

REFERENCE TITLE: veterinarians; malpractice; unprofessional conduct

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1200

Introduced by
Senator Kavanagh: Representative Shah

AN ACT

AMENDING SECTIONS 32-2232, 32-2233 AND 32-2237, 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 32-2232, 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.

36 12. Violation of the ethics of the profession as defined by rules
37 adopted by the board.

38 13. Fraud or misrepresentation in procuring a license.

39 14. Knowingly signing a false affidavit.

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

42 16. Violation of or failure to comply with any state or federal laws
43 or regulations relating to the storing, labeling, prescribing or
44 dispensing of controlled substances or prescription-only drugs as defined
45 in section 32-1901.

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

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

9 19. Failing to dispense drugs and devices in compliance with article
10 7 of this chapter.

11 20. Performing veterinary services without adequate equipment and
12 sanitation considering the type of veterinary services provided.

13 21. Failure to maintain adequate records of veterinary services
14 provided.

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

16 23. Cruelty to or neglect of animals. For the purposes of this
17 paragraph, "cruelty to or neglect of animals" means knowingly or
18 negligently torturing, beating or mutilating an animal, killing an animal
19 in an inhumane manner or depriving an animal of necessary food, water or
20 shelter.

21 24. Representing that the veterinarian is a specialist if the
22 veterinarian lacks the credentials to be a specialist.

23 25. Performing veterinary services without having a valid
24 veterinarian client patient relationship.

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

27 27. MAKING A FALSE STATEMENT ON OR ALTERING ANY DOCUMENT, RECORD OR
28 REPORT TO INCLUDE A FALSE STATEMENT CONCERNING THE MEDICAL TREATMENT OF AN
29 ANIMAL.

30 28. WITHHOLDING KNOWN MEDICAL INFORMATION ABOUT AN ANIMAL THAT IS
31 RELEVANT TO THE ANIMAL'S HEALTH, INCLUDING ALL OF THE ANIMAL'S KNOWN
32 MEDICAL ISSUES THAT ARE NECESSARY FOR THE OWNER OR CARETAKER TO MAKE A
33 FULLY INFORMED DECISION WHETHER TO PURSUE FURTHER TREATMENT OF THE ANIMAL
34 WITH THAT VETERINARIAN OR WITH ANOTHER VETERINARIAN.

35 29. ALLOWING A PERSON TO PERFORM A PROCEDURE THE PERSON IS NOT
36 CERTIFIED TO PERFORM WITHOUT SUPERVISION UNLESS THE VETERINARIAN CONFIRMS
37 THE PERSON'S ABILITY TO PERFORM THE PROCEDURE.

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

40 32-2233. Revocation or suspension of license or permit; civil
41 penalties; report of perjury

42 A. The board, by majority consent, may revoke or suspend a permit
43 or license granted to any person under this chapter or may impose a civil
44 penalty of not ~~to exceed one thousand dollars~~ MORE THAN \$1,900 against any
45 veterinarian or the responsible veterinarian, or both, for:

- 1 1. Unprofessional or dishonorable conduct.
- 2 2. Publicly professing to cure or treat diseases of a highly
- 3 contagious, infectious and incurable nature.
- 4 3. Curing or treating an injury or deformity in such a way as to
- 5 deceive the public.
- 6 4. Testing any animal for any communicable disease and knowingly
- 7 stating verbally or in writing that the ~~animals are~~ ANIMAL IS diseased or
- 8 in a disease-free condition if the statement is contrary to the indication
- 9 of the test made.

10 B. The board may sanction any of the following conduct as an

11 administrative violation, rather than unprofessional conduct, and may

12 impose a civil penalty of not more than ~~one thousand dollars~~ \$1,900 for

13 any of the following:

- 14 1. Failure to timely renew the veterinary license or the premises
- 15 license while continuing to practice veterinary medicine or conducting
- 16 business from ~~that~~ THOSE premises.
- 17 2. Failure to notify the board in writing within twenty days ~~of~~
- 18 AFTER any change in residence, practice, ownership, management or
- 19 responsible veterinarian.
- 20 3. Minor records violations that are routine entries into a medical
- 21 record and that do not affect the diagnosis or care of the animal.
- 22 4. FAILURE TO PROVIDE RECORDS OR COPIES OF RECORDS OF VETERINARY
- 23 MEDICAL SERVICES, INCLUDING COPIES OF RADIOGRAPHS, TO THE OWNER OF OR
- 24 ANOTHER VETERINARIAN CURRENTLY PROVIDING VETERINARY MEDICAL SERVICES TO AN
- 25 ANIMAL WITHIN TEN DAYS AFTER THE DATE OF THE OWNER'S OR VETERINARIAN'S
- 26 REQUEST OR IN LESS THAN TEN DAYS IF THE ANIMAL'S MEDICAL CONDITION
- 27 REQUIRES.

