

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

FIVE-YEAR-REVIEW REPORT

3 A.A.C. 11, Articles 1 through 10

October 2014

INTRODUCTION

The primary responsibility 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.

The Board has 52 rules and one table. Since its last five-year-review report was approved by Council on November 3, 2009, the Board completed one rulemaking, which substantially revised most of its rules. As of the end of FY14, the Board licensed 2,226 veterinarians, 831 veterinary medical premises, and 16 animal crematories. Also, 990 veterinary technicians (CVT) held certificates. Last year, it collected \$68,337 in fees from 487 new applicants for licensure. This amount of licensing fees reflects the fact that 2013 was not a year in which licensees were required to renew their licenses. The Board's current appropriation is \$483,400, which supports five FTEs. The Board is adding an additional FTE during the current fiscal year to increase premise inspections and enhance investigation capacity.

Statute that generally authorizes the agency to make rules: A.R.S. § 32-2207(8)

1. Specific statute authorizing the rule:

- R3-11-101. Definitions: A.R.S. § 32-2207(8)
- R3-11-102. Board Meetings: A.R.S. § 32-2204
- R3-11-103. Evaluating Board Services: A.R.S. § 32-2207(8)(c)
- R3-11-104. Premise License: A.R.S. §§ 32-2271 and 32-2272
- R3-11-105. Fees: A.R.S. §§ 32-2207(9), 32-2215, 32-2217, 32-2218, 32-2219, 32-2242, 32-2247, 32-2248, 32-2250, 32-2272, and 32-2273
- R3-11-107. Residence and Veterinary Practice Addresses: A.R.S. §§ 32-2207(8) and 32-2233(B)(2)
- R3-11-108. Time-frames for Licensure, Certification, Permit, and Continuing Education Approvals: A.R.S. §§ 32-2207(3) and 41-1072 through 41-1079
- Table 1. Time-frames (in days): A.R.S. §§ 32-2207(3) and 41-1072 through 41-1079
- R3-11-109. Arizona Ombudsman-Citizens' Aide: A.R.S. § 32-2207(10)

- R3-11-201. Application for a Veterinary Medical License: A.R.S. §§ 32-2213, 32-2214, and 32-2215
- R3-11-203. Documents Required with a License Application: A.R.S. §§ 32-2213, 32-2214, 32-2215, and 41-1080
- R3-11-204. Renewal of Veterinary License: A.R.S. § 32-2218
- R3-11-301. Application for a Temporary Permit: A.R.S. § 32-2216
- R3-11-304. Extension of Temporary Permits: A.R.S. § 32-2216(B)
- R3-11-305. "Good and Sufficient Reason" for Failure to Take a State Examination: A.R.S. § 32-2216(B)
- R3-11-401. Continuing Education: A.R.S. § 32-2207(8)
- R3-11-402. Approval of Continuing Education: A.R.S. § 32-2207(8)
- R3-11-403. Documentation of Attendance: A.R.S. §32-2207(8)
- R3-11-405. Waiver: A.R.S. § 32-2207(8)
- R3-11-501. Ethical Standards: A.R.S. § 32-2232(12)
- R3-11-502. Standards of Practice: A.R.S. §§ 32-2207(8)(a) and 32-2275
- R3-11-603. Examination Committee: A.R.S. § 32-2243
- R3-11-604. Examinations: A.R.S. § 32-2243
- R3-11-605. Certified Veterinary Technician Services: A.R.S. §§ 32-2241 and 32-2245
- R3-11-606. Application for Veterinary Technician Certification: A.R.S. § 32-2207(3) and 32-2242
- R3-11-607. Renewal of Veterinary Technician Certificate: A.R.S. §§ 32-2207(3) and 32-2246
- R3-11-701. General Veterinary Medical Premises Standards: A.R.S. §§ 32-2271 and 32-2275
- R3-11-702. Equipment and Supplies: A.R.S. § 32-2275
- R3-11-703. Maintenance Standards for a Veterinary Medical Premises: A.R.S. § 32-2275
- R3-11-704. Surgical Equipment: A.R.S. § 32-2275
- R3-11-705. Mobile Clinics: A.R.S. §§ 32-2271 and 32-2275
- R3-11-706. Mobile Units: A.R.S. §§ 32-2271 and 32-2275
- R3-11-707. Application for a Veterinary Medical Premises License: A.R.S. §§ 32-2272 and 32-2273

