

State of Arizona  
Senate  
Fifty-first Legislature  
Second Regular Session  
2014

# SENATE BILL 1380

AN ACT

AMENDING SECTIONS 32-1402, 32-1403.01, 32-1404, 32-1405, 32-1422, 32-1430, 32-1434 AND 32-1451.03, ARIZONA REVISED STATUTES; RENUMBERING SECTION 41-3022.09, ARIZONA REVISED STATUTES, AS SECTION 41-3019.04; AMENDING SECTION 41-3019.04, ARIZONA REVISED STATUTES, AS RENUMBERED BY THIS ACT; RELATING TO THE ARIZONA MEDICAL BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-1402, Arizona Revised Statutes, is amended to  
3 read:

4 32-1402. Board; appointment; qualifications; term; removal;  
5 compensation; immunity; report

6 A. The Arizona medical board is established. The board consists of  
7 twelve members, four of whom shall represent the public and eight of whom  
8 shall be actively practicing medicine. One of the four public members shall  
9 be a licensed practical nurse or a professional nurse, as defined in chapter  
10 15 of this title, with at least five years' experience. The eight physicians  
11 must be from at least three different counties of the state. Not more than  
12 five of the board members may be from any one county. Members of the board  
13 are appointed by the governor. All appointments shall be made promptly, ~~and,~~  
14 ~~in the case of the vacancy of a doctor of medicine, the governor shall not~~  
15 ~~make this appointment later than ninety days after the governor receives a~~  
16 ~~list of nominees as provided in this section.~~ The governor shall make all  
17 appointments pursuant to section 38-211.

18 B. Each doctor of medicine who is appointed to the board shall have  
19 been a resident of this state and actively engaged in the practice of  
20 medicine as a licensed physician IN THIS STATE for at least the five years  
21 before appointment.

22 C. The term of office of a member of the board is five years,  
23 commencing on July 1 and terminating on July 1 of the fifth year. Each  
24 member is eligible for reappointment for not more than one additional term.  
25 However, the term of office for a member of the board appointed to fill a  
26 vacancy occasioned other than by expiration of a full term is for the  
27 unexpired portion of that term ~~and~~. EACH MEMBER MAY BE APPOINTED ONLY ONCE  
28 TO FILL A VACANCY CAUSED OTHER THAN BY EXPIRATION OF A TERM. The governor  
29 may reappoint that member to not more than two additional full terms. Each  
30 member of the board shall continue to hold office until the appointment and  
31 qualification of that member's successor, subject to the following  
32 exceptions:

33 1. A member of the board, after notice and a hearing before the  
34 governor, may be removed on a finding by the governor of continued neglect of  
35 duty, incompetence, or unprofessional or dishonorable conduct, in which event  
36 that member's term shall end when the governor makes this finding.

37 2. The term of any member automatically ends:

38 (a) On death.

39 (b) On written resignation submitted to the board chairman or to the  
40 governor.

41 (c) On absence from the state for a period of more than six months.

42 (d) For failure to attend three consecutive meetings of the board.

43 (e) Five years after retirement from the active practice of medicine.

1 D. The board shall annually elect, from among its membership, a  
2 chairman, a vice-chairman and a secretary, who shall hold their respective  
3 offices at the pleasure of the board.

4 E. Board members are eligible to receive compensation in the amount of  
5 two hundred fifty dollars per day for each day of actual service in the  
6 business of the board and all expenses necessarily and properly incurred in  
7 attending meetings of the board.

8 F. Members of the board are personally immune from suit with respect  
9 to all acts done and actions taken in good faith and in furtherance of the  
10 purposes of this chapter.

11 G. The board shall submit a written report to the governor, [THE](#)  
12 [ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS AND THE MEMBERS OF THE](#)  
13 [HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE HEALTH COMMITTEE OF](#)  
14 [THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES](#), no later than  
15 August 31 of each year on the board's licensing and disciplinary activities  
16 for the previous fiscal year. [THE REPORT MUST INCLUDE BOTH OF THE FOLLOWING:](#)

17 1. [INFORMATION REGARDING STAFF TURNOVER THAT INDICATES WHETHER THE](#)  
18 [PERSON WAS TEMPORARY, PART-TIME OR FULL-TIME AND WHICH DEPARTMENT OR DIVISION](#)  
19 [THE PERSON WORKED IN.](#)

20 2. [THE NUMBER OF INVESTIGATORS THAT HAVE BEEN HIRED AND HOW MANY OF](#)  
21 [THEM HAVE COMPLETED THE INVESTIGATOR TRAINING PROGRAM REQUIRED BY SECTION](#)  
22 [32-1405.](#)

23 H. Public members appointed to the board may submit a separate written  
24 report to the governor by August 31 of each year setting forth their comments  
25 relative to the board's licensing and disciplinary activities for the  
26 previous fiscal year.

