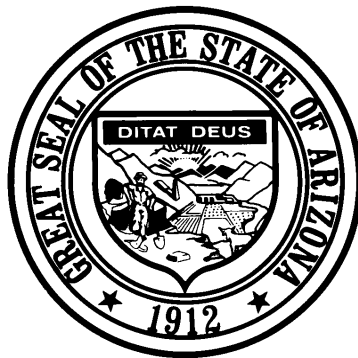


**THE ARIZONA STATE
VETERINARY MEDICAL EXAMINING BOARD**

ARIZONA REVISED STATUTES

LAWS AS AMENDED 2006



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CHAPTER 21
VETERINARIANS

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Article 1. **Administration**

32-2201. Definitions

In this chapter, unless the context otherwise requires:

1. "Animal" means any animal other than human.
2. "Board" means the Arizona State Veterinary Medical Examining Board.
3. "Consulting" means providing professional or expert advice which is requested by a veterinarian licensed in this state and is rendered only on a specific case basis.
4. "Controlled substance" means any substance which is registered and controlled under the federal controlled substances act (P.L. 91-513).
5. "Cremation" means the heating process that reduces animal remains to bone fragments by combustion and evaporation.
6. "Crematory" means a building or portion of a building that is licensed pursuant to article 8 of this chapter and that houses a retort in which only animal remains are cremated.
7. "Diplomate" means a veterinarian certified as a specialist in a particular discipline by a national specialty board or college recognized by the American Veterinary Medical Association after the completion of additional education and training, an internship or residency, passing required examinations and meeting any other criteria required by the various individual national specialty boards or colleges.
8. "Gross incompetence" means any professional misconduct or unreasonable lack of professional skill in the performance of professional practice.
9. "Gross negligence" means treatment of a patient or practice of veterinary medicine resulting in injury, unnecessary suffering or death that was caused by carelessness, negligence or the disregard of established principles or practices.
10. "Letter of Concern" means an advisory letter to notify a veterinarian that, while there is insufficient evidence to support disciplinary action, the board believes the veterinarian should modify or eliminate certain practices and that continuation of the activities that led to the information being submitted to the board may result in action against the veterinarian's license.
11. "Licensed veterinarian" means a person who is currently licensed to practice veterinary medicine in this state.
12. "Malpractice" means treatment in a manner contrary to accepted practices and with injurious results.

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

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

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

16. "Responsible veterinarian" means the veterinarian responsible to the board for compliance by licensed veterinary premises with the laws and rules of this state and of the federal government pertaining to the practice of veterinary medicine and responsible for the establishment of policy at such premises.

17. "Temporary sites" means sites where outpatient veterinary services are performed.

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

19. "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from a college of veterinary medicine.

20. "Veterinary college" means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation by the American Veterinary Medical Association.

21. "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, acupuncture, manipulation and all other branches or specialties of veterinary medicine and the prescribing, administering or dispensing of drugs and medications for veterinary purposes.

32-2202. Board; appointment; term; qualifications; officers; compensation

A. There shall be an Arizona State Veterinary Medical Examining Boarding of nine members appointed by the governor pursuant to section 38-211.

B. Each member shall serve for a term of five years. No member shall serve more than two full terms. After notice and a hearing before the Governor, a member of the board may be removed on a finding by the Governor of continued neglect of duty, incompetence or unprofessional or dishonorable conduct. The term of any member automatically ends on written resignation submitted to the board or to the Governor.

C. Five members shall be licensed veterinarians who have an established practice location in this state or are employed by a university or a political subdivision of the state and who have resided and practiced in the state for five years immediately preceding appointment, no more than three of whom shall be from the same veterinary college. Four members shall be laypersons, three representing the general public and one representing the livestock industry. Except as provided in subsection F of this section, a person who has been convicted of a violation of any provision of this chapter is ineligible for appointment.

D. The board shall elect a chairman and other officers, as it deems necessary. The term of each officer shall be one year ending June 30, or until the officer's successor is elected and qualifies.

E. Each member of the board shall receive compensation at a rate not exceeding one hundred dollars for each day engaged in the service of the board.

F. The Governor may appoint a person to the board who has previously been sanctioned pursuant to section 32-2233, subsection B.

32-2203. Reports

The chairman of the board shall make an annual report to the Governor on or before October 1 of each year. The report shall include a summary of licenses or certificates denied, suspended or revoked and licensees censured and placed on probation and a financial statement for the preceding fiscal year. Any member of the board may submit a separate report to the governor on or before October 1 of each year that includes the member's comments on the board's licensing and disciplinary activities for the preceding fiscal year.

32-2204. Meetings; quorum

A. The board shall hold one annual meeting and other meetings as necessary. Special meetings may be called by the chairman of the board. The time and place of the annual meeting and the method of giving notice of special meetings shall be fixed by the rules adopted by the board.

B. At each board meeting the board shall make a call to the public informing attendees that any member of the public may address the board regarding any matter that appears on the board's agenda.

C. The board shall tape record all discussions of complaints that are not conducted in executive session. The board shall retain the tapes for at least two years.

D. A majority of the board members shall constitute a quorum.

32-2205. Veterinary Medical Examining Board fund

A. The veterinary medical examining board fund is established. Pursuant to sections 35-146 and 35-147, the board shall deposit ten per cent of all fees and other revenue accruing to the board in the state general fund and deposit the remaining ninety per cent in the veterinary medical examining board fund.

B. All monies deposited in the veterinary medical examining board fund are subject to section 35-143.01.

32-2206. Board personnel

The board may employ personnel, as it deems necessary to provide investigative, professional and clerical assistance as required to perform its duties under this article. Personnel are eligible to receive compensation in an amount as determined pursuant to section 38-611. The board may contract with other state or federal agencies as required to carry out this article.

32-2207 Veterinary board; powers and duties

The primary duty of the board is to protect the public from unlawful, incompetent, unqualified, impaired or unprofessional practitioners of veterinary medicine through licensure and regulation of the profession in this state. The powers and duties of the board include:

1. Administering and enforcing this chapter and board rules.
2. Regulating disciplinary actions, the granting, denial, revocation, renewal and suspension of licenses and certificates and the rehabilitation of licensees and certificate holders pursuant to this chapter and board rules.
3. Prescribing the forms, content and manner of application for licensure and certification and renewal of licensure and certification and setting deadlines for the receipt of materials required by the board.
4. Keeping a record of all licensees and certificate holders, board actions taken concerning all applicants, licensees and certificate holders and the receipt and disbursement of monies.
5. Adopting an official seal for attestation of licenses, certificates and other official papers and documents.
6. Investigating charges of violations of this chapter and board rules and orders.

