

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HOUSE BILL 2036

AN ACT

AMENDING SECTIONS 32-1501, 32-1503, 32-1523, 32-1525, 32-1528 AND 32-1552,
ARIZONA REVISED STATUTES; RELATING TO NATUROPATHIC MEDICINE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Subject to the requirements of article IV, part 1, section
3 1, Constitution of Arizona, section 32-1501, Arizona Revised Statutes, is
4 amended to read:

5 32-1501. Definitions

6 In this chapter, unless the context otherwise requires:

7 1. "Accepted therapeutic purpose" means treatment of a disease,
8 injury, ailment or infirmity that is competent and generally recognized as
9 safe and effective.

10 2. "Active license" means a current valid license to practice
11 naturopathic medicine.

12 3. "Adequate medical records" means legible medical records
13 containing, at a minimum, sufficient information to identify the patient,
14 support the diagnosis, describe the treatment, accurately document the
15 results, indicate advice and cautionary warning provided to the patient and
16 provide sufficient information for a similarly qualified practitioner to
17 assume continuity of the patient's care at any point in the course of
18 treatment.

19 4. "Approved clinical training program" or "clinical training program"
20 means a program for naturopathic medical students in which the training
21 occurred or is being conducted by or in conjunction with an approved school
22 of naturopathic medicine.

23 5. "Approved internship program" or "internship" means that the
24 program in which the training occurred or is being conducted has been
25 approved for internship training for physicians or for graduates of a school
26 of naturopathic medicine by the board or was approved or accredited by an
27 educational or professional association recognized by the board or by another
28 state's or country's licensing agency recognized by the board.

29 6. "Approved postdoctoral training" or "postdoctoral training" means
30 that the program in which the training occurred or is being conducted has
31 been approved for specialty training or for graduate medical education in
32 naturopathic medicine by the board or approved or accredited by an
33 educational or professional association recognized by the board or by another
34 state's or country's licensing agency recognized by the board.

35 7. "Approved preceptorship program" or "preceptorship" means that the
36 program in which the training occurred or is being conducted has been
37 approved for preceptorship training for physicians or for graduates of a
38 school of naturopathic medicine by the board or was approved or accredited by
39 an educational or professional association recognized by the board or by
40 another state's or country's licensing agency recognized by the board.

41 8. "Approved school of naturopathic medicine" or "school of
42 naturopathic medicine" means a school or college determined by the board to
43 have an educational program that meets standards prescribed by the council on
44 naturopathic medical education, or its successor agency, and that offers a

1 course of study that, on successful completion, results in the awarding of
2 the degree of doctor of naturopathic medicine and whose course of study is
3 either of the following:

4 (a) Accredited or a candidate for accreditation by an accrediting
5 agency recognized by the United States secretary of education as a
6 specialized accrediting agency for schools of naturopathic medicine or its
7 successor.

8 (b) Accredited or a candidate for accreditation by an accrediting
9 agency recognized by the council for higher education accreditation or its
10 successor.

11 9. "Board" means the naturopathic physicians medical board.

12 10. "Chelation therapy" means an experimental medical therapy to
13 restore cellular homeostasis through the use of intravenous, metal-binding
14 and bioinorganic agents such as ethylene diamine tetraacetic acid. Chelation
15 therapy does not include experimental therapy used to treat heavy metal
16 poisoning.

17 11. "Completed application" means that the applicant paid the required
18 fees and supplied all documents and information as requested by the board and
19 in a manner acceptable to the board.

20 12. "Controlled substance" means a drug, substance or immediate
21 precursor in schedules I through V of title 36, chapter 27, article 2.

22 13. "Direct supervision" means that a physician who is licensed
23 pursuant to this chapter or chapter 13, 17 or 29 of this title:

24 (a) Is physically present and within sight or sound of the person
25 supervised and is available for consultation regarding procedures that the
26 physician has authorized and for which the physician remains responsible.

27 (b) Has designated a person licensed pursuant to this chapter or
28 chapter 13, 17 or 29 of this title to provide direct supervision in the
29 physician's absence.

30 14. "Doctor of naturopathic medicine" or "doctor" means a natural
31 person licensed to practice naturopathic medicine under this chapter.

32 15. "Drug" has the same meaning prescribed in section 32-1901 but does
33 not include:

34 (a) Intravenous administration of legend drugs, except for:

35 (i) Vitamins, chelation therapy and drugs used in emergency
36 resuscitation and stabilization.

