

REFERENCE TITLE: **medical board; affiliation verification; rulemaking**

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1258

Introduced by
Senator Ward

AN ACT

**AMENDING SECTIONS 32-1405 AND 32-1422, 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 32-1405, Arizona Revised Statutes, is amended to
3 read:

4 32-1405. Executive director; compensation; duties; appeal to
5 the board

6 A. Subject to title 41, chapter 4, article 4, the committee on
7 executive director selection and retention established by section 32-1403
8 shall appoint an executive director of the board who shall serve at the
9 pleasure of the committee. The executive director shall not be a board
10 member, except that the board may authorize the executive director to
11 represent the board and to vote on behalf of the board at meetings of the
12 federation of state medical boards of the United States.

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

15 C. The executive director or the executive director's designee shall:

16 1. Subject to title 41, chapter 4, article 4 and, as applicable,
17 articles 5 and 6, employ, evaluate, dismiss, discipline and direct
18 professional, clerical, technical, investigative and administrative personnel
19 necessary to carry on the work of the board. An investigator shall complete
20 a nationally recognized investigator training program within one year of date
21 of hire. Until an investigator completes a training program, the
22 investigator shall work under the supervision of an investigator who has
23 completed a training program.

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

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

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

32 5. Issue licenses, registrations and permits to applicants who meet
33 the requirements of this chapter.

34 6. Manage the board's offices.

35 7. Prepare minutes, records, reports, registries, directories, books
36 and newsletters and record all board transactions and orders.

37 8. Collect all monies due and payable to the board.

38 9. Pay all bills for authorized expenditures of the board and its
39 staff.

40 10. Prepare an annual budget.

41 11. Submit a copy of the budget each year to the governor, the speaker
42 of the house of representatives and the president of the senate.

43 12. Initiate an investigation if evidence appears to demonstrate that a
44 physician may be engaged in unprofessional conduct or may be medically
45 incompetent or mentally or physically unable to safely practice medicine.

1 13. Issue subpoenas if necessary to compel the attendance and testimony
2 of witnesses and the production of books, records, documents and other
3 evidence.

4 14. Provide assistance to the attorney general in preparing and sign
5 and execute disciplinary orders, rehabilitative orders and notices of
6 hearings as directed by the board.

7 15. Enter into contracts for goods and services pursuant to title 41,
8 chapter 23 that are necessary to carry out board policies and directives.

9 16. Execute board directives.

10 17. Manage and supervise the operation of the Arizona regulatory board
11 of physician assistants.

12 18. Issue licenses to physician assistant applicants who meet the
13 requirements of chapter 25 of this title.

14 19. Represent the board with the federal government, other states or
15 jurisdictions of the United States, this state, political subdivisions of
16 this state, the news media and the public.

17 20. On behalf of the Arizona medical board, enter into stipulated
18 agreements with persons under the jurisdiction of either the Arizona medical
19 board or the Arizona regulatory board of physician assistants for the
20 treatment, rehabilitation and monitoring of chemical substance abuse or
21 misuse.

22 21. Review all complaints filed pursuant to section 32-1451. The
23 executive director shall submit all medical complaints alleging harm as a
24 result of patient care to a medical consultant for review. **THE EXECUTIVE
25 DIRECTOR SHALL SUBMIT TO THE MEDICAL CONSULTANT ONLY THOSE MEDICAL COMPLAINTS
26 THAT INVOLVE A STANDARD OF CARE ISSUE AND THAT REQUIRE MEDICAL TRAINING AND
27 EXPERTISE TO DETERMINE WHETHER A VIOLATION HAS OCCURRED.** If delegated by the
28 board, the executive director may also dismiss a complaint if the complaint
29 is without merit. The executive director shall not dismiss a complaint if a
30 court has entered a medical malpractice judgment against a physician. The
31 executive director shall submit a report of the cases dismissed with the
32 complaint number, the name of the physician and the investigation timeline to
33 the board for review at its regular board meetings.