7. Employing an executive director who serves at the pleasure of the board.
8. Adopting rules pursuant to title 41, chapter 6 that relate to the qualifications and regulation of doctors of veterinary medicine, veterinary technicians, veterinary premises, mobile veterinary clinics and crematories and other rules that the board deems necessary for the administration of this chapter. The rules may include continuing education requirements for licensees and certificate holders and shall include:
 - (a) Minimum standards of veterinary practice.
 - (b) Provisions to ensure that the public has reasonable access to non-confidential information about the licensing or certification status of persons regulated under this chapter and about resolved complaints against licensees and certificate holders.
 - (c) Provisions to ensure that members of the public have an opportunity to evaluate the services that the board provides to the public.
9. Establishing by rule fees and penalties as provided in this chapter, including fees for the following:
 - (a) Reproduction of documents.
 - (b) Verification of information about a licensed veterinarian at the request of a veterinary licensing board in another jurisdiction.
 - (c) Return of checks due to insufficient funds, an order to stop payment or a closed account.
 - (d) Provision of a list of the names of veterinarians, veterinary technicians or veterinary premises licensed by the board.
10. Adopting rules that require the board to inform members of the public about the existence of the office of the ombudsman-citizens aide established by section 41-1375.

32-2208. Immunity from personal liability

Members, agents and employees of the board and members of board committees are immune from personal liability with respect to acts done and actions taken in good faith within the scope of their authority.

Article 2 **Licensing**

32-2211. Exceptions from application of chapter

This chapter shall not apply to:

1. A commissioned veterinary medical officer of the United States armed services, or employees of the Animal Disease Eradication Division of the United States Department of Agriculture.
2. A person treating an animal belonging to himself or his employer while in the regular service of such employer, or the animal of another without compensation therefor. Animals consigned by their legal owner for feeding or care to consignment livestock operations shall be considered to be the property of the consignee.
3. A licensed veterinarian of another state or foreign country consulting with a licensed veterinarian in this state.
4. A veterinary student regularly enrolled in the final half of the veterinary curriculum in any veterinary college approved by the American Veterinary Medical Association and working under the direct and personal instruction, control or supervision of a licensed veterinarian, if such student's compensation is paid solely by such veterinarian. Such student may perform those acts of health care that are assigned by the veterinarian having responsibility for the care of the animal. The student is not permitted to perform anesthesia or surgery unless the student is directly assisting the supervising licensed veterinarian who is performing the anesthesia or surgery.
5. A veterinary assistant employed by a licensed veterinarian performing duties other than diagnosis, prognosis, prescription or surgery under the direction and supervision of such veterinarian who shall be responsible for such assistant's performance.

32-2212. Issuance of license; previous licenses qualified; use of designations

- A. If the applicant satisfactorily passes the examination given by the board, demonstrates a scientific and practical knowledge of the art and science of veterinary medicine and, in addition, complies with the provisions of this chapter, the board shall issue a license to the applicant to practice veterinary medicine in this state.
- B. The board shall deny licensure to an applicant who has satisfied all licensing requirements but who has not submitted the license issuance fee within twelve months after the date of the examination. An applicant who fails to submit the fee within that time forfeits his qualification for licensure and the applicant shall reapply for licensure pursuant to sections 32-2213 and 32-2214.

C. All persons presently licensed to practice veterinary medicine in the state of Arizona who have complied with the provisions of law existing prior to June 12, 1967 shall be considered as licensed veterinarians under this chapter and the names of such licensees shall be entered upon the official register kept by the board.

D. No person shall append any letters to such person's name, indicating a degree in veterinary medicine, such as D.V.M. or V.M.D., or use the word doctor, veterinary, veterinarian, professor, animal doctor, animal surgeon, or any abbreviation or combination thereof of similar import in connection with such person's name, or any trade name in the conduct of any occupation or profession pertaining to the diagnosis or treatment of animal diseases or conditions mentioned in this chapter, unless such person is licensed to practice veterinary medicine under the provisions of this chapter.

32-2213. Application for license; retention of examination materials

A. A person desiring to practice veterinary medicine or surgery shall make a written application to the board for a license to practice. The application shall be on a form provided by the board and shall require the following information:

1. Name, age and address of the applicant.
2. Names of schools of veterinary medicine attended, dates of attendance and date of transfer.
3. Degrees held from schools of veterinary medicine.
4. Places and length of time in active practice in other states or territories of the United States, if any, and that the applicant is in good standing in such places.
5. An affidavit that the facts recited in the application are accurate, true, and complete.
6. An affidavit that no complaint has been filed and is pending, no investigation is pending and no disciplinary action has been taken or is pending on any veterinary license the applicant holds from another state.
7. Such other information as may be required by rules adopted by the board.

B. All examination papers, tapes, questions and answers shall be maintained in accordance with a retention schedule approved by the Arizona state library, archives and public records.

32-2214. Examination of applicants; confidentiality

A. All applicants for a license shall be given a state examination.

B. Examinations shall be held in January and June of each year unless otherwise provided by the board.

C. The examination shall consist of the following:

1. A state examination approved by the board.
2. The North American Veterinary Licensing Examination.

D. The state examination shall be so conducted that the members of the board do not know the name of the applicant until the judging or grading is officially completed.

E. A grade of at least seventy-five per cent shall be required to successfully pass the North American Veterinary Licensing Examination. A grade of at least seventy-five per cent shall be required to successfully pass the state examination. The scores of the North American Veterinary Licensing Examination and the state examination shall not be averaged. National board scores that are received from either the national examination committee or the North American Veterinary Licensing Examination committee from another state may be accepted for part of applicant's passing score.

F. An applicant's score that was received within the preceding five years and that is on record at the national examination service or the North American Veterinary Licensing Examination committee shall be verified through either the national examination service or the North American Veterinary Licensing Examination committee, unless the applicant is applying for endorsement or a specialty license under section 32-2215, subsection C or D in which case the applicant's score shall be transcribed and received by the board.

G. All examination materials, records of examination grading and performance and transcripts of educational institutions concerning applicants or licensees are confidential and not public records.

32-2215. Qualifications for license

A. An applicant for a license issued under this chapter shall:

1. Be of good moral character.
2. Be a graduate of a veterinary college that is accredited by the American Veterinary Medical Association or hold a certificate issued by the educational commission for foreign veterinary graduates, the program for the assessment of veterinary education equivalence or a foreign graduate testing program approved by the board.
3. Satisfactorily pass an examination given by the board as provided in this chapter.

B. An Applicant may be denied licensure either before or after examination if the applicant has committed any act that if committed by a licensee would be grounds for suspension or revocation of a license to practice veterinary medicine under this chapter.

