

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HOUSE BILL 2409

AN ACT

AMENDING SECTIONS 32-1285, 32-1421, 32-1422, 32-1426 AND 32-1428, ARIZONA
REVISED STATUTES; RELATING TO HEALTH CARE PROFESSIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1285, Arizona Revised Statutes, is amended to
3 read:

4 32-1285. Applicants for licensure; examination requirements

5 An applicant for licensure shall have passed all of the following:

6 1. The national dental hygiene board examination.

7 2. ~~The western regional examining board examination~~ A CLINICAL
8 EXAMINATION THAT IS COMPLETED within five years preceding filing the
9 application AND THAT IS EITHER OF THE FOLLOWING:

10 (a) THE WESTERN REGIONAL EXAMINING BOARD EXAMINATION.

11 (b) AN EXAMINATION ADMINISTERED BY ANOTHER STATE OR TESTING AGENCY
12 THAT IS SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS OF THIS STATE, AS
13 DETERMINED BY THE BOARD. FOR THE PURPOSES OF THIS SUBDIVISION, A CLINICAL
14 EXAMINATION ADMINISTERED BY ANOTHER STATE OR TESTING AGENCY IS DEEMED TO MEET
15 THE REQUIREMENTS OF THIS SUBDIVISION IF THE CLINICAL EXAMINATION SATISFIES
16 THE REQUIREMENTS OF SECTION 32-1292.01, SUBSECTION A, PARAGRAPH 1.

17 3. The Arizona dental jurisprudence examination.

18 Sec. 2. Section 32-1421, Arizona Revised Statutes, is amended to read:

19 32-1421. Exemptions from licensing requirements

20 A. This article does not apply to any person while engaged in:

21 1. The provision of medical assistance in case of an emergency.

22 2. The administration of family remedies including the sale of
23 vitamins, health foods or health food supplements or any other natural
24 remedies, except drugs or medicines for which an authorized prescription is
25 required by law.

26 3. The practice of religion, treatment by prayer or the laying on of
27 hands as a religious rite or ordinance.

28 4. The practice of any of the healing arts of and by Indian tribes in
29 this state.

30 5. The lawful practice of any of the healing arts to the extent
31 authorized by a license issued by this state.

32 6. Activities or functions ~~which~~ THAT do not require the exercise of a
33 doctor of medicine's judgment for their performance, are not in violation of
34 the laws of this state, ~~and~~ are usually or customarily delegated ~~to such~~
35 ~~persons~~ by a doctor of medicine under the doctor's direction or supervision
36 or are performed in accordance with the approval of a committee of physicians
37 in a licensed health care institution.

38 7. The official duties of a medical officer in the armed forces of the
39 United States, the United States ~~veterans administration~~ DEPARTMENT OF
40 VETERANS AFFAIRS or the United States public health service or their
41 successor agencies, if ~~such~~ THE duties are restricted to federal lands.

42 8. Any act, task or function competently performed by a physician
43 assistant in the proper performance of the physician assistant's duties.

1 9. The emergency harvesting of donor organs by a doctor of medicine or
2 team of doctors of medicine licensed to practice medicine in another state or
3 country for use in another state or country.

4 B. This article does not apply to ~~any~~:

5 1. A doctor of medicine residing in another ~~state, federal~~
6 jurisdiction ~~or country~~ who is authorized to practice medicine in that
7 jurisdiction, if ~~he~~ THE DOCTOR engages in actual single or infrequent
8 consultation with a doctor of medicine licensed in this state and if the
9 consultation regards a specific patient or patients.

10 2. A DOCTOR OF MEDICINE WHO IS LICENSED TO PRACTICE IN ANOTHER
11 JURISDICTION IF THE DOCTOR ENGAGES IN THE PRACTICE OF MEDICINE THAT IS
12 LIMITED TO PATIENTS WITH WHOM THE DOCTOR HAS AN ALREADY ESTABLISHED
13 DOCTOR-PATIENT RELATIONSHIP AND WHO RESIDE OUTSIDE THIS JURISDICTION WHEN
14 BOTH THE DOCTOR AND THE PATIENT ARE PHYSICALLY IN THIS STATE FOR NOT MORE
15 THAN SIXTY CONSECUTIVE DAYS. FOR THE PURPOSES OF THIS PARAGRAPH, "PATIENT"
16 MEANS A PERSON WHO IS NOT A RESIDENT OF THIS STATE AND WHO IS AN ATHLETE OR A
17 PROFESSIONAL ENTERTAINER.