37 (ii) Minerals.

38 (iii) Nutrients. For the purposes of this item, "nutrient" means a
39 substance that provides nourishment for growth or metabolism and that is
40 manufactured and supplied for intravenous use by a manufacturer registered
41 with the United States food and drug administration or compounded by a
42 pharmacy licensed by the state board of pharmacy.

43 (b) Controlled substances listed as schedule I or II controlled
44 substances as defined in the federal controlled substances act of 1970

1 (21 United States Code section 802), except morphine, any drug that is
2 reclassified from schedule III to schedule II after January 1, 2014 and any
3 homeopathic preparations that are also controlled substances.

4 (c) Cancer chemotherapeutics classified as legend drugs.

5 (d) Antipsychotics.

6 16. "General supervision" means that the physician is available for
7 consultation regarding procedures that the physician has authorized and for
8 which the physician remains responsible.

9 17. "Legend drug" means any drug defined by section 503(b) of the
10 federal food, drug and cosmetic act and under which definition its label is
11 required to bear the statement "Rx only".

12 18. "Letter of concern" means a nondisciplinary advisory letter that is
13 issued by the board to a person who is regulated under this chapter and that
14 states that while there is insufficient evidence to support disciplinary
15 action the board believes that the person should modify or eliminate certain
16 practices and that continuation of the activities that led to the information
17 being submitted to the board may result in action against the person's
18 license, certificate or registration.

19 19. "Letter of reprimand" means a disciplinary letter that is issued by
20 the board and that informs a person who is regulated under this chapter that
21 the person's conduct violates state or federal law but does not require the
22 board to restrict the person's license, certificate or registration because
23 the person's conduct did not result in harm to a patient or to the public.

24 20. "Limit" means taking a nondisciplinary action that alters the
25 physician's practice or professional activities if the board determines that
26 there is evidence that the physician is or may be mentally or physically
27 unable to safely engage in the practice of medicine.

28 21. "Medical assistant" or "naturopathic medical assistant" means a
29 person who is certified by the board as a medical assistant, who assists a
30 doctor of naturopathic medicine and who may perform delegated procedures that
31 are commensurate with the assistant's education and training under the direct
32 supervision of a doctor of naturopathic medicine and that do not include
33 diagnosing, designing or modifying established treatment programs or those
34 procedures prohibited by the board or by this chapter.

35 22. "Medically incompetent" means a person who is licensed, certified
36 or registered pursuant to this chapter and who lacks sufficient naturopathic
37 medical knowledge or skills, or both, to a degree that is likely to endanger
38 the health of patients.

39 23. "Natural substance" means a homeopathic, botanical, nutritional or
40 other supplement that does not require a prescription pursuant to federal law
41 before it is prescribed, dispensed or otherwise furnished to a patient and
42 that is prescribed by a physician licensed pursuant to this chapter to
43 enhance health, prevent disease or treat a medical condition diagnosed by the
44 physician.

1 24. "Naturopathic medical student" means a person who is enrolled in a
2 course of study at an approved school of naturopathic medicine.

3 25. "Naturopathic medicine" means medicine as taught in approved
4 schools of naturopathic medicine and in clinical, internship, preceptorship
5 and postdoctoral training programs approved by the board and practiced by a
6 recipient of a degree of doctor of naturopathic medicine licensed pursuant to
7 this chapter.

8 26. "Nurse" means a person licensed pursuant to chapter 15 of this
9 title.

10 27. "Physician" means a doctor of naturopathic medicine licensed
11 pursuant to this chapter.

12 28. "Practice of naturopathic medicine" means a medical system of
13 diagnosing and treating diseases, injuries, ailments, infirmities and other
14 conditions of the human mind and body including by natural means, drugless
15 methods, drugs, nonsurgical methods, devices, physical, electrical, hygienic
16 and sanitary measures and all forms of physical agents and modalities.

17 29. "Restrict" means taking a disciplinary action that alters the
18 physician's practice or professional activities if the board determines that
19 there is evidence that the physician is or may be medically incompetent or
20 guilty of unprofessional conduct.

21 30. "Specialist" means a physician who has successfully completed
22 approved postdoctoral training, who is certified by a specialty board of
23 examiners recognized by the board and who is certified by the board to
24 practice the specialty pursuant to this chapter.

