

REFERENCE TITLE: homeopaths; categories of licensure

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1175

Introduced by
Senator Barto

AN ACT

AMENDING SECTIONS 28-3005, 32-2901, 32-2902, 32-2904, 32-2911, 32-2912, 32-2913, 32-2916, 32-2917, 32-2931, 32-2932, 32-2933, 32-2934, 32-2935, 32-2939, 32-2941 AND 32-2951, ARIZONA REVISED STATUTES; RELATING TO THE BOARD OF HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-3005, Arizona Revised Statutes, is amended to
3 read:

4 28-3005. Medical or psychological reports; immunity;
5 definitions

6 A. For medical conditions, a physician or registered nurse
7 practitioner, AND for psychological conditions, a psychologist, physician,
8 psychiatric mental health nurse practitioner or substance abuse counselor who
9 provides information to the director in good faith and at the written request
10 of a driver license applicant or licensee concerning a person's medical or
11 psychological condition with respect to operation of a motor vehicle is
12 immune from personal liability with respect to the information provided.

13 B. Notwithstanding the physician-patient, nurse-patient or
14 psychologist-client confidentiality relationship, a physician, registered
15 nurse practitioner or psychologist may voluntarily report a patient to the
16 department who has a medical or psychological condition that in the opinion
17 of the physician, registered nurse practitioner or psychologist could
18 significantly impair the person's ability to safely operate a motor vehicle.
19 If a report is made, the physician, registered nurse practitioner or
20 psychologist shall make the report in writing, including the name, address
21 and date of birth of the patient. On receipt of the report, the department
22 may require an examination of the person reported in the manner provided by
23 section 28-3314. A person shall not bring an action against a physician,
24 registered nurse practitioner or psychologist for not making a report
25 pursuant to this subsection. The physician, registered nurse practitioner or
26 psychologist submitting the report in good faith is immune from civil or
27 criminal liability for making the report pursuant to this subsection. The
28 physician's, registered nurse practitioner's or psychologist's report is
29 subject to subpoena or order to produce in an action except an action against
30 the physician, registered nurse practitioner or psychologist submitting the
31 report.

32 C. ~~IN~~ FOR THE PURPOSES OF this section:

33 1. "Medical or psychological condition" means a condition that could
34 affect a person's functional ability to safely operate a motor vehicle.

35 2. "Physician" means a medical doctor, optometrist, chiropractor,
36 naturopathic physician, doctor of osteopathy or HOMEOPATHIC doctor ~~of~~
37 ~~homeopathy~~ who is licensed to practice in this state or another state or who
38 is employed by the federal government and practicing in this state, or their
39 agents.

40 3. "Psychiatric mental health nurse practitioner" means a person
41 certified as a registered nurse practitioner in a psychiatric mental health
42 specialty area under ~~the provisions of~~ title 32, chapter 15.

43 4. "Psychologist" means a person who is licensed pursuant to title 32,
44 chapter 19.1, who is licensed to practice psychology in another state or who
45 is employed by the federal government and practicing in this state.

1 5. "Registered nurse practitioner" has the same meaning prescribed in
2 section 32-1601.

3 6. "Substance abuse counselor" means a person who is licensed by the
4 board of behavioral health examiners in this state, who is licensed or
5 certified in another state, who is certified by a board for certification of
6 addiction counselors, who is a nationally certified addiction counselor or
7 who is employed by the federal government and practicing in this state.

8 Sec. 2. Section 32-2901, Arizona Revised Statutes, is amended to read:
9 32-2901. Definitions

10 In this chapter, unless the context otherwise requires:

11 1. "Acupuncture" means a medical therapy in which ailments are
12 diagnosed and treated by the specific application of needles, heat or
13 physical and electromagnetic impulses or currents to specific anatomic points
14 on the body through any of the following:

15 (a) The diagnosis and treatment of ailments according to the
16 systematic principles of traditional Asian medicine.

17 (b) The diagnosis and treatment of pain, neuromuscular disorders and
18 other ailments based on the body's biophysics and neuroanatomic structure.

19 (c) The use of devices to determine the biologic electrical response
20 pattern of acupuncture points as a guide to diagnose bodily ailments and to
21 guide the prescription of homeopathic substances, orthomolecular therapy or
22 pharmaceutical medicine.