- R3-11-801. Notification that Prescription-only Drugs or Controlled Substances May be Available at a Pharmacy: A.R.S. § 32-2281(B)
- R3-11-802. Labeling Requirements: A.R.S. § 32-2281(D)
- R3-11-803. Packaging Requirements: A.R.S. § 32-2281(D)
- R3-11-805. Storage: A.R.S. § 32-2281(D)
- R3-11-807. Dispensing a Controlled Substance or Prescription-only Drug: A.R.S. § 32-2281
- R3-11-901. Investigations of Alleged Violations: A.R.S. §§ 32-2207(6) and 32-2237
- R3-11-902. Informal Interview: A.R.S. §§ 32-2207(2) and 32-2234
- R3-11-903. Formal Hearings: A.R.S. §§ 32-2207(2) and 32-2234
- R3-11-904. Rehearing or Review of Decisions: A.R.S. § 41-1092.09
- R3-11-905. Depositions, Issuance of Subpoenas, Service: A.R.S. § 32-2237(F)
- R3-11-1001. Definitions: A.R.S. §§ 32-2291 through 32-2295
- R3-11-1002. Obtaining an Animal Crematory License: A.R.S. §§ 32-2291 and 32-2292
- R3-11-1003. Renewing an Animal Crematory License: A.R.S. § 32-2292(E)
- R3-11-1004. Fees: A.R.S. § 32-2293
- R3-11-1005. Minimum Standards for an Animal Crematory: A.R.S. § 32-2295
- R3-11-1006. Minimum Operating Standards for an Animal Crematory: A.R.S. §§ 32-2297(A)(2) and 32-2295
- R3-11-1007. Written Procedures Required: A.R.S. § 32-2295
- R3-11-1008. Recordkeeping Requirements: A.R.S. §§ 32-2294(A)(3) and 32-2295
- R3-11-1009. Change in Responsible Owner: A.R.S. § 32-2294(A)(1)
- R3-11-1010. Change in Operator: A.R.S. § 32-2294(A)(1)

2. Objective of the rule including the purpose for the existence of the rule:

R3-11-101. Definitions: The objective of the rule is to define terms used in the rules that are not adequately explained by dictionary definitions. The definitions are designed to facilitate understanding by those who use the rules.

R3-11-102. Board Meetings: The objective of this rule is to specify the month in which the Board will hold its annual meeting, the amount of notice it will provide regarding the

date, time, and location of the annual meeting, and the location of notice of a special meeting. This provides needed information to individuals who want to attend a Board meeting.

R3-11-103. Evaluating Board Services: The objective of this rule is to inform individuals of the opportunity to evaluate the quality of services received from the Board. This provides the Board with valuable feedback so it can improve services and ensures that individuals who want to comment regarding the quality of Board services have an opportunity to do so.

R3-11-104. Premise License: The objective of this rule is to require that a medical premise license be maintained at the licensed premise. This protects consumers from receiving unlicensed veterinary services by providing notice that a veterinary medical premise is licensed.

R3-11-105. Fees: The objective of the rule is to specify the fees that the Board charges for its licensing activities. This enables an applicant to submit the correct amount.

R3-11-107. Residence and Veterinary Practice Addresses: The objective of this rule is to require a licensee or certificate holder to keep the Board informed of the licensee's or certificate holder's residential and practice addresses. This enables the Board to communicate timely with the licensee or certificate holder.

R3-11-108. Time-frames for Licensure, Certification, Permit, and Continuing Education Approvals: The objective of this rule is to specify the time-frames within which the Board will act on a license, certificate, or permit application or application for approval of a continuing education course/conference. This enables an applicant to anticipate when the Board-approval process will be completed.

Table 1. Time-frames (in days): The objective of this rule is to specify in table form the time-frames within which the Board will act on a license, certificate, or permit application or application for approval of a continuing education course/conference. This enables an applicant to anticipate when the Board-approval process will be completed.

R3-11-109. Arizona Ombudsman-Citizens' Aide: The objective of this rule is to specify the manner in which the Board will inform the public of the existence of the Arizona Ombudsman-Citizens' Aide. This protects the public by ensuring that members of the public know of a resource they may find useful.

R3-11-201. Application for a Veterinary Medical License: The objective of this rule is to specify the content of an application for a veterinary medical license and the time at which an application must be submitted. This increases efficiency in the licensing process by enabling applicants to submit an administratively complete application.