27 Sec. 2. Section 32-1403.01, Arizona Revised Statutes, is amended to  
28 read:

29 [32-1403.01. Licensees; profiles; required information; updates;](#)  
30 [civil penalty](#)

31 A. The board shall make available to the public a profile of each  
32 licensee. The board shall make this information available through an  
33 internet website and, if requested, in writing. The profile shall contain  
34 the following information:

35 1. A description of any conviction of a felony. For purposes of this  
36 paragraph, a licensee is deemed to be convicted if the licensee pled guilty,  
37 pled no contest or was found guilty by a court of competent jurisdiction.

38 2. A description of any conviction of a misdemeanor involving moral  
39 turpitude that results in disciplinary action. For purposes of this  
40 paragraph, a licensee is deemed to be convicted if the licensee pled guilty,  
41 pled no contest or was found guilty by a court of competent jurisdiction.

42 3. All final board disciplinary actions.

1           4. Any medical malpractice court judgments and any medical malpractice  
2 awards or settlements in which a payment is made to a complaining party that  
3 results in disciplinary action.

4           5. The name and location of the licensee's medical school and the date  
5 of graduation.

6           6. The name and location of the institution from which the licensee  
7 received graduate medical education and the date that education was  
8 completed.

9           7. The licensee's primary practice location.

10          B. Each licensee shall submit the information required pursuant to  
11 subsection A **OF THIS SECTION** each year as directed by the board. An  
12 applicant for licensure shall submit this information at the time of  
13 application. The applicant and licensee shall submit the information on a  
14 form prescribed by the board. A licensee shall submit immediately any  
15 changes in information required pursuant to subsection A, paragraphs 1, 2 and  
16 4 **OF THIS SECTION**. The board shall update immediately its internet website  
17 to reflect changes in information relating to subsection A, paragraphs 1  
18 through 4 **OF THIS SECTION**. The board shall update the internet website  
19 information at least annually.

20          C. The board shall provide each licensee with the licensee's profile  
21 on request and shall make valid and verifiable corrections to the profile on  
22 notification at any time by the licensee. A change made by a licensee to an  
23 address or telephone number is subject to the requirements of section  
24 32-1435.

25          D. It is an act of unprofessional conduct for a licensee to provide  
26 erroneous information pursuant to this section. In addition to other  
27 disciplinary action, the board may impose a civil penalty of not more than  
28 one thousand dollars for each erroneous statement.

29          E. If the board issues a nondisciplinary order or action against a  
30 licensee, the record of the nondisciplinary order or action is available to  
31 the public but may not appear on the board's website, except that a practice  
32 limitation or restriction, and documentation relating to that action, may  
33 appear on the board's website. **ON REQUEST, THE BOARD SHALL SEND WITHIN FIVE  
34 BUSINESS DAYS, EITHER ELECTRONICALLY OR BY MAIL, INFORMATION RELATING TO ANY  
35 NONDISCIPLINARY ORDER OR ACTION AGAINST A LICENSEE TO A PERSON REQUESTING THE  
36 INFORMATION.**

37          Sec. 3. Section 32-1404, Arizona Revised Statutes, is amended to read:  
38 **32-1404. Meetings; quorum; committees; rules; posting**

39          A. The board shall hold regular quarterly meetings on a date and at  
40 the time and place designated by the chairman. The board shall hold special  
41 meetings, including meetings using communications equipment that allows all  
42 members participating in the meeting to hear each other, as the chairman  
43 determines are necessary to carry out the functions of the board. The board  
44 shall hold special meetings on any day that the chairman determines ~~is~~ **ARE**

1 necessary to carry out the functions of the board. The vice-chairman may  
2 call meetings and special meetings if the chairman is not available.

