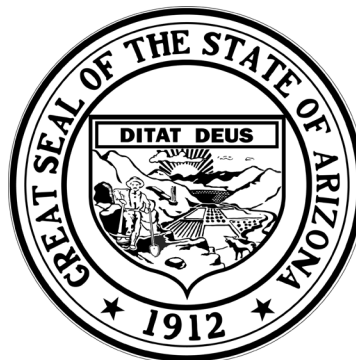


**THE ARIZONA STATE  
VETERINARY MEDICAL EXAMINING BOARD**

**ADMINISTRATIVE RULES**

**RULES AS REVISED  
SEPTEMBER 2013**



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## TITLE 3, CHAPTER 11

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## ARTICLE 1. GENERAL PROVISIONS

### R3-11-101. Definitions

- A. The definitions in A.R.S. §§ 32-2201, 32-2216(B), 32-2231(D), 32-2232(23), and 32-2281(E) apply to this Chapter.
- B. Additionally, in this Chapter, unless otherwise specified:
  - 1. "Administrative completeness review" means the Board's process for determining that an individual has provided all of the information and documents required by A.R.S. §§ 32-2201 through 32-2296 and this Chapter for an application.
  - 2. "Animal owner" means an individual who has all or part of the lawful right to an animal or an individual designated by the animal owner to act on the animal owner's behalf.
  - 3. "Applicant" means an individual requesting a certificate, permit, license, or continuing education approval from the Board.
  - 4. "Application packet" means the fees, forms, documents, and additional information the Board requires to be submitted by an applicant or on the applicant's behalf.
  - 5. "Compartment" means an enclosure provided to contain an animal.
  - 6. "Continuing education" means completing or presenting a workshop, seminar, lecture, conference, class, or instruction related to the:
    - a. Practice of veterinary medicine if a veterinarian, or
    - b. Work of a veterinary technician if a veterinary technician
  - 7. "Credit hour" means one clock hour of participation in continuing education.
  - 8. "Current" means up to date and extending to the present time.
  - 9. "Days" means calendar days.
  - 10. "Direction, supervision, and control" means:
    - a. Pertaining to veterinary technicians, the written or oral instructions of a veterinarian responsible for an animal; or
    - b. Pertaining to temporary permittees, the same as direct and personal instruction, control, or supervision as stated in A.R.S. § 32-2216(B).
  - 11. "Disciplinary action" means a proceeding brought by the Board under A.R.S. Title 32, Chapter 21 or this Chapter.
  - 12. "ECFVG" means Educational Commission for Foreign Veterinary Graduates.
  - 13. "Hours of operation" means the specific time during which a licensed veterinary medical premises is open to the public for business.
  - 14. "Housed" means an animal is maintained in a compartment.
  - 15. "Livestock" means livestock and ratites as defined in A.R.S. §§ 3-1201(5) and (10).

16. "Medication" means an over-the-counter drug defined in A.R.S. § 32-1901, prescription-only drug, prescription-only device defined in A.R.S. § 32-1901, or controlled substance.
17. "Mobile clinic" means a self-contained trailer, van, or mobile home not attached to the ground designed to function as a self-contained clinic.
18. "Mobile unit" means a vehicle from which out-patient veterinary medical services are delivered to temporary sites and that is not designed to function as a self-contained clinic.
19. "Over-the-counter drug" means the same as prescribed in A.R.S. § 32-1901.
20. "Party" means the same as prescribed in A.R.S. § 41-1001.
21. "PAVE" means Program for Assessment of Veterinary Education Equivalence.
22. "Personnel" means any individual, licensed by the Board or unlicensed, who works on a veterinary medical premises.
23. "Physical plant" means a building or an area within a building housing a licensed veterinary medical premise including the architectural, structural, mechanical, electrical, plumbing, and fire protection elements of the building.
24. "Prescription-only drug" means the same as prescribed in A.R.S. § 32-1901.
25. "RACE" means Registry of Approved Continuing Education and is a subdivision of the American Association of Veterinary State Boards.
26. "Sanitize" means to disinfect and reduce pathogen counts, including bacteria, viruses, mold, and fungi.
27. "Scientific meeting" means a live presentation of continuing education that is not provided at a veterinary college.
28. "Sharps container" means a puncture resistant, leak-proof container that can be closed and is used for handling, storing, transporting, and disposing of objects that may cut or penetrate skin or mucosa, such as needles, scalpel blades, or razor blades.
29. "Veterinary medical premise" means a physical plant licensed by the Board on which veterinary medical services will be performed.
30. "Veterinary medical services" means the acts listed in A.R.S. § 32-2201(29).

### **R3-11-102. Board Meetings**

The Board shall:

1. Hold its annual meeting in June of each year;
2. Make the date, time, and place of an annual meeting available to the public at least 20 days before the date of the annual meeting; and
3. Post notice of a special meeting on its web site and bulletin board at least 24 hours before the special meeting.

### **R3-11-103. Evaluating Board Services**

Under A.R.S. § 32-2207(8)(c), a member of the public may evaluate the services provided by the Board by:

1. Submitting an evaluation form provided by the Board at the time services are provided,
2. Submitting comments through the Board's web site,
3. Submitting a letter to the Board, and
4. Attending and speaking at a Board meeting.

### **R3-11-104. Premise License**

The veterinary medical premise license shall be maintained in the premise for which it is issued.

### **R3-11-105. Fees**

A. Veterinarian fees are as follows:

1. Regular license application and state examination	\$400.00
2. Specialty or endorsement application and state examination	\$750.00
3. License issued in odd-numbered year	\$200.00
4. License issued in even-numbered year	\$100.00
5. License renewal	\$400.00
6. Reinstatement penalty	\$ 50.00
7. Duplicate license	\$ 25.00
8. Temporary permit	\$ 75.00
9. Verification licensure fee	\$ 15.00

B. Veterinary technician fees are as follows:

1. Application and examination	\$150.00
2. Certificate issued in odd-numbered year	\$ 50.00
3. Certificate issued in even-numbered year	\$ 25.00
4. Certificate renewal	\$100.00
5. Delinquency fee authorized by A.R.S. § 32-2247	\$ 25.00
6. Duplicate certificate	\$ 20.00

C. Veterinary medical premises fees are as follows:

1. License issued in odd-numbered year	\$100.00
2. License issued in even-numbered year	\$ 50.00
3. License renewal	\$200.00
4. Duplicate license	\$ 20.00
5. Penalty fee authorized by A.R.S. § 32-2272(E)	\$100.00

D. Fees for the duplication or copying of public records under A.R.S. § 39-121.03 are nonrefundable and are as follows:

1. Noncommercial and commercial copy	\$.25 per page
2. Copying requiring more than 15 minutes	\$5.00 for each 15-minute interval exceeding 15 minutes
3. Directories for noncommercial use	\$.05 per name and address

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| 4. Directories for noncommercial use printed on labels                 | \$.10 per name and address                     |
| 5. Directories for commercial use                                      | \$.25 per name and address                     |
| 6. Directories for commercial use printed on labels                    | \$.30 per name and address                     |
| 7. A directory in (3), (4), (5), or (6) issued on an electronic medium | \$5.00 and the applicable name and address fee |
- E. During the pendency of a complaint, the Board shall not charge the veterinarian who is the subject of the complaint or the individual who has filed the complaint, for duplication of public records regarding the complaint.
- F. The Board shall charge \$5.00 per copy of the veterinary statutes and rules. A licensee may obtain one free copy of the veterinary statutes and rules each renewal period.
- G. The Board shall charge \$10.00 for each audio recording.
- H. The Board shall waive the charges in subsection (D) for charitable organizations and government entities.

**R3-11-106. Reserved**

**R3-11-107. Residence and Veterinary Practice, Addresses**

- A. Within 20 days after the issuance of a license or certificate, a licensee or certificate holder shall provide written notice to the Board of all residence and veterinary practice addresses.
- B. A licensee or certificate holder shall provide written notice to the Board within 20 days after a change of residence or veterinary practice address.