C. The board may waive the examination requirements pursuant to section 32-2214, subsection C, paragraph 2 and, except as provided in subsection E of this section, may issue a license by endorsement to an applicant to practice veterinary medicine if the applicant provides all required documentation pursuant to section 32-2213 and meets the following requirements:

1. The applicant holds an active license in one or more other states and submits verification that the applicant has previously taken and passed the examination required by section 32-2214, with a score at least equal to the score required to pass in this state. An applicant who received original licensure before the examination required by section 32-2214 was required in the state in which the applicant was originally licensed may be eligible for licensure without having taken that examination as required pursuant to this chapter if all other requirements are met.
2. The applicant has been lawfully and actively engaged in the practice of veterinary medicine for at least three of the preceding five years or six of the preceding ten years in one or more states before filing an application for licensure in this state.
3. The applicant has graduated from a veterinary college recognized by the board.
4. The applicant passes a state examination approved by the board. A grade of at least seventy-five per cent is required to successfully pass the examination.
5. The applicant pays a fee for the license of seven hundred fifty dollars.

D. The board may waive the examination requirements pursuant to section 32-2214, subsection C, paragraph 2 and, except as provided in subsection E of this section, may issue a specialty license to an applicant to practice veterinary medicine if the applicant provides all required documentation pursuant to section 32-2213 and meets the following requirements:

1. The applicant holds a current certification as a diplomate of a national specialty board or college recognized by the American Veterinary Medical Association.
2. The applicant's practice is limited to the scope of the applicant's board certification.
3. The applicant successfully passes a state examination approved by the board with a score of at least seventy-five per cent.
4. The applicant pays a fee for the specialty license of seven hundred fifty dollars.

E. The board shall determine if previous disciplinary action prevents licensure by endorsement or specialty licensure of an applicant to practice veterinary medicine and the board may discipline the licensee at the time of licensure as a result of the previous disciplinary action.

32-2216. Issuance of temporary permits

A. Applicants for a license may be issued temporary permits by the board who at the time of application are graduates of a veterinary college.

B. The temporary permit issued under the provisions of this section entitles the applicant to engage in the active practice of veterinary medicine in this state as an employee of a licensed veterinarian, the state or any county or municipality in this state. Such applicant shall be eligible for the next examination, if he or she has not violated any provision of this chapter. Such applicant working under the direct and personal instruction, control or supervision of a licensed veterinarian and whose compensation is paid by such veterinarian may perform those acts of animal health care assigned by the veterinarian having responsibility for the care of the animal. No temporary permit shall be valid beyond the time for the next license examination for which the applicant is qualified. In the event any such applicant fails for good and sufficient reason to take the examination, the board, by majority consent, may extend the permit until the next succeeding examination. Except as otherwise provided in this section, the holder of a temporary permit must be examined and satisfactorily pass the license examination next following the issuance of the permit and duly receive a license in order to continue active professional practice. No more than two temporary permits shall be issued to one individual. For purposes of this subsection, "direct and personal instruction, control or supervision" means that a veterinarian licensed by the board is physically present and personally supervising a temporary permittee when a permittee is practicing acts of veterinary medicine except if a permittee is at a temporary site for the purpose of delivering services to large animals or if a permittee is administering emergency services not during regular office hours. In these cases, phone contact constitutes direct and personal instruction, control or supervision.

C. If an employer, for any reason, terminates the employment of the applicant, the employing veterinarian shall notify the board and the temporary permit is immediately void.

32-2217. Employees of the state or political subdivisions; license

The board shall issue a license to any person who is not licensed by examination to practice veterinary medicine in the state and who is employed as a veterinarian by the state or any political subdivision thereof. An applicant for a license under the terms of this section shall make written application therefor to the board as required by section 32-2213 and shall meet the qualifications prescribed by section 32-2215 with the exception of subsection A, paragraph 3. The holder of a license issued under the terms of this section shall engage only in such actions of the practice of veterinary medicine as shall be authorized by the board, and in no event shall acts of practice be performed for any person or firm other than the state or the political subdivision employing the licensee. The licensee shall be subject to the rules of the board and the provisions of this chapter relating to unprofessional or dishonorable conduct. A

license expires on December 31 of every even-numbered year unless suspended or revoked. A license is renewable for two years on payment of the renewal fee. The fee for issuance of the license shall be five dollars in even-numbered years and ten dollars in odd-numbered years, and the biennial renewal fee shall be ten dollars. The license shall be revoked upon termination of employment of the licensee.

32-2217.01 Issuance of permit to nonresident

- A. The board may issue to a person residing within twenty-five miles of Arizona in the state of California, Colorado, Nevada, New Mexico or Utah, who is licensed to practice veterinary medicine in the state of residence and whose practice extends into this state, a permit in the form prescribed by the board authorizing such extended practice in this state.
- B. Application for a permit shall be made upon a form provided by the board. The application shall contain an irrevocable consent that actions arising out of or involving the permittee's practice of veterinary medicine in this state may be commenced within this state by service of pleadings or process upon the board, which shall forward to the permittee by certified mail a duplicate copy of the pleading or process.
- C. The permittee shall be subject to the rules of the board and the provisions of this chapter relating to the practice of veterinary medicine and relating to unprofessional or dishonorable conduct.
- D. A permit issued under the provisions of this section expires on December 31 of every even-numbered year unless suspended or revoked. The fee for issuance of the permit is fifty dollars in even-numbered years and one hundred dollars in odd-numbered years. The biennial renewal fee is one hundred dollars.

32-2218. License renewal and reinstatement

- A. A license issued under the provisions of this chapter remains in effect until December 31 of every even-numbered year unless suspended or revoked. On submittal of an application for renewal and payment of a renewal fee, a license is renewed for two years.
- B. Failure to pay the license fee before February 1 following expiration of the license shall be a forfeiture of the license, and the license shall not be restored except upon written application to the board and payment of a penalty fee of fifty dollars in addition to all regular license fees and past due fees owed to the board. A person applying for reinstatement of a license within thirty-six months of expiration shall not be required to submit to an examination because of failure to pay the license fee, but it is unlawful for a person to practice veterinary medicine or any branch of veterinary medicine during the period in which the person's license has been forfeited by reason of nonpayment of the license fee. If an applicant for reinstatement of a license has not completed the continuing education requirements, a license may be reinstated if the continuing education requirements are completed within six months of reinstatement. A person who does not apply for reinstatement within thirty-six months after expiration of the license must meet the requirements set forth in sections 32-2213, 32-2214 and 32-2215.

C. An application for renewal shall include a signed statement that no complaint has been filed and is pending, no investigation is pending and no disciplinary action has been taken or is pending on any veterinary license the veterinarian holds from another state.

32-2219. Veterinary license fees

A. Every original application shall be accompanied by an examination fee of not more than four hundred dollars.

B. For every issuance of a license there shall be collected a fee of not more than one hundred dollars in even-numbered years and two hundred dollars in odd-numbered years.