3 B. The presence of seven board members at a meeting constitutes a  
4 quorum. A majority vote of the quorum is necessary for the board to take any  
5 action.

6 C. The chairman may establish committees from the membership of the  
7 board and define committee duties necessary to carry out the functions of the  
8 board.

9 D. The board may adopt rules pursuant to title 41, chapter 6 that are  
10 necessary and proper to carry out the purposes of this chapter.

11 E. Meetings held pursuant to subsection A of this section shall be  
12 audio AND VIDEO recorded. BEGINNING SEPTEMBER 2, 2014, THE BOARD SHALL POST  
13 THE VIDEO RECORDING ON THE BOARD'S WEBSITE WITHIN FIVE BUSINESS DAYS AFTER  
14 THE MEETING.

15 Sec. 4. Section 32-1405, Arizona Revised Statutes, is amended to read:  
16 32-1405. Executive director; compensation; duties; appeal to  
17 the board

18 A. Subject to title 41, chapter 4, article 4, the board shall appoint  
19 an executive director who shall serve at the pleasure of the board. The  
20 executive director shall not be a board member, except that the board may  
21 authorize the executive director to represent the board and to vote on behalf  
22 of the board at meetings of the federation of state medical boards of the  
23 United States.

24 B. The executive director is eligible to receive compensation set by  
25 the board within the range determined under section 38-611.

26 C. The executive director or the executive director's designee shall:  
27 1. Subject to title 41, chapter 4, article 4 and, as applicable,  
28 articles 5 and 6, employ, evaluate, dismiss, discipline and direct  
29 professional, clerical, technical, investigative and administrative personnel  
30 necessary to carry on the work of the board. ~~Investigative personnel~~ AN  
31 INVESTIGATOR shall complete a nationally recognized investigator training  
32 program within one year of date of hire. Until ~~investigative personnel~~ AN  
33 INVESTIGATOR completes a training program, the ~~investigative personnel~~  
34 INVESTIGATOR shall work under the supervision of an investigator who has  
35 completed a training program.

36 2. Set compensation for board employees within the range determined  
37 under section 38-611.

38 3. As directed by the board, prepare and submit recommendations for  
39 amendments to the medical practice act for consideration by the legislature.

40 4. Subject to title 41, chapter 4, article 4, employ medical  
41 consultants and agents necessary to conduct investigations, gather  
42 information and perform those duties the executive director determines are  
43 necessary and appropriate to enforce this chapter.

- 1           5. Issue licenses, registrations and permits to applicants who meet  
2 the requirements of this chapter.
- 3           6. Manage the board's offices.
- 4           7. Prepare minutes, records, reports, registries, directories, books  
5 and newsletters and record all board transactions and orders.
- 6           8. Collect all monies due and payable to the board.
- 7           9. Pay all bills for authorized expenditures of the board and its  
8 staff.
- 9           10. Prepare an annual budget.
- 10          11. Submit a copy of the budget each year to the governor, the speaker  
11 of the house of representatives and the president of the senate.
- 12          12. Initiate an investigation if evidence appears to demonstrate that a  
13 physician may be engaged in unprofessional conduct or may be medically  
14 incompetent or mentally or physically unable to safely practice medicine.
- 15          13. Issue subpoenas if necessary to compel the attendance and testimony  
16 of witnesses and the production of books, records, documents and other  
17 evidence.
- 18          14. Provide assistance to the attorney general in preparing and sign  
19 and execute disciplinary orders, rehabilitative orders and notices of  
20 hearings as directed by the board.
- 21          15. Enter into contracts for goods and services pursuant to title 41,  
22 chapter 23 that are necessary to carry out board policies and directives.
- 23          16. Execute board directives.
- 24          17. Manage and supervise the operation of the Arizona regulatory board  
25 of physician assistants.
- 26          18. Issue licenses to physician assistant applicants who meet the  
27 requirements of chapter 25 of this title.
- 28          19. Represent the board with the federal government, other states or  
29 jurisdictions of the United States, this state, political subdivisions of  
30 this state, the news media and the public.
- 31          20. On behalf of the Arizona medical board, enter into stipulated  
32 agreements with persons under the jurisdiction of either the Arizona medical  
33 board or the Arizona regulatory board of physician assistants for the  
34 treatment, rehabilitation and monitoring of chemical substance abuse or  
35 misuse.
- 36          21. Review all complaints filed pursuant to section 32-1451. **THE**  
37 **EXECUTIVE DIRECTOR SHALL SUBMIT ALL MEDICAL COMPLAINTS ALLEGING HARM AS A**  
38 **RESULT OF PATIENT CARE TO A MEDICAL CONSULTANT FOR REVIEW.** If delegated by  
39 the board, the executive director may also dismiss a complaint if the  
40 complaint is without merit. The executive director shall not dismiss a  
41 complaint if a court has entered a medical malpractice judgment against a  
42 physician. The executive director shall submit a report of the cases  
43 dismissed with the complaint number, the name of the physician and the  
44 investigation timeline to the board for review at its regular board meetings.