R3-11-203. Documents Required with a License Application: The objective of this rule is to specify the documents that must accompany an application for licensure. This increases efficiency in the licensing process by enabling applicants to submit an administratively complete application.

R3-11-204. Renewal of Veterinary License: The objective of this rule is to specify the requirements for renewal of a veterinary license, the manner in which renewal application is made, and consequences of failing to renew. This increases efficiency in the licensing process by enabling licensees to submit a timely and administratively complete renewal application.

R3-11-301. Application for a Temporary Permit: The objective of this rule is to specify the requirements for applying for a temporary permit, which is available to an individual who has graduated from an accredited veterinary college but has not taken the state examination. This increases efficiency in the licensing process by ensuring that only an eligible applicant applies for a temporary permit and enabling qualified applicants to submit an administratively complete application.

R3-11-304. Extension of Temporary Permits: The objective of this rule is to specify the circumstances under which the holder of a temporary permit may have the permit extended

and to provide notice to holders of temporary permits that only one extension is permitted by law. This increases efficiency in the licensing process by ensuring that only an eligible temporary permit holder seeks an extension of the permit and encourages holders of temporary permits to complete the licensing process timely.

R3-11-305. "Good and Sufficient Reason" for Failure to Take a State Examination: The objective of this rule is to specify the circumstances the Board believes amount to "good and sufficient reason" for not taking the state examination. This provides notice to a temporary permittee that the temporary permittee needs to take the state examination when scheduled because there are few circumstances deemed to be good and sufficient reason for failing to take the examination.

R3-11-401. Continuing Education: The objective of this rule is to specify the number of hours of continuing education required for license and certificate renewal and to place limits on the number of hours by subject matter and instructional medium. This enables a licensee or certificate holder to save time and money by ensuring continuing education obtained will count towards renewal.

R3-11-402. Approval of Continuing Education: The objective of this rule is to identify continuing education the Board approves without application, the manner in which a continuing education provider may apply for Board approval, and the standards the Board uses to decide whether to approve a continuing education. This provides a level playing field for all providers of continuing education.

R3-11-403. Documentation of Attendance: The objective of this rule is to specify the documentation of continuing education that a licensee or certificate holder must submit with a renewal application. This enables the Board to protect the public by requiring licensees and certificate holders to provide evidence of completing the continuing education requirement.

R3-11-405. Waiver: The objective of this rule is to specify the manner in which a licensee or certificate holder may request a waiver of the continuing education requirement and the

criteria the Board uses to determine whether to grant a waiver. This protects the public and provides notice to a licensee or certificate holder that there are few circumstances under which the Board will waive the continuing education requirement.

R3-11-501. Ethical Standards: The objective of this rule is to protect the public by establishing ethical standards with which a veterinarian practicing under a license or permit must conform and specifying the consequences of failing to comply. This enables veterinarians to avoid conduct that might lead to disciplinary action and enables the Board to fulfill its statutory responsibility to protect the public.

R3-11-502. Standards of Practice: The objective of this rule is to protect the public by establishing minimum standards for a veterinary practice. This enables a member of the public to have confidence that at least the minimum standard specified will be provided regardless of the veterinarian used.

R3-11-603. Examination Committee: The objective of this rule is to provide notice that the Board may seek input from a committee of licensees and certificate holders regarding examination of applicants for certification. This provides transparency to the public regarding the manner in which the Board prepares the state examination.

R3-11-604. Examinations: The objective of this rule is to provide information to certification applicants regarding the examinations that must be passed to obtain certification. This increases efficiency in the certification process by providing applicants with information necessary to complete the process.

R3-11-605. Certified Veterinary Technician Services: The objective of this rule is to specify that a certified veterinary technician may perform delegated tasks while under the direction, supervision, and control of a licensed veterinary. The rule also specifies the tasks that may not be delegated to and performed by a certified veterinary technician. This enables the Board to protect the public by ensuring that veterinary technicians perform only tasks that are consistent with the education and skill level.

R3-11-606. Application for Veterinary Technician Certification: The objective of this rule is to specify the application requirements for certification as a veterinary technician. This increases efficiency in the certification process by enabling applicants to submit an administratively complete application.

R3-11-607. Renewal of Veterinary Technician Certificate: The objective of this rule is to specify the requirements to renew a certificate as a veterinary technician and the consequences of failing to renew timely. This increases efficiency in the certification process by enabling certificate holders to submit a timely and administratively complete renewal application.