C. For every renewal of a license there shall be collected a fee of not more than four hundred dollars.

D. Every request for a temporary permit shall be accompanied by a fee of seventy-five dollars.

E. For every issuance of a duplicate license, there shall be collected a fee of not more than twenty-five dollars.

F. No fee shall be returned to an applicant.

Article 3 **Regulation**

32-2231. Acts constituting the practice of veterinary medicine; exceptions

A. A person shall be regarded as practicing veterinary medicine, surgery and dentistry within the meaning of this chapter who, within this state:

1. By advertisement, or by any notice, sign or other indication, or by a statement written, printed or oral, in public or in private, made, done or procured by himself or any other at his request claims, announces, makes known or pretends his ability or willingness to diagnose any animal condition, disease, deformity, defect, wound or injury or to perform any type of surgical procedure on animals.

2. Advertises or makes known or claims his ability and willingness to perform the following for hire, fee, compensation or reward that is directly or indirectly promised, offered, expected, received or accepted:

(a) Prescribe or administer any drug, medicine, treatment, method or practice for any animal.

(b) Perform any operation or manipulation on or apply any apparatus or appliance to any animal.

- (c) Give an instruction or demonstration for the cure, amelioration, correction or reduction or modification of any animal condition, disease, deformity, defect wound or injury.

3. Diagnoses or prognosticates any animal condition, disease, deformity, defect, wound or injury for hire, fee, reward or compensation that is directly or indirectly promised, offered, expected, received or accepted.

4. Prescribes or administers any drug, medicine, treatment, method or practice, performs any operation or manipulation, or applies any apparatus or appliance for the cure, amelioration, correction or modification of any animal condition, disease, deformity, defect, wound or injury for hire, fee, compensation or reward that is directly or indirectly promised, offered, expected, received or accepted.

B. This section does not apply to:

1. Duly authorized representatives of the United States Department of Agriculture in the discharge of any duty authorized by the director in charge of the animal disease eradication division.

2. A certified veterinary technician performing a task or function authorized by the rules of the board in the employ of and under the direction, supervision and control of a licensed veterinarian.

3. An equine dental practitioner if all of the following apply:

- (a) The equine dental practitioner is certified by the International Association of Equine Dentistry or the Academy of Equine Dentistry.

- (b) The equine dental practitioner performs any of the following procedures under the general supervision of a licensed veterinarian:

- (i) The application of any apparatus used to work on the oral cavity.

- (ii) The examination of dental conditions.

- (iii) The removal of overgrowth from the teeth of horses and the removal of sharp enamel points from the teeth of horses, excluding any extractions unless the certified equine dental practitioner is under the direct supervision of a licensed veterinarian.

- (iv) Any treatment of the oral cavity as authorized by the animal's owner, excluding any extractions unless the certified equine dental practitioner is under the direct supervision of a licensed veterinarian.

- (c) The equine dental practitioner provides both of the following to the Board:
 - (i) Proof of current certification from the International Association of Equine Dentistry of the Academy of Equine Dentistry.
 - (ii) A written statement signed by the supervising licensed veterinarian that the certified equine dental practitioner will be under the general or direct supervision of the licensed veterinarian when performing the procedures prescribed by this paragraph.
 - (d) Both the supervising licensed veterinarian and the certified equine dental practitioner maintain dental charts for procedures done pursuant to this paragraph.
- C. Notwithstanding subsection B, paragraph 3, only a licensed veterinarian and not an equine dental practitioner may prescribe or administer, or both prescribe and administer, any drug or medicine.
- D. For the purposes of this section:
1. "Direct supervision" means a licensed veterinarian must authorize and be physically present for the procedure.
 2. "General supervision" means a licensed veterinarian must be available for consultation by telephone or other form of immediate communication.

32-2232. Unprofessional or dishonorable conduct

As used in this chapter, unprofessional or dishonorable conduct includes:

1. The fraudulent use of any certificate or other official form used in practice that would increase the hazard of dissemination of disease, the transportation of diseased animals or the sale of inedible food products of animal origin for human consumption.
2. Inadequate methods in violation of meat inspection procedures prescribed by the federal government and Arizona meat inspection laws or willful neglect or misrepresentation in the inspection of meat.
3. Misrepresentation of services rendered.
4. Failure to report, or the negligent handling of, the serious epidemic diseases of animals, such as anthrax, rabies, glanders, brucellosis, tuberculosis, foot and mouth disease, hog cholera, and other communicable diseases known to medical science as being a menace to human or animal health.
5. The dispensing or giving to anyone of live culture or attenuated live virus vaccines to be administered by a layman without providing instruction as to their administration and use.

6. Having professional connection with, or lending one's name to, any illegal practitioner of veterinary medicine and the various branches thereof.
7. Chronic inebriety or unlawful use of narcotics, dangerous drugs or controlled substances.
8. Fraud or dishonesty in applying or reporting on any test or vaccination for disease in animals.
9. False, deceptive or misleading advertising, having for its purpose or intent deception or fraud.
10. Conviction of a crime involving moral turpitude, or conviction of a felony.
11. Malpractice, gross incompetence or gross negligence in the practice of veterinary medicine.
12. Violation of the ethics of the profession as defined by rules adopted by the board.
13. Fraud or misrepresentation in procuring a license.
14. Knowingly signing a false affidavit.
15. Distribution of narcotics, dangerous drugs, prescription-only drugs or controlled substances for other than legitimate purposes.
16. Violation of or failure to comply with any state or federal laws or regulations relating to the storing, labeling, prescribing or dispensing of controlled substance or prescription- only drugs as defined in section 32-1901.
17. Offering, delivering, receiving or accepting any rebate, refund, commission, preference, patronage, dividend, discount or other consideration, whether in the form of money or otherwise, as compensation or inducement for referring animals or services to any person.
18. Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation or conspiracy to violate any of the provisions of this chapter, a rule adopted by the board or a written order of the board.
19. Failing to dispense drugs and devices in compliance with article 7 of this chapter.
20. Performing veterinary services without adequate equipment and sanitation considering the type of veterinary services provided.
21. Failure to maintain adequate records of veterinary services provided.
22. Medical incompetence in the practice of veterinary medicine.
23. Cruelty to or neglect of animals. For the purposes of this paragraph, "cruelty to or neglect of animals" means knowingly or negligently torturing, beating or mutilating an animal, killing an animal in an inhumane manner or depriving an animal of necessary food, water or shelter.

32-2233. Revocation or suspension of license or permit; civil penalty

A. The board, by majority consent, may revoke or suspend a permit or license granted to any person under the provisions of this chapter or may impose a civil penalty of not to exceed one thousand dollars against any veterinarian or the responsible veterinarian, or both, for:

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

B. The board, may sanction any of the following conduct as an administrative violation, rather than unprofessional conduct, and may impose a civil penalty of not more than one thousand dollars for either of the following:

1. Failure to timely renew the veterinary license or the premises license while continuing to practice veterinary medicine or conducting business from that premises.
2. Failure to notify the board in writing within twenty days of any change in residence, practice, ownership, management or responsible veterinarian.

