

REFERENCE TITLE: school personnel; emergency epinephrine administration

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SB 1421

Introduced by
Senators Lopez, Bradley, Landrum Taylor; Burges, Jackson Jr., Melvin,
Ward; Representatives Goodale, Lovas, Orr

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-157; AMENDING TITLE 15, CHAPTER 1, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-189.04; AMENDING SECTIONS 15-203, 15-341, 32-1401 AND 32-1854, ARIZONA REVISED STATUTES; RELATING TO PUPIL SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 1, article 5, Arizona Revised Statutes,
3 is amended by adding section 15-157, to read:

4 15-157. Emergency administration of epinephrine by trained
5 personnel; immunity

6 PURSUANT TO A STANDING ORDER ISSUED BY THE CHIEF MEDICAL OFFICER OF THE
7 DEPARTMENT OF HEALTH SERVICES, THE CHIEF MEDICAL OFFICER OF A COUNTY HEALTH
8 DEPARTMENT, A DOCTOR OF MEDICINE LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR
9 A DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO TITLE 32, CHAPTER 17, AN EMPLOYEE
10 OF A SCHOOL DISTRICT OR CHARTER SCHOOL WHO IS TRAINED IN THE ADMINISTRATION
11 OF AUTO-INJECTABLE EPINEPHRINE MAY ADMINISTER OR ASSIST IN THE ADMINISTRATION
12 OF AUTO-INJECTABLE EPINEPHRINE TO A PUPIL OR AN ADULT WHOM THE EMPLOYEE
13 BELIEVES IN GOOD FAITH TO BE EXHIBITING SYMPTOMS OF ANAPHYLACTIC SHOCK WHILE
14 AT SCHOOL OR AT SCHOOL-SPONSORED ACTIVITIES. BEGINNING IN THE 2014-2015
15 SCHOOL YEAR, EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL STOCK TWO JUVENILE
16 DOSES AND TWO ADULT DOSES OF AUTO-INJECTABLE EPINEPHRINE AT EACH SCHOOL
17 PURSUANT TO A STANDING ORDER ISSUED BY THE CHIEF MEDICAL OFFICER OF THE
18 DEPARTMENT OF HEALTH SERVICES, THE CHIEF MEDICAL OFFICER OF A COUNTY HEALTH
19 DEPARTMENT, A DOCTOR OF MEDICINE LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR
20 A DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO TITLE 32, CHAPTER 17. THE CHIEF
21 MEDICAL OFFICER OF THE DEPARTMENT OF HEALTH SERVICES, A SCHOOL DISTRICT, A
22 CHARTER SCHOOL AND EMPLOYEES OF A SCHOOL DISTRICT OR CHARTER SCHOOL ARE
23 IMMUNE FROM CIVIL LIABILITY WITH RESPECT TO ALL DECISIONS MADE AND ACTIONS
24 TAKEN THAT ARE BASED ON GOOD FAITH IMPLEMENTATION OF THE REQUIREMENTS OF THIS
25 SECTION, EXCEPT IN CASES OF WANTON OR WILFUL NEGLECT.

26 Sec. 2. Title 15, chapter 1, article 8, Arizona Revised Statutes, is
27 amended by adding section 15-189.04, to read:

28 15-189.04. Policies and procedures for the emergency
29 administration of epinephrine

30 THE GOVERNING BODY OF EACH CHARTER SCHOOL SHALL PRESCRIBE AND ENFORCE
31 POLICIES AND PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF AUTO-INJECTABLE
32 EPINEPHRINE BY A TRAINED EMPLOYEE OF THE CHARTER SCHOOL PURSUANT TO SECTION
33 15-157.

34 Sec. 3. Section 15-203, Arizona Revised Statutes, is amended to read:

35 15-203. Powers and duties

36 A. The state board of education shall:

37 1. Exercise general supervision over and regulate the conduct of the
38 public school system and adopt any rules and policies it deems necessary to
39 accomplish this purpose.

40 2. Keep a record of its proceedings.

41 3. Make rules for its own government.

42 4. Determine the policy and work undertaken by it.

43 5. Subject to title 41, chapter 4, article 4, employ staff on the
44 recommendation of the superintendent of public instruction.

45 6. Prescribe the duties of its employees if not prescribed by statute.

1 7. Delegate to the superintendent of public instruction the execution
2 of board policies and rules.

3 8. Recommend to the legislature changes or additions to the statutes
4 pertaining to schools.

5 9. Prepare, publish and distribute reports concerning the educational
6 welfare of this state.

7 10. Prepare a budget for expenditures necessary for proper maintenance
8 of the board and accomplishment of its purposes and present the budget to the
9 legislature.

10 11. Aid in the enforcement of laws relating to schools.

11 12. Prescribe a minimum course of study in the common schools, minimum
12 competency requirements for the promotion of pupils from the third grade and
13 minimum course of study and competency requirements for the promotion of
14 pupils from the eighth grade. The state board of education shall prepare a
15 fiscal impact statement of any proposed changes to the minimum course of
16 study or competency requirements and, on completion, shall send a copy to the
17 director of the joint legislative budget committee and the executive director
18 of the school facilities board. The state board of education shall not adopt
19 any changes in the minimum course of study or competency requirements in
20 effect on July 1, 1998 that will have a fiscal impact on school capital
21 costs.

22 13. Prescribe minimum course of study and competency requirements for
23 the graduation of pupils from high school. The state board of education
24 shall prepare a fiscal impact statement of any proposed changes to the
25 minimum course of study or competency requirements and, on completion, shall
26 send a copy to the director of the joint legislative budget committee and the
27 executive director of the school facilities board. The state board of
28 education shall not adopt any changes in the minimum course of study or
29 competency requirements in effect on July 1, 1998 that will have a fiscal
30 impact on school capital costs.

31 14. Supervise and control the certification of persons engaged in
32 instructional work directly as any classroom, laboratory or other teacher or
33 indirectly as a supervisory teacher, speech therapist, principal or
34 superintendent in a school district, including school district preschool
35 programs, or any other educational institution below the community college,
36 college or university level, and prescribe rules for certification, including
37 rules for certification of teachers who have teaching experience and who are
38 trained in other states, that are not unnecessarily restrictive and are
39 substantially similar to the rules prescribed for the certification of
40 teachers trained in this state. The rules ~~shall~~:

41 (a) **SHALL** allow a variety of alternative teacher and administrator
42 preparation programs, with variations in program sequence and design, to
43 apply for program approval. The state board shall adopt rules pursuant to
44 this subdivision designed to allow for a variety of formats and shall not
45 require a prescribed answer or design from the program provider in order to

1 obtain approval from the state board. The state board shall evaluate each
2 program provider based on the program's ability to prepare teachers and
3 administrators and to recruit teachers and administrators with a variety of
4 experiences and talents. The state board shall permit universities under the
5 jurisdiction of the Arizona board of regents, community colleges in this
6 state, private postsecondary institutions licensed by this state, school
7 districts, charter schools and professional organizations to apply for
8 program approval and shall create application procedures and certification
9 criteria that are less restrictive than those for traditional preparation
10 programs. Alternative preparation program graduates shall:

11 (i) Hold a bachelor's degree from an accredited postsecondary
12 education institution.

13 (ii) Demonstrate professional knowledge and subject knowledge
14 proficiency pursuant to section 15-533.

15 (iii) Obtain a fingerprint clearance card pursuant to section 15-534.

16 (iv) Complete training in structured English immersion as prescribed
17 by the state board.

18 (v) Complete training in research based systematic phonics instruction
19 as prescribed in subdivision (b) of this paragraph.

20 (vi) Demonstrate the required proficiency in the constitutions of the
21 United States and Arizona as prescribed in section 15-532.

22 (b) **SHALL** require applicants for all certificates for common school
23 instruction to complete a minimum of forty-five classroom hours or three
24 college level credit hours, or the equivalent, of training in research based
25 systematic phonics instruction from a public or private provider.

26 (c) **SHALL** not require a teacher to obtain a master's degree or to take
27 any additional graduate courses as a condition of certification or
28 recertification.

29 (d) **SHALL** allow a general equivalency diploma to be substituted for a
30 high school diploma in the certification of emergency substitute teachers.

31 (e) **SHALL** allow but shall not require the superintendent of a school
32 district to obtain certification from the state board of education.

33 (f) **SHALL** provide for the issuance of a specialized teaching
34 certificate to classroom teachers with expertise in either science,
35 technology, engineering or mathematics. Teachers who are certified pursuant
36 to this subdivision shall complete training in structured English immersion
37 as prescribed by the state board. Teachers who are certified pursuant to
38 this subdivision are exempt from the professional knowledge and subject
39 knowledge proficiency requirements prescribed in section 15-533 and from the
40 proficiency requirements prescribed in section 15-532 on the Constitutions of
41 the United States and Arizona. A teacher who obtains a specialized teaching
42 certificate pursuant to this subdivision may provide instruction in the
43 teacher's field of expertise in grades seven through twelve at any public
44 school in this state. This subdivision does not require a teacher who has
45 obtained another type of teaching certificate from the state board to obtain

1 a specialized teaching certificate pursuant to this ~~subsection~~ SUBDIVISION in
 2 order to provide instruction in grades seven through twelve in a science,
 3 technology, engineering or mathematics course. A classroom teacher is
 4 eligible for a specialized teaching certificate pursuant to this subdivision
 5 if the teacher meets all of the following requirements:

6 (i) Has taught science, technology, engineering or mathematics courses
 7 for the last two consecutive years and for a total of at least three years at
 8 one or more regionally or nationally accredited public or private
 9 postsecondary institutions. An applicant shall demonstrate compliance with
 10 this requirement by providing the state board with written proof of
 11 employment for specific durations from one or more qualifying postsecondary
 12 institutions.