**R3-11-108. Time-frames for Licensure, Certification, Permit, and Continuing Education Approvals**

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The overall time-frame and the substantive time-frame may not be extended by more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is set forth in Table 1.
1. The administrative completeness review time frame begins:
- a. For approval or denial of a temporary permit, when the Board receives the written request for a temporary permit required under R3-11-301(A)(4);
  - b. For approval or denial of a veterinary medical license when the Board receives the application packet required under R3-11-201(A);
  - c. For approval or denial of a veterinary technician certificate, when the Board receives the application packet required under R3-11-606(A);

- d. For approval or denial of a veterinary medical premises license, when the Board receives the application packet required under R3-11-707;
  - e. For approval or denial of continuing education, when the Board receives the written request required under R3-11-402(B);
  - f. For approval or denial of a waiver of the continuing education requirement, when the Board receives the written request required under R3-11-405(A);
  - g. For approval or denial of an animal crematory license, when the Board receives the application packet required under R3-11-1002(B); and
  - h. For approval or denial of a license or certificate renewal, when the Board receives a renewal application.
2. If an application packet or request submitted under subsection (B)(1) is incomplete, the Board shall send the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet or request from the applicant.
  3. If an application packet or request is complete, the Board shall send a written notice of administrative completeness to the applicant.
  4. If the Board grants a license or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of the notice of administrative completeness.
1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
  2. The Board shall send a written notice granting a license or other approval to an applicant who meets the qualifications and requirements in A.R.S. §§ 32-2201 through 32-2296 and this Chapter.
  3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. §§ 32-2201 through 32-2296 and this Chapter.
- D. The Board shall consider an application withdrawn if, within 360 days from the date on which the materials required under subsection (B)(1) are submitted, the applicant fails to supply the missing information under subsection (B)(2) or (C)(1).
- E. An applicant who does not wish an application withdrawn under subsection (D) may request a denial in writing within 360 days from the application submission date.
- F. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the next business day will be considered the time frame's last day.



**Table 1. TIME-FRAMES (in days)**

Type of Applicant	Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Temporary Permittee (R3-11-301)	Temporary Permit	A.R.S. § 32-2216	30	15	15
Veterinary License by Examination, Endorsement, for a Specialty License, or Temporary Permittee (R3-11-103, R3-11-201, & R3-11-301)	Veterinary License or Renewal	A.R.S. §§ 32-2212 and 32-2213	60	15	45
Veterinary Technician (R3-11-606 & R3-11-607)	Veterinary Technician Certificate or Renewal	A.R.S. §§ 32-2242 and 32-2244	60	30	30
Veterinary Medical Premises (R3-11-707)	Veterinary Medical Premises License or Renewal	A.R.S. §§ 32-2271 and 32-2272	90	30	60
Animal Crematory (R3-11-1002 and R3-11-1003)	Animal Crematory License or Renewal	A.R.S. § 32-2292	90	30	60
Licensee or Certificate Holder (R3-11-405)	Approval of a Continuing Education Waiver	A.R.S. § 32-2207(8)	60	30	30
Licensee Requesting Continuing Education Pre-approval (R3-11-402)	Pre-approval of continuing education	A.R.S. § 32-2207(8)	60	30	30

### **R3-11-109. Arizona Ombudsman-Citizens' Aide**

The Board shall notify the public about the existence of the Arizona Ombudsman-Citizens' Aide by providing the ombudsman-citizens' aide's name, address, and telephone number on the Board's web site.

## **ARTICLE 2. APPLICATION AND EXAMINATION FOR LICENSURE**

### **R3-11-201. Application for a Veterinary Medical License**

- A. An applicant for a veterinary medical license shall submit an application packet to the Board that contains:
  - 1. A notarized application form signed by the applicant that contains the information set forth in A.R.S. § 32-2213;
  - 2. The documents required under R3-11-203; and
  - 3. The applicable fees, payable by certified check or money order:
    - a. If applying for a regular license, the applicant shall submit the application fee required in R3-11-105.
    - b. If applying for a license by endorsement under A.R.S. § 32-2215(C) or a specialty license under A.R.S. § 32-2215(D), the applicant shall submit the application and license issuance fees required under R3-11-105.
- B. If an applicant has passed the North American Veterinary Licensing Examination and is required to take only the state examination, the applicant shall submit the application packet required under subsection (A) no later than 30 days before the date the applicant intends to take the state examination.
- C. If an applicant is required to take the North American Veterinary Licensing Examination, the applicant shall apply directly to the National Board of Veterinary Medical Examiners.

### **R3-11-202 Repealed**

### **R3-11-203. Documents Required with a License Application**

- A. An applicant who is a veterinary student at the time of application shall submit with the application packet required under R3-11-201(A) a letter from the office of the dean of the veterinary college stating that the applicant is expected to graduate within 45 days following the next administration of the examination required under A.R.S. § 32-2214(C).
- B. An applicant who is not a veterinary student at the time of application shall cause a transcript verifying receipt of the degree of doctor of veterinary medicine to be mailed from the college directly to the Board.
- C. At the time of application, an applicant shall cause letters of character reference to be sent directly to the Board by three persons who are not related to the applicant and who have known the applicant for at least three years.
- D. At the time of application, an applicant who has experience in the field of veterinary medicine as a practicing veterinarian or as an employee of a licensed veterinarian shall cause a letter from a veterinarian indicating the professional qualifications and character of the applicant to be sent directly to the Board.

- E. An applicant who has been or is at the time of application a licensed veterinarian in another state shall cause each state board that has licensed the applicant to send directly to the Board a letter indicating the applicant's standing, including whether the applicant is currently under investigation or ever has been disciplined for violation of a veterinary medical practice act.
- F. Unless waived under A.R.S. § 32-2215(C) or (D), an applicant who has successfully passed the North American Veterinary Licensing Examination within five years before making application shall request that a transcript of the scores be forwarded to the Board directly by the organization responsible for score reporting or the professional examination service.
- G. At the time of application, an applicant shall submit to the Board a passport type photograph of the applicant no larger than 1 ½ x 2 inches that was taken during the preceding six months.
- H. At the time of application, an applicant shall submit to the Board a typewritten letter or current resume summarizing the applicant's experience and qualifications.
- I. As required under A.R.S. § 41-1080(A), at the time of application, an applicant shall submit to the Board the specified documentation of citizenship or alien status indicating the applicant's presence in the U.S. is authorized under federal law.

### **R3-11-204. Renewal of Veterinary License**

- A. According to A.R.S. § 32-2218, a license issued under A.R.S. Title 32, Chapter 21 expires on December 31 of every even-numbered year unless renewed.
- B. A licensee shall meet the continuing education requirements of Article 4 of this Chapter as a condition of renewal of a license.
- C. No later than February 1 of every odd-numbered year, a licensee shall submit to the Board in writing or through the Board's online renewal process:
  - 1. A renewal application, provided by the Board, that is signed and dated by the licensee and contains:
    - a. The licensee's name, residence, mailing and veterinary practice addresses, name of veterinary practice, and telephone numbers for residence and veterinary practice;
    - b. A statement of whether the licensee is licensed to practice veterinary medicine in any other state of the United States, and if so, the name of the state, license number, license issuance date, and status of the license;
    - c. A statement of whether a complaint has been filed during the two-year period preceding the renewal date against the licensee with a veterinary regulatory authority in another state, and if so, the name of the state, and the date, description, and resolution of the complaint;
    - d. A statement of whether the licensee is currently under investigation by a veterinary regulatory authority in another state, and if so, the name of the state, license number, and the nature and status of the investigation;
    - e. A statement of whether, within the two-year period preceding the renewal date, any disciplinary action has been taken against the licensee's veterinary license in another state including:
      - i. The name of the state;

- ii. The license number;
    - iii. The reason for the disciplinary action;
    - iv. Whether the disciplinary action is currently pending; and
    - v. Whether the license has been suspended, revoked, or placed on probation;
  - f. A statement of whether, within the two-year period preceding the renewal date, the licensee has been charged with a felony or any misdemeanor involving conduct that may affect patient health and safety including:
    - i. The charged felony or misdemeanor;
    - ii. The city, county, and state where the felony or misdemeanor took place;
    - iii. The court having jurisdiction over the felony or misdemeanor;
    - iv. Whether the charges were dismissed;
    - v. If applicable, the date of the conviction;
    - vi. Whether the conviction was set aside;
    - vii. Notice of expungement, if applicable;
    - viii. Notice of restoration of civil rights, if applicable, and
    - ix. Probation officer's name, address, and telephone number, if applicable;
  - g. A statement that the licensee has met the continuing education requirements in Article 4 of this Chapter; and
  - h. A statement by the licensee that the information contained on the renewal application is true and correct;
2. The renewal fee required by the Board;
  3. If the documentation previously submitted under R3-11-203(I) was a limited form of work authorization issued by the federal government, evidence that the work authorization has not expired; and
  4. A list of continuing education completed by the licensee that meets the requirements in Article 4 of this Chapter.
- D. If a licensee fails to submit the materials required under subsection (C) by February 1 of every odd-numbered year, the licensee shall immediately stop engaging in the practice of veterinary medicine until the licensee complies with the requirements in A.R.S. § 32-2218 and this Chapter.
- E. Continued veterinary practice by an individual who fails to comply with subsection (C) constitutes "probable cause" of criminal violation of A.R.S. § 32-2238(A)(4) for purposes of referral to the County Attorney's Office or the Office of the Attorney General for criminal prosecution, injunctive relief, or any other action provided by law.