23 2. "Adequate records" means legible medical records that contain at a
24 minimum sufficient information to identify the patient, support the
25 diagnosis, document the treatment, accurately describe the results, indicate
26 advice, cautionary warnings and informed consent discussions with the patient
27 and provide sufficient information for another licensed health care
28 practitioner to assume continuity of the patient's care and to continue or
29 modify the treatment plan.

30 3. "Approved internship" means that the applicant has completed
31 training in a hospital that was approved for internship, fellowship or
32 residency training by the council on medical education in hospitals of the
33 American medical association, the association of American medical colleges,
34 the royal college of physicians and surgeons of Canada, the American
35 osteopathic association or any board approved similar body in the United
36 States or Canada that approves hospitals for internship, fellowship or
37 residency training.

38 4. "Approved school of medicine" means a school or college that offers
39 EITHER:

40 (a) A course of study that, on successful ~~conclusion~~ COMPLETION,
41 results in a degree of doctor of medicine or doctor of osteopathy and that
42 ~~offers a course of study that~~ is approved or accredited by the association of
43 American medical colleges, the association of Canadian medical colleges, the
44 American medical association, the American osteopathic association or any

1 board approved similar body in the United States or Canada that accredits
2 this course of study.

3 (b) A COURSE OF STUDY THAT, ON SUCCESSFUL COMPLETION, RESULTS IN A
4 DEGREE OF DOCTOR OF HOMEOPATHY AND THAT IS APPROVED OR ACCREDITED BY THE
5 COUNCIL ON HOMEOPATHIC EDUCATION OR ANY BOARD APPROVED SIMILAR BODY IN THE
6 UNITED STATES OR CANADA THAT ACCREDITIS THIS COURSE OF STUDY.

7 5. "Board" means the board of homeopathic and integrated medicine
8 examiners.

9 6. "Chelation therapy" means an experimental medical therapy to
10 restore cellular homeostasis through the use of intravenous, metal-binding
11 and bioinorganic agents such as ethylene diamine tetraacetic acid. Chelation
12 therapy is not an experimental therapy if it is used to treat heavy metal
13 poisoning.

14 7. "Controlled substance" means a drug or substance or a drug's or
15 substance's immediate precursor that is defined or listed in title 36,
16 chapter 27, article 2.

17 8. "DOCTOR OF HOMEOPATHY" MEANS A PERSON WHO IS LICENSED PURSUANT TO
18 THIS CHAPTER AND WHO HOLDS A DEGREE FROM AN APPROVED SCHOOL OF HOMEOPATHIC
19 MEDICINE.

20 ~~8-~~ 9. "Drug" means a medication or substance that is any of the
21 following:

22 (a) Recognized in the official compendia or for which standards or
23 specifications are prescribed in the official compendia.

24 (b) Intended for use in the diagnosis, cure, mitigation, treatment or
25 prevention of human diseases.

26 (c) Articles other than food that are intended to affect the structure
27 or function of the human body.

28 10. "HOMEOPATHIC DOCTOR" MEANS A MEDICAL DOCTOR-HOMEOPATHIC, A DOCTOR
29 OF OSTEOPATHY-HOMEOPATHIC OR A DOCTOR OF HOMEOPATHY WHO IS LICENSED PURSUANT
30 TO THIS CHAPTER.

31 ~~9-~~ 11. "Homeopathic medication" means a substance of animal,
32 vegetable or mineral origin that is prepared according to homeopathic
33 pharmacology and that is given usually in a homeopathic microdosage.

34 ~~10-~~ 12. "Homeopathic microdosage" means a substance prepared so that
35 it is diluted from ten to the minus one to ten to the minus ten thousandth or
36 higher of its original concentration.

37 13. "HOMEOPATHIC PHYSICIAN" MEANS A MEDICAL DOCTOR-HOMEOPATHIC OR A
38 DOCTOR OF OSTEOPATHY-HOMEOPATHIC.

39 ~~11-~~ 14. "Homeopathy" means a system of medicine that employs
40 homeopathic medication in accordance with the principle that a substance that
41 produces symptoms in a healthy person can cure those symptoms in an ill
42 person.

43 ~~12-~~ 15. "Immediate family" means a person's spouse, natural or adopted
44 children, parents and siblings and the natural or adopted children, parents
45 and siblings of the person's spouse.