R3-11-701. General Veterinary Medical Premises Standards: The objective of this rule is to protect the public by specifying applicable minimum standards for operation of a veterinary medical premise. This enables a member of the public to have confidence that at least the minimum standard specified will be provided regardless of the veterinary medical premise used.

R3-11-702. Equipment and Supplies: The objective of this rule is to protect the public by requiring a responsible veterinarian to have at the veterinary medical premise the equipment and supplies necessary to provide the offered medical services. This enables a member of the public to have confidence that a veterinary medical premise will be able to provide needed medical services.

R3-11-703. Maintenance Standards for a Veterinary Medical Premises: The objective of this rule is to protect the public by establishing minimum maintenance standards for a veterinary medical premise and to require the responsible veterinarian to ensure compliance. This enables a member of the public to have confidence that at least the minimum standard specified will be provided regardless of the veterinary medical premise used.

R3-11-704. Surgical Equipment: The objective of this rule is to protect the public by specifying the minimum surgical equipment required on a veterinary medical premise at which surgery is performed. This enables a member of the public to have confidence that the veterinary medical premise will have the equipment to perform needed surgery.

R3-11-705. Mobile Clinics: The objective of this rule is to protect the public by specifying the minimum standards applicable for operation of a mobile veterinary medical clinic and to clarify that a mobile clinic is required to be licensed as a veterinary medical premise. This enables a member of the public to have confidence that at least the minimum standard specified will be provided when veterinary services are obtained from a mobile clinic.

R3-11-706. Mobile Units: The objective of this rule is to protect the public by specifying minimum standards for storage and handling of drugs and surgical supplies and equipment in a mobile veterinary medical unit. This enables a member of the public to have confidence that at least the minimum standard specified will exist when veterinary services are obtained from a mobile unit.

R3-11-707. Application for a Veterinary Medical Premises License: The objective of this rule is to specify the application requirements for a veterinary medical premise license and to provide notice that the Board will conduct an inspection of the veterinary medical premise. This increases efficiency in the licensing process by enabling applicants to submit an administratively complete application and to prepare for the inspection.

R3-11-801. Notification that Prescription-only Drugs or Controlled Substances May be Available at a Pharmacy: The objective of this rule is to protect the public by requiring a dispensing veterinarian to inform the owner or person responsible for an animal that a prescription-only drug may be available at a pharmacy rather than from the dispensing veterinarian, specifying the manner in which the information may be provided, and authorizing the dispensing veterinarian to provide a written prescription upon request. This enables the owner or person responsible for an animal to make an informed decision regarding where to have a prescription filled.

R3-11-802. Labeling Requirements: The objective of this rule is to protect the public by establishing minimum labeling requirements for prescription-only drugs and controlled substances dispensed by a veterinarian. This ensures that the owner or person responsible for an animal has the information necessary to use a drug in the intended manner.

R3-11-803. Packaging Requirements: The objective of this rule is to protect the public by establishing minimum packaging requirements for prescription-only drugs and controlled substances dispensed by a veterinarian. This minimizes the chance that drugs intended for an animal are accidentally taken by a child.

R3-11-805. Storage: The objective of this rule is to protect the public by establishing minimum storage requirements for prescription-only drugs and controlled substances dispensed by a veterinarian. This minimizes the opportunity for drugs to be misused.

R3-11-807. Dispensing a Controlled Substance or Prescription-only Drug: The objective of this rule is to protect the public by clarifying the dispensing activities that may be performed by a licensed veterinarian or an unlicensed individual. This minimizes the opportunity for drugs to be misused.

R3-11-901. Investigations of Alleged Violations: The objective of this rule is to set forth the grounds on which an individual or the Board may complain of an alleged violation of statute or rule and to clarify the manner in which the Board initially responds to receipt of a complaint. The objective of the rule is to specify the Board's procedure for handling a complaint against a licensee and taking disciplinary action. This avoids surprise by enabling a licensee to know what to expect from the Board if a complaint is made against the licensee and to prepare to participate in the Board's procedure.

R3-11-902. Informal Interview: The objective of this rule is to specify the manner in which the Board conducts an informal interview. This avoids surprise by enabling a licensee

against whom a complaint is made to know what to expect from the Board in an informal interview.

R3-11-903. Formal Hearings: The objective of the rule is to specify the circumstances under which a complaint against a licensee leads to a formal hearing and the Board's procedure for conducting a formal hearing. This avoids surprise by enabling a licensee to know what to expect if a complaint against the licensee leads to a formal hearing.