13 (ii) Has either a baccalaureate degree, a master's degree or a
 14 ~~doctoral~~ DOCTORATE degree in an academic subject that is specific to science,
 15 technology, engineering or mathematics or has obtained a passing score on a
 16 statewide educator assessment in science, technology, engineering or
 17 mathematics that is recognized by the state board.

18 (iii) Obtains a valid fingerprint clearance card that is issued
 19 pursuant to title 41, chapter 12, article 3.1.

20 (g) Notwithstanding section 15-533, ~~the state board~~ may exempt persons
 21 applying for a secondary education certificate from the subject knowledge
 22 portion of the proficiency examination if the state board determines that the
 23 person has work experience in science, technology, engineering or mathematics
 24 and can demonstrate adequate knowledge of a particular subject through a
 25 postsecondary education degree or twenty-four credit hours of relevant
 26 coursework.

27 15. Adopt a list of approved tests for determining special education
 28 assistance to gifted pupils as defined in and as provided in chapter 7,
 29 article 4.1 of this title. The adopted tests shall provide separate scores
 30 for quantitative reasoning, verbal reasoning and nonverbal reasoning and
 31 shall be capable of providing reliable and valid scores at the highest ranges
 32 of the score distribution.

33 16. Adopt rules governing the methods for the administration of all
 34 proficiency examinations.

35 17. Adopt proficiency examinations for its use. The state board of
 36 education shall determine the passing score for the proficiency examination.

37 18. Include within its budget the cost of contracting for the purchase,
 38 distribution and scoring of the examinations as provided in paragraphs 16 and
 39 17 of this subsection.

40 19. Supervise and control the qualifications of professional
 41 nonteaching school personnel and prescribe standards relating to
 42 qualifications. The standards shall not require the business manager of a
 43 school district to obtain certification from the state board of education.

20. Impose such disciplinary action, including the issuance of a letter of censure, suspension, suspension with conditions or revocation of a certificate, upon a finding of immoral or unprofessional conduct.

21. Establish an assessment, data gathering and reporting system for pupil performance as prescribed in chapter 7, article 3 of this title.

22. Adopt a rule to promote braille literacy pursuant to section 15-214.

23. Adopt rules prescribing procedures for the investigation by the department of education of every written complaint alleging that a certificated person has engaged in immoral conduct.

24. For purposes of federal law, serve as the state board for vocational and technological education and meet at least four times each year solely to execute the powers and duties of the state board for vocational and technological education.

25. Develop and maintain a handbook for use in the schools of this state that provides guidance for the teaching of moral, civic and ethical education. The handbook shall promote existing curriculum frameworks and shall encourage school districts to recognize moral, civic and ethical values within instructional and programmatic educational development programs for the general purpose of instilling character and ethical principles in pupils in kindergarten programs and grades one through twelve.

26. Require pupils to recite the following passage from the declaration of independence for pupils in grades four through six at the commencement of the first class of the day in the schools, except that a pupil shall not be required to participate if the pupil or the pupil's parent or guardian objects:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. . . .

27. Adopt rules that provide for teacher certification reciprocity. The rules shall provide for a one-year reciprocal teaching certificate with minimum requirements, including valid teacher certification from a state with substantially similar criminal history or teacher fingerprinting requirements and proof of the submission of an application for a fingerprint clearance card pursuant to title 41, chapter 12, article 3.1. For teachers who provide Arizona online instruction pursuant to section 15-808, the rules shall allow automatic certification reciprocity with other states that have similar programs.

28. Adopt rules that provide for the presentation of an honorary high school diploma to a person who has never obtained a high school diploma and who meets both of the following requirements:

(a) Currently resides in this state.

1 (b) Provides documented evidence from the Arizona department of
2 veterans' services that the person enlisted in the armed forces of the United
3 States and served in World War I, World War II, the Korean conflict or the
4 Vietnam conflict.

5 29. Cooperate with the Arizona-Mexico commission in the governor's
6 office and with researchers at universities in this state to collect data and
7 conduct projects in the United States and Mexico on issues that are within
8 the scope of the duties of the department of education and that relate to
9 quality of life, trade and economic development in this state in a manner
10 that will help the Arizona-Mexico commission to assess and enhance the
11 economic competitiveness of this state and of the Arizona-Mexico region.

12 30. Adopt rules to define and provide guidance to schools as to the
13 activities that would constitute immoral or unprofessional conduct of
14 certificated persons.

15 31. Adopt guidelines to encourage pupils in grades nine, ten, eleven
16 and twelve to volunteer for twenty hours of community service before
17 graduation from high school. A school district that complies with the
18 guidelines adopted pursuant to this paragraph is not liable for damages
19 resulting from a pupil's participation in community service unless the school
20 district is found to have demonstrated wanton or reckless disregard for the
21 safety of the pupil and other participants in community service. For the
22 purposes of this paragraph, "community service" may include service learning.
23 The guidelines shall include the following:

24 (a) A list of the general categories in which community service may be
25 performed.

26 (b) A description of the methods by which community service will be
27 monitored.

28 (c) A consideration of risk assessment for community service projects.

29 (d) Orientation and notification procedures of community service
30 opportunities for pupils entering grade nine, including the development of a
31 notification form. The notification form shall be signed by the pupil and
32 the pupil's parent or guardian, except that a pupil shall not be required to
33 participate in community service if the parent or guardian notifies the
34 principal of the pupil's school in writing that the parent or guardian does
35 not wish the pupil to participate in community service.

36 (e) Procedures for a pupil in grade nine to prepare a written proposal
37 that outlines the type of community service that the pupil would like to
38 perform and the goals that the pupil hopes to achieve as a result of
39 community service. The pupil's written proposal shall be reviewed by a
40 faculty advisor, a guidance counselor or any other school employee who is
41 designated as the community service program coordinator for that school. The
42 pupil may alter the written proposal at any time before performing community
43 service.

44 (f) Procedures for a faculty advisor, a guidance counselor or any
45 other school employee who is designated as the community service program

1 coordinator to evaluate and certify the completion of community service
2 performed by pupils.

3 32. To facilitate the transfer of military personnel and their
4 dependents to and from the public schools of this state, pursue, in
5 cooperation with the Arizona board of regents, reciprocity agreements with
6 other states concerning the transfer credits for military personnel and their
7 dependents. A reciprocity agreement entered into pursuant to this paragraph
8 shall:

9 (a) Address procedures for each of the following:

10 (i) The transfer of student records.

11 (ii) Awarding credit for completed ~~course-work~~ COURSEWORK.

12 (iii) Permitting a student to satisfy the graduation requirements
13 prescribed in section 15-701.01 through the successful performance on
14 comparable exit-level assessment instruments administered in another state.

15 (b) Include appropriate criteria developed by the state board of
16 education and the Arizona board of regents.

17 33. Adopt guidelines that school district governing boards shall use in
18 identifying pupils who are eligible for gifted programs and in providing
19 gifted education programs and services. The state board of education shall
20 adopt any other guidelines and rules that it deems necessary in order to
21 carry out the purposes of chapter 7, article 4.1 of this title.

22 34. For each of the alternative textbook formats of human-voiced audio,
23 large-print and braille, designate alternative media producers to adapt
24 existing standard print textbooks or to provide specialized textbooks, or
25 both, for pupils with disabilities in this state. Each alternative media
26 producer shall be capable of producing alternative textbooks in all relevant
27 subjects in at least one of the alternative textbook formats. The board
28 shall post the designated list of alternative media producers on its website.

29 35. Adopt a list of approved professional development training
30 providers for use by school districts as provided in section 15-107,
31 subsection J. The professional development training providers shall meet the
32 training curriculum requirements determined by the state board of education
33 in at least the areas of school finance, governance, employment, staffing,
34 inventory and human resources, internal controls and procurement.

35 36. Adopt rules to prohibit a person who violates the notification
36 requirements prescribed in section 15-183, subsection C, paragraph 8 or
37 section 15-550, subsection C from certification pursuant to this title until
38 the person is no longer charged or is acquitted of any offenses listed in
39 section 41-1758.03, subsection B. The board shall also adopt rules to
40 prohibit a person who violates the notification requirements, certification
41 surrender requirements or fingerprint clearance card surrender requirements
42 prescribed in section 15-183, subsection C, paragraph 9 or section 15-550,
43 subsection D from certification pursuant to this title for at least ten years
44 after the date of the violation.

1 37. Adopt rules for the alternative certification of teachers of
2 nontraditional foreign languages that allow for the passing of a nationally
3 accredited test to substitute for the education coursework required for
4 certification.

5 38. Adopt and maintain a model framework for a teacher and principal
6 evaluation instrument that includes quantitative data on student academic
7 progress that accounts for between thirty-three per cent and fifty per cent
8 of the evaluation outcomes. On or before December 1, 2012, the framework
9 shall include four performance classifications, designated as highly
10 effective, effective, developing and ineffective, and guidelines for school
11 districts and charter schools to use in their evaluation instruments. The
12 state board of education shall adopt best practices for professional
13 development and evaluator training. The state board of education may
14 periodically make adjustments to align the model framework for teacher and
15 principal evaluations with assessment or data changes at the state level.
16 School districts and charter schools shall use an instrument that meets the
17 data requirements established by the state board of education to annually
18 evaluate individual teachers and principals beginning in school year
19 2012-2013. By school year 2013-2014, school districts and charter schools
20 shall adopt definitions for the performance classifications adopted by the
21 state board of education in a public meeting and apply the performance
22 classifications to their evaluation instruments in a manner designed to
23 improve principal and teacher performance. For charter holders, the
24 principal evaluation instrument applies to each charter school's
25 instructional leader whose primary responsibility is to oversee the academic
26 performance of the charter school. This paragraph does not apply to an
27 officer, director, member or partner of the charter holder. The school
28 district governing board shall discuss at a public meeting at least annually
29 its aggregate performance classifications of principals and teachers.