### ARTICLE 3. TEMPORARY PERMITTEES

#### R3-11-301. Application for a Temporary Permit

- A. An applicant for a temporary permit shall:
1. Submit to the Board the application form required under R3-11-201(A)(1) and the documents required under R3-11-203;
  2. Submit to the Board both the application and examination fee and temporary permit fee, payable by certified check or money order, required under R3-11-105;
  3. Schedule with the Board a date to take the state examination;
  4. After complying with subsections (A)(1) through (A)(3), submit all of the following to the Board:
    - a. A written request for a temporary permit, signed by the applicant, that states:
      - i. The name and business address of the licensed veterinarian who will employ the applicant; and
      - ii. The name of each licensed veterinarian who will provide direct and personal instruction, control, or supervision of the applicant;
    - b. Written documentation of graduation from a veterinary college; and
    - c. A sworn affidavit, signed by the applicant, stating the applicant:
      - i. Has graduated from a veterinary college;
      - ii. Has read and understands A.R.S. § 32-2216 and this Section;
      - iii. Agrees to work under the direct and personal instruction, control, or supervision of the licensed veterinarian employing the applicant; and
      - iv. Agrees to notify the Board in writing within 10 days from the date of termination of employment.
- B. A licensed veterinarian employing an applicant for a temporary permit shall submit to the Board:
1. A letter detailing:
    - a. The type of work to be conducted by the applicant;
    - b. The name of each licensed veterinarian who will assume direct and personal instruction, control, or supervision when the employing veterinarian is absent; and
    - c. The procedures, including frequency, for reviewing medical treatment and records of medical treatment of animals;
  2. A sworn affidavit, signed by the veterinarian, stating the veterinarian:
    - a. Is currently practicing veterinary medicine in Arizona;

- b. Has read and understands A.R.S. § 32-2216 and this Section;
- c. Accepts full responsibility for providing direct and personal instruction, control, or supervision to the applicant; and
- d. Agrees to notify the Board in writing within 10 days from the date of termination of applicant's employment.

**R3-11-302. Repealed**

**R3-11-303. Repealed**

**R3-11-304. Extension of Temporary Permits**

- A. The Board shall extend a temporary permit as allowed by A.R.S. § 32-2216(B), only if the temporary permittee submits to the Board evidence of good and sufficient reason for failing to take the scheduled state examination and evidence that the temporary permittee is scheduled to take the next state examination following issuance of the extension.
- B. As provided under A.R.S. § 32-2216(B), the Board shall not extend a temporary permit a second time.

**R3-11-305. "Good and Sufficient Reason" for Failure to Take a State Examination**

For purposes of A.R.S. § 32-2216(B), the Board shall consider the following in determining whether "good and sufficient reason" exists for failure to take a state examination:

- 1. Illness or disability,
- 2. Military service, or
- 3. Any other circumstance demonstrated by the temporary permittee to be beyond the temporary permittee's control.

**ARTICLE 4. CONTINUING EDUCATION REQUIREMENTS**

**R3-11-401. Continuing Education**

- A. Except as provided in subsection (B), during the two-year period preceding license expiration, a licensee shall complete 20 credit hours of Board-approved continuing education, subject to the following:
  - 1. A maximum of two credit hours in practice management;
  - 2. One credit hour for each hour of attendance at a veterinary college seminar;
  - 3. One credit hour for each hour of attendance at a scientific meeting related to veterinary medicine;
  - 4. One credit hour, to a maximum of five for:
    - a. Each hour spent developing or making a presentation related to veterinary medicine;
    - b. Each hour of study using tapes or CDs, and

- c. Each hour spent reading articles in veterinary journals or periodicals pertaining to veterinary medicine or controlled substances; and
5. One credit hour for each hour of continuing education obtained at an interactive program, including an interactive program on the internet.
- B. A licensee receiving an initial license in an even-numbered year shall complete 10 credit hours of continuing education before the licensee's initial renewal date.
- C. If a licensee graduated from a veterinary college within 11 months before the license application date, the licensee may apply 10 credit hours of veterinary college course work to fulfill the continuing education requirement at the time of first renewal.
- D. Except as provided in subsection (E), during the two-year period preceding certificate expiration, a certificate holder shall complete 10 credit hours of Board-approved continuing education, subject to the following:
  1. One credit hour for each hour of attendance at a veterinary college seminar;
  2. One credit hour for each hour of attendance at a class at a veterinary technology school;
  3. One credit hour for each hour of attendance at a scientific meeting related to the work of a veterinary technician;
  4. One credit hour, to a maximum of two and one-half, for:
    - a. Each hour spent developing or making a presentation related to the work of a veterinary technician;
    - b. Each hour of study using tapes or CDs, and
    - c. Each hour spent reading articles in veterinary journals or periodicals pertaining to veterinary medicine or controlled substances; and
  5. One credit hour for each hour of continuing education obtained at an interactive program, including an interactive program on the internet.
- E. A certificate holder receiving an initial certificate in an even-numbered year shall complete five credit hours of continuing education before the certificate holder's first renewal date.

### **R3-11-402. Approval of Continuing Education**

- A. The following continuing education is approved by the Board:
  1. For a veterinarian:
    - a. Continuing education taught in or under the authority of a veterinary college;
    - b. Continuing education sponsored by the Arizona Veterinary Medical Association, American Association of Veterinary State Boards, a state or national veterinary association or academy approved by the Board, or continuing education approved according to subsections (B) and (C); or
    - c. Continuing education approved by RACE;

2. For a veterinary technician:
  - a. Continuing education taught in or under the authority of a veterinary technician school or school of veterinary medicine;
  - b. Continuing education sponsored by the Arizona Veterinary Medical Association or American Association of Veterinary State Boards or approved by RACE;
  - c. Continuing education approved by the Board that is sponsored by a state or national veterinary technician association or academy;
  - d. Continuing education approved by RACE of the American Association of Veterinary State Boards; or
  - e. Continuing education approved according to subsections (B) and (C).
- B. In addition to the continuing education approved according to subsection (A), a person who provides continuing education may request pre-approval of continuing education by submitting to the Board at least 60 calendar days before the continuing education takes place, a written request that includes:
  1. A description of the continuing education;
  2. The date, time, and place where the continuing education will take place;
  3. The number of credit hours of the continuing education;
  4. The name of each individual providing the continuing education, if available; and
  5. The name of the organization providing the continuing education, if applicable.
- C. In determining whether to approve a request for pre-approval submitted according to subsection (B), the Board shall consider whether the continuing education:
  1. Is designed to provide instruction or knowledge in current developments, skills and procedures related to veterinary medicine or work of a certificate holder;
  2. Is developed and provided by an individual with knowledge and experience in the subject area; and
  3. Contributes directly to the professional competence of the licensee or certificate holder.
- D. The Board shall approve or deny a request for pre-approval according to the time-frames set forth in Table 1.

### **R3-11-403. Documentation of Attendance**

A licensee or certificate holder shall submit a written document of continuing education with a renewal application that includes:

1. The name of the licensee or certificate holder;
2. The title of each continuing education;
3. The date of completion of each continuing education;
4. The number of credit hours of each continuing education;



5. A statement, signed and dated by the licensee or certificate holder, verifying the information in the document; and
6. If the continuing education was obtained on the internet, a copy of a document issued by the provider of the continuing education that states the number of hours obtained.

### **R3-11-404 Repealed**

### **R3-11-405. Waiver**

- A. A licensee or certificate holder seeking a waiver from the continuing education requirements in this Article shall submit a written request to the Board by December 10<sup>th</sup> before the license or certificate expires that contains the licensee's or certificate holder's name and an explanation of the reason for the request.
- B. The Board shall consider the following in determining whether to grant a waiver from the continuing education requirements in this Article:
  1. Illness or disability,
  2. Military service or absence from the United States, or
  3. Any other circumstance demonstrated by the licensee or certificate holder to be beyond the licensee's or certificate holder's control.