R3-11-904. Rehearing or Review of Decisions: The objective of this rule is to specify the procedures and standards for requesting a rehearing or review of a Board decision. This enables a licensee to know how to exhaust the licensee's administrative remedies before making application for judicial review under A.R.S. § 12-901.

R3-11-905. Depositions, Issuance of Subpoenas, Service: The objective of this rule is to specify the process for requesting to take the deposition of an unavailable witness, issuing a subpoena, or making service of documents. This facilitates due process by enabling a licensee against whom a complaint is made to obtain information necessary to address the complaint allegations.

R3-11-1001. Definitions: The objective of the rule is to define terms used in the rules in a manner that is not explained adequately by a dictionary definition. The definitions are designed to facilitate understanding by those who use the rules.

R3-11-1002. Obtaining an Animal Crematory License: The objective of this rule is to specify the application requirements for obtaining an animal crematory license. This increases efficiency in the licensing process by enabling applicants to submit an administratively complete application.

R3-11-1003. Renewing an Animal Crematory License: The objective of this rule is to specify the requirements for renewing an animal crematory license and the consequences of

failing to renew timely. This increases efficiency in the licensing process by enabling licensees to submit a timely and administratively complete renewal application.

R3-11-1004. Fees: The objective of the rule is to specify the fees that the Board charges for its licensing activities. This enables an applicant to submit the correct amount.

R3-11-1005. Minimum Standards for an Animal Crematory: The objective of this rule is to protect the public by establishing minimum facility standards for an animal crematory. This enables a member of the public to have confidence that at least the minimum standard specified will be provided regardless of the animal crematory used.

R3-11-1006. Minimum Operating Standards for an Animal Crematory: The objective of this rule is to protect the public by establishing minimum operating standards for an animal crematory. This enables a member of the public to have confidence that at least the minimum standard specified will be in operation regardless of the animal crematory used.

R3-11-1007. Written Procedures Required: The objective of this rule is to protect the public by requiring that the responsible owner of an animal crematory establish and maintain written procedures regarding operation of the crematory. This enables a member of the public to have confidence that all employees of an animal crematory have received training and are expected to follow required procedures.

R3-11-1008. Recordkeeping Requirements: The objective of this rule is to protect the public by establishing minimum recordkeeping requirements for the responsible owner of an animal crematory. This provides transparency to the public regarding the operation of an animal crematory.

R3-11-1009. Change in Responsible Owner: The objective of this rule is to provide notice that a change in responsible owner of an animal crematory automatically cancels the license and a new license must be obtained by the new responsible owner of the animal crematory.

This protects the public by ensuring that the Board and members of the public know who is responsible for operation of an animal crematory.

R3-11-1010. Change in Operator: The objective of this rule is to protect the public by ensuring the Board has current information regarding the operator of an animal crematory. This provides transparency to the public regarding who is actually operating the animal crematory.

3. Effectiveness of the rule in achieving the objective including a summary of any available data supporting the conclusion:

The Board concluded that the rules are effective in achieving their objectives. This conclusion is supported by the fact the Board remains able to protect the public by issuing licenses, certificates, and approvals and taking disciplinary action. As well, the Board received no comments regarding the rules during the last five years.

4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency:

A veterinarian who dispenses or administers a controlled substance is required to comply with certain federal statutes. However, there are no federal statutes or regulations uniquely applicable to the rules. The rules are consistent with state statutes and other rules except statutes enacted in the last legislative session (See Laws 2014, Chapter 51). The new statutes create a new faculty member license and an emergency temporary permit for out-of-state veterinarians during a declared state of emergency. Existing rules addressing license application, license renewal, and licensing time-frames will need to be amended to accommodate these statutory changes.

5. Agency enforcement policy including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement:

Except for R3-11-107, the Board enforces its rules without problem. The Board is unable to enforce R3-11-107 effectively. The Board needs accurate information regarding a licensee's or certificate holder's residence and veterinary practice addresses. This is important to both

the Board and the licensee or certificate holder because it enables timely communication from the Board to the licensee or certificate holder. However, the Board has no way of knowing when a person moves or changes employment, thus cannot know if notice is provided to the Board within 20 days of the change. The rule needs to be amended so it does not contain an unenforceable provision.

6. Clarity, conciseness, and understandability of the rule:

The Board determined that the rules are generally clear, concise, and understandable and consistent with current rule writing standards.