34 22. If delegated by the board, directly refer cases to a formal
35 hearing.

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

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

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

40 26. If delegated by the board, grant uncontested requests for inactive
41 status and cancellation of a license pursuant to sections 32-1431 and
42 32-1433.

43 27. If delegated by the board, refer cases to the board for a formal
44 interview.

1 28. Perform all other administrative, licensing or regulatory duties
2 required by the board.

3 29. Disseminate any information received from the office of ~~the~~
4 ombudsman-citizens aide to the board at its regular board meetings.

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

9 E. A person who is aggrieved by an action taken by the executive
10 director pursuant to subsection C, paragraphs 21 through 27 of this section
11 or section 32-1422, subsection E may request the board to review that action
12 by filing with the board a written request within thirty days after that
13 person is notified of the executive director's action by personal delivery
14 or, if the notification is mailed to that person's last known residence or
15 place of business, within thirty-five days after the date on the
16 notification. At the next regular board meeting, the board shall review the
17 executive director's action. On review, the board shall approve, modify or
18 reject the executive director's action.

19 Sec. 2. Section 32-1422, Arizona Revised Statutes, is amended to read:
20 32-1422. Basic requirements for granting a license to practice
21 medicine; credentials verification

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

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

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

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

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

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

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

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

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

3 8. Pay all fees required by the board.

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

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

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

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

12 (b) All hospital affiliations and MEDICAL employment for the five
13 years preceding application. Each hospital must verify affiliations or
14 employment on the hospital's official letterhead or the electronic
15 equivalent. IF THE APPLICANT IS EMPLOYED BY A HOSPITAL OR MEDICAL GROUP OR
16 ORGANIZATION, THE BOARD SHALL ACCEPT THE VERIFICATIONS REQUIRED UNDER THIS
17 SUBDIVISION FROM THE APPLICANT'S EMPLOYER.

18 12. Beginning September 2, 2014, have submitted a full set of
19 fingerprints to the board for the purpose of obtaining a state and federal
20 criminal records check pursuant to section 41-1750 and Public Law 92-544.
21 The department of public safety may exchange this fingerprint data with the
22 federal bureau of investigation.

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

30 C. In determining if the requirements of subsection A, paragraph 4 of
31 this section have been met, if the board finds that the applicant committed
32 an act or engaged in conduct that would constitute grounds for disciplinary
33 action, the board shall determine to its satisfaction that the conduct has
34 been corrected, monitored and resolved. If the matter has not been resolved,
35 the board shall determine to its satisfaction that mitigating circumstances
36 exist that prevent its resolution.

37 D. In determining if the requirements of subsection A, paragraph 6 of
38 this section have been met, if another jurisdiction has taken disciplinary
39 action against an applicant, the board shall determine to its satisfaction
40 that the cause for the action was corrected and the matter resolved. If the
41 matter has not been resolved by that jurisdiction, the board shall determine
42 to its satisfaction that mitigating circumstances exist that prevent its
43 resolution.

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

1 F. Any credential information required to be submitted to the board
2 pursuant to this article must be submitted, electronically or by hard copy,
3 from the primary source where the document or information originated, except
4 that the board may accept primary-source verified credentials from a
5 credentials verification service approved by the board. The board is not
6 required to verify any documentation or information received by the board
7 from a credentials verification service that has been approved by the board.
8 If an applicant is unable to provide a document or information from the
9 primary source due to no fault of the applicant, the executive director shall
10 forward the issue to the full board for review and determination. The board
11 shall adopt rules establishing the criteria that must be met in order to
12 waive a documentation requirement of this article.

13 Sec. 3. Rulemaking

14 The Arizona medical board is exempt from the rulemaking requirements of
15 title 41, chapter 6, Arizona Revised Statutes, for one year after the
16 effective date of this act to adopt rules relating to the implementation of
17 this act and licensure and credentialing. The board shall provide public
18 notice and an opportunity for public comment on proposed rules at least
19 thirty days before a rule is adopted or amended.