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

32-2234. Informal and formal hearings; censure or probation; notice; consent agreements; rehearing; judicial review

A. If the board receives information indicating that a veterinarian may have engaged in unprofessional or dishonorable conduct, and if it appears after investigation that the information may be true, the board may issue a notice of formal hearing or the board may request an informal interview with the veterinarian. If the veterinarian refuses the interview, and other evidence indicates suspension or revocation of the veterinarian's license may be in order, or if the veterinarian accepts and the results of the interview indicate suspension or revocation may be in order, the board shall issue a notice of formal hearing and proceed pursuant to title 41, chapter 6, article 10. If the veterinarian refuses the interview, and other evidence relating to the veterinarian's professional competence indicates that disciplinary action should be taken other than suspension or revocation of the veterinarian's license, or if the veterinarian accepts the informal interview and the informal interview and other evidence relating to the veterinarian's professional competence indicate that disciplinary action should be taken other than suspension or revocation of the veterinarian's license, the board may take any or all of the following actions:

1. Issue a decree of censure.

2. Fix such period and terms of probation as are best adapted to protect the public and rehabilitate or educate the veterinarian. The terms of probation may include temporary suspension, for not to exceed thirty days, or restriction of the veterinarian's license to practice. The failure to comply with any term of the probation is cause to consider the entire case plus any other alleged violations of this chapter at a formal hearing pursuant to title 41, chapter 6, article 10.

3. Impose a civil penalty of not to exceed one thousand dollars per violation.

B. If, as a result of information ascertained during an investigation, informal interview or formal hearing of a veterinarian, the board has concern for the veterinarian's conduct but has not found the veterinarian's conduct in violation of section 32-2232, the board in its discretion may issue a letter of concern to the veterinarian regarding the veterinarian's conduct.

C. Notwithstanding subsection A of this section, the board may enter into a consent agreement with a veterinarian either before or after conducting an informal interview. Pursuant to a consent agreement, the board may take any of the disciplinary actions listed in subsection A, paragraphs 1, 2 and 3 of this section or may act to otherwise limit or restrict the veterinarian's practice or to rehabilitate the veterinarian.

D. If the board finds, based on information it receives pursuant to this section, that the public or animal health, safety or welfare requires emergency action, and incorporates and finding that emergency action is necessary in its order, the board may order summary suspension of a license pending proceedings for revocation or other action. If the board orders a summary suspension, the board shall serve the licensee with a written notice that states the charges and that the licensee is entitled to a formal hearing before the board or an administrative law judge within sixty days pursuant to title 41, chapter 6, article 10.

E. Before a permit or license may be revoked or suspended for any cause provided by section 32-2233, other than by terms of probation, the board must serve notice and conduct a hearing in the manner prescribed by title 41, chapter 6, article 10.

F. After service of notice of the decision of the board suspending or revoking a license, censuring a licensee, placing a licensee on probation or dismissing the complaint, the licensee may apply for a rehearing or review by filing a motion pursuant to title 41, chapter 6, article 10. The filing of a motion for rehearing shall be a condition precedent to the right of appeal provided by this section. The filing of a motion for rehearing shall suspend the operation of the board's action in suspending or revoking a license or censuring or placing a licensee on probation and shall allow the licensee to continue to practice as a veterinarian pending denial or granting of the motion and pending the decision of the board upon rehearing if the motion is granted. The board may also grant a rehearing on its own motion, if it finds newly discovered evidence or any other reason justifying a reconsideration of the matter.

G. Except as provided in section 41-1092.08, subsection H, any party aggrieved by a final order or decision of the board may appeal to the superior court pursuant to title 12, chapter 7, article 6.

H. If the State Veterinary Medical Examining Board acts to modify any veterinarian's prescription writing privileges, it shall immediately notify the Arizona state board of pharmacy of the modification.

I. All notices which the board is required to provide to any person under this chapter are fully effective by personal service or by mailing a true copy of the notice by certified, return receipt mail addressed to the person's last known address of record in the board's files. Notice by mail is complete at the time of its deposit in the mail. Service on any person represented in a matter by an attorney is complete when the notice is sent to the attorney at the last known address of record in the board's files.

J. The board shall retain all complaint files for at least ten years and shall retain all complaint files in which disciplinary action was taken for at least twenty-five years.

32-2236. Refusal to issue or renew license; reapplication

A. The board, by majority consent, may refuse to issue or renew a permit or license for any of the causes prescribed in section 32-2233. The procedure for refusal to issue or renew a license or permit, or both, shall be as provided in section 32-2234.

B. If a permit or license is not issued or renewed, such person may not apply for a permit or license until six months have elapsed from the date of refusal, and the new application shall be accompanied with the regular examination fee and the license fee.

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

A. The board shall appoint one or more investigative committees, each consisting of three members of the general public who are not board members and two licensed veterinarians who are not board members. The investigative committee may interview witnesses, gather evidence and otherwise investigate any charges accusing any person of violating any of the provisions of this chapter. An assistant attorney general shall advise the investigative committee on all questions of law arising out of its investigations. The expenses of the committee shall be paid out of the veterinary medical examining board fund.

B. The investigative committee shall prepare a written report relating to any charge it investigates. The committee shall present its report to the board in an open meeting. The report shall include:

1. A summary of the investigation.
2. Findings of fact.
3. Either a recommendation to dismiss the charge or a finding that a violation of this chapter or a rule adopted pursuant to this chapter occurred.

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

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

1. Issue a cease and desist order.
2. Request the county attorney or attorney general to file criminal charges against the person.
3. File an action in the superior court to enjoin the person from engaging in the unlicensed practice of veterinary medicine.
4. After notice and an opportunity for a hearing, impose a civil penalty of not more than one thousand dollars for each violation.

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

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

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

1. The complaint
2. The response and any rebuttal statements submitted by the licensee or certificate holder.
3. Board discussions of complaints that are recorded pursuant to section 32-2204, subsection C.
4. Written reports of an investigative committee that are prepared pursuant to subsection B of this section.
5. Written statements of the board that are prepared pursuant to subsection C of this section.

32-2238. Violations; classification

A. A person is guilty of a class 1 misdemeanor who:

1. Practices veterinary medicine or surgery under an assumed name.
2. Falsely impersonates another practitioner.
3. Fraudulently obtains a veterinary medical diploma, license or record of registration.
4. Practices veterinary medicine or surgery without a license and registration.
5. Unlawfully assumes or advertises a veterinary title conveying the impression that the person is a lawful practitioner.
6. Knowingly violates any other provision of this chapter.

B. This chapter shall not be construed to prohibit a person from practicing veterinary medicine or any of its branches in partnership with another practitioner, or under a partnership of firm name, if the partnership or firm is clearly identified as that of a practicing veterinarian, and if all members of the partnership or firm are licensed to practice veterinary medicine by the board.