1           22. If delegated by the board, directly refer cases to a formal  
2 hearing.

3           23. If delegated by the board, close cases resolved through mediation.

4           24. If delegated by the board, issue advisory letters.

5           25. If delegated by the board, enter into a consent agreement if there  
6 is evidence of danger to the public health and safety.

7           26. If delegated by the board, grant uncontested requests for inactive  
8 status and cancellation of a license pursuant to sections 32-1431 and  
9 32-1433.

10          27. If delegated by the board, refer cases to the board for a formal  
11 interview.

12          28. Perform all other administrative, licensing or regulatory duties  
13 required by the board.

14          29. DISSEMINATE ANY INFORMATION RECEIVED FROM THE OFFICE OF THE  
15 OMBUDSMAN-CITIZENS AIDE TO THE BOARD AT ITS REGULAR BOARD MEETINGS.

16          D. Medical consultants and agents appointed pursuant to subsection C,  
17 paragraph 4 of this section are eligible to receive compensation determined  
18 by the executive director in an amount not to exceed two hundred dollars for  
19 each day of service.

20          E. A person who is aggrieved by an action taken by the executive  
21 director pursuant to subsection C, paragraphs 21 through 27 of this section  
22 or section 32-1422, subsection E, ~~may~~ request the board to review that  
23 action by filing with the board a written request within thirty days after  
24 that person is notified of the executive director's action by personal  
25 delivery or, if the notification is mailed to that person's last known  
26 residence or place of business, within thirty-five days after the date on the  
27 notification. At the next regular board meeting, the board shall review the  
28 executive director's action. On review, the board shall approve, modify or  
29 reject the executive director's action.

30          Sec. 5. Section 32-1422, Arizona Revised Statutes, is amended to read:

31          32-1422. Basic requirements for granting a license to practice  
32 medicine; credentials verification

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

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

37           2. Successfully complete an approved twelve-month hospital internship,  
38 residency or clinical fellowship program.

39           3. Have the physical and mental capability to safely engage in the  
40 practice of medicine.

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

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

5           6. Not be currently under investigation, suspension or restriction by  
6 a medical regulatory board in another jurisdiction in the United States for  
7 an act that occurred in that jurisdiction AND that constitutes unprofessional  
8 conduct pursuant to this chapter. If the applicant is under investigation by  
9 a medical regulatory board in another jurisdiction, the board shall suspend  
10 the application process and may not issue or deny a license to the applicant  
11 until the investigation is resolved.

12           7. Not have surrendered a license to practice medicine in lieu of  
13 disciplinary action by a medical regulatory board in another jurisdiction in  
14 the United States for an act that occurred in that jurisdiction AND that  
15 constitutes unprofessional conduct pursuant to this chapter.

16           8. Pay all fees required by the board.

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

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

21           11. Have submitted directly to the board, electronically or by hard  
22 copy, verification of the following:

23           (a) Licensure from every state in which the applicant has ever held a  
24 medical license.

25           (b) All hospital affiliations and employment for the five years  
26 preceding application. Each hospital must verify affiliations or employment  
27 on the hospital's official letterhead or the electronic equivalent.

28           12. BEGINNING SEPTEMBER 2, 2014, HAVE SUBMITTED A FULL SET OF  
29 FINGERPRINTS TO THE BOARD FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL  
30 CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW  
31 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA  
32 WITH THE FEDERAL BUREAU OF INVESTIGATION.