1 ~~13.~~ 16. "Letter of concern" means an advisory letter to notify a
2 physician that, while there is insufficient evidence to support disciplinary
3 action, the board believes the ~~physician~~ HOMEOPATHIC DOCTOR should modify or
4 eliminate certain practices.

5 ~~14.~~ 17. "Licensee" means a ~~homeopathic-physician~~ PERSON WHO IS
6 licensed under this chapter.

7 ~~15.~~ 18. "Medical assistant" means an unlicensed person who has
8 completed an educational program approved by the board, who assists in a
9 homeopathic practice under the supervision of a HOMEOPATHIC doctor ~~of~~
10 ~~homeopathy~~ and who performs delegated procedures commensurate with the
11 assistant's education and training but who does not diagnose, interpret,
12 design or modify established treatment programs or violate any statute.

13 ~~16.~~ 19. "Medical incompetence" means the lack of sufficient medical
14 knowledge or skill by a licensee to a degree that is likely to endanger a
15 patient's health. Medical incompetence includes the range of knowledge
16 expected for basic licensure as a medical or osteopathic physician OR AS A
17 DOCTOR OF HOMEOPATHY in any professional regulatory jurisdiction of the
18 United States and additional knowledge of homeopathic treatments and
19 modalities expected of physicians licensed under this chapter.

20 ~~17.~~ 20. "Minor surgery" means surgical procedures that are conducted
21 by a licensee in an outpatient setting and that involve the removal or repair
22 of lesions or injuries to the skin, mucous membranes and subcutaneous
23 tissues, the use of topical, local or regional anesthetic agents, the
24 treatment by stabilizing or casting nondisplaced and uncomplicated fractures
25 of the extremities and diagnostic endoscopies of the intestinal tract,
26 nasopharynx and vagina. Minor surgery also includes diagnostic aspiration of
27 joints and subcutaneous cysts, therapeutic injections of muscular trigger
28 points, tendons, ligaments and scars and the subcutaneous implantation of
29 medical therapeutic agents. Minor surgery does not include the use of
30 general, spinal or epidural anesthesia, the opening of body cavities, the
31 repair of blood vessels and nerves or the biopsy by incision, excision or
32 needle aspiration of internal organs, the breast or the prostate.

33 ~~18.~~ 21. "Neuromuscular integration" means musculoskeletal therapy that
34 uses any combination of manual methods, physical agents and physical medicine
35 procedures and devices to improve physiological function by normalizing body
36 structure.

37 ~~19.~~ 22. "Nutrition" means the recommendation by a licensee of
38 therapeutic or preventative dietary measures, food factor concentrates,
39 fasting and cleansing regimens and the rebalancing by a licensee of digestive
40 system function to correct diseases of malnutrition, to resolve conditions of
41 metabolic imbalance and to support optimal vitality.

42 ~~20.~~ 23. "Orthomolecular therapy" means therapy to provide the optimum
43 concentration of substances normally present in the human body such as
44 vitamins, minerals, amino acids and enzymes. Orthomolecular therapy includes
45 the diagnosis of ailments or physiologic stresses that occur as a result of

1 genetic or environmental influences as well as acquired or inherited allergy
2 and hypersensitivity responses.

3 ~~21-~~ 24. "Pharmaceutical medicine" means a drug therapy that uses
4 prescription-only and nonprescription pharmaceutical agents as well as
5 medicinal agents of botanical, biological or mineral origin and that is based
6 on current scientific indications or traditional or historical usage
7 indications.

8 ~~22-~~ 25. "Practice of homeopathic medicine":

9 (a) AS IT RELATES TO A HOMEOPATHIC DOCTOR, means the practice of
10 medicine in which a person purports to diagnose, treat or correct real or
11 imagined human diseases, injuries, ailments, infirmities and deformities of a
12 physical or mental origin. ~~and~~

13 (b) AS IT RELATES TO A HOMEOPATHIC PHYSICIAN, includes acupuncture,
14 chelation therapy, homeopathy, minor surgery, neuromuscular integration,
15 nutrition, orthomolecular therapy and pharmaceutical medicine.

16 (c) AS IT RELATES TO A DOCTOR OF HOMEOPATHY, IS LIMITED TO HOMEOPATHY
17 AND NUTRITION.

18 ~~23-~~ 26. "Preceptorship" means an extended period of individual study
19 with one or more experienced homeopathic physicians or institutions.