## **ARTICLE 5. STANDARDS OF PRACTICE**

### **R3-11-501. Ethical Standards**

Under A.R.S. § 32-2232(12), a veterinarian practicing under a license or permit shall practice according to the following standards of professional ethics, which are based on the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association. The breach of any of the following standards constitutes grounds for disciplinary action against a veterinary license or permit under A.R.S. § 32-2233 and 32-2234.

1. A veterinarian shall show respect for the veterinarian's colleagues, the owner of an animal to whom veterinary medical services are being provided, and the public through courteous verbal or written interchange, considerate treatment, professional appearance, professionally acceptable procedures, and use of current professional and scientific knowledge.
2. A veterinarian shall not slander or injure the professional standing or reputation of another member of the profession or condemn the character of that individual's professional acts in a false or misleading manner.
3. A veterinarian shall offer or seek a consultation or a referral whenever it appears that the quality of veterinary medical service provided by the veterinarian will be enhanced.
4. When a veterinarian agrees to provide veterinary medical services to an animal, the veterinarian shall comply with the standards of practice in R3-11-502 regardless of the fees charged.
5. A Responsible Veterinarian employed by a partnership, corporation, or individual that is not licensed by the Board shall ensure that the veterinary judgment and responsibility of each veterinarian employed by the partnership, corporation, or individual is neither influenced nor controlled by the partnership, corporation, or individual to the detriment of an animal.

6. A veterinarian shall ensure that emergency services are consistent with A.R.S. § 32-2201 through § 33-2296, this Chapter, and the needs and standards of the locality where the emergency medical services are provided.
7. A veterinarian is free to choose whom the veterinarian will serve within the limits of the law. A veterinarian who agrees to provide veterinary medical services to an animal is responsible for the welfare of the animal until the animal is released, referred, or discharged by the veterinarian or the veterinarian is dismissed by the animal owner.
8. A veterinarian shall provide records or copies of records of veterinary medical services, including copies of radiographs, to an animal owner or another licensed veterinarian currently providing veterinary medical services within 10 days from the date of the animal owner's or other licensed veterinarian's request, or in less than 10 days if the animal's medical condition requires.
9. A veterinarian shall not make a false statement on or alter any document, record, or report concerning treatment of an animal.

### **R3-11-502. Standards of Practice**

- A. Before providing a veterinary medical service or housing an animal, a Responsible Veterinarian shall ensure that the animal owner is provided a written notice that states whether personnel will be present on the veterinary medical premises for 24-hour observation of the animal.
- B. A Responsible Veterinarian shall ensure that a notice of where veterinary medical services may be obtained when the veterinary medical premises is not open for business:
  1. Is placed on the voice mail of the veterinary medical premises; and
  2. Contains the name, telephone number, and address of a veterinarian or veterinary medical premises that is available to provide veterinary medical services. Livestock veterinarians are exempt from providing an address.
- C. Before providing a veterinary medical service, a veterinarian shall ensure that the animal owner or the animal owner's agent is provided an estimate of the cost for the veterinary medical service, except in the case of livestock.
- D. When providing a veterinary medical service, a veterinarian shall ensure that no expired supplies are used.
- E. Before a surgical patient or hospitalized animal is discharged, a veterinarian shall ensure that the animal owner is provided with instructions detailing care of the animal after discharge and documents in the medical record that verbal or written care instructions were provided.
- F. Before euthanizing an animal for which the animal owner is known, a veterinarian shall obtain signed authorization from the animal owner or verbal authorization from the animal owner that is witnessed by one other individual and documented in the medical record.
- G. For animals with a suspected or diagnosed contagious disease or illness, a veterinarian shall provide a separate isolation area that is not in close proximity to other animals and shall ensure that the ill animal does not come into contact with another animal or the other animal's compartment.
- H. If general anesthesia is administered or surgery is performed on an animal by a veterinarian, the veterinarian shall ensure:

1. A prior signed authorization is obtained from the animal owner if the animal owner is known, or verbal authorization that is witnessed by one other individual and documented in the medical record is obtained from the known animal owner. This provision does not apply to livestock;
  2. Within six hours before anesthesia is administered or surgery is performed, the animal is examined and the animal's temperature, heart rate, respiratory rate, diagnosis, and general condition are recorded in the animal's medical record except for species or in situations that make the examination impractical or potentially detrimental to the animal or examiner;
  3. The animal's heart rate and respiratory rate are recorded in the animal's medical record immediately after giving the animal a general anesthetic and monitored and recorded a minimum of every 15 minutes while anesthesia is being administered except for species or in situations that make the examination impractical or potentially detrimental to the animal or examiner;
  4. After the animal is given a general anesthetic, the animal is continuously observed by personnel until the animal is extubated and able to swallow; and
  5. The following information is recorded in a written anesthesia log, which is separate from both the controlled drug log maintained under subsection (K) and medical record of each animal maintained under subsection (L) and is maintained on the veterinary medical premises for three years from the date the anesthesia is administered:
    - a. The animal's name and species,
    - b. The name of the animal owner,
    - c. The date of administration of the anesthesia,
    - d. The recovery status of the animal, and
    - e. The name of the veterinarian.
- I. A veterinarian shall follow manufacturer's label requirements for the storage and handling of biologics, veterinary supplies, and veterinary medications.
- J. A veterinarian who dispenses a prescription-only drug shall:
1. Comply with all federal and state laws, including A.A.C. Title 3, Chapter 11, Article 8, regarding the dispensing of a prescription-only drug; and
  2. Ensure that a prescription-only drug or prescription-only device is destroyed or returned to the manufacturer or distributor no later than 30 days after its expiration date.
- K. A veterinarian who dispenses or administers a controlled substance shall:
1. Comply with all federal and state laws including A.A.C. Title 3, Chapter 11, Article 8;
  2. Maintain an inventory record on the veterinary medical premises for two years from the date of entry of each controlled substance purchased by the veterinarian that contains the:
    - a. Name of the controlled substance,
    - b. Strength of the controlled substance,
    - c. Date the controlled substance was received by the veterinarian,

- d. Amount of the controlled substance received by the veterinarian,
  - e. Name of the distributor of the controlled substance, and
  - f. Invoice number; and
3. Maintain a dispensing or administration log on the veterinary medical premises, separate from the inventory record required under subsection (K)(2), for two years from the date of entry that contains for each controlled substance dispensed or administered the:
    - a. Name of the controlled substance,
    - b. Strength of the controlled substance,
    - c. Amount of the controlled substance,
    - d. Name of the animal to which dispensed or administered,
    - e. Name of the animal owner,
    - f. Date dispensed or administered,
    - g. Name of the veterinarian who dispensed or administered the controlled substance, and
    - h. Decrement amounts of the controlled substance quantifying the amount remaining.
- L. Except as provided in subsection (N), a veterinarian shall maintain on the veterinary medical premises for three years after the last date an animal receives veterinary medical services a written medical record containing the:
    1. Name, address, and telephone number of the animal owner;
    2. Description or color photograph, sex, breed, weight, and age of the animal;
    3. Date of veterinary services and date a written entry is made to the medical record, if the entry is made on a date other than when the veterinary medical services were provided;
    4. Results of examination, including temperature, heart rate, respiratory rate, and general condition of the animal, except for livestock and species or in situations that make the examination impractical or potentially detrimental to the animal or examiner;
    5. The animal's tentative or definitive diagnosis;
    6. Treatment provided to the animal;
    7. Name of each medication administered including:
      - a. Concentration, except when the medication is only offered in one size and strength;
      - b. Amount;
      - c. Frequency; and
      - d. Route of administration
    8. Name of each medication prescribed including concentration, amount, and frequency;

9. Name and result of each diagnostic and laboratory test conducted;
  10. Signature or initials of each individual placing an entry in the medical record; and
  11. Signature or initials of the veterinarian performing the veterinary medical services.
- M. A veterinarian shall ensure that a radiograph of an animal is permanently labeled with the following information and maintained on the veterinary medical premises for three years from the last date an animal receives veterinary medical services:
1. The name of the animal owner,
  2. The name of the animal,
  3. The date the radiograph was taken,
  4. The name of the veterinarian or veterinary medical premises, and
  5. The anatomical orientation.
- N. A veterinarian who administers a rabies vaccine to an animal on behalf of an animal control agency or animal shelter and provides no other veterinary medical service to the animal:
1. Is exempt from the requirements of subsection (L);
  2. Shall generate a rabies vaccination record for each animal vaccinated that includes:
    - a. The name and address of the animal owner;
    - b. A description or color photograph of the animal that includes species, breed, sex, age, and color;
    - c. The date of vaccination;
    - d. The vaccine manufacturer's name;
    - e. The serial number of the vaccine used;
    - f. The date revaccination is due; and
    - g. The veterinarian's signature; and
  3. Shall provide a copy of each rabies vaccination record to the veterinary medical premises, animal control agency, or animal shelter at which the rabies vaccination was provided. If a copy of the rabies vaccination record is provided to the veterinary medical premises, the veterinary medical premises shall maintain the record for at least three years from the date of vaccination.
- O. In this Section, unless otherwise specified:
1. "Animal control agency" means a board, commission, department, office, or other administrative unit of federal or state government or of a political subdivision of the state that is responsible for controlling rabies in animals in a specific geographic area.