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

40           C. In determining if the requirements of subsection A, paragraph 4 OF  
41 THIS SECTION have been met, if the board finds that the applicant committed  
42 an act or engaged in conduct that would constitute grounds for disciplinary  
43 action, the board shall determine to its satisfaction that the conduct has  
44 been corrected, monitored and resolved. If the matter has not been resolved,

1 the board shall determine to its satisfaction that mitigating circumstances  
2 exist that prevent its resolution.

3 D. In determining if the requirements of subsection A, paragraph 6 OF  
4 THIS SECTION have been met, if another jurisdiction has taken disciplinary  
5 action against an applicant, the board shall determine to its satisfaction  
6 that the cause for the action was corrected and the matter resolved. If the  
7 matter has not been resolved by that jurisdiction, the board shall determine  
8 to its satisfaction that mitigating circumstances exist that prevent its  
9 resolution.

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

12 F. ANY CREDENTIAL INFORMATION REQUIRED TO BE SUBMITTED TO THE BOARD  
13 PURSUANT TO THIS ARTICLE MUST BE SUBMITTED, ELECTRONICALLY OR BY HARD COPY,  
14 FROM THE PRIMARY SOURCE WHERE THE DOCUMENT OR INFORMATION ORIGINATED, EXCEPT  
15 THAT THE BOARD MAY ACCEPT PRIMARY-SOURCE VERIFIED CREDENTIALS FROM A  
16 CREDENTIALS VERIFICATION SERVICE APPROVED BY THE BOARD. THE BOARD IS NOT  
17 REQUIRED TO VERIFY ANY DOCUMENTATION OR INFORMATION RECEIVED BY THE BOARD  
18 FROM A CREDENTIALS VERIFICATION SERVICE THAT HAS BEEN APPROVED BY THE BOARD.  
19 IF AN APPLICANT IS UNABLE TO PROVIDE A DOCUMENT OR INFORMATION FROM THE  
20 PRIMARY SOURCE DUE TO NO FAULT OF THE APPLICANT, THE EXECUTIVE DIRECTOR SHALL  
21 FORWARD THE ISSUE TO THE FULL BOARD FOR REVIEW AND DETERMINATION. THE BOARD  
22 SHALL ADOPT RULES ESTABLISHING THE CRITERIA THAT MUST BE MET IN ORDER TO  
23 WAIVE A DOCUMENTATION REQUIREMENT OF THIS ARTICLE.

24 Sec. 6. Section 32-1430, Arizona Revised Statutes, is amended to read:  
25 32-1430. License renewal; expiration; fingerprinting

26 A. Except as provided in section 32-4301, each person holding an  
27 active license to practice medicine in this state shall renew the license  
28 every other year on or before the licensee's birthday and shall pay the fee  
29 required by this article, accompanied by a completed renewal form. THE BOARD  
30 SHALL PROVIDE THE RENEWAL FORM ONLINE AND, ON REQUEST, SHALL MAIL THE FORM TO  
31 THE LICENSEE. A licensee who does not renew an active license as required by  
32 this subsection on or before thirty days after the licensee's birthday must  
33 also pay a penalty fee as required by this article for late renewal. A  
34 licensee's license automatically expires if the licensee does not renew an  
35 active license within four months after the licensee's birthday. A person  
36 who practices medicine in this state after that person's active license has  
37 expired is in violation of this chapter.

38 B. A person renewing an active license to practice medicine in this  
39 state shall ~~attach to the completed renewal form~~ PROVIDE TO THE BOARD AS PART  
40 OF THE RENEWAL PROCESS a report of disciplinary actions, restrictions or any  
41 other action placed on or against that person's license or practice by  
42 another state licensing or disciplinary board or an agency of the federal  
43 government. This action may include denying a license or failing the special  
44 purpose licensing examination. The report shall include the name and address

1 of the sanctioning agency or health care institution, the nature of the  
2 action taken and a general statement of the charges leading to the action  
3 taken.

4 C. The licensee shall submit proof with the renewal form of having  
5 completed a training unit as prescribed by the board relating to the  
6 requirements of this chapter and board rules.