32-2239. Duty of veterinarian to report suspected dog participant of dog fight or animal abuse; immunity

- A. A veterinarian shall report in writing concerning any dog fighting or animal abuse to a local law enforcement agency in the county where the veterinarian is practicing within thirty days of any examination or treatment administered to any dog or any animal which the veterinarian reasonably suspects and believes has participated in an organized dog fight or any animal which the veterinarian reasonably suspects and believes has been abused. The report shall contain the breed and description of the dog or any animal together with the name and address of the owner.
- B. A veterinarian shall report, in writing, suspected cases of abuse of livestock to the associate director of the division of animal services in the Arizona Department of Agriculture pursuant to title 3, chapter 11, article 1. The report shall be made within thirty days of treatment or examination and shall include the breed and description of the animal together with the name and address of the owner.
- C. A veterinarian who files a report as provided in this section shall be immune from civil liability with respect to any report made in good faith.

32-2240. Reporting of unprofessional conduct; immunity

- A. Any person may report to the board any information the person has that appears to show that a veterinarian is or may be medically incompetent or is or may be guilty of:
 - 1. Unprofessional conduct.
 - 2. Animal abuse.
- B. A person who reports information to the board in good faith pursuant to this section is immune from civil liability.

32-2240.01 Burial in landfill; notification requirement; licensed crematory

- A. If an animal dies in the care of a veterinarian or an animal's owner brings a dead animal to a veterinarian and the animal's owner request that the animal be buried, the veterinarian shall notify the owner if the burial is to be done in a landfill.
- B. If the owner chooses cremation and a veterinarian offers cremation services, the veterinarian shall use a crematory licensed pursuant to article 8 of this chapter.

Article 4. **Certification of Veterinary Technicians**

32-2241. Veterinary technician; services performed

A veterinary technician may perform those services authorized by the board pursuant to section 32-2245 in the employ of and under the direction, supervision and control of a licensed veterinarian who shall be responsible for the performance of the veterinary technician. Compensation for such authorized services shall be derived solely from the employing veterinarian.

32-2242. Application for certification as veterinary technician; qualifications

A. A person desiring to be certified as a veterinary technician shall make written application to the board upon a form furnished by the board.

B. The applicant shall be of good moral character and at least eighteen years of age and shall furnish one of the following:

1. Satisfactory evidence of graduation from a two-year curriculum in veterinary technology, or the equivalent of such graduation as determined by the board, in a college or other institution approved by the board.

2. Satisfactory evidence that the applicant has been employed for a least two years as a veterinary assistant under the supervision of a veterinarian regularly licensed in this state and is recommended to the board by the employing veterinarian or veterinarians.

C. The application shall be accompanied by the application and examination fee established by the board.

32-2243. Examination

The board shall adopt rules and regulations governing the written examinations and practical demonstrations by which all applicants shall be tested and shall provide for giving reasonable notice of the time and place for examinations.

32-2244. Certificate

An applicant who passes the examination prescribed by the board shall, upon payment of the fee established by the board, receive a certificate in a form prescribed by the board.

32-2245. Veterinary technician; services; rules and regulations

A. The board shall adopt rules and regulations pertaining to and limiting the services performed by a veterinary technician.

B. Services performed by a veterinary technician shall not include surgery, diagnosis or prognosis of animal diseases or prescribing of drugs and medicine.

32-2246. Duration of certificate

A certificate issued pursuant to this article shall expire on December 31 of every even-numbered year unless suspended or revoked. On payment of the renewal fee, a certificate is renewed for a period of two years.

32-2247. Renewal of expired certificates

Except as otherwise provided in this article, an expired certificate may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate is renewed more than thirty days after its expiration, the applicant as a condition precedent to renewal shall also pay the delinquency fee established by the board. Renewal under this section shall be effective on the date on which the application is filed, on the date the renewal fee is paid or on the date on which the delinquency fee, if any is paid, whichever occurs last.

32-2248. Renewal of certification; certificates expired five years or more

A person who fails to renew a certificate within five years after its expiration may not renew it, and it shall not be restored, reissued or reinstated thereafter, but such person may apply for and obtain a new certificate if:

1. The applicant is of good moral character.
2. No fact, circumstance or condition exists which, if the certificate were issued, would justify its revocation or suspension.
3. The applicant takes and passes the examination, if any, which would be required on application for certification for the first time.
4. All fees are paid which would be required on application for certification for the first time.

32-2249. Revocation or suspension of certificate; grounds; emergency care by technician

A. Except as provided in subsection B, the board may revoke or suspend a certificate or place a technician on probation for any of the following reasons:

1. The employment of fraud, misrepresentation or deception in obtaining certification.
2. Conviction on a charge of cruelty to animals or conviction of a felony, in which case the record of such conviction will be conclusive evidence.
3. Chronic inebriety or habitual use of narcotics, dangerous drugs or controlled substances.
4. Gross ignorance or inefficiency in connection with the performance of technical procedures in veterinary medicine.
5. Representing himself as a doctor of veterinary medicine.
6. Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation or conspiracy to violate any of the provisions of this chapter, a rule adopted under this chapter or a written order of the board issued pursuant to this chapter.
7. Practicing veterinary medicine.
8. Gross incompetence or gross negligence.
9. Following orders that are in violation of this chapter or rules adopted pursuant to this chapter.

B. In an emergency, a technician may render emergency care or first aid if the technician is supervised telephonically by a licensed veterinarian or until a licensed veterinarian arrives. This does not preclude emergency care as outlined in section 32-2261.

32-2250. Veterinary technician certificate fees

The board shall establish the fees provided for in this article in amounts not to exceed the following:

1. Application and examination fee, one hundred fifty dollars.
2. Issuance of a certificate fee, twenty-five dollars in even-numbered years and fifty dollars in odd-numbered years.
3. Renewal fee, one hundred dollars.

4. Delinquency fee, twenty-five dollars.
5. Duplicate certificate fee, twenty dollars.

Article 5. **Emergency Aid**

32-2261. Emergency aid; nonliability

Any person licensed or certified pursuant to this chapter who gratuitously and in good faith gives emergency treatment to a sick or injured animal at the scene of an emergency shall not be liable in damages to the owner of such animal in the absence of gross negligence.