2. "Animal shelter" means a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit corporate organization devoted to the welfare, protection and humane treatment of animals. A.R.S. § 11-1022(H).

**R3-11-503. Repealed**

**ARTICLE 6. VETERINARY TECHNICIANS**

**R3-11-601. Repealed**

**R3-11-602. Repealed**

**R3-11-603. Examination Committee**

The Board may appoint a committee of Arizona licensed veterinarians and certified veterinary technicians to assist the Board to prepare and administer examinations of applicants for veterinary technician certificates. An examination recommended by the examination committee is subject to the approval of the Board.

**R3-11-604. Examinations**

- A. The Board shall hold a veterinary technician examination at least once a year. A minimum of 20 days before the examination, the Board shall send an applicant a written notice of the date, time, and place of the examination.
- B. An applicant shall pass a national veterinary technician examination and an Arizona veterinary technician examination with a score of at least 70 percent on each examination before being certified by the Board.
- C. An applicant with a passing score on either the national veterinary technician examination or the Arizona veterinary technician examination shall retake the examination if the applicant does not obtain certification within five years after the date of the examination.
- D. An applicant who meets all the requirements in A.R.S. § 32-2242(D) is not required to retake the national veterinary technician examination. However, an applicant who meets all the requirements in A.R.S. § 32-2242(D) shall pass the Arizona veterinary technician examination within five years before obtaining certification.

**R3-11-605. Certified Veterinary Technician Services**

- A. Except as provided in subsection (B), a certified veterinary technician may perform the tasks delegated by a licensed veterinarian while under the direction, supervision, and control of the licensed veterinarian.
- B. A certified veterinary technician shall not:
  1. Perform surgery,
  2. Diagnose,
  3. Prescribe a medication, or
  4. Provide a prognosis.

### **R3-11-606. Application for a Veterinary Technician Certificate**

- A. Except as provided in subsection (B), an applicant for a veterinary technician certificate shall submit, at least 65 days before an examination date, an application packet to the Board that contains:
1. A notarized application form, signed by the applicant, containing:
    - a. The applicant's name, mailing address, residence and business telephone numbers, and Social Security number;
    - b. The name of the veterinarian currently employing applicant, if employed by a veterinarian;
    - c. The name and address of the veterinary premises where applicant is employed, if employed; and
    - d. A statement of whether application is being made on the basis of education or transfer from another state:
      - i. If application is based on education, the applicant shall submit written documentation of graduation from a school that meets the requirements in A.R.S. § 32-2242(B) with a curriculum in veterinary technology; or
      - ii. If application is based on transfer from another state, the applicant shall submit the information required in (d)(i) and proof required under A.R.S. § 32-2242(D);
  2. If an applicant has passed a national veterinary technician examination, the applicant shall provide the date on which the applicant took the examination and arrange to have an official transcript of the applicant's scores from the national veterinary technician examination sent directly to the Board by the American Association of Veterinary State Boards;
  3. An applicant who has been or is at the time of application certified or registered in another state as a veterinary technician shall cause each state board that has certified or registered the applicant to send directly to the Board a letter indicating the applicant's standing, including whether the applicant is currently under investigation or has ever been disciplined for violation of a veterinary technician or medical practice act;
  4. As required under A.R.S. § 41-1080(A), an applicant shall submit to the Board the specified documentation of citizenship or alien status indicating the applicant's presence in the U.S. is authorized under federal law; and
  5. A certified check or money order for the application and examination fee required in R3-11-105.
- B. A veterinary technician student who expects to graduate at least 30 days before an examination date shall submit to the Board, no later than 65 days before the examination date, the application required under subsection (A) and rather than the documentation required under subsection (A)(1)(d)(i), a letter from the dean of the school that indicates the applicant is in good standing and states the expected date of graduation.
- C. A veterinary technician student who submits an application under subsection (B) shall submit to the Board the documentation required under subsection (A)(1)(d)(i) no later than 15 days following the date of graduation.

### **R3-11-607. Renewal of Veterinary Technician Certificate**

- A. No later than February 1 of every odd-numbered year, a certificate holder shall submit:
1. A signed and dated renewal application form, which is provided to the certificate holder by the Board, containing the following information:
    - a. The certificate holder's name, residence address, work address, and work telephone number;
    - b. A statement of whether, within the two-year period preceding the renewal date, the certificate holder has been charged with a felony or any misdemeanor involving conduct that may affect patient health and safety including:
      - i. The charged felony or misdemeanor;
      - ii. The city, county, and state where the felony or misdemeanor took place;
      - iii. The court having jurisdiction over the felony or misdemeanor;
      - iv. Whether the charges were dismissed;
      - v. The date of the conviction;
      - vi. Whether the conviction was set aside;
      - vii. Notice of expungement, if applicable;
      - viii. Notice of restoration of civil rights, if applicable; and
      - ix. Probation officer's name, address, and telephone number, if applicable; and
    - c. A statement by the certificate holder that the information contained on the renewal form is true and correct.
  2. The written documentation of continuing education required under R3-11-403;
  3. If the documentation previously submitted under R3-11-606(A)(4) was a limited form of work authorization issued by the federal government, evidence that the work authorization has not expired; and
  4. The fee required by the Board under R3-11-105.
- B. A certificate holder who fails to submit the certificate renewal fee and information required under subsection (A) before February 1 of every odd-numbered year:
1. Forfeits all privileges and rights extended by the certificate, and
  2. Shall immediately cease performing veterinary technician services until the certificate holder:
    - a. Complies with the requirements of subsection (A), and
    - b. Pays the delinquency fee required under R3-11-105 in addition to the certificate renewal fee.



## **ARTICLE 7. VETERINARY MEDICAL PREMISES AND EQUIPMENT**

### **R3-11-701. General Veterinary Medical Premises Standards**

A Responsible Veterinarian shall ensure that:

1. The physical plant of a veterinary medical premises conforms to state and local building and fire codes and local zoning requirements;
2. A veterinary medical premise's identification is visible to the public from the outside of its physical plant. The identification includes the hours of operation and shall be placed so that it is unobstructed from public view. If the hours of operation include hours after dusk, a means of illuminating the sign shall be provided and used during the hours of operation after dusk;
3. Floors, tables, countertops, sinks, and fixtures within the veterinary medical premises are made of nonporous materials that can be sanitized;
4. Water and a means of achieving water temperatures from 32°F to 212°F is provided on the veterinary medical premises;
5. Refrigerated storage space, large enough to contain all deceased animals except livestock, is provided on the veterinary medical premises, pending necropsy and disposal pick-up or, in the case of a mobile unit, if requested by the client, arrangements are made for disposal of the body, except livestock;
6. Storage space is provided on the veterinary medical premises for biohazardous medical waste pending disposal pick-up;
7. If animals, other than livestock, will be housed on a veterinary medical premises, an individual compartment, equipped with a latch, for each animal housed on the veterinary medical premise is provided;
8. A sharps container is provided on the veterinary medical premises; and
9. A working scale is provided at the veterinary medical premises for use with animals other than livestock.

### **R3-11-702. Equipment and Supplies**

A Responsible Veterinarian shall ensure that equipment and supplies are available on the veterinary medical premises of an adequate number and type to provide the veterinary medical services that are offered at the veterinary medical premises.

### **R3-11-703. Maintenance Standards for a Veterinary Medical Premises**

A Responsible Veterinarian shall ensure that:

1. All exits, corridors, and passageways inside and outside the veterinary medical premises are unobstructed at all times;
2. Combustible material such as paper, boxes, and rags are not allowed to accumulate inside or outside the veterinary medical premises;
3. Temperatures are maintained between 65°F and 90°F in each room where an animal, other than livestock, is treated or housed;

4. Floors, countertops, tables, sinks, and any other equipment or fixtures used in a veterinary medical premises are maintained in a clean condition and sanitized after contact with an animal or animal tissue; and
5. Animal compartments are cleaned and sanitized at least once every 24 hours when an animal, other than livestock, is being housed and after each animal, other than livestock, vacates the compartment.