30 39. Adopt rules to define competency-based educational pathways for
31 college and career readiness that may be used by schools. The rules shall
32 include the following components:

33 (a) The establishment of learning outcomes that will be expected for
34 students in a particular subject ~~matter~~.

35 (b) A process and criteria by which assessments may be identified or
36 established to determine if students have reached the desired competencies in
37 a particular subject ~~matter~~.

38 (c) A mechanism to allow pupils in grades seven through twelve who
39 have demonstrated competency in a subject ~~matter~~ to immediately obtain credit
40 for the mastery of that subject ~~matter~~. The rules shall include a list of
41 applicable subjects, including the level of competency required for each
42 subject.

43 40. IN CONSULTATION WITH THE DEPARTMENT OF HEALTH SERVICES, THE
44 DEPARTMENT OF EDUCATION, MEDICAL PROFESSIONALS, SCHOOL HEALTH PROFESSIONALS,
45 SCHOOL ADMINISTRATORS AND AN ORGANIZATION THAT REPRESENTS SCHOOL NURSES IN

1 THIS STATE, ADOPT RULES ON OR BEFORE JANUARY 1, 2014 THAT PRESCRIBE THE
2 FOLLOWING FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS:

3 (a) ANNUAL TRAINING IN THE ADMINISTRATION OF AUTO-INJECTABLE
4 EPINEPHRINE, AS DIRECTED ON THE PRESCRIPTION PROTOCOL, FOR DESIGNATED MEDICAL
5 AND NONMEDICAL SCHOOL PERSONNEL.

6 (b) ANNUAL TRAINING FOR ALL SCHOOL SITE PERSONNEL ON THE RECOGNITION
7 OF ANAPHYLACTIC SHOCK SYMPTOMS AND THE PROCEDURES TO FOLLOW WHEN ANAPHYLACTIC
8 SHOCK OCCURS, FOLLOWING THE NATIONAL GUIDELINES OF THE AMERICAN ACADEMY OF
9 PEDIATRICS.

10 (c) PROCEDURES FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE
11 IN EMERGENCY SITUATIONS, AS DIRECTED ON THE PRESCRIPTION PROTOCOL.

12 (d) PROCEDURES FOR ANNUALLY REQUESTING A STANDING ORDER FOR
13 EPINEPHRINE AUTO-INJECTORS PURSUANT TO SECTION 15-157 FROM THE CHIEF MEDICAL
14 OFFICER OF THE DEPARTMENT OF HEALTH SERVICES, THE CHIEF MEDICAL OFFICER OF A
15 COUNTY HEALTH DEPARTMENT, A DOCTOR OF MEDICINE LICENSED PURSUANT TO TITLE 32,
16 CHAPTER 13 OR A DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO TITLE 32,
17 CHAPTER 17.

18 (e) PROCEDURES FOR REPORTING THE USE OF AUTO-INJECTABLE EPINEPHRINE TO
19 THE DEPARTMENT OF HEALTH SERVICES.

20 B. The state board of education may:

21 1. Contract.

22 2. Sue and be sued.

23 3. Distribute and score the tests prescribed in chapter 7, article 3
24 of this title.

25 4. Provide for an advisory committee to conduct hearings and
26 screenings to determine whether grounds exist to impose disciplinary action
27 against a certificated person, whether grounds exist to reinstate a revoked
28 or surrendered certificate and whether grounds exist to approve or deny an
29 initial application for certification or a request for renewal of a
30 certificate. The board may delegate its responsibility to conduct hearings
31 and screenings to its advisory committee. Hearings shall be conducted
32 pursuant to title 41, chapter 6, article 6.

33 5. Proceed with the disposal of any complaint requesting disciplinary
34 action or with any disciplinary action against a person holding a certificate
35 as prescribed in subsection A, paragraph 14 of this section after the
36 suspension or expiration of the certificate or surrender of the certificate
37 by the holder.

38 6. Assess costs and reasonable attorney fees against a person who
39 files a frivolous complaint or who files a complaint in bad faith. Costs
40 assessed pursuant to this paragraph shall not exceed the expenses incurred by
41 the state board in the investigation of the complaint.

42 Sec. 4. Section 15-341, Arizona Revised Statutes, is amended to read:

43 15-341. General powers and duties; immunity; delegation

44 A. The governing board shall:

1 1. Prescribe and enforce policies and procedures for the governance of
2 the schools, not inconsistent with law or rules prescribed by the state board
3 of education.

4 2. Exclude from schools all books, publications, papers or audiovisual
5 materials of a sectarian, partisan or denominational character. This
6 paragraph shall not be construed to prohibit the elective course permitted by
7 section 15-717.01.

8 3. Manage and control the school property within its district.

9 4. Acquire school furniture, apparatus, equipment, library books and
10 supplies for the use of the schools.

11 5. Prescribe the curricula and criteria for the promotion and
12 graduation of pupils as provided in sections 15-701 and 15-701.01.

13 6. Furnish, repair and insure, at full insurable value, the school
14 property of the district.

15 7. Construct school buildings on approval by a vote of the district
16 electors.

17 8. Make in the name of the district conveyances of property belonging
18 to the district and sold by the board.

19 9. Purchase school sites when authorized by a vote of the district at
20 an election conducted as nearly as practicable in the same manner as the
21 election provided in section 15-481 and held on a date prescribed in section
22 15-491, subsection E, but such authorization shall not necessarily specify
23 the site to be purchased and such authorization shall not be necessary to
24 exchange unimproved property as provided in section 15-342, paragraph 23.

25 10. Construct, improve and furnish buildings used for school purposes
26 when such buildings or premises are leased from the national park service.

27 11. Purchase school sites or construct, improve and furnish school
28 buildings from the proceeds of the sale of school property only on approval
29 by a vote of the district electors.

30 12. Hold pupils to strict account for disorderly conduct on school
31 property.

32 13. Discipline students for disorderly conduct on the way to and from
33 school.

34 14. Except as provided in section 15-1224, deposit all monies received
35 by the district as gifts, grants and devises with the county treasurer who
36 shall credit the deposits as designated in the uniform system of financial
37 records. If not inconsistent with the terms of the gifts, grants and devises
38 given, any balance remaining after expenditures for the intended purpose of
39 the monies have been made shall be used for reduction of school district
40 taxes for the budget year, except that in the case of accommodation schools
41 the county treasurer shall carry the balance forward for use by the county
42 school superintendent for accommodation schools for the budget year.

43 15. Provide that, if a parent or legal guardian chooses not to accept a
44 decision of the teacher as provided in section 15-521, paragraph ~~3~~ 4, the
45 parent or legal guardian may request in writing that the governing board

1 review the teacher's decision. This paragraph shall not be construed to
2 release school districts from any liability relating to a child's promotion
3 or retention.

4 16. Provide for adequate supervision over pupils in instructional and
5 noninstructional activities by certificated or noncertificated personnel.

6 17. Use school monies received from the state and county school
7 apportionment exclusively for payment of salaries of teachers and other
8 employees and contingent expenses of the district.

9 18. Make an annual report to the county school superintendent on or
10 before October 1 in the manner and form and on the blanks prescribed by the
11 superintendent of public instruction or county school superintendent. The
12 board shall also make reports directly to the county school superintendent or
13 the superintendent of public instruction whenever required.

14 19. Deposit all monies received by school districts other than student
15 activities monies or monies from auxiliary operations as provided in sections
16 15-1125 and 15-1126 with the county treasurer to the credit of the school
17 district except as provided in paragraph 20 of this subsection and sections
18 15-1223 and 15-1224, and the board shall expend the monies as provided by law
19 for other school funds.

20 20. Establish bank accounts in which the board during a month may
21 deposit miscellaneous monies received directly by the district. The board
22 shall remit monies deposited in the bank accounts at least monthly to the
23 county treasurer for deposit as provided in paragraph 19 of this subsection
24 and in accordance with the uniform system of financial records.

25 21. Prescribe and enforce policies and procedures for disciplinary
26 action against a teacher who engages in conduct that is a violation of the
27 policies of the governing board but that is not cause for dismissal of the
28 teacher or for revocation of the certificate of the teacher. Disciplinary
29 action may include suspension without pay for a period of time not to exceed
30 ten school days. Disciplinary action shall not include suspension with pay
31 or suspension without pay for a period of time longer than ten school days.
32 The procedures shall include notice, hearing and appeal provisions for
33 violations that are cause for disciplinary action. The governing board may
34 designate a person or persons to act on behalf of the board on these matters.