20 ~~24-~~ 27. "Prescription-only drug" does not include a controlled
21 substance but does include:

22 (a) A drug that is generally regarded by medical experts to be unsafe
23 if its use and dosage are not supervised by a medical practitioner.

24 (b) A drug that is approved for use under the supervision of a medical
25 practitioner pursuant to the federal new drug application law or section
26 32-1962.

27 (c) A potentially harmful drug if its labeling does not contain full
28 directions for its use by the patient.

29 (d) A drug that is required by federal law to bear on its label the
30 following words: "Caution: Federal law prohibits dispensing without
31 prescription."

32 ~~25-~~ 28. "Professional negligence" means any of the following:

33 (a) That a licensee administers treatment to a patient in a manner
34 that is contrary to accepted practices and that harms the patient if it can
35 be shown to the board's satisfaction that accepted practices are inherently
36 less hazardous.

37 (b) That a licensee commits an act of unprofessional conduct or
38 displays an unreasonable lack of professional skill or fidelity.

39 (c) That a licensee's negligence, carelessness or disregard of
40 established principles or practice results in a patient's injury, unnecessary
41 suffering or death.

42 ~~26-~~ 29. "Special purpose licensing examination" means an examination
43 developed by the national board of medical examiners on behalf of the
44 federation of state medical boards for use by state licensing boards to test
45 the basic medical competence of physicians who are applying for licensure and

1 who have been in practice in another jurisdiction of the United States and to
2 determine the competence of a physician under investigation by a state
3 licensing board.

4 Sec. 3. Section 32-2902, Arizona Revised Statutes, is amended to read:
5 32-2902. Board of homeopathic and integrated medicine
6 examiners; membership; duties; removal; immunity

7 A. The board of homeopathic and integrated medicine examiners is
8 established consisting of the following ~~six~~ members appointed by the
9 governor:

10 1. Two public members.

11 2. UNTIL JANUARY 1, 2015, four homeopathic physicians WHO ARE licensed
12 ~~under~~ PURSUANT TO this chapter.

13 3. BEGINNING JANUARY 1, 2015, FIVE HOMEOPATHIC DOCTORS WHO ARE
14 LICENSED PURSUANT TO THIS CHAPTER, ONE OF WHOM IS A DOCTOR OF HOMEOPATHY.

15 B. Board members serve staggered three year terms ending on June 30.
16 Board members shall not serve more than three consecutive terms. A board
17 member may continue to serve until that member's replacement takes office.

18 C. Board members shall be residents of this state for at least three
19 consecutive years immediately before their appointment.

20 D. The governor may remove a board member from office because of that
21 member's neglect of duty, malfeasance, misfeasance, incompetence or
22 unprofessional or dishonorable conduct.

23 E. A board member's term of office automatically ends if that member
24 is absent from this state for more than six months or if that member fails to
25 attend three consecutive regularly scheduled board meetings.

26 F. Board members and board employees are immune from civil liability
27 for any good faith action they take to implement this chapter.

28 Sec. 4. Section 32-2904, Arizona Revised Statutes, is amended to read:
29 32-2904. Powers and duties

30 A. The board shall:

31 1. Conduct all examinations for applicants for a license under this
32 chapter, issue licenses, conduct hearings, regulate the conduct of licensees
33 and administer and enforce this chapter.

34 2. Enforce the standards of practice prescribed by this chapter and
35 board rules.

36 3. Collect and account for all fees under this chapter and deposit,
37 pursuant to sections 35-146 and 35-147, the monies in the appropriate fund.

38 4. Maintain a record of its acts and proceedings, including the
39 issuance, refusal to issue, renewal, suspension or revocation of licenses to
40 practice according to this chapter.

41 5. ISSUE LICENSES FOR THE FOLLOWING CATEGORIES OF HOMEOPATHIC DOCTORS
42 BASED ON THE LICENSEE'S QUALIFICATIONS AS PRESCRIBED BY THIS CHAPTER:

43 (a) MEDICAL DOCTOR-HOMEOPATHIC.

44 (b) DOCTOR OF OSTEOPATHY-HOMEOPATHIC.

45 (c) DOCTOR OF HOMEOPATHY.