18 Sec. 3. Section 32-1422, Arizona Revised Statutes, is amended to read:
19 32-1422. Basic requirements for granting a license to practice
20 medicine

21 A. An applicant for a license to practice medicine in this state
22 pursuant to this article shall meet each of the following basic requirements:

23 1. Graduate from an approved school of medicine or receive a medical
24 education that the board deems to be of equivalent quality.

25 2. Successfully complete an approved twelve month hospital internship,
26 residency or clinical fellowship program.

27 3. Have the physical and mental capability to safely engage in the
28 practice of medicine.

29 4. Have a professional record that indicates that the applicant has
30 not committed any act or engaged in any conduct that would constitute grounds
31 for disciplinary action against a licensee under this chapter.

32 5. Not have had a license to practice medicine revoked by a medical
33 regulatory board in another jurisdiction in the United States for an act that
34 occurred in that jurisdiction that constitutes unprofessional conduct
35 pursuant to this chapter.

36 6. Not be currently under investigation, suspension or restriction by
37 a medical regulatory board in another jurisdiction in the United States for
38 an act that occurred in that jurisdiction that constitutes unprofessional
39 conduct pursuant to this chapter. If the applicant is under investigation by
40 a medical regulatory board in another jurisdiction, the board shall suspend
41 the application process and may not issue or deny a license to the applicant
42 until the investigation is resolved.

43 7. Not have surrendered a license to practice medicine in lieu of
44 disciplinary action by a medical regulatory board in another jurisdiction in

1 the United States for an act that occurred in that jurisdiction that
2 constitutes unprofessional conduct pursuant to this chapter.

3 8. Pay all fees required by the board.

4 9. Complete the application as required by the board.

5 10. Complete a training unit as prescribed by the board relating to the
6 requirements of this chapter and board rules. The applicant shall submit
7 proof with the application form of having completed the training unit.

8 11. HAVE SUBMITTED DIRECTLY TO THE BOARD, ELECTRONICALLY OR BY HARD
9 COPY, VERIFICATION OF THE FOLLOWING:

10 (a) LICENSURE FROM EVERY STATE IN WHICH THE APPLICANT HAS EVER HELD A
11 MEDICAL LICENSE.

12 (b) ALL HOSPITAL AFFILIATIONS AND EMPLOYMENT FOR THE FIVE YEARS
13 PRECEDING APPLICATION. EACH HOSPITAL MUST VERIFY AFFILIATIONS OR EMPLOYMENT
14 ON THE HOSPITAL'S OFFICIAL LETTERHEAD OR THE ELECTRONIC EQUIVALENT.

15 B. The board may require the submission of credentials or other
16 evidence, written and oral, and make any investigation it deems necessary to
17 adequately inform itself with respect to an applicant's ability to meet the
18 requirements prescribed by this section, including a requirement that the
19 applicant for licensure undergo a physical examination, a mental evaluation
20 and an oral competence examination and interview, or any combination thereof,
21 as the board deems proper.

22 C. In determining if the requirements of subsection A, paragraph 4
23 have been met, if the board finds that the applicant committed an act or
24 engaged in conduct that would constitute grounds for disciplinary action, the
25 board shall determine to its satisfaction that the conduct has been
26 corrected, monitored and resolved. If the matter has not been resolved, the
27 board shall determine to its satisfaction that mitigating circumstances exist
28 that prevent its resolution.

29 D. In determining if the requirements of subsection A, paragraph 6
30 have been met, if another jurisdiction has taken disciplinary action against
31 an applicant, the board shall determine to its satisfaction that the cause
32 for the action was corrected and the matter resolved. If the matter has not
33 been resolved by that jurisdiction, the board shall determine to its
34 satisfaction that mitigating circumstances exist that prevent its resolution.

35 E. The board may delegate authority to the executive director to deny
36 licenses if applicants do not meet the requirements of this section.