35 22. Prescribe and enforce policies and procedures for disciplinary
36 action against an administrator who engages in conduct that is a violation of
37 the policies of the governing board regarding duties of administrators but
38 that is not cause for dismissal of the administrator or for revocation of the
39 certificate of the administrator. Disciplinary action may include suspension
40 without pay for a period of time not to exceed ten school days. Disciplinary
41 action shall not include suspension with pay or suspension without pay for a
42 period of time longer than ten school days. The procedures shall include
43 notice, hearing and appeal provisions for violations that are cause for
44 disciplinary action. The governing board may designate a person or persons
45 to act on behalf of the board on these matters. For violations that are

1 cause for dismissal, the provisions of notice, hearing and appeal in chapter
2 5, article 3 of this title shall apply. The filing of a timely request for a
3 hearing suspends the imposition of a suspension without pay or a dismissal
4 pending completion of the hearing.

5 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and enforce
6 policies and procedures that prohibit a person from carrying or possessing a
7 weapon on school grounds unless the person is a peace officer or has obtained
8 specific authorization from the school administrator.

9 24. Prescribe and enforce policies and procedures relating to the
10 health and safety of all pupils participating in district sponsored practice
11 sessions or games or other interscholastic athletic activities, including:

12 (a) The provision of water.

13 (b) Guidelines, information and forms, developed in consultation with
14 a statewide private entity that supervises interscholastic activities, to
15 inform and educate coaches, pupils and parents of the dangers of concussions
16 and head injuries and the risks of continued participation in athletic
17 activity after a concussion. The policies and procedures shall require that,
18 before a pupil participates in an athletic activity, the pupil and the
19 pupil's parent must sign an information form at least once each school year
20 that states that the parent is aware of the nature and risk of concussion.
21 The policies and procedures shall require that a pupil who is suspected of
22 sustaining a concussion in a practice session, game or other interscholastic
23 athletic activity be immediately removed from the athletic activity. A coach
24 from the pupil's team or an official or a licensed health care provider may
25 remove a pupil from play. A team parent may also remove the parent's own
26 child from play. A pupil may return to play on the same day if a health care
27 provider rules out a suspected concussion at the time the pupil is removed
28 from play. On a subsequent day, the pupil may return to play if the pupil
29 has been evaluated by and received written clearance to resume participation
30 in athletic activity from a health care provider who has been trained in the
31 evaluation and management of concussions and head injuries. A health care
32 provider who is a volunteer and who provides clearance to participate in
33 athletic activity on the day of the suspected injury or on a subsequent day
34 is immune from civil liability with respect to all decisions made and actions
35 taken that are based on good faith implementation of the requirements of this
36 subdivision, except in cases of gross negligence or wanton or wilful neglect.
37 A school district, school district employee, team coach, official or team
38 volunteer or a parent or guardian of a team member is not subject to civil
39 liability for any act, omission or policy undertaken in good faith to comply
40 with the requirements of this subdivision or for a decision made or an action
41 taken by a health care provider. A group or organization that uses property
42 or facilities owned or operated by a school district for athletic activities
43 shall comply with the requirements of this subdivision. A school district
44 and its employees and volunteers are not subject to civil liability for any
45 other person or organization's failure or alleged failure to comply with the

1 requirements of this subdivision. This subdivision does not apply to teams
2 that are based in another state and that participate in an athletic activity
3 in this state. For the purposes of this subdivision, athletic activity does
4 not include dance, rhythmic gymnastics, competitions or exhibitions of
5 academic skills or knowledge or other similar forms of physical noncontact
6 activities, civic activities or academic activities, whether engaged in for
7 the purposes of competition or recreation. For the purposes of this
8 subdivision, "health care provider" means a physician who is licensed
9 pursuant to title 32, chapter 13 or 17, an athletic trainer who is licensed
10 pursuant to title 32, chapter 41, a nurse practitioner who is licensed
11 pursuant to title 32, chapter 15, and a physician assistant who is licensed
12 pursuant to title 32, chapter 25.

13 25. Prescribe and enforce policies and procedures regarding the smoking
14 of tobacco within school buildings. The policies and procedures shall be
15 adopted in consultation with school district personnel and members of the
16 community and shall state whether smoking is prohibited in school buildings.
17 If smoking in school buildings is not prohibited, the policies and procedures
18 shall clearly state the conditions and circumstances under which smoking is
19 permitted, those areas in a school building that may be designated as smoking
20 areas and those areas in a school building that may not be designated as
21 smoking areas.

22 26. Establish an assessment, data gathering and reporting system as
23 prescribed in chapter 7, article 3 of this title.

24 27. Provide special education programs and related services pursuant to
25 section 15-764, subsection A to all children with disabilities as defined in
26 section 15-761.

27 28. Administer competency tests prescribed by the state board of
28 education for the graduation of pupils from high school.

29 29. Ensure that insurance coverage is secured for all construction
30 projects for purposes of general liability, property damage and workers'
31 compensation and secure performance and payment bonds for all construction
32 projects.

33 30. Keep on file the resumes of all current and former employees who
34 provide instruction to pupils at a school. Resumes shall include an
35 individual's educational and teaching background and experience in a
36 particular academic content subject area. A school district shall inform
37 parents and guardians of the availability of the resume information and shall
38 make the resume information available for inspection on request of parents
39 and guardians of pupils enrolled at a school. This paragraph shall not be
40 construed to require any school to release personally identifiable
41 information in relation to any teacher or employee, including the teacher's
42 or employee's address, salary, social security number or telephone number.

43 31. Report to local law enforcement agencies any suspected crime
44 against a person or property that is a serious offense as defined in section
45 13-706 or that involves a deadly weapon or dangerous instrument or serious

1 physical injury and any conduct that poses a threat of death or serious
2 physical injury to employees, students or anyone on the property of the
3 school. This paragraph does not limit or preclude the reporting by a school
4 district or an employee of a school district of suspected crimes other than
5 those required to be reported by this paragraph. For the purposes of this
6 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
7 injury" have the same meanings prescribed in section 13-105.

8 32. In conjunction with local law enforcement agencies and local
9 medical facilities, develop an emergency response plan for each school in the
10 school district in accordance with minimum standards developed jointly by the
11 department of education and the division of emergency management within the
12 department of emergency and military affairs.

13 33. Provide written notice to the parents or guardians of all students
14 affected in the school district at least ten days prior to a public meeting
15 to discuss closing a school within the school district. The notice shall
16 include the reasons for the proposed closure and the time and place of the
17 meeting. The governing board shall fix a time for a public meeting on the
18 proposed closure no less than ten days before voting in a public meeting to
19 close the school. The school district governing board shall give notice of
20 the time and place of the meeting. At the time and place designated in the
21 notice, the school district governing board shall hear reasons for or against
22 closing the school. The school district governing board is exempt from this
23 paragraph if it is determined by the governing board that the school shall be
24 closed because it poses a danger to the health or safety of the pupils or
25 employees of the school. A governing board may consult with the school
26 facilities board for technical assistance and for information on the impact
27 of closing a school. The information provided from the school facilities
28 board shall not require the governing board to take or not take any action.

29 34. Incorporate instruction on Native American history into appropriate
30 existing curricula.

31 35. Prescribe and enforce policies and procedures:

32 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
33 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or 25
34 or by a registered nurse practitioner licensed and certified pursuant to
35 title 32, chapter 15 to carry and self-administer emergency medications,
36 including auto-injectable epinephrine, while at school and at
37 school-sponsored activities. The pupil's name on the prescription label on
38 the medication container or on the medication device and annual written
39 documentation from the pupil's parent or guardian to the school that
40 authorizes possession and self-administration is sufficient proof that the
41 pupil is entitled to the possession and self-administration of the
42 medication. The policies shall require a pupil who uses auto-injectable
43 epinephrine while at school and at school-sponsored activities to notify the
44 nurse or the designated school staff person of the use of the medication as
45 soon as practicable. A school district and its employees are immune from

1 civil liability with respect to all decisions made and actions taken that are
2 based on good faith implementation of the requirements of this ~~paragraph~~
3 ~~SUBDIVISION~~, except in cases of wanton or wilful neglect.

4 (b) ~~FOR THE EMERGENCY ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE BY~~
5 ~~A TRAINED EMPLOYEE OF A SCHOOL DISTRICT PURSUANT TO SECTION 15-157.~~

6 36. Allow the possession and self-administration of prescription
7 medication for breathing disorders in handheld inhaler devices by pupils who
8 have been prescribed that medication by a health care professional licensed
9 pursuant to title 32. The pupil's name on the prescription label on the
10 medication container or on the handheld inhaler device and annual written
11 documentation from the pupil's parent or guardian to the school that
12 authorizes possession and self-administration shall be sufficient proof that
13 the pupil is entitled to the possession and self-administration of the
14 medication. A school district and its employees are immune from civil
15 liability with respect to all decisions made and actions taken that are based
16 on a good faith implementation of the requirements of this paragraph.

17 37. Prescribe and enforce policies and procedures to prohibit pupils
18 from harassing, intimidating and bullying other pupils on school grounds, on
19 school property, on school buses, at school bus stops, at school-sponsored
20 events and activities and through the use of electronic technology or
21 electronic communication on school computers, networks, forums and mailing
22 lists that include the following components:

23 (a) A procedure for pupils, parents and school district employees to
24 confidentially report to school officials incidents of harassment,
25 intimidation or bullying. The school shall make available written forms
26 designed to provide a full and detailed description of the incident and any
27 other relevant information about the incident.

28 (b) A requirement that school district employees report in writing
29 suspected incidents of harassment, intimidation or bullying to the
30 appropriate school official and a description of appropriate disciplinary
31 procedures for employees who fail to report suspected incidents that are
32 known to the employee.

33 (c) A requirement that, at the beginning of each school year, school
34 officials provide all pupils with a written copy of the rights, protections
35 and support services available to a pupil who is an alleged victim of an
36 incident reported pursuant to this paragraph.