1 ~~5-~~ 6. Maintain a roster of all homeopathic ~~physicians~~ DOCTORS
2 licensed under this chapter, ~~which shall indicate~~ THAT INDICATES:
3 (a) The name of the ~~licensed physician~~ LICENSEE.
4 (b) The current professional office address.
5 (c) The date and number of the license issued under this chapter.
6 (d) Whether the licensee is in good standing.
7 (e) THE LICENSURE CATEGORY.
8 ~~6-~~ 7. Adopt and use a seal, the imprint of which, together with the
9 signatures of the president or vice-president of the board and the
10 secretary-treasurer, shall evidence its official acts.
11 ~~7-~~ 8. Contract with the department of administration for
12 administrative and record keeping services.
13 ~~8-~~ 9. Charge additional fees that do not exceed the cost of the
14 services for services the board deems necessary to carry out its intent and
15 purposes.
16 ~~9-~~ 10. Adopt rules regarding the regulation and the qualifications of
17 medical assistants.
18 ~~10-~~ 11. Keep board records open to public inspection during normal
19 business hours.
20 B. The board may:
21 1. Adopt rules necessary or proper for the administration of this
22 chapter.
23 2. Hire permanent or temporary personnel to carry out the purposes of
24 this chapter.
25 3. Hire or contract with investigators to assist in the investigation
26 of violations of this chapter and contract with other state agencies if
27 required to carry out this chapter.
28 4. Appoint one of its members to the jurisdiction arbitration panel
29 pursuant to section 32-2907, subsection B.
30 5. Employ consultants to perform duties the board determines are
31 necessary to implement this chapter.
32 6. Appoint from its membership a temporary secretary to perform the
33 duties of the executive director if that office is vacant. The temporary
34 secretary is eligible to receive compensation pursuant to section 38-611.
35 7. Compile and publish an annual directory.
36 8. Adopt rules to establish competency or professional review
37 standards for any minor surgical procedure.
38 9. Appoint two or more board members to a subcommittee that reviews
39 and approves applications and issues permits pertaining to homeopathic
40 medical assistants and associated practical educational programs, pursuant to
41 board rules.
42 10. Appoint two or more board members to a subcommittee that reviews
43 and approves applications and issues permits pertaining to drugs and device
44 dispensing practices, pursuant to board rules.

1 Sec. 5. Section 32-2911, Arizona Revised Statutes, is amended to read:
2 32-2911. Persons and acts not affected by chapter

3 This chapter does not prevent:

4 1. The practice of any other method, system or science of healing by a
5 person who is licensed pursuant to the laws of this state if that person is
6 acting within the scope of that license.

7 2. The practice by homeopathic physicians **OR DOCTORS OF HOMEOPATHY**
8 discharging their duties while **SERVING AS** members of the armed forces of the
9 United States or other federal agencies.

10 3. A person from administering a lawful domestic or family remedy,
11 health food or health food supplement to that person's immediate family
12 members.

13 4. A person from administering over-the-counter homeopathic remedies
14 in the course of providing medical assistance in an emergency.

15 5. The practice of any of the healing arts offered by this state's
16 Indian tribes.

17 6. The practice of religion, treatment by prayer or the laying on of
18 hands as a religious rite or ordinance.

19 7. Any act competently performed by a physician assistant that is
20 within the scope of that person's duties.

21 8. A physician **OR DOCTOR OF HOMEOPATHY** licensed in any state, district
22 or territory of the United States from infrequently consulting with a person
23 licensed under this chapter or acting pursuant to an invitation by a
24 legitimate sponsor to visit this state to promote professional education
25 through lectures, clinics or demonstrations if that visiting physician **OR**
26 **DOCTOR OF HOMEOPATHY** does not open an office, meet with patients or receive
27 calls relating to the practice of homeopathic medicine outside of the
28 sponsoring institution's facilities and programs.

29 9. The independent practice of acupuncture as a traditional Asian
30 healing art.

31 10. The practice of providing treatment of the spiritual vital force in
32 accordance with hahnemanian principles through the use of remedies that are
33 diluted beyond the concentration of substances in drinking water and prepared
34 in the manner described in the homeopathic pharmacopoeia of the United
35 States.

36 Sec. 6. Section 32-2912, Arizona Revised Statutes, is amended to read:
37 32-2912. Homeopathic physicians; qualifications of applicant;
38 applications

39 A. The board shall grant a license to practice medicine as a
40 homeopathic physician to an applicant who meets all of the following
41 requirements:

42 1. Is a person of good moral character.