7 D. A person whose license has expired may reapply for a license to  
8 practice medicine as provided in this chapter.

9 E. BEGINNING SEPTEMBER 2, 2014, IF A PERSON DID NOT SUBMIT  
10 FINGERPRINTS FOR A CRIMINAL RECORDS CHECK WHEN THE PERSON WAS INITIALLY  
11 LICENSED PURSUANT TO SECTION 32-1422, THE PERSON RENEWING AN ACTIVE LICENSE  
12 TO PRACTICE MEDICINE IN THIS STATE FOR THE FIRST TIME ON OR AFTER SEPTEMBER  
13 2, 2014 SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE BOARD FOR THE PURPOSE  
14 OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION  
15 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE  
16 THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

17 Sec. 7. Section 32-1434, Arizona Revised Statutes, is amended to read:

18 32-1434. Continuing medical education; audit

19 A. A person who holds an active license to practice medicine in this  
20 state shall satisfy a continuing medical education requirement ~~which~~ THAT is  
21 designed to provide the necessary understanding of current developments,  
22 skills, procedures or treatment related to the practice of medicine in such  
23 amount and during such period as the board establishes by rule ~~and~~  
24 ~~regulation~~.

25 B. Compliance with subsection A OF THIS SECTION shall be documented at  
26 such times and in such manner as the board shall establish.

27 C. Failure of a person holding an active license to practice medicine  
28 to comply with this section without adequate cause being shown is grounds for  
29 probation, suspension or revocation of such person's license.

30 D. THE BOARD SHALL RANDOMLY AUDIT, ONCE EVERY TWO YEARS, AT LEAST TEN  
31 PER CENT OF PHYSICIANS TO VERIFY CONTINUING MEDICAL EDUCATION COMPLIANCE.

32 Sec. 8. Section 32-1451.03, Arizona Revised Statutes, is amended to  
33 read:

34 32-1451.03. Complaints; requirements; confidentiality; exception

35 A. The board shall not act on any complaint in which an allegation of  
36 unprofessional conduct or any other violation of this chapter occurred more  
37 than seven years before the complaint is received by the board. The time  
38 limitation does not apply to medical malpractice settlements or judgments.

39 B. BEGINNING SEPTEMBER 2, 2014, IF A COMPLAINANT WISHES TO HAVE THE  
40 COMPLAINANT'S IDENTIFYING INFORMATION WITHHELD FROM THE PHYSICIAN AGAINST  
41 WHOM THE ALLEGATION OF UNPROFESSIONAL CONDUCT IS BEING MADE, THE BOARD SHALL  
42 ENTER INTO A WRITTEN AGREEMENT WITH THE COMPLAINANT STATING THAT THE  
43 COMPLAINANT'S IDENTIFYING INFORMATION WILL NOT BE PROVIDED TO THE PHYSICIAN  
44 AGAINST WHOM THE ALLEGATION OF UNPROFESSIONAL CONDUCT IS BEING MADE TO THE

1 EXTENT CONSISTENT WITH THE ADMINISTRATIVE APPEALS PROCESS. THE BOARD SHALL  
2 POST THIS POLICY ON THE BOARD'S WEBSITE WHERE A PERSON WOULD SUBMIT A  
3 COMPLAINT ONLINE.

4 ~~B-~~ C. The board shall not open an investigation if identifying  
5 information regarding the complainant is not provided.

6 Sec. 9. Section 41-3022.09, Arizona Revised Statutes, is renumbered as  
7 section 41-3019.04 and, as so renumbered, is amended to read:

8 41-3019.04. Arizona medical board; termination July 1, 2019

9 A. The Arizona medical board terminates on July 1, ~~2022~~ 2019.

10 B. Title 32, chapter 13 is repealed on January 1, ~~2023~~ 2020.

11 Sec. 10. Rulemaking exemption; Arizona medical board

12 For the purposes of implementing this act, to adjust renewal time  
13 frames and to modify current rules consistent with section 41-1080, Arizona  
14 Revised Statutes, the Arizona medical board is exempt from the rulemaking  
15 requirements of title 41, chapter 6, Arizona Revised Statutes, for one year  
16 after the effective date of this act, except that the board shall provide  
17 public notice and an opportunity for public comment on proposed rules at  
18 least thirty days before a rule is adopted or amended.

19 Sec. 11. Emergency

20 This act is an emergency measure that is necessary to preserve the  
21 public peace, health or safety and is operative immediately as provided by  
22 law.