37 (d) If an incident is reported pursuant to this paragraph, a
38 requirement that school officials provide a pupil who is an alleged victim of
39 the incident with a written copy of the rights, protections and support
40 services available to that pupil.

41 (e) A formal process for the documentation of reported incidents of
42 harassment, intimidation or bullying and for the confidentiality, maintenance
43 and disposition of this documentation. School districts shall maintain
44 documentation of all incidents reported pursuant to this paragraph for at
45 least six years. The school shall not use that documentation to impose

1 disciplinary action unless the appropriate school official has investigated
2 and determined that the reported incidents of harassment, intimidation or
3 bullying occurred. If a school provides documentation of reported incidents
4 to persons other than school officials or law enforcement, all individually
5 identifiable information shall be redacted.

6 (f) A formal process for the investigation by the appropriate school
7 officials of suspected incidents of harassment, intimidation or bullying,
8 including procedures for notifying the alleged victim on completion and
9 disposition of the investigation.

10 (g) Disciplinary procedures for pupils who have admitted or been found
11 to have committed incidents of harassment, intimidation or bullying.

12 (h) A procedure that sets forth consequences for submitting false
13 reports of incidents of harassment, intimidation or bullying.

14 (i) Procedures designed to protect the health and safety of pupils who
15 are physically harmed as the result of incidents of harassment, intimidation
16 and bullying, including, if appropriate, procedures to contact emergency
17 medical services or law enforcement agencies, or both.

18 (j) Definitions of harassment, intimidation and bullying.

19 38. Prescribe and enforce policies and procedures regarding changing or
20 adopting attendance boundaries that include the following components:

21 (a) A procedure for holding public meetings to discuss attendance
22 boundary changes or adoptions that allows public comments.

23 (b) A procedure to notify the parents or guardians of the students
24 affected.

25 (c) A procedure to notify the residents of the households affected by
26 the attendance boundary changes.

27 (d) A process for placing public meeting notices and proposed maps on
28 the school district's website for public review, if the school district
29 maintains a website.

30 (e) A formal process for presenting the attendance boundaries of the
31 affected area in public meetings that allows public comments.

32 (f) A formal process for notifying the residents and parents or
33 guardians of the affected area as to the decision of the governing board on
34 the school district's website, if the school district maintains a website.

35 (g) A formal process for updating attendance boundaries on the school
36 district's website within ninety days of an adopted boundary change. The
37 school district shall send a direct link to the school district's attendance
38 boundaries website to the department of real estate.

39 (h) If the land that a school was built on was donated within the past
40 five years, a formal process to notify the entity that donated the land
41 affected by the decision of the governing board.

42 39. If the state board of education determines that the school district
43 has committed an overexpenditure as defined in section 15-107, provide a copy
44 of the fiscal management report submitted pursuant to section 15-107,
45 subsection H on its website and make copies available to the public on

1 request. The school district shall comply with a request within five
2 business days after receipt.

3 40. Ensure that the contract for the superintendent is structured in a
4 manner in which up to twenty per cent of the total annual salary included for
5 the superintendent in the contract is classified as performance pay. This
6 paragraph shall not be construed to require school districts to increase
7 total compensation for superintendents. Unless the school district governing
8 board votes to implement an alternative procedure at a public meeting called
9 for this purpose, the performance pay portion of the superintendent's total
10 annual compensation shall be determined as follows:

11 (a) Twenty-five per cent of the performance pay shall be determined
12 based on the percentage of academic gain determined by the department of
13 education of pupils who are enrolled in the school district compared to the
14 academic gain achieved by the highest ranking of the fifty largest school
15 districts in this state. For the purposes of this subdivision, the
16 department of education shall determine academic gain by the academic growth
17 achieved by each pupil who has been enrolled at the same school in a school
18 district for at least five consecutive months measured against that pupil's
19 academic results in the 2008-2009 school year. For the purposes of this
20 subdivision, of the fifty largest school districts in this state, the school
21 district with pupils who demonstrate the highest statewide percentage of
22 overall academic gain measured against academic results for the 2008-2009
23 school year shall be assigned a score of 100 and the school district with
24 pupils who demonstrate the lowest statewide percentage of overall academic
25 gain measured against academic results for the 2008-2009 school year shall be
26 assigned a score of 0.

27 (b) Twenty-five per cent of the performance pay shall be determined by
28 the percentage of parents of pupils who are enrolled at the school district
29 who assign a letter grade of "A" to the school on a survey of parental
30 satisfaction with the school district. The parental satisfaction survey
31 shall be administered and scored by an independent entity that is selected by
32 the governing board and that demonstrates sufficient expertise and experience
33 to accurately measure the results of the survey. The parental satisfaction
34 survey shall use standard random sampling procedures and provide anonymity
35 and confidentiality to each parent who participates in the survey. The
36 letter grade scale used on the parental satisfaction survey shall direct
37 parents to assign one of the following letter grades:

38 (i) A letter grade of "A" if the school district is excellent.

39 (ii) A letter grade of "B" if the school district is above average.

40 (iii) A letter grade of "C" if the school district is average.

41 (iv) A letter grade of "D" if the school district is below average.

42 (v) A letter grade of "F" if the school district is a failure.

43 (c) Twenty-five per cent of the performance pay shall be determined by
44 the percentage of teachers who are employed at the school district and who
45 assign a letter grade of "A" to the school on a survey of teacher

1 satisfaction with the school. The teacher satisfaction survey shall be
 2 administered and scored by an independent entity that is selected by the
 3 governing board and that demonstrates sufficient expertise and experience to
 4 accurately measure the results of the survey. The teacher satisfaction
 5 survey shall use standard random sampling procedures and provide anonymity
 6 and confidentiality to each teacher who participates in the survey. The
 7 letter grade scale used on the teacher satisfaction survey shall direct
 8 teachers to assign one of the following letter grades:

- 9 (i) A letter grade of "A" if the school district is excellent.
- 10 (ii) A letter grade of "B" if the school district is above average.
- 11 (iii) A letter grade of "C" if the school district is average.
- 12 (iv) A letter grade of "D" if the school district is below average.
- 13 (v) A letter grade of "F" if the school district is a failure.
- 14 (d) Twenty-five per cent of the performance pay shall be determined by
 15 other criteria selected by the governing board.

16 41. Maintain and store permanent public records of the school district
 17 as required by law. Notwithstanding section 39-101, the standards adopted by
 18 the Arizona state library, archives and public records for the maintenance
 19 and storage of school district public records shall allow school districts to
 20 elect to satisfy the requirements of this paragraph by maintaining and
 21 storing these records either on paper or in an electronic format, or a
 22 combination of a paper and electronic format.

23 42. Adopt in a public meeting and implement by school year 2013-2014
 24 policies for principal evaluations. Before the adoption of principal
 25 evaluation policies, the school district governing board shall provide
 26 opportunities for public discussion on the proposed policies. The policies
 27 shall describe:

28 (a) The principal evaluation instrument, including the four
 29 performance classifications adopted by the governing board pursuant to
 30 section 15-203, subsection A, paragraph 38.

31 (b) Alignment of professional development opportunities to the
 32 principal evaluations.

33 (c) Incentives for principals in one of the two highest performance
 34 classifications pursuant to section 15-203, subsection A, paragraph 38, which
 35 may include:

- 36 (i) Multiyear contracts pursuant to section 15-503.
- 37 (ii) Incentives to work at schools that are assigned a letter grade of
 38 D or F pursuant to section 15-241.

39 (d) Transfer and contract processes for principals designated in the
 40 lowest performance classification pursuant to section 15-203, subsection A,
 41 paragraph 38.

42 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
 43 section, the county school superintendent may construct, improve and furnish
 44 school buildings or purchase or sell school sites in the conduct of an
 45 accommodation school.

C. If any school district acquires real or personal property, whether by purchase, exchange, condemnation, gift or otherwise, the governing board shall pay to the county treasurer any taxes on the property that were unpaid as of the date of acquisition, including penalties and interest. The lien for unpaid delinquent taxes, penalties and interest on property acquired by a school district:

1. Is not abated, extinguished, discharged or merged in the title to the property.

2. Is enforceable in the same manner as other delinquent tax liens.

D. The governing board may not locate a school on property that is less than one-fourth mile from agricultural land regulated pursuant to section 3-365, except that the owner of the agricultural land may agree to comply with the buffer zone requirements of section 3-365. If the owner agrees in writing to comply with the buffer zone requirements and records the agreement in the office of the county recorder as a restrictive covenant running with the title to the land, the school district may locate a school within the affected buffer zone. The agreement may include any stipulations regarding the school, including conditions for future expansion of the school and changes in the operational status of the school that will result in a breach of the agreement.

E. A school district, its governing board members, its school council members and its employees are immune from civil liability for the consequences of adoption and implementation of policies and procedures pursuant to subsection A of this section and section 15-342. This waiver does not apply if the school district, its governing board members, its school council members or its employees are guilty of gross negligence or intentional misconduct.

F. A governing board may delegate in writing to a superintendent, principal or head teacher the authority to prescribe procedures that are consistent with the governing board's policies.