43 2. Holds a degree from an approved school of **ALLOPATHIC, OSTEOPATHIC**
44 **OR HOMEOPATHIC** medicine or has received a medical education that the board
45 determines is of equivalent quality.

1 3. Holds a license in good standing to practice medicine ~~or~~
2 ~~osteopathic medicine that is issued under~~ PURSUANT TO chapter 13 ~~or~~ OF THIS
3 TITLE IF APPLYING TO BE A MEDICAL DOCTOR-HOMEOPATHIC, OR PURSUANT TO CHAPTER
4 17 of this title IF APPLYING TO BE A DOCTOR OF OSTEOPATHY-HOMEOPATHIC, or A
5 LICENSE TO PRACTICE ALLOPATHIC OR OSTEOPATHIC MEDICINE ISSUED by another
6 state, district or territory of the United States.

7 4. Has a professional record that indicates that the applicant has not
8 had a license to practice ALLOPATHIC, OSTEOPATHIC OR HOMEOPATHIC medicine
9 refused, revoked, suspended or restricted in any way by any state, territory,
10 district or country for reasons that relate to the physician's ability to
11 competently and safely practice ALLOPATHIC, OSTEOPATHIC OR HOMEOPATHIC
12 medicine.

13 5. Has a professional record that indicates that the applicant has not
14 committed any act or engaged in any conduct that would constitute grounds for
15 disciplinary action against a licensee under this chapter.

16 6. Has the physical and mental capacity to safely engage in the
17 practice of medicine.

18 7. Pays all fees and costs required by the board.

19 8. Completes the application required by the board.

20 B. The board may require an applicant to submit additional written or
21 oral information and may conduct additional investigations if it determines
22 that this is necessary to adequately inform itself of the applicant's ability
23 to meet the requirements of this chapter. If an applicant has had a license
24 revoked by or has surrendered a license to ~~or~~ another jurisdiction, the
25 applicant may attempt to demonstrate to the board's satisfaction that the
26 applicant is completely rehabilitated with respect to the conduct that was
27 the basis for the revocation or surrender of the license.

28 C. The board shall vacate its previous order to deny a license if that
29 denial was based on the applicant's conviction of a felony or an offense
30 involving moral turpitude and that conviction has been reversed on appeal.
31 The physician may resubmit an application for licensure as soon as the court
32 enters the reversal.

33 D. If the board finds that an applicant has committed an act or
34 engaged in conduct that would constitute grounds for disciplinary action, the
35 board shall determine to its satisfaction that the conduct has been
36 corrected, monitored and resolved. If the matter has not been resolved,
37 before it issues a license the board shall determine to its satisfaction that
38 mitigating circumstances exist that prevent its resolution.

39 E. Except as provided in subsection C, a person shall not submit an
40 application for reinstatement or a new application within five years after
41 the person has completely corrected the conduct and made full legal
42 restitution to the board's satisfaction.

43 F. An applicant shall submit a verified completed application to the
44 board in a form and within a period of time prescribed by the board. The
45 application shall include:

- 1 1. The application fee.
- 2 2. Affidavits from three physicians who are licensed to practice
- 3 ALLOPATHIC, OSTEOPATHIC OR HOMEOPATHIC medicine in any state or district of
- 4 the United States and who are in active practice. The physicians shall
- 5 attest to the applicant's good moral character and fitness to practice
- 6 homeopathic medicine.
- 7 3. A diploma or certificate conferring the degree of doctor of
- 8 ~~medicine in~~ homeopathy issued by a homeopathic college or any other
- 9 educational institution approved by the board or documentation of the
- 10 applicant's successful completion of preceptorships or formal postgraduate
- 11 courses approved by the board.
- 12 4. IF THE APPLICANT IS APPLYING FOR LICENSURE AS A HOMEOPATHIC
- 13 PHYSICIAN, proof that the applicant has served a board approved internship.
- 14 5. The applicant's oath that:
- 15 (a) All of the information contained in the application and the
- 16 accompanying evidence or other credentials is correct.
- 17 (b) The applicant submitted the credentials without fraud or
- 18 misrepresentation and that the applicant is the lawful holder of the
- 19 credentials.
- 20 (c) The applicant authorizes the release to the board of any
- 21 information from any source that the board determines is necessary for it to
- 22 act on the application.
- 23 G. The board shall promptly inform an applicant in writing of any
- 24 deficiency in the application that prevents the board from acting on it.
- 25 H. The board shall consider an application withdrawn if any of the
- 26 following is true:
- 27 1. The applicant submits a written request to withdraw the
- 28 application.
- 29 2. The applicant without good cause fails to appear for a board
- 30 interview.
- 31 3. The applicant fails to submit information to the board within one
- 32 year of the board's request for that information.
- 33 4. The applicant fails to complete the required examination or
- 34 personal interview within one year of submitting the application.
- 35 Sec. 7. Section 32-2913, Arizona Revised Statutes, is amended to read:
- 36 32-2913. Examination; reexamination
- 37 A. An applicant for licensure shall successfully pass an examination
- 38 prescribed by the board.
- 39 B. Examination for a license to practice under this chapter shall
- 40 include all subjects that are generally accepted as necessary for a thorough
- 41 knowledge of the practice of medicine as homeopathic physicians OR DOCTORS OF
- 42 HOMEOPATHY. The board shall prescribe rules for conducting the examination
- 43 and shall set the passing grade.
- 44 C. The board shall review the examination of any applicant ~~upon~~ ON the
- 45 applicant's request. A grade on an examination reviewed by the board may be