37 Sec. 4. Section 32-1426, Arizona Revised Statutes, is amended to read:
38 32-1426. Licensure by endorsement

39 A. An applicant who is licensed in another jurisdiction OR WHOSE
40 LICENSE UNDER THIS CHAPTER HAS EXPIRED and who meets the applicable
41 requirements prescribed in section 32-1422, 32-1423 or 32-1424, has paid the
42 fees required by this chapter and has filed a completed application found by
43 the board to be true and correct is eligible to be licensed to engage in the

1 practice of medicine in this state through endorsement under any one of the
2 following conditions:

3 1. The applicant is certified by the national board of medical
4 examiners or its successor entity as having successfully passed all three
5 parts of the United States medical licensing examination or its successor
6 examination.

7 2. The applicant has successfully passed a written examination that
8 the board determines is equivalent to the United States medical licensing
9 examination and that is administered by any state, territory or district of
10 the United States, a province of Canada or the medical council of Canada.

11 3. The applicant successfully completed the three-part written
12 federation of state medical boards licensing examination administered by any
13 jurisdiction before January 1, 1985 and obtained a weighted grade average of
14 at least seventy-five on the complete examination. Successful completion of
15 the examination shall be achieved in one sitting.

16 4. The applicant successfully completed the two component federation
17 licensing examination administered after December 1, 1984 and obtained a
18 scaled score of at least seventy-five on each component within a five-year
19 period.

20 5. The applicant's score on the United States medical licensing
21 examination was equal to the score required by this state for licensure
22 pursuant to section 32-1425.

23 6. The applicant successfully completed one of the following
24 combinations of examinations:

25 (a) Parts one and two of the national board of medical examiners
26 examination, administered either by the national board of medical examiners
27 or the educational commission for foreign medical graduates, with a
28 successful score determined by the national board of medical examiners and
29 passed either step three of the United States medical licensing examination
30 or component two of the federation licensing examination with a scaled score
31 of at least seventy-five.

32 (b) The federation licensing examination component one examination and
33 the United States medical licensing step three examination with scaled scores
34 of at least seventy-five.

35 (c) Each of the following:

36 (i) Part one of the national board of medical examiners licensing
37 examination with a passing grade as determined by the national board of
38 medical examiners or step one of the United States medical licensing
39 examination with a scaled score of at least seventy-five.

40 (ii) Part two of the national board of medical examiners licensing
41 examination with a passing grade as determined by the national board of
42 medical examiners or step two of the United States medical licensing
43 examination with a scaled score of at least seventy-five.

1 (iii) Part three of the national board of medical examiners licensing
2 examination with a passing grade as determined by the national board of
3 medical examiners or step three of the United States medical licensing
4 examination with a scaled score of at least seventy-five or component two of
5 the federation licensing examination with a scaled score of at least
6 seventy-five.

7 B. The board may require an applicant seeking licensure by endorsement
8 based on successful passage of a written examination or combination of
9 examinations, the most recent of which precedes by more than ten years the
10 application for licensure by endorsement in this state, to take and pass a
11 special purpose licensing examination to assist the board in determining the
12 applicant's ability to safely engage in the practice of medicine. The board
13 may also conduct a records review and physical and psychological assessments,
14 if appropriate, and may review practice history to determine the applicant's
15 ability to safely engage in the practice of medicine.

16 Sec. 5. Section 32-1428, Arizona Revised Statutes, is amended to read:
17 32-1428. Pro bono registration

18 A. The board may issue a pro bono registration to allow a doctor who
19 is not a licensee to practice in this state for A TOTAL OF UP TO sixty days
20 each calendar year if the doctor:

21 1. Holds an active and unrestricted license to practice medicine in a
22 state, territory or possession of the United States or an inactive license
23 pursuant to section 32-1431.

24 2. Has never had the license revoked or suspended.

25 3. Is not the subject of an unresolved complaint.

26 4. Applies for registration on a yearly basis as prescribed by the
27 board.

28 5. Provides proof satisfactory to the board that the doctor meets the
29 applicable requirements of section 32-1422, 32-1423 or 32-1424.

30 6. Agrees to render all medical services without accepting a fee or
31 salary or performs only initial or follow-up examinations at no cost to the
32 patient and the patient's family through a charitable organization.

33 B. THE SIXTY DAYS OF PRACTICE PRESCRIBED PURSUANT TO SUBSECTION A OF
34 THIS SECTION MAY BE PERFORMED CONSECUTIVELY OR CUMULATIVELY DURING EACH
35 CALENDAR YEAR.