25 31. "Unprofessional conduct" includes the following, whether occurring
26 in this state or elsewhere:

27 (a) Intentionally disclosing a professional secret or intentionally
28 disclosing a privileged communication except as either of these may otherwise
29 be required by law.

30 (b) Any dishonorable conduct reflecting unfavorably on the profession.

31 (c) Committing a felony, whether or not involving moral turpitude, or
32 a misdemeanor involving moral turpitude. In either case conviction by any
33 court of competent jurisdiction or a plea of no contest is conclusive
34 evidence of the commission of the felony or misdemeanor.

35 (d) Habitual intemperance in the use of alcohol or any substance
36 abuse.

37 (e) The illegal use of any narcotic or hypnotic drugs, or illegal
38 substances.

39 (f) Conduct that the board determines is gross malpractice, repeated
40 malpractice or any malpractice resulting in the death of a patient.

41 (g) Impersonating another doctor of naturopathic medicine or any other
42 practitioner of the healing arts.

43 (h) Falsely acting or assuming to act as a member, an employee or an
44 authorized agent of the board.

- 1 (i) Procuring or attempting to procure a license or a certificate
2 pursuant to this chapter by fraud, by misrepresentation or by knowingly
3 taking advantage of the mistake of another person or agency.
- 4 (j) Having professional connection with or lending one's name to
5 enhance or continue the activities of an illegal physician or an illegal
6 practitioner of any healing art.
- 7 (k) Representing that a manifestly incurable disease, injury, ailment
8 or infirmity can be permanently cured, or falsely or fraudulently
9 representing that a curable disease, injury, ailment or infirmity can be
10 cured within a stated time.
- 11 (l) Offering, undertaking or agreeing to cure or treat a disease,
12 injury, ailment or infirmity by a secret means, method, treatment, medicine,
13 substance, device or instrumentality.
- 14 (m) Refusing to divulge to the board on demand the means, method,
15 treatment, medicine, substance, device or instrumentality used in the
16 treatment of a disease, injury, ailment or infirmity.
- 17 (n) Giving or receiving, or aiding or abetting the giving or receiving
18 of, rebates, either directly or indirectly.
- 19 (o) Knowingly making any false or fraudulent statement, written or
20 oral, in connection with the practice of naturopathic medicine or any
21 naturopathic treatment method.
- 22 (p) Immorality or misconduct that tends to discredit the naturopathic
23 profession.
- 24 (q) Refusal, revocation or suspension of a license by any other state,
25 district or territory of the United States or any other country, unless it
26 can be shown that this action was not due to reasons that relate to the
27 ability to safely and skillfully practice as a doctor of naturopathic
28 medicine or to any act of unprofessional conduct in this paragraph.
- 29 (r) Any conduct or practice that is contrary to recognized standards
30 of ethics of the naturopathic profession, any conduct or practice that does
31 or might constitute a danger to the health, welfare or safety of the patient
32 or the public, or any conduct, practice or condition that does or might
33 impair the ability to safely and skillfully practice as a doctor of
34 naturopathic medicine.
- 35 (s) Failure to observe any federal, state, county or municipal law
36 relating to public health as a physician in this state.
- 37 (t) Violating or attempting to violate, directly or indirectly, or
38 assisting in or abetting the violation of, or conspiring to violate this
39 chapter or board rules.
- 40 (u) False, fraudulent, deceptive or misleading advertising or
41 advertising the quality of a medical or health care service by a physician or
42 by the physician's staff, employer or representative.
- 43 (v) Failing or refusing to maintain adequate medical records on a
44 patient or failing or refusing to make medical records in the physician's

1 possession promptly available to another physician or health care provider
2 who is licensed pursuant to chapter 7, 8, 13, 15, 17 or 29 of this title on
3 request and receipt of proper authorization to do so from the patient, a
4 minor patient's parent, the patient's legal guardian or the patient's
5 authorized representative or failing to comply with title 12, chapter 13,
6 article 7.1.

7 (w) Referring a patient to a diagnostic or treatment facility or
8 prescribing goods and services without disclosing in writing to the patient
9 that the physician has a pecuniary interest in the facility, goods or
10 services to which the patient is referred or prescribed. This subdivision
11 does not apply to a referral by one physician or practitioner to another
12 physician or practitioner within a group of physicians or practitioners
13 practicing together.

14 (x) Sexual intimacies with a patient in the course of direct
15 treatment.