1 changed only by the majority vote of the members of the board. A person who
2 fails to pass the initial licensure examination may be reexamined within one
3 year ~~of~~ AFTER the date of the receipt of the original application fee without
4 payment of additional fees. However, the applicant shall pay all additional
5 fees associated with board prescribed investigatory examinations such as the
6 special purpose licensing examination.

7 D. In a written examination, applicants shall be designated by numbers
8 only and the corresponding names shall be kept secret until after the grading
9 of the examinations.

10 Sec. 8. Section 32-2916, Arizona Revised Statutes, is amended to read:

11 32-2916. Directory; change of address; civil penalty; fees

12 A. The board may publish an annual directory containing the following:

13 1. The names and addresses of the officers and members of the board.

14 2. The names and addresses of all persons certified, licensed or
15 registered by the board.

16 3. The current certified board rules.

17 4. A copy of this chapter.

18 5. A list of approved HOMEOPATHIC MEDICAL SCHOOLS AND postgraduate and
19 continuing education courses in the treatment modalities pertinent to the
20 practice of a homeopathic ~~physician~~ DOCTOR.

21 6. Additional information that the board determines is of interest and
22 importance to homeopathic ~~physicians~~ DOCTORS.

23 B. Each licensee shall inform the board in writing of the licensee's
24 home address, home telephone number, office address and office telephone
25 number as requested by the board and within forty-five days of a change in
26 any of this information. The board shall keep a licensee's home address and
27 home telephone number confidential. The board may assess a licensee who
28 fails to comply with this subsection with the board's costs to locate the
29 licensee. The board may also impose a civil penalty on that licensee of not
30 more than one hundred dollars.

31 C. The board shall provide each licensee with one copy of the
32 directory free of charge. The board may provide additional copies to the
33 public and licensee for a cost of not more than twenty-five dollars for each
34 directory.

35 D. The board shall deposit, pursuant to sections 35-146 and 35-147,
36 monies collected under this section in the board of homeopathic and
37 integrated medicine examiners' fund.

38 Sec. 9. Section 32-2917, Arizona Revised Statutes, is amended to read:

39 32-2917. Locum tenens registration

40 A. The board president or a person designated by the board may issue
41 locum tenens registration to a person who meets all of the following
42 requirements:

43 1. Submits proof satisfactory to the board that the applicant for
44 registration holds an unrestricted license to practice ALLOPATHIC medicine,
45 ~~or~~ osteopathic medicine OR HOMEOPATHIC MEDICINE in another state, district or

1 territory of the United States, ~~and~~ that the license has not been revoked or
2 suspended for any reason and that there are no unresolved complaints or
3 formal charges filed against the applicant with any licensing board.

4 2. Submits an application as prescribed by section 32-2912.

5 3. The homeopathic ~~physician~~ DOCTOR for whom the applicant for
6 registration under this section is substituting or assisting provides the
7 board with a written request for the applicant's registration.

8 4. Submits the fees required under section 32-2914.

9 B. The board may authorize the applicant to provide locum tenens
10 services if it is satisfied that the applicant has met the requirements of
11 subsection A of this section.