Article 6. **Registration of Veterinary Medical Premises**

32-2271. License required; inspections

- A. A person shall not provide veterinary services, including diagnosis, treatment, dentistry, surgery or dispensing prescription-only veterinary drugs, to the public without a license issued by the board.
- B. A premises license shall be for a fixed location where a veterinarian retains the records of a veterinary practice, stores veterinary equipment or offers veterinary services to the public. A responsible veterinarian who holds a premises license may provide veterinary services to the public at the licensed fixed location and any temporary site in this state at which adequate equipment and sanitation are available considering the type of veterinary medical services provided. A veterinarian shall obtain a separate premises license for each fixed location at which veterinary services are regularly offered to the public. The responsible veterinarian may authorize other licensed veterinarians to provide services to the public pursuant to the responsible veterinarian's veterinary premises license. Both the responsible veterinarian and the veterinarian who provides the veterinary services shall maintain records of the veterinary services provided and ensure that adequate equipment and sanitation are available.
- C. The board shall inspect all fixed locations before issuing a premises license. Adequate equipment and sanitation shall be available for use at any location, which is necessary to provide the range of veterinary services which the veterinarian proposes to offer.
- D. The board may inspect any site at which a veterinarian offers veterinary services to the public.
- E. This section does not apply to county sponsored rabies vaccination clinics, veterinarians exempt under section 32.2211 and veterinarians licensed under section 32-2217.

32-2272. Veterinary premises license; application; nontransferability; expiration; renewal; civil penalty

- A. Any such person who desires to establish premises at or from which veterinary services are offered to the public shall file with the board an application for a veterinary premises license accompanied by the license fee.
- B. The application shall be on a form prescribed and furnished by the board and shall contain:
1. The name and location of the premises.
 2. The name of the person owning the premises and the name and signature of the veterinarian responsible to the board for the operation of the premises. The responsible veterinarian shall be a veterinarian who is licensed in this state and who resides in this state or who holds a special permit under section 32-2217.01.
 3. A description of the services provided at or from the premises.
- C. A license is valid only for the responsible veterinarian to whom it is issued. A license is not subject to sale, assignment or transfer, voluntary or involuntary. A license is not valid for any premises other than those for which issued. If there have been major changes in the scope of veterinary services offered, the premises are subject to re-inspection.
- D. A change of responsible veterinarian or owner shall cancel a premises license. The responsible veterinarian or owner shall surrender the premises license to the board within twenty days of the change in responsible veterinarian or owner. The failure of the responsible veterinarian or owner to notify the board in writing within twenty days of a change in responsible veterinarian or owner is grounds for disciplinary action.
- E. A license expires on December 31 of every even-numbered year unless suspended or revoked. A license is renewable for two years upon payment of the renewal fee. If the renewal fee is not paid before February 1 following the expiration of the license, a penalty fee of one hundred dollars shall be paid in addition to the renewal fee before the premises may be relicensed.
- F. Within ninety days of receipt of an initial application and fee, the board shall issue a license if the application demonstrates compliance with this article or shall notify the applicant at his last address of record if the application is not in conformance with this article. Veterinary medical services may be performed at any premises for which an application fee is submitted pending issuance of the license or notification of a deficiency in the application.
- G. If a veterinary premises ceases to operate and the premises owner is subject to this chapter, the premises owner must continue to comply with the requirements of this chapter and rules adopted by the board. The premises owner is subject to a civil penalty of not more than one thousand dollars for each violation of the requirements of this chapter or rules adopted by the board. The total penalty shall not exceed five thousand dollars.

H. If the responsible veterinarian is only an employee, the premises owner is subject to a civil penalty of not more than one thousand dollars for each violation of this article. The total penalty shall not exceed five thousand dollars.

32-2273. Premises license fees

The board may establish and collect in advance fees, not to exceed the following:

1. For issuance of a license:
 - (a) In an odd-numbered year, one hundred dollars.
 - (b) In an even-numbered year, fifty dollars
2. For renewal of a license, two hundred dollars
3. For a duplicate license, twenty dollars.

32-2274. Grounds for refusal to issue or renew license or for disciplinary action; procedure

A. The board may take disciplinary action against the responsible veterinarian, may place the responsible veterinarian on probation or may revoke, suspend, refuse to issue or refuse to renew a premises license for any of the following grounds:

1. Failure to notify the board in writing within twenty days of a change of ownership, management or responsible veterinarian.
2. Failure to maintain clean and sanitary facilities for the performance of services in accordance with the rules adopted by the board.
3. A violation of section 32-2233 or any rule adopted pursuant to that section.
4. Failure to maintain accurate records or reports as required by this chapter or by federal or state laws and rules pertaining to the storing, labeling, selling, dispensing, prescribing and administering of controlled substances.
5. Failure to maintain veterinary medical supplies, controlled substances and surgical and other equipment in a safe, efficient and sanitary manner.
6. Failure to keep written records of all animals receiving veterinary services, failure to provide a summary of such records upon request to the client or failure to produce such records at the request of the board.
7. Revocation or suspension of the license to practice veterinary medicine of the responsible veterinarian holding the veterinary medical premises license.

8. Failure of the responsible veterinarian to maintain a current license to practice veterinary medicine.
9. Failure of the responsible veterinarian to maintain a current premises license to provide veterinary services to the public at a fixed location.
10. Failure of emergency or twenty-four facilities to give copies of medical records to the owner of the owner's agent on release of an animal.

B. If the board receives information indicating that disciplinary action should be taken against the responsible veterinarian or a veterinary premises license, and if it appears after investigation that the information may be true, the board may issue a notice of formal hearing or the board may hold an informal interview. If the results of the informal interview indicate suspension or revocation of the responsible veterinarian's license or the premises license or other action may be in order, the board shall issue a notice of formal hearing and proceed pursuant to title 41, chapter 6, article 10. If the informal interview and other evidence indicate that disciplinary action should be taken other than suspension or revocation, the board may take any one or a combination of the following actions:

1. Issue a decree of censure.
2. Fix such period and terms of probation as are best adapted to protect the public and rehabilitate or educate the responsible veterinarian or veterinary premises license holder. The terms of probation may include temporary suspension for not to exceed thirty days. The failure to comply with any term of the probation is cause to consider the entire case plus any other alleged violations of this chapter at a formal hearing pursuant to title 41, chapter 6, article 10.
3. Impose a civil penalty of not more than one thousand dollars for each violation.

C. Before a license may be revoked or suspended for any cause provided by subsection A of this section, the board shall serve notice and conduct a hearing in the manner prescribed by title 41, chapter 6, article 10.

32-2275. Rules; adoption; considerations

The board may adopt rules setting forth minimum standards for veterinary medical premises and for the practice of veterinary medicine. The board shall, in the development of these rules, take into consideration the needs, problems and practices relating to the differences encountered by large animal veterinarians and other veterinarians and shall also consider the different needs, problems and practices encountered in the provision of veterinary services in rural or remote locations in comparison with provision of veterinary services at the veterinarian's principal place of business.

32-2276. Retention of jurisdiction

The lapsing or suspension of a license by operation of law or by order of the board or a court of law or the voluntary surrender of a license does not deprive the board of jurisdiction to do any of the following:

1. Proceed with any investigation of or action or disciplinary proceeding against the licensee.
2. Render a decision suspending or revoking the license or denying the renewal or right of renewal of the license.
3. Assess a civil penalty pursuant to section 32-2233 or section 32-2237, subsection D.