#### **R3-11-704. Surgical Equipment**

In addition to complying with the requirements in this Article, if surgery is performed on a veterinary medical premises, a responsible veterinarian shall ensure that the following is provided on the veterinary medical premises:

1. Caps, masks, and sterile gloves and gowns;
2. Sterile surgical packs, including:
  - i. Drapes;
  - ii. Sponges; and
  - iii. Surgical instruments necessary to perform a surgical procedure;
3. An oxygen tank that contains oxygen sufficient for each animal to whom general anesthesia is administered;
4. A means of administering anesthesia for each animal that will receive general anesthesia;
5. A fixed or portable surgical light to illuminate the surgical site; and
6. A light for use if the surgical light will not operate.

#### **R3-11-705. Mobile Clinics**

- A. Except for R3-11-701(1), R3-11-701(2), R3-11-701(5), and R3-11-701(6) the application process and standards contained in this Article apply to mobile clinics.
- B. A Responsible Veterinarian shall ensure that a mobile clinic has:
  1. An electrical power source;
  2. Storage space for biohazardous waste pending disposal pick-up; and
  3. Storage space, separate from storage space in subsection (B)(2), for the transportation of a deceased animal.

#### **R3-11-706. Mobile Units**

A Responsible Veterinarian shall:

1. Ensure that controlled substances and prescription-only drugs are maintained accessible only to authorized personnel;
2. Meet manufacturer's label requirements for the storage and handling of biologics and veterinary supplies and medications requiring temperature control; and

3. Maintain sterile surgical supplies and equipment.

### **R3-11-707. Application for a Veterinary Medical Premises License**

An applicant for a veterinary medical premises license shall:

1. Submit the following to the Board:
  - a. A notarized application form, signed by the Responsible Veterinarian, that contains the information set forth in A.R.S. § 32-2272; and
  - b. The fee required in R3-11-105, payable by certified check or money order; and
2. Pass an inspection conducted by the Board.

## **ARTICLE 8. DRUG DISPENSING**

### **R3-11-801. Notification that Prescription-only Drugs or Controlled Substances May Be Available at a Pharmacy**

- A. A dispensing veterinarian shall notify an animal owner that some prescription-only drugs and controlled substances may be available at a pharmacy by:
  1. Stating the availability at or before the time of dispensing;
  2. Posting a written statement that is visible to the animal owner; or
  3. Providing the animal owner with written notification.
- B. A dispensing veterinarian may provide a written, electronic, or telephonic prescription if requested by an animal owner and the dispensing veterinarian:
  1. Has a valid doctor-patient relationship with the animal, and
  2. Determines that providing the prescription is in the best interest of the animal.

### **R3-11-802. Labeling Requirements**

A veterinarian shall dispense a prescription-only drug or a controlled substance in a container bearing a legible label that sets forth all of the information required under A.R.S. § 32-2281(A)(1).

### **R3-11-803. Packaging Requirements**

- A. A veterinarian shall dispense four ounces or less of a prescription-only drug in a childproof container unless the animal owner waives this requirement.
- B. A veterinarian shall dispense a controlled substance in a childproof container.
- C. A veterinarian may dispense more than four ounces of a bulk prescription-only drug in a non-childproof container.
- D. A veterinarian may dispense a prescription-only drug in the manufacturer's original dispensing package without repackaging the prescription-only drug in a childproof container.

### **R3-11-804. Reserved**

### **R3-11-805. Storage**

- A. A dispensing veterinarian shall store controlled substances under lock and key except for controlled substances that are authorized by a responsible veterinarian to be administered by personnel.
- B. A dispensing veterinarian shall store prescription-only drugs in an area to which members of the public are not allowed access unless accompanied by a veterinarian or a member of the veterinarian's staff.
- C. A dispensing veterinarian shall store prescription-only drugs and prescription-only devices in compliance with state and federal laws and in compliance with the manufacturer's requirements.

### **R3-11-806. Reserved**

### **R3-11-807. Dispensing a Controlled Substance or Prescription-only Drug**

- A. When dispensing a controlled substance:
  - 1. A dispensing veterinarian or personnel who are not veterinarians but who are authorized by a veterinarian may:
    - a. Select the controlled substance,
    - b. Count the quantity of the controlled substance, and
    - c. Place the controlled substance in a prescription container.
  - 2. Licensed or unlicensed personnel may:
    - a. Prepare labels,
    - b. Prepare drug containers for controlled substances, or
    - c. Record information required by state and federal laws.
  - 3. A dispensing veterinarian shall review the label of a repackaged controlled substance and the patient's medical record and ensure that the label complies with R3-11-502 and state and federal laws before the controlled substance is dispensed.
- B. When dispensing a prescription-only drug:
  - 1. A dispensing veterinarian or personnel who are not veterinarians but who are authorized by a veterinarian may:
    - a. Repackage prescription-only drugs,
    - b. Prepare labels,
    - c. Prepare containers for prescription-only drugs, or
    - d. Record information required by state or federal laws.
  - 2. The dispensing veterinarian authorizing the dispensing shall ensure that records are maintained according to R3-11-502(K) and R3-11-502(L) and all state and federal laws are followed.

## ARTICLE 9. INVESTIGATIONS AND HEARINGS

### R3-11-901. Investigations of Alleged Violations

- A. A person may notify the Board of an alleged violation of A.R.S. §§ 32-2201 through 32-2296 and this Chapter. The Board also may initiate a complaint on its own motion.
- B. The Board shall send a written notice to the licensee or certificate holder who is the subject of the complaint. The licensee or certificate holder shall provide a written response and all relevant records or documents concerning the complaint if requested by the Board, no later than 15 days from the date of the notice. If a medical record is relevant to the complaint, the licensee or certificate holder shall ensure that the version of the medical record provided to the Board is typewritten.
- C. The Board may request the licensee or certificate holder to reply to any statements or documents the Board receives concerning a complaint. If the Board requests the licensee or certificate holder to provide the Board with additional information concerning a complaint, the licensee or certificate holder shall respond in writing within 15 days from the date of the request.
- D. The Board may request the complainant and other witnesses or the licensee or certificate holder to appear before the Board to assist in the Board's investigation.

### R3-11-902. Informal Interview

- A. The Board shall conduct an informal interview under A.R.S. § 32-2234, 32-2249, 32-2274, or 32-2294 as follows:
  - 1. The Board shall send a written notice of the informal interview to the licensee or certificate holder by personal service or certified mail, return receipt requested, at least 20 days before the informal interview. The Board shall ensure that the notice contains:
    - a. The time, place, and date of the informal interview;
    - b. An explanation of the informal nature of the interview;
    - c. A statement of the subject matter or issues involved;
    - d. The licensee's or certificate holder's right to appear with or without the assistance of an attorney;
    - e. A notice that if a licensee or certificate holder fails to appear at the informal interview, the informal interview may be held in the licensee's or certificate holder's absence; and
    - f. The licensee's or certificate holder's right to a formal hearing held according to A.R.S. § 32-2234, 32-2249, 32-2274 or 32-2294.
  - 2. During the informal interview:
    - a. The Board may:
      - i. Swear in the licensee or certificate holder and all witnesses;
      - ii. Question the licensee or certificate holder and all witnesses; and
      - iii. Deliberate.
    - b. The licensee or certificate holder may question witnesses.

3. At the conclusion of the informal interview the Board may:
  - a. Order additional investigation;
  - b. Order another informal interview;
  - c. Dismiss the complaint;
  - d. Impose disciplinary sanctions authorized by A.R.S. § 32-2234, 32-2249 32-2274, or 32-2294 if a violation is found; or
  - e. Order a formal hearing on the complaint.
- B. The Board shall issue written findings of fact, conclusions of law, and order of the Board no later than 60 days from the date of the conclusion of the informal interview.
- C. A licensee, certificate holder, or the Board may seek a rehearing or review of a Board decision as stated in A.A.C. R3-11-904 or A.R.S. § 41-1092.02.