7. Summary of written criticisms of the rule received by the agency with the past five years, including letters, memoranda, reports, written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods, and, written allegations made in litigation or administrative proceedings in which the agency was a party that the rule is discriminatory, unfair, unclear, inconsistent with statute or beyond the authority of the agency to enact, and the result of the litigation of administrative proceedings:

The Board received no written criticisms of the rules during the last five years, including analyses regarding whether the rules are based on valid scientific or reliable principles or methods.

8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule:

1988 Rulemaking

R3-11-104 has not been amended since 1988. The Board does not have the EIS from that rulemaking. The economic impact of R3-11-104, which simply states that a veterinary premise license must be maintained on the premise, is negligible.

2000 Rulemaking

Five of the rules made or amended in 2000 have not been amended again. These rules and their economic impact are as follows:

- R3-11-305 defines "good and sufficient reason" for failure to take the state examination. In the 2000 rulemaking, the rule was simply reformatted. It has minimal economic impact.
- R3-11-603 (Examination Committee) and R3-11-605 (Certified Veterinary Technician Services) provide information regarding the committee that recommends an examination for veterinary technician applicants and the services that may be performed by a certified veterinary technician. Both Sections were minimally amended in 2000. Having an examination committee that includes both veterinarians and veterinary technicians ensures the perspective of both kinds of licensees influences the examination recommended. Limits on the tasks that may be delegated to a certified veterinary technician have an economic impact on the licensee who employs the technician. However, a licensee would not employ a veterinary technician unless the licensee believed the benefits from doing so exceed the costs.
- R3-11-704 (Surgical Equipment), which was newly made in 2000, establishes minimum standards regarding surgical equipment required at a veterinary medical premise where surgery is done. Ensuring that a veterinary medical premise has necessary equipment imposes economic impact on those who own the premise. However, the standards are necessary to protect the public health and safety. The cost of complying with the standards is a cost of doing business that is passed to consumers of veterinary services.
- R3-11-905 (Depositions, Issuance of Subpoenas, Service), which was newly made in 2000, informs a party about how to make a request to take a deposition, standards for issuing a subpoena, and how to serve process. The rule has minimal economic impact.

February 2006 Rulemaking

R3-11-803 (Packaging Requirements), R3-11-805 (Storage), and R3-11-904 (Rehearing or Review of Decisions) are the only rules in this rulemaking not amended since they were last made. The changes made to R3-11-803 and R3-11-805 simply clarified language. In R3-11-904, the Board reduced the amount of time between granting a request for a review or rehearing of a Board decision and conducting the review or rehearing. This has minimal economic impact but is important because it provides a final administrative decision sooner and enables an aggrieved party to pursue judicial appeal if necessary. During the last fiscal year, the Board received three requests for a rehearing or review.

December 2006 Rulemaking

R3-11-807 (Dispensing a Controlled Substance or Prescription-only Drug) is the only rule in this rulemaking not amended since it was last made. The only change made to the rule was correction of internal citations. The change had minimal economic impact.

2007 Rulemaking

R3-11-1004 (Fees) is the only rule in this rulemaking not amended since it was last made. It established fees for obtaining and maintaining an animal crematory license. Obviously, fees have an economic impact on those who have to pay them. However, those who obtain an animal crematory license have determined that the benefits of having the license outweigh the cost of making application. Licensing fees are a cost of doing business that is passed to consumers of veterinary services. The legislature determined that having animal crematories licensed was necessary to protect public health and safety. The Board collected \$400 in licensing fees last year from one new applicant for an animal crematory license. Last year was not a renewal year for animal crematory licensees.

2013 Rulemaking

In this rulemaking, the Board amended all rules not previously mentioned. It did so to ensure the rules were consistent with statute, industry practice, and agency practice. The following changes had positive economic impact:

- Made the rule required under A.R.S. § 32-2207(8)(c), which explains how a person may evaluate the services provided by the Board;

- Clarified that an applicant does not have to obtain Board approval before taking the national examination;
- Reduced the amount of time that a provider of continuing education must apply for pre-approval from the Board;
- Required a request for waiver of the continuing education requirement to be submitted by December 10 to provide time for the Board to act on the request before the license or certificate expires on December 31;
- Enabled a licensee to refuse to provide a prescription unless there is a doctor-patient relationship with the animal for which the prescription is requested and the licensee determines that the prescribed medication is in the animal's best interest. This provision will protect a licensee in circumstances when the licensee believes medication is being abused or is not appropriate;
- Clarified that an animal crematory license is held by a "Responsible Owner"; and
- Clarified definitions of types of cremations as private, individual, and group.