16 (y) Failing to dispense drugs and devices in compliance with article 4
17 of this chapter.

18 (z) Administering, dispensing or prescribing any drug or a device for
19 other than an accepted therapeutic purpose.

20 (aa) Falsely representing or holding oneself out as being a specialist
21 or representation by a doctor of naturopathic medicine or the doctor's staff,
22 employer or representative that the doctor is boarded or board certified if
23 this is not true or that standing is not current.

24 (bb) Delegating professional duties and responsibilities to a person
25 if the person has not been approved or qualified by licensure or by
26 certification to perform these duties or responsibilities.

27 (cc) Failing to appropriately supervise a naturopathic medical
28 student, a nurse, a medical assistant, a health care provider or a technician
29 employed by or assigned to the physician during the performance of delegated
30 professional duties and responsibilities.

31 (dd) Using experimental forms of diagnosis or treatment without
32 adequate informed consent of the patient or the patient's legal guardian and
33 without conforming to experimental criteria including protocols, detailed
34 records, periodic analysis of results and periodic review by a medical peer
35 review committee as approved by the federal food and drug administration or
36 its successor agency.

37 (ee) Failing to furnish information in a timely manner to the board or
38 investigators or representatives of the board if this information is legally
39 requested by the board and failing to allow properly authorized board
40 personnel on demand to examine and have access to documents, reports and
41 records maintained by the physician that relate to the physician's medical
42 practice or medically related activities.

43 (ff) Failing to report in writing to the board evidence that a person
44 licensed, certified or registered pursuant to this chapter is or may be

1 medically incompetent, guilty of unprofessional conduct or mentally or
2 physically unable to safely practice or assist in the practice of
3 naturopathic medicine.

4 (gg) Conducting or engaging in an internship, preceptorship or
5 clinical training program in naturopathic medicine without being approved and
6 registered by the board for that internship, preceptorship or clinical
7 training program.

8 (hh) Signing a blank, undated or predated prescription form.

9 (ii) Conduct that the board determines is gross negligence, repeated
10 negligence or negligence resulting in harm or death to a patient.

11 (jj) Knowingly making a false or misleading statement in oral
12 testimony to the board on a form required by the board or in written
13 correspondence to the board, including attachments to that correspondence.

14 (kk) The failure of a physician who is the chief medical officer, the
15 executive officer or the chief of staff of an internship, a preceptorship or
16 a clinical training program to report in writing to the board that the
17 privileges of a doctor of naturopathic medicine, a naturopathic medical
18 student or a medical assistant have been denied, limited, revoked or
19 suspended because that doctor's, student's or assistant's actions appear to
20 indicate that the person is or may be medically incompetent, is or may be
21 guilty of unprofessional conduct or is or may be unable to safely engage or
22 assist in the practice of naturopathic medicine.

23 (ll) Action taken against a doctor of naturopathic medicine by a
24 licensing or regulatory board in another jurisdiction due to that doctor's
25 mental or physical inability to engage safely in the practice of naturopathic
26 medicine or the doctor's medical incompetence or for unprofessional conduct
27 as defined by that licensing or regulatory board and that corresponds
28 directly or indirectly to an act of unprofessional conduct prescribed by this
29 paragraph. The action taken may include refusing, denying, revoking or
30 suspending a license, otherwise limiting, restricting or monitoring a
31 licensee or placing a licensee on probation by that licensing or regulatory
32 board.

33 (mm) Sanctions imposed by an agency of the federal government,
34 including restricting, suspending, limiting or removing a person from the
35 practice of naturopathic medicine or restricting that person's ability to
36 obtain financial remuneration.

37 (nn) Violating any formal order, probation, consent agreement or
38 stipulation issued or entered into by the board pursuant to this chapter.

39 (oo) Refusing to submit to a body fluid examination pursuant to a
40 board investigation of alleged substance abuse by a doctor of naturopathic
41 medicine.

42 (pp) Charging a fee for services not rendered or dividing a
43 professional fee for patient referrals among health care providers or health

1 care institutions or between these providers and institutions or a
2 contractual arrangement that has this effect.

3 (qq) Obtaining a fee by fraud, deceit or misrepresentation.

4 (rr) Charging or collecting a clearly excessive fee. In determining
5 if a fee is clearly excessive, the board shall consider the fee or range of
6 fees customarily charged in this state for similar services, in light of
7 modifying factors such as the time required, the complexity of the service
8 and the skill required to perform the service properly. This subdivision
9 does not apply if there is a clear written contract for a fixed fee between
10 the physician and the patient that was entered into before the service was
11 provided.

