULTING IN THE PERSON DELAYING
5 PURSUIT OF ADDITIONAL VETERINARY CARE FOR THE ANIMAL TO SAVE THE ANIMAL'S
6 LIFE OR DIMINISH THE ANIMAL'S SUFFERING.
7 2. ALLOWS AN UNLICENSED PERSON TO INSERT ENDOTRACHEAL TUBING,
8 ADMINISTER INTRAVENOUS MEDICATION OR PERFORM ANY OTHER INVASIVE PROCEDURE
9 ON AN ANIMAL WITHOUT THE DIRECT SUPERVISION OF THE LICENSED VETERINARIAN
10 AND THE PROCEDURE RESULTS IN SERIOUS INJURY TO OR DEATH OF THE ANIMAL.
11 B. A PERSON WHO PREVAILS IN A PRIVATE RIGHT OF ACTION UNDER THIS
12 CHAPTER IS ENTITLED TO THE FOLLOWING:
13 1. FOR THE DEATH OF AN ANIMAL, THE FAIR MARKET VALUE OF THE ANIMAL
14 OR THE REASONABLE REPLACEMENT COST OF THE ANIMAL, WHICHEVER IS GREATER,
15 AND THE COST OF ALL MEDICAL EXPENSES FOR THE ANIMAL RELATING TO THE ACTION
16 DESCRIBED IN SUBSECTION A, PARAGRAPH 1 OR 2 OF THIS SECTION.
17 2. FOR SERIOUS INJURY TO AN ANIMAL, THE COST OF ALL MEDICAL
18 EXPENSES FOR THE ANIMAL RELATING TO THE ACTION DESCRIBED IN SUBSECTION A,
19 PARAGRAPH 1 OR 2 OF THIS SECTION, INCLUDING ONGOING CARE.