

REFERENCE TITLE: Arizona medical board; licensees; fingerprinting

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

SB 1380

Introduced by
Senators Barto: Ward, Yee

AN ACT

AMENDING SECTIONS 32-1402, 32-1403.01, 32-1422, 32-1430 AND 32-1434, ARIZONA
REVISED STATUTES; 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 the governor may reappoint that member to
28 not more than ~~two~~ ONE additional full ~~terms~~ TERM. A MEMBER'S SERVICE ON THE
29 BOARD MAY NOT EXCEED A TOTAL OF TEN YEARS, EXCEPT THAT each member of the
30 board shall continue to hold office until the appointment and qualification
31 of that member's successor, subject to the following exceptions:

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

36 2. The term of any member automatically ends:

37 (a) On death.

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

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

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

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

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

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

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

8 G. The board shall submit a written report to the governor no later
9 than August 31 of each year on the board's licensing and disciplinary
10 activities for the previous fiscal year. Public members appointed to the
11 board may submit a separate written report to the governor by August 31 of
12 each year setting forth their comments relative to the board's licensing and
13 disciplinary activities for the previous fiscal year.

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

16 32-1403.01. Licensees; profiles; required information; updates;
17 civil penalty

18 A. The board shall make available to the public a profile of each
19 licensee. The board shall make this information available through an
20 internet website and, if requested, in writing. The profile shall contain
21 the following information:

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

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

29 3. All final board disciplinary actions.

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

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

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

38 7. The licensee's primary practice location.

39 B. Each licensee shall submit the information required pursuant to
40 subsection A **OF THIS SECTION** each year as directed by the board. An
41 applicant for licensure shall submit this information at the time of
42 application. The applicant and licensee shall submit the information on a
43 form prescribed by the board. A licensee shall submit immediately any
44 changes in information required pursuant to subsection A, paragraphs 1, 2 and
45 **4 OF THIS SECTION**. The board shall update immediately its internet website

1 to reflect changes in information relating to subsection A, paragraphs 1
2 through 4 OF THIS SECTION. The board shall update the internet website
3 information at least annually.

4 C. The board shall provide each licensee with the licensee's profile
5 on request and shall make valid and verifiable corrections to the profile on
6 notification at any time by the licensee. A change made by a licensee to an
7 address or telephone number is subject to the requirements of section
8 32-1435.

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

13 E. If the board issues a nondisciplinary order or action against a
14 licensee, the record of the nondisciplinary order or action is available to
15 the public but may not appear on the board's website, except that a practice
16 limitation or restriction, and documentation relating to that action, may
17 appear on the board's website. ON REQUEST, THE BOARD SHALL SEND WITHIN FIVE
18 BUSINESS DAYS, EITHER ELECTRONICALLY OR BY MAIL, INFORMATION RELATING TO ANY
19 NONDISCIPLINARY ORDER OR ACTION AGAINST A LICENSEE TO A PERSON REQUESTING THE
20 INFORMATION.

21 F. THE BOARD SHALL REMOVE ANY RECORD OF A DISCIPLINARY ORDER OR ACTION
22 AGAINST A LICENSEE THAT APPEARS ON THE BOARD'S WEBSITE AFTER FIVE YEARS FROM
23 THE DATE THE SANCTIONS AGAINST THE LICENSEE WERE COMPLETED OR REMOVED OR IF
24 NO SANCTIONS WERE IMPOSED FROM THE DATE OF THE ORDER. THIS INFORMATION
25 REMAINS AVAILABLE TO THE PUBLIC, AND, ON REQUEST, THE BOARD SHALL SEND THE
26 INFORMATION REQUESTED WITHIN FIVE BUSINESS DAYS, EITHER ELECTRONICALLY OR BY
27 MAIL.

28 Sec. 3. Section 32-1422, Arizona Revised Statutes, is amended to read:
29 32-1422. Basic requirements for granting a license to practice
30 medicine; credentials verification

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

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

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

37 3. Have the physical and mental capability to safely engage in the
38 practice of medicine.

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

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

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

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

12 8. Pay all fees required by the board.

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

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

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

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

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

24 12. HAVE SUBMITTED A FULL SET OF FINGERPRINTS TO THE BOARD FOR THE
25 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO
26 SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY
27 EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

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

35 C. In determining if the requirements of subsection A, paragraph 4 OF
36 THIS SECTION have been met, if the board finds that the applicant committed
37 an act or engaged in conduct that would constitute grounds for disciplinary
38 action, the board shall determine to its satisfaction that the conduct has
39 been corrected, monitored and resolved. If the matter has not been resolved,
40 the board shall determine to its satisfaction that mitigating circumstances
41 exist that prevent its resolution.