12 (ss) With the exception of heavy metal poisoning, using chelation
13 therapy in the treatment of arteriosclerosis or as any other form of therapy
14 without adequate informed patient consent and without conforming to generally
15 accepted experimental criteria, including protocols, detailed records,
16 periodic analysis of results and periodic review by a medical peer review
17 committee.

18 (tt) Using a controlled substance unless it is prescribed by another
19 physician for use during a prescribed course of treatment.

20 (uu) Prescribing, dispensing or administering anabolic androgenic
21 steroids for other than therapeutic purposes.

22 (vv) Except in an emergency or urgent care situation, prescribing or
23 dispensing a controlled substance to a member of the naturopathic physician's
24 immediate family.

25 (ww) Prescribing, dispensing or furnishing a prescription medication
26 or a prescription-only device as defined in section 32-1901 to a person
27 unless the licensee first conducts a physical examination of that person or
28 has previously established a doctor-patient relationship. The physical
29 examination may be conducted during a real-time telemedicine encounter with
30 audio and video capability if the telemedicine audio and video capability
31 meets the elements required by the centers for medicare and medicaid
32 services, unless the examination is for the purpose of obtaining a written
33 certification from the physician for the purposes of title 36, chapter 28.1.
34 This subdivision does not apply to:

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

37 (ii) An emergency medical situation as defined in section 41-1831.

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

40 (iv) Prescriptions written or prescription medications issued for use
41 by a county or tribal public health department for immunization programs or
42 emergency treatment or in response to an infectious disease investigation, a
43 public health emergency, an infectious disease outbreak or an act of

1 bioterrorism. For the purposes of this item, "bioterrorism" has the same
2 meaning prescribed in section 36-781.

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

8 (vi) Prescriptions written by a licensee through a telemedicine
9 program that is covered by the policies and procedures adopted by the
10 administrator of a hospital or outpatient treatment center.

11 (xx) If medical treatment is considered experimental or
12 investigational, failing to include in a patient's record a consent to
13 treatment document that is signed by the patient or the patient's parent or
14 legal guardian and that indicates that the patient or the patient's parent or
15 legal guardian has been informed of the risk of any treatment to be provided
16 and the expected cost of that treatment.

17 (yy) WHEN ISSUING A WRITTEN CERTIFICATION AS DEFINED IN SECTION
18 36-2801, FAILING OR REFUSING TO INCLUDE IN THE ADEQUATE MEDICAL RECORDS OF A
19 PATIENT A COPY OF ALL OF THE FOLLOWING:

20 (i) THE MEDICAL RECORDS RELIED ON BY THE PHYSICIAN TO SUPPORT THE
21 DIAGNOSIS OR CONFIRMED DIAGNOSIS OF THE PATIENT'S DEBILITATING MEDICAL
22 CONDITION.

23 (ii) THE WRITTEN CERTIFICATION.

24 (iii) THE PATIENT'S PROFILE ON THE ARIZONA BOARD OF PHARMACY
25 CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM DATABASE.

26 Sec. 2. Section 32-1503, Arizona Revised Statutes, is amended to read:
27 32-1503. Board organization; meetings; compensation; committees

28 A. The board shall annually elect, from among its membership, a
29 chairman, a vice-chairman and a secretary-treasurer, who shall hold their
30 respective offices at the pleasure of the board.

31 B. The board shall hold a regular meeting at least semiannually on a
32 date and at a time and place it designates. In addition, the board may hold
33 special meetings it deems necessary.

34 C. A majority of the members of the board constitutes a quorum, and a
35 majority vote of a quorum present at any meeting governs all actions taken by
36 the board, except as provided in section 32-1525, subsection ~~G~~ I and section
37 32-1526, subsection A.

38 D. Members of the board are eligible to receive compensation
39 established by the board of not more than one hundred fifty dollars for each
40 day of actual service in the business of the board.

41 E. In order to carry out the board's duties and functions, the
42 chairman may establish committees from the board membership and define the
43 duties of these committees.