Article 7 **Dispensing of drugs and devices**

32-2281. Dispensing of drugs and devices; conditions; definition

A. A veterinarian may dispense drugs and devices kept by the veterinarian if:

1. All prescription-only drugs are dispensed in packages labeled with the following information:

- (a) The dispensing veterinarian's name, address and telephone number.
- (b) The date the drug is dispensed.
- (c) The animal owner's name and the animal's or herd's identification.
- (d) The name, strength and quantity of the drug, directions for its use and any cautionary statements.

2. The dispensing veterinarian enters into the medical record the name, strength and quantity of the drug dispensed, the date the drug is dispensed and the therapeutic reason.

B. The board shall adopt rules providing that the animal's owner or the person responsible for the animal shall be notified that some prescription-only drugs may be available at a pharmacy and a written prescription may be provided to the animal's owner or the person responsible for the animal if requested.

C. A veterinarian shall dispense only to the animal's owner or person responsible for the animal he is treating and only for conditions being treated by that veterinarian. The veterinarian shall supervise the dispensing process. In this subsection, "supervision" means that a veterinarian makes the determination as to the legitimacy or the advisability of the drugs or devices to be dispensed.

D. This section shall be enforced by the board which shall establish rules regarding access to, labeling, record keeping, storage and packaging of drugs that are consistent with the requirements of chapter 18 of this title. The board may conduct periodic inspections of dispensing practices to assure compliance with this section and applicable rules.

E. For the purposes of this section, "dispense" means the delivery by a veterinarian of a prescription-only drug or device to an animal, an animal's owner or the person responsible for an animal and includes the prescribing, administering, packaging, labeling and security necessary to prepare and safeguard the drug or device for delivery.

Article 8 **Licensure of animal crematories**

32-2291. License requirements; inspections

A. An animal crematory license shall be for a fixed location where animal cremation occurs. A person who holds an animal crematory license may provide animal cremation services to the public at the licensed fixed location. There shall be a separate animal crematory license for each fixed location at which animal cremation services are regularly offered to the public.

B. The board shall inspect all fixed locations before issuing an animal crematory license. Adequate equipment and sanitation shall be available for use at any location that is necessary to provide the animal cremation services offered.

C. The board may inspect any animal crematory licensed pursuant to this article.

32-2292. Animal crematory license; application; nontransferability; expiration; renewal

A. Any person who desires to establish premises at or from which animal cremation services are offered to the public shall file with the board an application for an animal crematory license accompanied by the license fee.

B. The application shall be on a form prescribed and furnished by the board and shall contain:

1. The name and location of the animal crematory.
2. The name of the person owning the animal crematory and the name and signature of the person responsible to the board for the operation of the animal crematory.
3. A description of the services provided at or from the animal crematory.

C. A license is not subject to sale, assignment or transfer, voluntary or involuntary. A license is not valid for any animal crematory other than that for which it is issued. If there are major changes in the scope of animal crematory services offered, the animal crematory is subject to re-inspection.

D. A change or responsible owner cancels an animal crematory license. The responsible owner shall surrender the animal crematory license to the board within twenty days after the change in responsible owner. The failure of the responsible owner to notify the board in writing within twenty days after a change in responsible owner is grounds for disciplinary action.

E. A license expires on December 31 of every even-numbered year unless suspended or revoked. A license is renewable for two years on payment of the renewal fee. If the renewal fee is not paid before February 1 following the expiration of the license, a penalty fee of one hundred dollars shall be paid in addition to the renewal fee before the animal crematory may be relicensed.

F. Within ninety days after receipt of an initial application and fee, the board shall issue a license if the application demonstrates compliance with this article or shall notify the applicant at the last address of record if the application is not in conformance with this article. Animal cremation services may be performed at any animal crematory for which an application fee is submitted pending issuance of the license or notification of a deficiency in the application.

32-2293. Animal crematory license fees

The board may establish and collect in advance fees for issuance of a license, renewal of a license and a duplicate license. The fees shall be determined by the board and accounted for in accordance with the provisions of section 32-2205.

32-2294. Grounds for refusal to issue or renew license or for disciplinary action; procedure; civil penalty

A. The board may take disciplinary action against the animal crematory, including revoking, suspending, refusing to issue or refusing to renew an animal crematory license for any of the following grounds:

1. Failure to notify the board in writing within twenty days after a change of the person who owns the animal crematory or the person responsible for the operation of the animal crematory.
2. Failure to maintain clean and sanitary facilities for the performance of services in accordance with the rules adopted by the board.
3. Failure to keep written records of all animals receiving crematory services, failure to provide a summary of the records on request to the client or failure to produce the records at the request of the board.
4. Failure to maintain a current animal crematory license to provide crematory services to the public at a fixed location.

B. If the board receives information indicating that disciplinary action should be taken against an animal crematory license and if it appears after investigation that the information may be true, the board may issue a notice of formal hearing or the board may hold an informal interview. If the results of the informal interview indicate suspension or revocation of the animal crematory license or other action may be in order, the board shall issue a notice of formal hearing and proceed pursuant to title 41, chapter 6, article 10. If the informal interview and other evidence indicate that disciplinary action should be taken other than suspension or revocation, the board may take any one or a combination of the following actions:

1. Issue a decree of censure
2. Fix such period and terms of probation as are best adapted to protect the public and rehabilitate or educate the animal crematory licensee. The terms of probation may include temporary suspension not to exceed thirty days. The failure to comply with any term of the probation is cause to consider the entire case and any other alleged violations of this chapter at a formal hearing pursuant to title 41, chapter 6, article 10.
3. Impose a civil penalty of not more than one thousand dollars for each violation. The total penalty shall not exceed five thousand dollars.

C. Before a license may be revoked or suspended for any cause provided by subsection A, the board shall serve notice and conduct a hearing in the manner prescribed by title 41, chapter 6, article 10.

32-2295. Rules

The board may adopt rules setting forth minimum standards for animal crematories.

32-2296. Retention of jurisdiction

The lapsing or suspension of a license by operation of law or by order of the board or a court of law or the voluntary surrender of a license does not deprive the board of jurisdiction to do any of the following:

1. Proceed with any investigation of or action or disciplinary proceeding against the licensee.
2. Render a decision suspending or revoking the license or denying the renewal or right of renewal of the license.
3. Assess a civil penalty pursuant to section 32-2233 or section 32-2237, subsection D.

Published by the Arizona State Veterinary Medical Examining Board for the convenience of its applicants, veterinarians, veterinary technicians, public agencies, citizens of the state and any interested individuals.

In the event of any discrepancy between this booklet and the Arizona Revised Statutes, the Arizona Revised Statutes shall prevail.

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