### **R3-11-903. Formal Hearing**

- A. If a formal hearing under A.R.S. § 32-2234, 32-2249, 32-2274, or 32-2294 is to be held before an administrative law judge, the requirements in A.R.S. § 41-1092 through 41-1092.11 apply.
- B. If a formal hearing under A.R.S. § 32-2234, 32-2249, 32-2274 or 32-2294 is to be held directly before the Board, the requirements in A.R.S. § 41-1092 through 41-1092.11 and the following apply:
  1. The Board shall provide a written complaint and notice of formal hearing to a licensee or certificate holder at the licensee's or certificate holder's last known address of record by personal service or certified mail, return receipt requested at least 30 days before the date set for the formal hearing;
  2. A licensee or certificate holder served with a complaint and notice of hearing shall file an answer by the date specified in the notice of hearing admitting or denying the allegations in the complaint;
  3. A complaint and notice of hearing may be amended at any time. The Board shall send written notice of any changes in the complaint and notice of hearing to the licensee or certificate holder at least 20 days before a formal hearing;
  4. The licensee or certificate holder may appear at the formal hearing with or without the assistance of an attorney. If the licensee or certificate holder fails to appear, the Board may hold the formal hearing in the licensee's or certificate holder's absence;
  5. The Board may conduct a formal hearing without adherence to the rules of procedure or rules of evidence used in civil proceedings. At the formal hearing the Board shall rule on the procedure to be followed and admissibility of evidence; and
  6. The Board shall send a written decision that includes written findings of fact, conclusions of law, and order to the licensee or certificate holder within 60 days after the formal hearing is concluded. The licensee, certificate holder, or Board may seek rehearing or review of the order according to A.A.C. R3-11-904 or A.R.S. § 41-1092.02.

### **R3-11-904. Rehearing or Review of Decisions**

- A. Except as provided in subsection (F), a party who is aggrieved by a decision issued by the Board may file with the Board, not later than 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the grounds for rehearing or review. For purposes of this Section, a decision is considered to have been served when personally delivered to the party's last known address or mailed by certified mail to the party or the party's attorney.
  
- B. A party filing a motion for rehearing or review under this rule may amend the motion at any time before it is ruled upon by the Board. Other parties may file a response within 15 days after the date the motion for rehearing or review is filed. The Board may require that the parties file supplemental memoranda explaining the issues raised in the motion and may permit oral argument.
  
- C. The Board may grant a rehearing or review of the decision for any of the following causes materially affecting the party's rights:
  - 1. Irregularity in the proceedings of the Board or an abuse of discretion, which deprived the party of a fair hearing;
  - 2. Misconduct of the Board or its hearing officer or the prevailing party;
  - 3. Accident or surprise that could not have been prevented by ordinary prudence;
  - 4. Newly-discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing;
  - 5. Excessive or insufficient penalties;
  - 6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing; or
  - 7. That the findings of fact or decision are not supported by the evidence or is contrary to law.
  
- D. The Board may affirm or modify its decision or grant a rehearing to any party on all or part of the issues for any of the reasons in subsection (C). An order granting a rehearing or review shall specify the grounds for the rehearing or review.
  
- E. Not later than 30 days after a decision is issued by the Board, the Board may, on its own initiative, grant a rehearing or review of its decision for any of the reasons in subsection (C). An order granting a rehearing shall specify the grounds for the rehearing or review.
  
- F. If the Board makes specific findings that the immediate effectiveness of a decision is necessary for the immediate preservation of public health and safety and determines that a rehearing or review of the decision is impracticable, unnecessary or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, the aggrieved party shall make an application for judicial review of the decision within the time limits permitted for an application for judicial review of the Board's final decision at A.R.S. § 41-1092.02.
  
- G. The Board shall rule on the motion for rehearing or review within 15 days after the response has been filed, or at the Board's next meeting after the motion is received, whichever is later. If a motion for rehearing or review is granted, the Board shall hold the rehearing or review within 90 days from the date the Board issues the order for rehearing or review.

### **R3-11-905. Depositions, Issuance of Subpoenas, Service**

- A. A party desiring to take the deposition of a witness who is unable to attend a hearing before the Board shall submit a request to take a deposition of an unavailable witness to the Board.
  - 1. If the Board grants the request to take a deposition of an unavailable witness, the party may proceed to take the deposition of the witness by complying with the Arizona Rules of Civil Procedure.
  - 2. The Board may, in its discretion, designate the time and place before whom the deposition may be taken.
  - 3. The party requesting the deposition shall bear the expense of the deposition.
- B. A subpoena may be issued as follows:
  - 1. If a hearing is to be conducted by the Board, the Board may issue a subpoena for the attendance of a witness or the production of books, records, documents and other evidence according to A.R.S. § 32-2237(F).
    - a. The Board shall serve a subpoena on each party at least 10 days before the hearing date.
    - b. A party shall submit a written request for a subpoena with the Board. The party shall submit the request in the time necessary to allow compliance with subsection (B)(1)(a).
    - c. The party requesting service of a subpoena shall bear the expense of the service of the subpoena.
  - 2. If a hearing is to be conducted by an administrative law judge, a subpoena is issued by the Office of Administrative Hearings according to A.R.S. § 41-1092.02.
- C. Service of any decision, order, notice, subpoena, or other process may be made personally in the same manner as provided for service of process in a civil action, or may be mailed by certified mail, postage prepaid, to the last address of record with the Board.
  - 1. Personal service is effective on the date received. Service by certified mail is effective when deposited in the United States mail.
  - 2. Service upon an attorney for a party constitutes service upon the party.
  - 3. Proof of service may be made by the affidavit or oral testimony of the process server.

## **ARTICLE 10. ANIMAL CREMATORY MINIMUM STANDARDS**

### **R3-11-1001. Definitions**

In this Article:

“Animal remains” mean the body or part of the body of a dead animal in any stage of decomposition.

“Authorizing agent” means an individual legally entitled to authorize the cremation of animal remains.

“Communal cremation” means remains from multiple animals are in the cremation chamber without any form of separation or identification during the cremation process.



“Cremated remains or ashes” mean the residual of animal remains recovered after completion of the cremation process.

“Cremation chamber” means the enclosed space within which the cremation process takes place.

“Individual cremation” means the remains of each animal are separated and placed in a mapped location in the cremation chamber during the cremation procedure.

“Major changes in the scope of the animal crematory services,” as used in A.R.S. § 32-2292(C), means an increase or decrease in the number of retorts or the addition of services offered or provided by an animal crematory licensed under this Article.

“Operator” means the individual who is responsible for the day-to-day operation of an animal crematory licensed under this Article.

“Owner” means the person named under A.R.S. § 32-2292(B)(2).

“Private cremation” means the remains of only one animal are placed in the cremation chamber.

“Process” means to reduce identifiable bone fragments remaining after cremation to unidentifiable cremated remains.

“Renewal period” means the two years between January 1 of an odd-numbered year and December 31 of an even-numbered year.

“Responsible Owner” means the person designated by the crematory owner to be responsible to the Board for the operation of the animal crematory.

“Retort” means the machine used to cremate animal remains.

### **R3-11-1002. Obtaining an Animal Crematory License**

A. A person shall not provide or represent to provide animal cremation services before submitting to the Board an application and the fee required under subsection (B).

B. To obtain an animal crematory license, the Responsible Owner of an animal crematory shall:

1. Submit an application, using a form obtained from the Board, which provides, but is not limited to, the following information:

a. Name of the animal crematory;

b. Address of the fixed location of the animal crematory;

c. Name of the person owning the animal crematory:

i. If the owner is an individual, that individual's name;

ii. If the owner is a partnership, the names of all partners; and

iii. If the owner is corporation or another business form, the names of all individuals owning at least 10 percent of the business;

d. For each individual identified under subsection (B)(1)(c):

i. Residential address; and

- ii. Documentation of citizenship or alien status, specified under A.R.S. § 41-1080(A), indicating the individual's presence in the U.S. is authorized under federal law.
  - e. Names of all operators;
  - f. A description of all services that will be provided or offered by the animal crematory;
  - g. A description of the animal crematory premises;
  - h. A description of any cremation equipment; and
  - i. Name and signature of the Responsible Owner;
2. Submit the fee required under R3-11-1004(1).
  3. Submit evidence that all operators have received training in the safe and proper operation of the crematory from the manufacturer of the retort or other provider;
  4. Submit a copy of every application for or license or permit issued for the animal crematory to operate in this state; and
  5. Schedule an inspection of the animal crematory by a Board designee.