1 ~~1. The basic medical science subjects of anatomy, basic pharmacology~~
2 ~~and toxicology, biochemistry, microbiology and immunology, physiology,~~
3 ~~pathology and naturopathic jurisprudence.~~

4 ~~2. The clinical medical science subjects of dermatology, ophthalmology~~
5 ~~and otolaryngology, geriatrics, infectious diseases, neurology and~~
6 ~~psychiatry, pediatrics, obstetrics and gynecology, orthopedics, physical~~
7 ~~medicine and rehabilitation.~~

8 ~~3. The clinical competency medical subjects of emergency medicine and~~
9 ~~minor surgery, clinical pharmacology, pharmacotherapeutics, internal~~
10 ~~medicine, laboratory diagnosis and diagnostic imaging, clinical nutrition,~~
11 ~~botanicals and diet therapy.~~

12 B. AN INDIVIDUAL WHO IS APPLYING FOR LICENSURE UNDER SECTION 32-1522
13 OR 32-1523.01 SHALL TAKE AND PASS THE FOLLOWING PORTIONS OF THE NATUROPATHIC
14 PHYSICIANS LICENSING EXAMINATIONS OR OTHER EXAMINATIONS:

15 1. PART I BASIC BIOMEDICAL SCIENCE EXAMINATION.

16 2. PART II CORE SCIENCE AND CORE CLINICAL SCIENCE EXAMINATIONS.

17 3. CLINICAL ELECTIVE EXAMINATIONS OF MINOR SURGERY AND ACUPUNCTURE.

18 C. AN INDIVIDUAL WHO IS APPLYING FOR LICENSURE UNDER SECTION 32-1523:

19 1. SHALL TAKE AND PASS BOTH:

20 (a) PART I BASIC BIOMEDICAL SCIENCE EXAMINATION.

21 (b) PART II CORE SCIENCE AND CORE CLINICAL SCIENCE EXAMINATIONS.

22 2. SHALL TAKE AND PASS THE CLINICAL ELECTIVE EXAMINATIONS OF MINOR
23 SURGERY AND ACUPUNCTURE IF THE PERSON IS APPLYING FOR A LICENSE THAT INCLUDES
24 THOSE ELECTIVE PRACTICE AREAS.

25 ~~4.~~ D. ~~For all persons~~ AN INDIVIDUAL WHO IS applying for a license by
26 endorsement PURSUANT TO SECTION 32-1523 AND who ~~were~~ WAS licensed in another
27 state or a Canadian province before January 1, 2005, IN ADDITION TO MEETING
28 THE REQUIREMENTS OF SUBSECTION C OF THIS SECTION, SHALL TAKE AND PASS an
29 additional sixty-hour course and examination in pharmacotherapeutics.

30 ~~C.~~ E. The ~~examination~~ EXAMINATIONS required for a license ~~by~~
31 ~~endorsement~~ under section 32-1522, 32-1523 OR 32-1523.01 shall include an
32 examination in Arizona naturopathic jurisprudence that is administered by the
33 board.

34 ~~D.~~ F. Examinations for licensure under this chapter shall:

35 1. Be practical in character and consist of multiple choice and true
36 and false questions.

37 2. Be designed to ascertain the applicant's knowledge of naturopathic
38 medicine and the applicant's ability to practice naturopathic medicine.

39 3. Include examination questions that are generally accepted as
40 necessary for a competent knowledge of the practice of naturopathic medicine.

41 ~~E.~~ G. The board by rule shall prescribe any subjects on which the
42 applicant must be tested in addition to those required by this section. The
43 board may prescribe rules for conducting its own examinations.

1 ~~F.~~ H. An applicant shall obtain a passing score on the national
2 examination and shall obtain a grade of seventy-five ~~per cent~~ PERCENT or more
3 in each subject administered by the board that is not covered on the national
4 examination.

5 ~~G.~~ I. An applicant may challenge the applicant's grade on an
6 examination conducted by the board by submitting a written request to the
7 board within sixty days of receiving the grade. If the board upholds the
8 applicant's challenge, it may change, within one hundred twenty days of the
9 challenge, the grade on the examination on the vote of a majority of the full
10 board.

11 ~~H.~~ J. ~~An applicant for examination~~ AN INDIVIDUAL APPLYING FOR
12 LICENSURE UNDER SECTION 32-1522 OR 32-1523.01 shall take and complete all of
13 the examinations required by this section within a five-year period
14 IMMEDIATELY PRECEDING THE SUBMISSION OF AN APPLICATION FOR LICENSURE. Each
15 time an applicant files a request with the board to retake any part of an
16 examination, the applicant shall pay the examination fee pursuant to section
17 32-1527.