42 D. In determining if the requirements of subsection A, paragraph 6 OF
43 THIS SECTION have been met, if another jurisdiction has taken disciplinary
44 action against an applicant, the board shall determine to its satisfaction
45 that the cause for the action was corrected and the matter resolved. If the

1 matter has not been resolved by that jurisdiction, the board shall determine
2 to its satisfaction that mitigating circumstances exist that prevent its
3 resolution.

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

6 F. ANY CREDENTIAL INFORMATION REQUIRED TO BE SUBMITTED TO THE BOARD
7 PURSUANT TO THIS CHAPTER MUST BE SUBMITTED, ELECTRONICALLY OR BY HARD COPY,
8 FROM THE PRIMARY SOURCE WHERE THE DOCUMENT OR INFORMATION ORIGINATED, EXCEPT
9 THAT THE BOARD MAY ACCEPT PRIMARY-SOURCE VERIFIED CREDENTIALS FROM A
10 CREDENTIALS VERIFICATION SERVICE APPROVED BY THE BOARD. THE BOARD IS NOT
11 REQUIRED TO VERIFY ANY DOCUMENTATION OR INFORMATION RECEIVED BY THE BOARD
12 FROM A CREDENTIALS VERIFICATION SERVICE THAT HAS BEEN APPROVED BY THE BOARD.
13 IF AN APPLICANT IS UNABLE TO PROVIDE A DOCUMENT OR INFORMATION FROM THE
14 PRIMARY SOURCE DUE TO NO FAULT OF THE APPLICANT, THE EXECUTIVE DIRECTOR SHALL
15 FORWARD THE ISSUE TO THE FULL BOARD FOR REVIEW AND DETERMINATION.

16 Sec. 4. Section 32-1430, Arizona Revised Statutes, is amended to read:
17 32-1430. License renewal; expiration; fingerprinting

18 A. Except as provided in section 32-4301, each person holding an
19 active license to practice medicine in this state shall renew the license
20 every other year on or before the licensee's birthday and shall pay the fee
21 required by this article, accompanied by a completed renewal form. A
22 licensee who does not renew an active license as required by this subsection
23 on or before thirty days after the licensee's birthday must also pay a
24 penalty fee as required by this article for late renewal. A licensee's
25 license automatically expires if the licensee does not renew an active
26 license within four months after the licensee's birthday. A person who
27 practices medicine in this state after that person's active license has
28 expired is in violation of this chapter.

29 B. A person renewing an active license to practice medicine in this
30 state shall attach to the completed renewal form a report of disciplinary
31 actions, restrictions or any other action placed on or against that person's
32 license or practice by another state licensing or disciplinary board or an
33 agency of the federal government. This action may include denying a license
34 or failing the special purpose licensing examination. The report shall
35 include the name and address of the sanctioning agency or health care
36 institution, the nature of the action taken and a general statement of the
37 charges leading to the action taken.

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

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

43 E. IF A PERSON DID NOT SUBMIT FINGERPRINTS FOR A CRIMINAL RECORDS
44 CHECK WHEN THE PERSON WAS INITIALLY LICENSED PURSUANT TO SECTION 32-1422, THE
45 PERSON RENEWING AN ACTIVE LICENSE TO PRACTICE MEDICINE IN THIS STATE FOR THE

1 FIRST TIME AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION SHALL
2 SUBMIT A FULL SET OF FINGERPRINTS TO THE BOARD FOR THE PURPOSE OF OBTAINING A
3 STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND
4 PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS
5 FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

6 Sec. 5. Section 32-1434, Arizona Revised Statutes, is amended to read:
7 32-1434. Continuing medical education; audit

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

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

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

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

21 Sec. 6. Arizona medical board; credentials verification;
22 contract; audit; delayed repeal

23 A. On or before January 1, 2015, the Arizona medical board shall
24 contract with an in-state credentials verification service for health
25 professions to review and process all initial applications to the Arizona
26 medical board for the licensure of physicians for a period of four years.
27 The contract must authorize the contractor to request any necessary
28 additional documentation from the applicant.

29 B. On or before November 1, 2017, the auditor general shall complete
30 an audit of the first two years of the contract issued pursuant to subsection
31 A of this section and shall report the results of the audit to the health and
32 human services committee in the senate and the health committee in the house
33 of representatives, or their successor committees.

34 C. This section is repealed from and after June 30, 2019.