

Senate Engrossed

veterinarians; malpractice; unprofessional conduct

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

# SENATE BILL 1200

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; definition

5 A. 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~~ 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~~ 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  
43 laws 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,  
2 refund, 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  
10 article 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 A DOMESTIC ANIMAL  
31 THAT IS NECESSARY FOR THE OWNER OR CARETAKER TO MAKE AN INFORMED DECISION  
32 WHETHER TO PURSUE FURTHER TREATMENT OF THE DOMESTIC ANIMAL WITH THAT  
33 VETERINARIAN OR WITH ANOTHER VETERINARIAN.

34 29. DELEGATING PROFESSIONAL RESPONSIBILITIES TO A PERSON WHEN  
35 KNOWING OR HAVING REASON TO KNOW THAT THE PERSON IS NOT QUALIFIED BY  
36 TRAINING, EXPERIENCE, EDUCATION OR CERTIFICATION TO PERFORM THOSE  
37 RESPONSIBILITIES.

38 B. FOR THE PURPOSES OF THIS SECTION, "DOMESTIC ANIMAL" MEANS A  
39 MAMMAL, BIRD, REPTILE OR AMPHIBIAN THAT IS NOT REGULATED BY TITLE 3 AND  
40 THAT IS KEPT PRIMARILY AS A PET OR COMPANION OR THAT IS BRED TO BE A PET  
41 OR COMPANION.

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; definition

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 \$1,900 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~~ \$1,900 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 VETERINARIAN CURRENTLY PROVIDING VETERINARY MEDICAL SERVICES TO A  
33 DOMESTIC ANIMAL WITHIN TEN DAYS AFTER THE DATE OF THE OWNER'S OR  
34 VETERINARIAN'S REQUEST OR IN LESS THAN TEN DAYS IF THE DOMESTIC ANIMAL'S  
35 MEDICAL CONDITION REQUIRES.

36           C. FOR EACH YEAR BEGINNING FROM AND AFTER DECEMBER 31, 2024, THE  
37 BOARD SHALL INCREASE THE DOLLAR AMOUNTS OF THE MAXIMUM CIVIL PENALTIES  
38 IMPOSED PURSUANT TO SUBSECTIONS A AND B OF THIS SECTION FOR INFLATION  
39 BASED ON THE GDP PRICE DEFLATOR AS DEFINED IN SECTION 41-563. The civil  
40 penalties collected pursuant to this chapter shall be deposited in the  
41 state general fund.

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

1 E. FOR THE PURPOSES OF THIS SECTION, "DOMESTIC ANIMAL" MEANS A  
2 MAMMAL, BIRD, REPTILE OR AMPHIBIAN THAT IS NOT REGULATED BY TITLE 3 AND  
3 THAT IS KEPT PRIMARILY AS A PET OR COMPANION OR THAT IS BRED TO BE A PET  
4 OR COMPANION.

5 Sec. 3. Section 32-2237, Arizona Revised Statutes, is amended to  
6 read:

7 32-2237. Committee to investigate violations; referral to  
8 county attorney or attorney general; inspection of  
9 records; subpoenas; civil penalty; injunctions;  
10 cease and desist orders; confidentiality

11 A. The board shall appoint one or more investigative committees,  
12 each consisting of three licensed veterinarians who are not board members  
13 and two members of the general public who are not board members. The  
14 board shall appoint and dismiss members of investigative committees. Each  
15 member shall serve for a term of two years. A committee member may not  
16 serve more than four consecutive terms. A member of ~~the~~ AN investigative  
17 committee must resign when the member files an application to serve on the  
18 board. A quorum for an investigative committee shall include at least  
19 three members, at least two of whom must be veterinarians.

20 B. The investigative committee may interview witnesses, gather  
21 evidence and otherwise investigate any allegations accusing any person of  
22 violating ~~any of the provisions of~~ this chapter. An assistant attorney  
23 general shall advise the investigative committee on all questions of law  
24 arising out of its investigations. The expenses of the committee shall be  
25 paid out of the veterinary medical examining board fund.

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

- 29 1. A summary of the investigation.
- 30 2. Findings of fact.
- 31 3. Either a recommendation to dismiss the allegation made in the  
32 complaint or a finding that a violation of this chapter or a rule adopted  
33 pursuant to this chapter occurred.

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

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

- 43 1. Issue a cease and desist order.
- 44 2. Request the county attorney or attorney general to file criminal  
45 charges against the person.

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

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

9           F. The board or its agents or employees may at all reasonable times  
10 have access to and the right to copy any documents, reports, records or  
11 other physical evidence of any veterinarian, including documents, reports,  
12 records or physical evidence maintained by and in the possession of any  
13 veterinary medical hospital, clinic, office or other veterinary medical  
14 premises being investigated, if such documents, records, reports or other  
15 physical evidence relates to a specific investigation or proceeding  
16 conducted by the board.

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

23           H. Except as provided in this subsection, all materials, documents  
24 and evidence associated with a pending or resolved complaint or  
25 investigation are confidential and are not public records. The following  
26 materials, documents and evidence are not confidential and are public  
27 records if they relate to resolved complaints:

28           1. The complaint.

29           2. The response and any rebuttal statements submitted by the  
30 licensee or certificate holder.

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

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

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