



## ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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### WHAT TO EXPECT AFTER A COMPLAINT IS FILED

Upon receipt of the complaint, the complaint is logged and the complainant is notified of the Agency's receipt of the complaint. The respondent (the veterinarian the complaint is filed against) is sent a copy of the complaint. Once a case is opened, it must go through the entire process and cannot be withdrawn. The case will then pass through three distinct divisions of the Agency.

#### **Investigative Division:** *(Staff of the Agency)*

1. The respondent veterinarian is contacted, as well consulting veterinarians and witnesses, and any pertinent medical records and information are requested.
2. After all the medical records, pertinent information and statements are received, the Investigative Division reviews the file for completeness. If any additional information is needed, such as expert review or other statements, staff issues a request for further information.
3. When the file is complete, it is ready to be sent to the Investigative Committee. A report that includes the "Proposed Findings of Fact" is forwarded to the Committee members for their review.

#### **Investigative Committee:** *(An investigative body comprised of 3 veterinarians and 2 public members, all of whom volunteer their time and receive no remuneration)*

1. Each Committee member reviews the case as a whole prior to the Committee meeting.
2. Notices are sent to the complainant, respondent veterinarian, consulting veterinarians and witnesses. Attendance is not mandatory, but recommended. The Committee may then interview those in attendance in executive session.
3. The Committee will discuss the case in open session. The Committee then makes a recommendation that is included in the report for the Board's review. The Investigative Committee report includes the Proposed Findings of Fact, Committee Discussion, Proposed Conclusions of Law, and their recommendations. The recommendations may be either to dismiss the case with no violation, or to find (a) violation(s) of the Veterinary Practice Act.
4. The report is forwarded, along with case information and records, to the Board for review.

**Veterinary Board:** (An adjudicating body comprised of 5 veterinarians, 3 public members, and 1 certified veterinary technician, all of who are appointed by the Governor to serve a 4 year term)

1. All case file materials and the Investigative Committee Report is forwarded to the Board members for review prior to the Board meeting.
2. Notices are sent to the complainant and respondent veterinarian. Attendance is not mandatory. Each individual in attendance may be given 5 minutes to address the Board in open session. Generally, no interviews will take place at this meeting.
3. The Board will discuss the case in open session and may accept or reject the Committee's recommendations.
4. The Board may:
  - a. Dismiss the case;
  - b. Dismiss the case and issue a Letter of Concern if there are practices or policies that could lead to violations if left uncorrected;
  - c. Adjudicate by a Consent Agreement, which is used for conflict resolution whereby the veterinarian enters into an agreement with the Board to accept sanctions imposed;
  - d. Refer the case to an Informal Interview to gather further information. The complainant and respondent will be notified when the interview will take place at a later date and time; or
  - e. Refer the case to a Formal hearing to gather further information. The complainant and respondent will be notified when the interview will take place at a later date and time.
5. At an Informal Interview or Formal hearing, the Board will interview the complainant, the veterinarian and any consulting veterinarians or witnesses that attend, in open session. After discussion, the Board may:
  - a. Dismiss the case if no violations of the Veterinary Practice Act have occurred;
  - b. Dismiss the case but issue a Letter of Concern if there are practices or policies that could lead to violations if left uncorrected;
  - c. Find violations of the Veterinary Practice Act.
6. If violations have occurred, the discussion of sanctions typically proceeds at a subsequent Board meeting. Attendance of the complainant and veterinarian is not necessary. Sanctions can include:
  - a. Censure – reflects that a veterinarian's license has been disciplined;
  - b. Probation – a licensee will generally be given requirements to fulfill within a certain time period. The Board may, for example, require continuing education, practice restrictions, civil penalty, written progress reports, and/or appearances before the board;
  - c. Suspension – a Formal hearing must be set before a license is suspended for longer than 30 days; and
  - d. Revocation – a Formal hearing must be set before a license is revoked.
7. Once sanctions are imposed, a Board Order will be sent to the respondent veterinarian. A copy will also be sent to the complainant.