During the last year, 143 individuals took advantage of the new rule providing an opportunity to evaluate Board services. Ninety-nine percent of those who responded to a survey rated the services provided as good or excellent on all measures.

During the last year, the Board dealt with 132 complaints against veterinarians and one against a certified veterinary technician. A majority of the complaints involved an allegation that the medical treatment provided was not appropriate. Twenty-six of the complaints moved through the process to an Informal Interview and two were moved to formal hearing. Fifteen licensees were disciplined. The discipline involved two revocations and one indefinite suspension. Other licensees were placed on probation or the licensee was subject to a civil penalty. An additional 14 licensees received letters of concern, which are not disciplinary actions.

During the last year, the Board received requests for pre-approval of 32 continuing education courses offered by 19 providers. The Board reports that it complied fully with its licensing time-frames.

9. Any analysis submitted to the agency by another person regarding the rule's impact on this state's business competitiveness as compared to the competitiveness of businesses in other states:

No analysis has been submitted.

10. Has the agency completed the course of action indicated in the agency's previous 5YRR:

Yes. In a 5YRR approved by Council on November 3, 2009, the Board indicated it would amend the following rules: R3-11-102, R3-11-103, R3-11-203, R3-11-301, R3-11-304, R3-11-606, R3-11-607, R3-11-901, R3-11-903, R3-11-1002, and R3-11-1003 and make the rule required under A.R.S. § 32-2207(8)(c). The Board completed all of these actions in a rulemaking that took effect on September 7, 2013 (See 19 A.A.R. 1890).

11. A determination after analysis that the probable benefits of the rule outweigh within this state the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective:

Many of the costs of these rules, including paperwork and other compliance costs, to persons regulated by the rules result from statutory directives provided by the legislature. For example, it is statute that requires an individual to submit an application for licensure or certification (A.R.S. §§ 32-2213, 32-2242, 32-2271, and 32-2292); requires an applicant to take and pass an examination (A.R.S. §§ 32-2214 and 32-2242); requires license and certificate renewal every two years (A.R.S. §§ 32-2218, 32-2246, 32-2272, and 32-2292); requires that fees be paid (A.R.S. §§ 32-2219, 32-2250, 32-2273); and establish numerous grounds for disciplinary action (A.R.S. §§ 32-2233, 32-2249, 32-2274, and 32-2294).

The rules primarily provide guidance to an applicant or licensee regarding the procedure for complying with the statutory requirements for being qualified and making application for licensure and maintaining licensure. The rules also inform an applicant or licensee of the procedure used in the event disciplinary action is necessary. Because the rules simply

implement statutory requirements, it is presumed the legislature determined the benefits of the requirements outweighed the costs and the requirements were the minimum necessary to protect the public, which is the underlying regulatory objective.

There are some rule provisions that impose a cost on persons regulated by the rules. For example, R3-11-201 requires that an application be notarized, fees are required to be paid by certified check or money order, documents must be assembled and submitted with an application, continuing education is required and must be documented, standards of practice are specified, and certain minimal standards and procedures are required of owners of animal crematories. In each of these cases, the Board established the provision because the Board determined that doing so was necessary to protect public health and safety. The Board believes each provision is the minimum necessary to achieve the underlying regulatory objective.

12. A determination after analysis that the rule is not more stringent than a corresponding federal law unless there is statutory authority to exceed the requirements of that federal law:

There is no federal law uniquely applicable to these rules.

13. For a rule made after July 29, 2010, that require issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037:

The licenses, permits, certifications, and approvals listed in Table 1 comply with A.R.S. § 41-1037 because they are issued to qualified business entities to conduct activities that are substantially similar in nature.

14. Course of action the agency proposes to take regarding each rule, including the month and year in which the agency anticipates submitting the rules to the Council if the agency determines it is necessary to amend or repeal an existing rule or to make a new rule. If no issues are identified for a rule in the report, the agency may indicate that no action is necessary for the rule:

Several Sections in Articles 2 through 4 will need to be amended to accommodate the statutory change made by the legislature during its last session (See Laws 2014, Chapter 51). When that rulemaking is complete, the Board will also amend R3-11-107 to address the issue identified in item 5. The Board anticipates completing this rulemaking by December 2015.