**R3-11-1003. Renewing an Animal Crematory License**

- A. An animal crematory license expires on December 31 of every even-numbered year.
- B. A Responsible Owner that fails to submit a renewal application and the fee required under R3-11-1004(2) to the Board on or before December 31 of an even-numbered year shall cease providing animal cremation services until a renewal application is submitted.
- C. To renew an animal crematory license, the Responsible Owner shall submit to the Board, between October 1 and December 31 of an even-numbered year:
  1. A renewal application that provides the following information:
    - a. Name of the animal crematory;
    - b. Address of the fixed location of the animal crematory;
    - c. Name of the owner of the animal crematory;
      - i. If the owner is an individual, that individual's name;
      - ii. If the owner is a partnership, the names of all partners; and
      - iii. If the owner is corporation or another business form, the names of all individuals owning at least 10 percent of the business;
    - d. For individuals named under subsection (C)(1)(c), if the documentation previously submitted under R3-11-1002(B)(1)(d)(ii) was a limited form of work authorization issued by the federal government, evidence that the work authorization has not expired;
    - e. Names of all operators;
    - f. Signature of the Responsible Owner; and

2. The fee required under R3-11-1004(2)
- D. If a renewal application is not submitted as required under subsection (C) but is submitted before February 1 following expiration on the previous December 31, the Responsible Owner shall include with the renewal application an affirmation that animal cremation services were not provided at the animal crematory after the animal crematory license expired on the previous December 31.
- E. If a renewal application is not submitted under subsection (C), or (D), the Responsible Owner may have the animal crematory re-licensed within one year following expiration only by:
  1. Submitting the renewal application and fee required under subsection (C);
  2. Submitting the affirmation required under subsection (D); and
  3. Submitting the penalty required under R3-11-1004(3).
- F. If a renewal application is not submitted under subsection (C), (D), or (E), the Responsible Owner may have the animal crematory re-licensed only by complying with R3-11-1002.

#### **R3-11-1004. Fees**

Under the authority provided by A.R.S. § 32-2207(9), the Board establishes and shall collect the following fees:

1. Animal crematory license: \$400;
2. Renewal of an animal crematory license: \$400;
3. Penalty for license renewal after January 31 following expiration: \$100; and
4. Duplicate license: \$10.

#### **R3-11-1005. Minimum Standards for an Animal Crematory**

The owner shall ensure that:

1. The animal crematory complies with all federal, state, and local laws;
2. The animal crematory is at a fixed location;
3. The retort is constructed to withstand temperatures high enough to reduce animal remains to bone fragments yet protect persons and property from damage from excessive heat or harmful emissions;
4. The retort is shielded from public view;
5. The retort is competently installed. If the retort is installed in Arizona after the effective date of this Article, the retort shall be installed according to the manufacturer's recommendations and in accordance with all state, federal, and local laws and ordinances;
6. If the retort is inside a building:
  - a. It is vented to the outside of the building; and
  - b. There is adequate exhaust to prevent heat buildup;

7. The cremation chamber receives fresh air to aid in combustion;
8. The animal crematory has a storage facility that:
  - a. Chills animal remains to at least 40 degrees Fahrenheit;
  - b. Is secure from access by unauthorized individuals; and
  - c. Preserves the dignity of the animal remains;
9. The animal crematory has the equipment and supplies necessary to conduct cremations in a manner that protects the health and safety of crematory employees and the public; and
10. All city, county, and other building codes, restrictions, and guidelines applicable to the animal crematory are followed.

### **R3-11-1006. Minimum Operating Standards for an Animal Crematory**

The owner shall ensure that:

1. The animal crematory accepts delivery of animal remains only from:
  - a. The owner of the animal remains,
  - b. An animal shelter or humane society,
  - c. A veterinarian licensed under this Chapter,
  - d. An individual or entity with whom the animal crematory has a written contract regarding collection, pick-up, or delivery services;
  - e. An authorized agent of a person described under subsections (1)(a) through (1)(d); or
  - f. A state, county, city, or other corporation authorized to remove dead animals.
2. Animal remains that cannot be cremated immediately upon receipt are placed in the storage facility described in R3-11-1005(8) but for no more than 30 days;
3. If animal remains are submitted for individual cremation:
  - a. The animal remains are cremated separate from other animal remains;
  - b. The cremated remains are not commingled with other cremated remains;
  - c. The cremated remains are removed from the cremation chamber to the extent feasible and placed in an appropriately sized and securely closed container;
  - d. A label containing the following information is permanently affixed to the container in which the cremated remains are placed:
    - i. Name of the crematory,
    - ii. Name of the animal cremated, and
    - iii. Date of cremation; and

- e. The cremated remains are disposed according to instructions from the authorizing person or agent;
- 4. All animal remains submitted for cremation are cremated;
- 5. Animal remains that are communally cremated are disposed of in a legal manner;
- 6. The cremation chamber is:
  - a. Operated in a safe and sanitary manner and maintained so the cremation chamber functions in an effective and efficient manner; or
  - b. Operated and maintained according to the manufacturer's recommendations if the retort is installed in Arizona after the effective date of the Article;
- 7. Employees of the animal crematory who handle animal remains use universal precautions and exercise reasonable care to minimize the risk of injury or transmitting communicable disease; and
- 8. Instructions for operation of the cremation chamber, including emergency shut-down procedures, are located at the animal crematory and easily accessible.

**R3-11-1007. Written Procedures Required**

- A. The Responsible Owner shall ensure that the animal crematory has written procedures regarding the manner in which:
  - 1. Animal remains are identified from the time the animal crematory accepts delivery of the animal remains until the cremated remains are released according to instructions from the authorizing person or agent;
  - 2. Authorization to cremate is obtained and documented;
  - 3. The cremation chamber is loaded and unloaded;
  - 4. Cremated remains are processed;
  - 5. Cremated remains, including unclaimed cremated remains, are returned to the authorized agency or disposed of; and
  - 6. Records are to be completed and maintained for three years from the date of service.
- B. The Responsible Owner shall ensure that all employees involved in providing animal cremation services are familiar with and follow the required procedures.
- C. The Responsible Owner shall make these written procedures available for inspection by the Board upon request.

**R3-11-1008. Recordkeeping Requirements**

- A. The Responsible Owner shall ensure that records containing the following information are maintained for three years:
  - 1. For the cremation of individual animal remains:
    - a. Last name of the owner of the animal;

- b. Name of the animal;
  - c. Description of the animal, including its weight;
  - d. Name of the individual, facility, or organization from which the animal was received;
  - e. Authorization to cremate;
  - f. Date of cremation and in which retort the cremation occurred; and
  - g. Date and manner of disposition of cremated remains;
2. For a communal cremation of animal remains:
- a. Name of the individual, facility, or organization from which the animal remains were received;
  - b. Number of animals and estimated total weight;
  - c. Last name of animals' owners, if known;
  - d. Names of animals, if known;
  - e. Authorization to cremate;
  - f. Date of cremation and in which retort the cremation occurred; and
  - g. Date and manner of disposition of cremated remains.
- B. If an animal crematory uses a service to collect, pick up, or deliver animal remains for cremation, the Responsible Owner shall enter into a written contract with the service that requires the service to inform the authorizing person or agent, in writing, of the name of the animal crematory that will do the cremation. The Responsible Owner shall maintain a copy of any contract for two years after expiration of the contract term.
- C. The Responsible Owner shall maintain for three years records of all maintenance performed on the retort.
- D. The Responsible Owner shall make the records required under this Section available for inspection by the Board upon request.
- E. Under A.R.S. § 32-2294(A)(3), the Responsible Owner shall make records required under subsection (A) available on request to the authorizing person or agent.

**R3-11-1009. Change in a Responsible Owner**

Under A.R.S. § 32-2292(D), a change of Responsible Owner cancels a license and the Responsible Owner shall:

- 1. Submit the cancelled license to the Board within 20 days after the change in Responsible Owner; and
- 2. Ensure that animal cremation services are not provided until an application and fee are submitted under R3-11-1002.

### **R3-11-1010. Change in Operator**

Within 30 days after a change in operator, the Responsible Owner shall provide a written notice to the Board that includes:

1. Name of the licensed animal crematory;
  2. Animal crematory license number;
  3. Name of the former operator;
  4. Name of the new operator;
  5. Date on which the new operator assumed responsibility for the animal crematory; and
  6. An affirmation, signed by the Responsible Owner, that the new operator received training in the safe and proper operation of the cremation chamber and the written procedures required under R3-11-1007.
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**In the event of any discrepancy between this booklet and the Arizona Administrative Code, the Arizona Administrative Code shall prevail.**

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