G. Notwithstanding any other provision of this title, a school district governing board shall not take any action that would result in a reduction of pupil square footage unless the governing board notifies the school facilities board established by section 15-2001 of the proposed action and receives written approval from the school facilities board to take the action. A reduction includes an increase in administrative space that results in a reduction of pupil square footage or sale of school sites or buildings, or both. A reduction includes a reconfiguration of grades that results in a reduction of pupil square footage of any grade level. This subsection does not apply to temporary reconfiguration of grades to accommodate new school construction if the temporary reconfiguration does not exceed one year. The sale of equipment that results in a reduction that falls below the equipment requirements prescribed in section 15-2011, subsection B is subject to commensurate withholding of school district capital outlay revenue limit monies pursuant to the direction of the school

1 facilities board. Except as provided in section 15-342, paragraph 10,
2 proceeds from the sale of school sites, buildings or other equipment shall be
3 deposited in the school plant fund as provided in section 15-1102.

4 H. Subsections C through G of this section apply to a county board of
5 supervisors and a county school superintendent when operating and
6 administering an accommodation school.

7 Sec. 5. Section 32-1401, Arizona Revised Statutes, is amended to read:

8 32-1401. Definitions

9 In this chapter, unless the context otherwise requires:

10 1. "Active license" means a valid and existing license to practice
11 medicine.

12 2. "Adequate records" means legible medical records, produced by hand
13 or electronically, containing, at a minimum, sufficient information to
14 identify the patient, support the diagnosis, justify the treatment,
15 accurately document the results, indicate advice and cautionary warnings
16 provided to the patient and provide sufficient information for another
17 practitioner to assume continuity of the patient's care at any point in the
18 course of treatment.

19 3. "Advisory letter" means a nondisciplinary letter to notify a
20 licensee that either:

21 (a) While there is insufficient evidence to support disciplinary
22 action, the board believes that continuation of the activities that led to
23 the investigation may result in further board action against the licensee.

24 (b) The violation is a minor or technical violation that is not of
25 sufficient merit to warrant disciplinary action.

26 (c) While the licensee has demonstrated substantial compliance through
27 rehabilitation or remediation that has mitigated the need for disciplinary
28 action, the board believes that repetition of the activities that led to the
29 investigation may result in further board action against the licensee.

30 4. "Approved hospital internship, residency or clinical fellowship
31 program" means a program at a hospital that at the time the training occurred
32 was legally incorporated and that had a program that was approved for
33 internship, fellowship or residency training by the accreditation council for
34 graduate medical education, the association of American medical colleges, the
35 royal college of physicians and surgeons of Canada or any similar body in the
36 United States or Canada approved by the board whose function is that of
37 approving hospitals for internship, fellowship or residency training.

38 5. "Approved school of medicine" means any school or college offering
39 a course of study that, on successful completion, results in the degree of
40 doctor of medicine and whose course of study has been approved or accredited
41 by an educational or professional association, recognized by the board,
42 including the association of American medical colleges, the association of
43 Canadian medical colleges or the American medical association.

1 6. "Board" means the Arizona medical board.

2 7. "Completed application" means that the applicant has supplied all
3 required fees, information and correspondence requested by the board on forms
4 and in a manner acceptable to the board.

5 8. "Direct supervision" means that a physician, physician assistant
6 licensed pursuant to chapter 25 of this title or nurse practitioner certified
7 pursuant to chapter 15 of this title is within the same room or office suite
8 as the medical assistant in order to be available for consultation regarding
9 those tasks the medical assistant performs pursuant to section 32-1456.

10 9. "Dispense" means the delivery by a doctor of medicine of a
11 prescription drug or device to a patient, except for samples packaged for
12 individual use by licensed manufacturers or repackagers of drugs, and
13 includes the prescribing, administering, packaging, labeling and security
14 necessary to prepare and safeguard the drug or device for delivery.

15 10. "Doctor of medicine" means a natural person holding a license,
16 registration or permit to practice medicine pursuant to this chapter.

17 11. "Full-time faculty member" means a physician employed full time as
18 a faculty member while holding the academic position of assistant professor
19 or a higher position at an approved school of medicine.

20 12. "Health care institution" means any facility as defined in section
21 36-401, any person authorized to transact disability insurance, as defined in
22 title 20, chapter 6, article 4 or 5, any person who is issued a certificate
23 of authority pursuant to title 20, chapter 4, article 9 or any other
24 partnership, association or corporation that provides health care to
25 consumers.

26 13. "Immediate family" means the spouse, natural or adopted children,
27 father, mother, brothers and sisters of the doctor and the natural or adopted
28 children, father, mother, brothers and sisters of the doctor's spouse.

29 14. "Letter of reprimand" means a disciplinary letter that is issued by
30 the board and that informs the physician that the physician's conduct
31 violates state or federal law and may require the board to monitor the
32 physician.

33 15. "Limit" means taking a nondisciplinary action that alters the
34 physician's practice or professional activities if the board determines that
35 there is evidence that the physician is or may be mentally or physically
36 unable to safely engage in the practice of medicine.

37 16. "Medical assistant" means an unlicensed person who meets the
38 requirements of section 32-1456, has completed an education program approved
39 by the board, assists in a medical practice under the supervision of a doctor
40 of medicine, physician assistant or nurse practitioner and performs delegated
41 procedures commensurate with the assistant's education and training but does
42 not diagnose, interpret, design or modify established treatment programs or
43 perform any functions that would violate any statute applicable to the
44 practice of medicine.

- 1 17. "Medical peer review" means:
2 (a) The participation by a doctor of medicine in the review and
3 evaluation of the medical management of a patient and the use of resources
4 for patient care.
5 (b) Activities relating to a health care institution's decision to
6 grant or continue privileges to practice at that institution.
- 7 18. "Medically incompetent" means a person who the board determines is
8 incompetent based on a variety of factors, including:
9 (a) A lack of sufficient medical knowledge or skills, or both, to a
10 degree likely to endanger the health of patients.
11 (b) When considered with other indications of medical incompetence,
12 failing to obtain a scaled score of at least seventy-five per cent on the
13 written special purpose licensing examination.
- 14 19. "Medicine" means allopathic medicine as practiced by the recipient
15 of a degree of doctor of medicine.
- 16 20. "Office based surgery" means a medical procedure conducted in a
17 physician's office or other outpatient setting that is not part of a licensed
18 hospital or licensed ambulatory surgical center.
- 19 21. "Physician" means a doctor of medicine licensed pursuant to this
20 chapter.
- 21 22. "Practice of medicine" means the diagnosis, the treatment or the
22 correction of or the attempt or the claim to be able to diagnose, treat or
23 correct any and all human diseases, injuries, ailments, infirmities,
24 deformities, physical or mental, real or imaginary, by any means, methods,
25 devices or instrumentalities, except as the same may be among the acts or
26 persons not affected by this chapter. The practice of medicine includes the
27 practice of medicine alone or the practice of surgery alone, or both.
- 28 23. "Restrict" means taking a disciplinary action that alters the
29 physician's practice or professional activities if the board determines that
30 there is evidence that the physician is or may be medically incompetent or
31 guilty of unprofessional conduct.
- 32 24. "Special purpose licensing examination" means an examination
33 developed by the national board of medical examiners on behalf of the
34 federation of state medical boards for use by state licensing boards to test
35 the basic medical competence of physicians who are applying for licensure and
36 who have been in practice for a considerable period of time in another
37 jurisdiction and to determine the competence of a physician under
38 investigation by a state licensing board.
- 39 25. "Teaching hospital's accredited graduate medical education program"
40 means that the hospital is incorporated and has an internship, fellowship or
41 residency training program that is accredited by the accreditation council
42 for graduate medical education, the American medical association, the
43 association of American medical colleges, the royal college of physicians and
44 surgeons of Canada or a similar body in the United States or Canada approved

1 by the board whose function is that of approving hospitals for internship,
2 fellowship or residency training.

3 26. "Teaching license" means a valid license to practice medicine as a
4 full-time faculty member of an approved school of medicine or a teaching
5 hospital's accredited graduate medical education program.

6 27. "Unprofessional conduct" includes the following, whether occurring
7 in this state or elsewhere:

8 (a) Violating any federal or state laws, rules or regulations
9 applicable to the practice of medicine.

10 (b) Intentionally disclosing a professional secret or intentionally
11 disclosing a privileged communication except as either act may otherwise be
12 required by law.

13 (c) False, fraudulent, deceptive or misleading advertising by a doctor
14 of medicine or the doctor's staff, employer or representative.

15 (d) Committing a felony, whether or not involving moral turpitude, or
16 a misdemeanor involving moral turpitude. In either case, conviction by any
17 court of competent jurisdiction or a plea of no contest is conclusive
18 evidence of the commission.

19 (e) Failing or refusing to maintain adequate records on a patient.

20 (f) Habitual intemperance in the use of alcohol or habitual substance
21 abuse.

22 (g) Using controlled substances except if prescribed by another
23 physician for use during a prescribed course of treatment.

24 (h) Prescribing or dispensing controlled substances to members of the
25 physician's immediate family.

26 (i) Prescribing, dispensing or administering schedule II controlled
27 substances as defined in section 36-2513 including amphetamines and similar
28 schedule II sympathomimetic drugs in the treatment of exogenous obesity for a
29 period in excess of thirty days in any one year, or the non-therapeutic use
30 of injectable amphetamines.

31 (j) Prescribing, dispensing or administering any controlled substance
32 or prescription-only drug for other than accepted therapeutic purposes.

33 (k) Signing a blank, undated or predated prescription form.

34 (l) Conduct that the board determines is gross malpractice, repeated
35 malpractice or any malpractice resulting in the death of a patient.

36 (m) Representing that a manifestly incurable disease or infirmity can
37 be permanently cured, or that any disease, ailment or infirmity can be cured
38 by a secret method, procedure, treatment, medicine or device, if this is not
39 true.