28 C. FOR EACH YEAR BEGINNING FROM AND AFTER DECEMBER 31, 2024, THE

29 BOARD SHALL INCREASE THE DOLLAR AMOUNTS OF THE MAXIMUM CIVIL PENALTIES

30 IMPOSED PURSUANT TO SUBSECTIONS A AND B OF THIS SECTION FOR INFLATION

31 BASED ON THE GDP PRICE DEFLATOR AS DEFINED IN SECTION 41-563. The civil

32 penalties collected pursuant to this chapter shall be deposited in the

33 state general fund.

34 D. The board may report to the proper legal authorities for perjury

35 anyone it suspects of giving deliberate, fraudulent testimony whether the

36 testimony is given personally, telephonically or in writing.

37 Sec. 3. Section 32-2237, Arizona Revised Statutes, is amended to

38 read:

39 32-2237. Committee to investigate violations; referral to

40 county attorney or attorney general; inspection of

41 records; subpoenas; civil penalty; injunctions;

42 cease and desist orders; confidentiality

43 A. The board shall appoint one or more investigative committees,

44 each consisting of three licensed veterinarians who are not board members

45 and two members of the general public who are not board members. The

1 board shall appoint and dismiss members of investigative committees. Each
2 member shall serve for a term of two years. A committee member may not
3 serve more than four consecutive terms. A member of ~~the~~ AN investigative
4 committee must resign when the member files an application to serve on the
5 board. A quorum for an investigative committee shall include at least
6 three members, at least two of whom must be veterinarians.

7 B. The investigative committee may interview witnesses, gather
8 evidence and otherwise investigate any allegations accusing any person of
9 violating ~~any of the provisions of~~ this chapter. An assistant attorney
10 general shall advise the investigative committee on all questions of law
11 arising out of its investigations. The expenses of the committee shall be
12 paid out of the veterinary medical examining board fund.

13 C. The investigative committee shall prepare a written report
14 relating to any allegations it investigates. The committee shall present
15 its report to the board in an open meeting. The report shall include:

- 16 1. A summary of the investigation.
- 17 2. Findings of fact.

18 3. Either a recommendation to dismiss the allegation made in the
19 complaint or a finding that a violation of this chapter or a rule adopted
20 pursuant to this chapter occurred.

21 D. If the board rejects any recommendation contained in a report of
22 the investigative committee, it shall document the reasons for its
23 decision in writing.

24 E. ~~Upon the~~ ON complaint of any citizen of this state, or ~~upon~~ ON
25 its own initiative, the board may investigate any alleged violation of
26 this chapter. If after investigation the board has probable cause to
27 believe that an unlicensed person is performing acts that are required to
28 be performed by a person licensed pursuant to this chapter, the board may
29 take one or more of the following enforcement actions:

- 30 1. Issue a cease and desist order.
- 31 2. Request the county attorney or attorney general to file criminal
32 charges against the person.

33 3. File an action in the superior court to enjoin the person from
34 engaging in the unlicensed practice of veterinary medicine.

35 4. After notice and an opportunity for a hearing, impose a civil
36 penalty of not more than ~~one thousand dollars~~ \$1,900 for each violation.
37 FOR EACH YEAR BEGINNING FROM AND AFTER DECEMBER 31, 2024, THE BOARD SHALL
38 INCREASE THE DOLLAR AMOUNT OF THE MAXIMUM CIVIL PENALTY IMPOSED PURSUANT
39 TO THIS PARAGRAPH FOR INFLATION BASED ON THE GDP PRICE DEFLATOR AS DEFINED
40 IN SECTION 41-563.

41 F. The board or its agents or employees may at all reasonable times
42 have access to and the right to copy any documents, reports, records or
43 other physical evidence of any veterinarian, including documents, reports,
44 records or physical evidence maintained by and in the possession of any
45 veterinary medical hospital, clinic, office or other veterinary medical

1 premises being investigated, if such documents, records, reports or other
2 physical evidence relates to a specific investigation or proceeding
3 conducted by the board.

4 G. The board on its own initiative or ~~upon~~ ON application of any
5 person involved in an investigation or proceeding conducted by the board
6 may issue subpoenas compelling the attendance and testimony of witnesses
7 or demanding the production for examination or copying of documents,
8 reports, records or any other physical evidence if such evidence relates
9 to the specific investigation or proceeding conducted by the board.

10 H. Except as provided in this subsection, all materials, documents
11 and evidence associated with a pending or resolved complaint or
12 investigation are confidential and are not public records. The following
13 materials, documents and evidence are not confidential and are public
14 records if they relate to resolved complaints:

15 1. The complaint.

16 2. The response and any rebuttal statements submitted by the
17 licensee or certificate holder.

18 3. Board discussions of complaints that are recorded pursuant to
19 section 32-2204, subsection C.

20 4. Written reports of an investigative committee that are prepared
21 pursuant to subsection C of this section.

22 5. Written statements of the board that are prepared pursuant to
23 subsection D of this section.