18 ~~I.~~ K. All examination materials and records of examination grading
19 are confidential and are not public records.

20 Sec. 5. Section 32-1528, Arizona Revised Statutes, is amended to read:
21 32-1528. Retired licensee; waiver of fees; reinstatement

22 A. The board may waive a physician's annual renewal fee if the
23 physician has paid all past fees and presents an affidavit to the board that
24 the physician has permanently retired from the practice of naturopathic
25 medicine.

26 B. A physician whose annual renewal fee has been waived by the board
27 and who is permanently retired from the practice of naturopathic medicine is
28 not required to comply with any continuing medical education requirements of
29 this chapter.

30 C. If a retired physician who has had the annual renewal fee waived by
31 the board engages in the practice of naturopathic medicine, the physician is
32 subject to the same penalties that are imposed under this chapter on a person
33 who practices naturopathic medicine without a license or without being exempt
34 from licensure.

35 D. The board may reinstate a retired physician to active practice on
36 payment of the annual renewal fee AS PRESCRIBED IN SECTION 32-1527 AND, IF
37 REQUESTED BY THE BOARD, ON PRESENTATION OF EVIDENCE SATISFACTORY TO THE BOARD
38 THAT THE APPLICANT FOR REINSTATEMENT OF A RETIRED LICENSE IS PROFESSIONALLY
39 ABLE TO ENGAGE OR ASSIST IN THE PRACTICE OF NATUROPATHIC MEDICINE AND
40 POSSESSES THE PROFESSIONAL KNOWLEDGE REQUIRED. ~~and presentation of evidence~~
41 ~~satisfactory to the board that the physician meets the qualifications~~
42 ~~prescribed under section 32-1522, subsection A, paragraphs 4, 5 and 6.~~

43 E. If an applicant for reinstatement of a retired license has not been
44 licensed and actively practicing in a jurisdiction of the United States or

1 Canada in the three years immediately preceding the application, the board
2 may issue a limited license that requires a period of general or direct
3 supervision by another licensed naturopathic physician not to exceed one
4 year.

5 Sec. 6. Section 32-1552, Arizona Revised Statutes, is amended to read:
6 32-1552. Reinstatement of a suspended license, certificate or
7 registration; reissuance of a revoked license,
8 certificate or registration

9 A. A person whose license, certificate or registration has been
10 suspended for an indefinite period of time or revoked by the board may apply
11 to the board for the termination of the suspension or reissuance of the
12 revoked license, certificate or registration under the following terms and
13 conditions:

14 1. The application ~~shall be~~ HAS BEEN submitted in writing, ~~shall be~~
15 HAS BEEN verified under oath and ~~shall contain~~ CONTAINS or ~~have~~ HAS attached
16 to it substantial evidence showing that the basis for suspension or
17 revocation has been removed and that the termination of the suspension or
18 reissuance of the revoked license, certificate or registration will not
19 constitute a threat to the public health or safety.

20 2. THE APPLICANT HAS PAID THE APPLICATION FEE AS PRESCRIBED IN SECTION
21 32-1527 AND, IF REQUESTED BY THE BOARD, HAS PRESENTED EVIDENCE SATISFACTORY
22 TO THE BOARD THAT THE APPLICANT IS PROFESSIONALLY ABLE TO ENGAGE OR ASSIST IN
23 THE PRACTICE OF NATUROPATHIC MEDICINE AND POSSESSES THE PROFESSIONAL
24 KNOWLEDGE REQUIRED.

25 ~~2-~~ 3. If it is an application for the termination of a suspension for
26 an indefinite period, the applicant has not applied for termination more
27 frequently than once in any six-month period.

28 ~~3-~~ 4. If it is an application for the reissuance of a revoked
29 license, certificate or registration, the applicant has not applied for
30 reissuance more frequently than once in any twenty-four-month period.

31 B. The board may interview an applicant under subsection A OF THIS
32 SECTION.

33 C. The board shall make its determination on each application as it
34 deems consistent with the public health and safety and just in the
35 circumstances.

36 Sec. 7. Requirements for enactment; three-fourths vote

37 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
38 section 32-1501, Arizona Revised Statutes, as amended by this act, is
39 effective only on the affirmative vote of at least three-fourths of the
40 members of each house of the legislature.