40 (n) Refusing to divulge to the board on demand the means, method,
41 procedure, modality of treatment or medicine used in the treatment of a
42 disease, injury, ailment or infirmity.

43 (o) Action that is taken against a doctor of medicine by another
44 licensing or regulatory jurisdiction due to that doctor's mental or physical
45 inability to engage safely in the practice of medicine or the doctor's

1 medical incompetence or for unprofessional conduct as defined by that
2 jurisdiction and that corresponds directly or indirectly to an act of
3 unprofessional conduct prescribed by this paragraph. The action taken may
4 include refusing, denying, revoking or suspending a license by that
5 jurisdiction or a surrendering of a license to that jurisdiction, otherwise
6 limiting, restricting or monitoring a licensee by that jurisdiction or
7 placing a licensee on probation by that jurisdiction.

8 (p) Sanctions imposed by an agency of the federal government,
9 including restricting, suspending, limiting or removing a person from the
10 practice of medicine or restricting that person's ability to obtain financial
11 remuneration.

12 (q) Any conduct or practice that is or might be harmful or dangerous
13 to the health of the patient or the public.

14 (r) Violating a formal order, probation, consent agreement or
15 stipulation issued or entered into by the board or its executive director
16 under this chapter.

17 (s) Violating or attempting to violate, directly or indirectly, or
18 assisting in or abetting the violation of or conspiring to violate any
19 provision of this chapter.

20 (t) Knowingly making any false or fraudulent statement, written or
21 oral, in connection with the practice of medicine or if applying for
22 privileges or renewing an application for privileges at a health care
23 institution.

24 (u) Charging a fee for services not rendered or dividing a
25 professional fee for patient referrals among health care providers or health
26 care institutions or between these providers and institutions or a
27 contractual arrangement that has the same effect. This subdivision does not
28 apply to payments from a medical researcher to a physician in connection with
29 identifying and monitoring patients for a clinical trial regulated by the
30 United States food and drug administration.

31 (v) Obtaining a fee by fraud, deceit or misrepresentation.

32 (w) Charging or collecting a clearly excessive fee. In determining if
33 a fee is clearly excessive, the board shall consider the fee or range of fees
34 customarily charged in the state for similar services in light of modifying
35 factors such as the time required, the complexity of the service and the
36 skill requisite to perform the service properly. This subdivision does not
37 apply if there is a clear written contract for a fixed fee between the
38 physician and the patient that has been entered into before the provision of
39 service.

40 (x) Fetal experiments conducted in violation of section 36-2302.

41 (y) The use of experimental forms of diagnosis and treatment without
42 adequate informed patient consent, and without conforming to generally
43 accepted experimental criteria, including protocols, detailed records,
44 periodic analysis of results and periodic review by a medical peer review

1 committee as approved by the federal food and drug administration or its
2 successor agency.

3 (z) Engaging in sexual conduct with a current patient or with a former
4 patient within six months after the last medical consultation unless the
5 patient was the licensee's spouse at the time of the contact or, immediately
6 preceding the physician-patient relationship, was in a dating or engagement
7 relationship with the licensee. For the purposes of this subdivision,
8 "sexual conduct" includes:

9 (i) Engaging in or soliciting sexual relationships, whether consensual
10 or nonconsensual.

11 (ii) Making sexual advances, requesting sexual favors or engaging in
12 any other verbal conduct or physical contact of a sexual nature.

13 (iii) Intentionally viewing a completely or partially disrobed patient
14 in the course of treatment if the viewing is not related to patient diagnosis
15 or treatment under current practice standards.

16 (aa) Procuring or attempting to procure a license to practice medicine
17 or a license renewal by fraud, by misrepresentation or by knowingly taking
18 advantage of the mistake of another person or an agency.

19 (bb) Representing or claiming to be a medical specialist if this is
20 not true.

21 (cc) Maintaining a professional connection with or lending one's name
22 to enhance or continue the activities of an illegal practitioner of medicine.

23 (dd) Failing to furnish information in a timely manner to the board or
24 the board's investigators or representatives if legally requested by the
25 board.

26 (ee) Failing to allow properly authorized board personnel on demand to
27 examine and have access to documents, reports and records maintained by the
28 physician that relate to the physician's medical practice or medically
29 related activities.

30 (ff) Knowingly failing to disclose to a patient on a form that is
31 prescribed by the board and that is dated and signed by the patient or
32 guardian acknowledging that the patient or guardian has read and understands
33 that the doctor has a direct financial interest in a separate diagnostic or
34 treatment agency or in nonroutine goods or services that the patient is being
35 prescribed and if the prescribed treatment, goods or services are available
36 on a competitive basis. This subdivision does not apply to a referral by one
37 doctor of medicine to another doctor of medicine within a group of doctors of
38 medicine practicing together.

39 (gg) Using chelation therapy in the treatment of arteriosclerosis or
40 as any other form of therapy, with the exception of treatment of heavy metal
41 poisoning, without:

42 (i) Adequate informed patient consent.

43 (ii) Conforming to generally accepted experimental criteria, including
44 protocols, detailed records, periodic analysis of results and periodic review
45 by a medical peer review committee.

1 (iii) Approval by the federal food and drug administration or its
2 successor agency.

3 (hh) Prescribing, dispensing or administering anabolic-androgenic
4 steroids to a person for other than therapeutic purposes.

5 (ii) Lack of or inappropriate direction, collaboration or direct
6 supervision of a medical assistant or a licensed, certified or registered
7 health care provider employed by, supervised by or assigned to the physician.

8 (jj) Knowingly making a false or misleading statement to the board or
9 on a form required by the board or in a written correspondence, including
10 attachments, with the board.

11 (kk) Failing to dispense drugs and devices in compliance with article
12 6 of this chapter.

13 (ll) Conduct that the board determines is gross negligence, repeated
14 negligence or negligence resulting in harm to or the death of a patient.

15 (mm) The representation by a doctor of medicine or the doctor's staff,
16 employer or representative that the doctor is boarded or board certified if
17 this is not true or the standing is not current or without supplying the full
18 name of the specific agency, organization or entity granting this standing.

19 (nn) Refusing to submit to a body fluid examination or any other
20 examination known to detect the presence of alcohol or other drugs as
21 required by the board pursuant to section 32-1452 or pursuant to a board
22 investigation into a doctor of medicine's alleged substance abuse.

23 (oo) Failing to report in writing to the Arizona medical board or the
24 Arizona regulatory board of physician assistants any evidence that a doctor
25 of medicine or a physician assistant is or may be medically incompetent,
26 guilty of unprofessional conduct or mentally or physically unable to safely
27 practice medicine or to perform as a physician assistant.

28 (pp) The failure of a physician who is the chief executive officer,
29 the medical director or the medical chief of staff of a health care
30 institution to report in writing to the board that the hospital privileges of
31 a doctor of medicine have been denied, revoked, suspended, supervised or
32 limited because of actions by the doctor that appear to show that the doctor
33 is or may be medically incompetent, is or may be guilty of unprofessional
34 conduct or is or may be unable to engage safely in the practice of medicine.

35 (qq) Claiming to be a current member of the board, its staff or a
36 board medical consultant if this is not true.

37 (rr) Failing to make patient medical records in the physician's
38 possession promptly available to a physician assistant, a nurse practitioner,
39 a person licensed pursuant to this chapter or a podiatrist, chiropractor,
40 naturopathic physician, osteopathic physician or homeopathic physician
41 licensed under chapter 7, 8, 14, 17 or 29 of this title on receipt of proper
42 authorization to do so from the patient, a minor patient's parent, the
43 patient's legal guardian or the patient's authorized representative or
44 failing to comply with title 12, chapter 13, article 7.1.

(ss) Prescribing, dispensing or furnishing a prescription medication or a prescription-only device as defined in section 32-1901 to a person unless the licensee first conducts a physical examination of that person or has previously established a doctor-patient relationship. This subdivision does not apply to:

(i) A physician who provides temporary patient supervision on behalf of the patient's regular treating licensed health care professional.

(ii) Emergency medical situations as defined in section 41-1831.

(iii) Prescriptions written to prepare a patient for a medical examination.

(iv) Prescriptions written or prescription medications issued for use by a county or tribal public health department for immunization programs or emergency treatment or in response to an infectious disease investigation, public health emergency, infectious disease outbreak or act of bioterrorism. For the purposes of this item, "bioterrorism" has the same meaning prescribed in section 36-781.

(v) Prescriptions written or antimicrobials dispensed to a contact as defined in section 36-661 who is believed to have had significant exposure risk as defined in section 36-661 with another person who has been diagnosed with a communicable disease as defined in section 36-661 by the prescribing or dispensing physician.

(vi) Prescriptions written or prescription medications issued for administration of immunizations or vaccines listed in the United States centers for disease control and prevention's recommended immunization schedule to a household member of a patient.

(vii) PRESCRIPTIONS FOR EPINEPHRINE AUTO-INJECTORS WRITTEN OR DISPENSED FOR A SCHOOL DISTRICT OR CHARTER SCHOOL TO BE STOCKED FOR EMERGENCY USE PURSUANT TO SECTION 15-157.

(tt) Performing office based surgery using sedation in violation of board rules.

(uu) Practicing medicine under a false or assumed name in this state. Sec. 6. Section 32-1854, Arizona Revised Statutes, is amended to read: 32-1854. Definition of unprofessional conduct

For the purposes of this chapter, "unprofessional conduct" includes the following acts, whether occurring in this state or elsewhere:

1. Wilfully betraying a professional secret or wilfully violating a privileged communication except as either of these may otherwise be required by law. This paragraph does not prevent members of the board from exchanging information with the licensing and disciplinary boards of other states, territories or districts of the United States or with foreign countries or with osteopathic medical organizations located in this state or in any state, district or territory of this country or in any foreign country.

2. Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case conviction by any court of competent jurisdiction is conclusive evidence of the commission.

1 3. Practicing medicine while under the influence of alcohol, narcotic
2 or hypnotic drugs or any substance that impairs or may impair the licensee's
3 ability to safely and skillfully practice medicine.

4 4. Being diagnosed by a physician licensed under this chapter or
5 chapter 13 of this title or a psychologist licensed under chapter 19.1 of
6 this title as excessively or illegally using alcohol or a controlled
7 substance.

8 5. Prescribing, dispensing or administering controlled substances or
9 prescription-only drugs for other than accepted therapeutic purposes.

10 6. Engaging in the practice of medicine in a manner that harms or may
11 harm a patient or that the board determines falls below the community
12 standard.

13 7. Impersonating another physician.

14 8. Acting or assuming to act as a member of the board if this is not
15 true.

16 9. Procuring, renewing or attempting to procure or renew a license to
17 practice osteopathic medicine by fraud or misrepresentation.

18 10. Having professional connection with or lending one's name to an
19 illegal practitioner of osteopathic medicine or any of the other healing
20 arts.

21 11. Representing that a manifestly incurable disease, injury, ailment
22 or infirmity can be permanently cured or that a curable disease, injury,
23 ailment or infirmity can be cured within a stated time, if this is not true.

24 12. Failing to reasonably disclose and inform the patient or the
25 patient's representative of the method, device or instrumentality the
26 licensee uses to treat the patient's disease, injury, ailment or infirmity.

27 13. Refusing to divulge to the board on demand the means, method,
28 device or instrumentality used in the treatment of a disease, injury, ailment
29 or infirmity.

30 14. Charging a fee for services not rendered or dividing a professional
31 fee for patient referrals. This paragraph does not apply to payments from a
32 medical researcher to a physician in connection with identifying and
33 monitoring patients for clinical trial regulated by the United States food
34 and drug administration.

35 15. Knowingly making any false or fraudulent statement, written or
36 oral, in connection with the practice of medicine or when applying for or
37 renewing privileges at a health care institution or a health care program.

38 16. Advertising in a false, deceptive or misleading manner.

39 17. Representing or claiming to be an osteopathic medical specialist if
40 the physician has not satisfied the applicable requirements of this chapter
41 or board rules.

42 18. The denial of or disciplinary action against a license by any other
43 state, territory, district or country, unless it can be shown that this
44 occurred for reasons that did not relate to the person's ability to safely

1 and skillfully practice osteopathic medicine or to any act of unprofessional
2 conduct as provided in this section.

3 19. Any conduct or practice contrary to recognized standards of ethics
4 of the osteopathic medical profession.

5 20. Violating or attempting to violate, directly or indirectly, or
6 assisting in or abetting the violation of or conspiring to violate any of the
7 provisions of this chapter.

8 21. Failing or refusing to establish and maintain adequate records on a
9 patient as follows:

10 (a) If the patient is an adult, for at least seven years after the
11 last date the licensee provided the patient with medical or health care
12 services.

13 (b) If the patient is a child, either for at least three years after
14 the child's eighteenth birthday or for at least seven years after the last
15 date the licensee provided that patient with medical or health care services,
16 whichever date occurs first.

17 (c) If the patient dies before the expiration of the dates prescribed
18 in subdivision (a) or (b) of this paragraph, for at least three years after
19 the patient's death.

20 22. Using controlled substances or prescription-only drugs unless they
21 are provided by a medical practitioner, as defined in section 32-1901, as
22 part of a lawful course of treatment.

23 23. Prescribing controlled substances to members of one's immediate
24 family unless there is no other physician available within fifty miles to
25 treat a member of the family and an emergency exists.

26 24. Nontherapeutic use of injectable amphetamines.

27 25. Violating a formal order, probation or a stipulation issued by the
28 board under this chapter.

29 26. Charging or collecting an inappropriate fee. This paragraph does
30 not apply to a fee that is fixed in a written contract between the physician
31 and the patient and entered into before treatment begins.

32 27. Using experimental forms of therapy without adequate informed
33 patient consent or without conforming to generally accepted criteria and
34 complying with federal and state statutes and regulations governing
35 experimental therapies.

36 28. Failing to make patient medical records in the physician's
37 possession promptly available to a physician assistant, a nurse practitioner,
38 a person licensed pursuant to this chapter or a podiatrist, chiropractor,
39 naturopathic physician, physician or homeopathic physician licensed under
40 chapter 7, 8, 13, 14 or 29 of this title on receipt of proper authorization
41 to do so from the patient, a minor patient's parent, the patient's legal
42 guardian or the patient's authorized representative or failing to comply with
43 title 12, chapter 13, article 7.1.

44 29. Failing to allow properly authorized board personnel to have, on
45 presentation of a subpoena, access to any documents, reports or records that

1 are maintained by the physician and that relate to the physician's medical
2 practice or medically related activities pursuant to section 32-1855.01.

3 30. Signing a blank, undated or predated prescription form.

4 31. Obtaining a fee by fraud, deceit or misrepresentation.

5 32. Failing to report to the board an osteopathic physician and surgeon
6 who is or may be guilty of unprofessional conduct or is or may be mentally or
7 physically unable safely to engage in the practice of medicine.

8 33. Referring a patient to a diagnostic or treatment facility or
9 prescribing goods and services without disclosing that the physician has a
10 direct pecuniary interest in the facility, goods or services to which the
11 patient has been referred or prescribed. This paragraph does not apply to a
12 referral by one physician to another physician within a group of physicians
13 practicing together.

14 34. Lack of or inappropriate direction, collaboration or supervision of
15 a licensed, certified or registered health care provider or office personnel
16 employed by or assigned to the physician in the medical care of patients.

17 35. Violating a federal law, a state law or a rule applicable to the
18 practice of medicine.

19 36. Prescribing or dispensing controlled substances or
20 prescription-only medications without establishing and maintaining adequate
21 patient records.

22 37. Failing to dispense drugs and devices in compliance with article 4
23 of this chapter.

24 38. Any conduct or practice that endangers a patient's or the public's
25 health or may reasonably be expected to do so.

26 39. Any conduct or practice that impairs the licensee's ability to
27 safely and skillfully practice medicine or that may reasonably be expected to
28 do so.

29 40. With the exception of heavy metal poisoning, using chelation
30 therapy in the treatment of arteriosclerosis or as any other form of therapy
31 without adequate informed patient consent and without conforming to generally
32 accepted experimental criteria, including protocols, detailed records,
33 periodic analysis of results and periodic review by a medical peer review
34 committee.

35 41. Prescribing, dispensing or administering anabolic-androgenic
36 steroids to a person for other than therapeutic purposes.

37 42. Engaging in sexual conduct with a current patient or with a former
38 patient within six months after the last medical consultation unless the
39 patient was the licensee's spouse at the time of the contact or, immediately
40 preceding the physician-patient relationship, was in a dating or engagement
41 relationship with the licensee. For the purposes of this paragraph, "sexual
42 conduct" includes:

43 (a) Engaging in or soliciting sexual relationships, whether consensual
44 or nonconsensual.

1 (b) Making sexual advances, requesting sexual favors or engaging in
2 any other verbal conduct or physical conduct of a sexual nature.

3 43. Fetal experiments conducted in violation of section 36-2302.

4 44. Conduct that the board determines constitutes gross negligence,
5 repeated negligence or negligence that results in harm or death of a patient.

6 45. Conduct in the practice of medicine that evidences moral unfitness
7 to practice medicine.

8 46. Engaging in disruptive or abusive behavior in a professional
9 setting.

10 47. Failing to disclose to a patient that the licensee has a direct
11 financial interest in a prescribed treatment, good or service if the
12 treatment, good or service is available on a competitive basis. This
13 paragraph does not apply to a referral by one licensee to another licensee
14 within a group of licensees who practice together. A licensee meets the
15 disclosure requirements of this paragraph if all of the following are true:

16 (a) The licensee makes the disclosure on a form prescribed by the
17 board.

18 (b) The patient or the patient's guardian or parent acknowledges by
19 signing the form that the licensee has disclosed the licensee's direct
20 financial interest.

21 48. Prescribing, dispensing or furnishing a prescription medication or
22 a prescription-only device to a person if the licensee has not conducted a
23 physical examination of that person or has not previously established a
24 physician-patient relationship. This paragraph does not apply to:

25 (a) Emergencies. ~~or~~

26 (b) ~~to~~ Prescriptions written or antimicrobials dispensed to a contact
27 as defined in section 36-661 who is believed to have had significant exposure
28 risk as defined in section 36-661 with another person who has been diagnosed
29 with a communicable disease as defined in section 36-661 by the prescribing
30 or dispensing physician.

31 (c) PRESCRIPTIONS FOR EPINEPHRINE AUTO-INJECTORS WRITTEN OR DISPENSED
32 FOR A SCHOOL DISTRICT OR CHARTER SCHOOL TO BE STOCKED FOR EMERGENCY USE
33 PURSUANT TO SECTION 15-157.

34 49. If a licensee provides medical care by computer, failing to
35 disclose the licensee's license number and the board's address and telephone
36 number.