12 C. Locum tenens registration granted under this section is valid for
13 thirty days. The board may extend registration for an additional thirty days
14 on written request by the homeopathic physician who made the original request
15 for registration. This request shall explain why the extension is necessary
16 and shall include prescribed fees and other information requested by the
17 board.

18 Sec. 10. Section 32-2931, Arizona Revised Statutes, is amended to
19 read:

20 32-2931. Violations; classification

21 A. The following acts are class 5 felonies:

22 1. Practicing medicine as a homeopathic ~~physician~~ DOCTOR without being
23 licensed or exempt from licensure under this chapter.

24 2. Securing a license to practice homeopathic medicine by fraud or
25 deceit.

26 3. Impersonating a member of the board.

27 B. The following acts are class 2 misdemeanors:

28 1. Using the designation "doctor of homeopathy", "HOMEOPATHIC DOCTOR",
29 "homeopathic medical doctor", "homeopathic physician", "doctor of
30 medicine (homeopathic)", "MEDICAL DOCTOR-HOMEOPATHIC", "DOCTOR OF
31 OSTEOPATHY-HOMEOPATHIC" or "homeopath" without being licensed under this
32 chapter.

33 2. Using any words, initials or symbols that lead the public to
34 believe that a person is licensed to practice homeopathic medicine in this
35 state if this is not true.

36 Sec. 11. Section 32-2932, Arizona Revised Statutes, is amended to
37 read:

38 32-2932. Use of title by a homeopathic doctor

39 A person ~~practicing~~ WHO IS LICENSED pursuant to this chapter ~~shall~~
40 ~~designate himself~~ MUST USE THE DESIGNATION and sign ~~his~~ THE LICENSEE'S name,
41 wherever required, in any capacity, as "homeopathic ~~physician~~ DOCTOR" ~~or~~
42 ~~"doctor of medicine (homeopathic)"~~. IF THE LICENSEE IS A GRADUATE OF A BOARD
43 APPROVED ALLOPATHIC SCHOOL OF MEDICINE, THE LICENSEE MAY ALSO USE THE
44 DESIGNATION "MEDICAL DOCTOR-HOMEOPATHIC" OR "HOMEOPATHIC PHYSICIAN". IF THE
45 LICENSEE IS A GRADUATE OF A BOARD APPROVED OSTEOPATHIC SCHOOL OF MEDICINE,

1 THE LICENSEE MAY ALSO USE THE DESIGNATION "DOCTOR OF OSTEOPATHY-HOMEOPATHIC"
2 OR "HOMEOPATHIC PHYSICIAN". IF THE LICENSEE IS A GRADUATE OF A BOARD
3 APPROVED HOMEOPATHIC MEDICAL SCHOOL, THE LICENSEE MAY ALSO USE THE
4 DESIGNATION "DOCTOR OF HOMEOPATHY".

5 Sec. 12. Section 32-2933, Arizona Revised Statutes, is amended to
6 read:

7 32-2933. Definition of unprofessional conduct

8 "Unprofessional conduct" includes the following acts, whether occurring
9 in this state or elsewhere:

10 1. Performing an invasive surgical procedure not specifically
11 permitted by this chapter or by board rules or pursuant to a license issued
12 under chapter 13 or 17 of this title.

13 2. Wilful betrayal of a professional secret or wilful violation of a
14 privileged communication except as either of these may otherwise be required
15 by law. This paragraph does not prevent members of the board from the full
16 and free exchange of information with the licensing and disciplinary boards
17 of other states, territories or districts of the United States or with
18 foreign countries or with the Arizona homeopathic and integrative medical
19 association or any of its component organizations or with the homeopathic
20 medical organizations of other states, counties, districts or territories or
21 with those of foreign countries.

22 3. Commission of a felony, whether or not involving moral turpitude,
23 or a misdemeanor involving moral turpitude. In either case, conviction by
24 any court of competent jurisdiction or a plea of no contest is deemed
25 conclusive evidence of guilt.

26 4. Habitual intemperance in the use of alcohol or habitual substance
27 abuse.

28 5. Violating federal, state, county or municipal laws or regulations
29 applicable to the practice of medicine or relating to public health.

30 6. Prescribing a controlled substance for other than accepted
31 therapeutic purposes.

32 7. Conduct that the board determines is gross professional negligence,
33 repeated professional negligence or any negligence that causes the death of a
34 patient.

35 8. Impersonating another physician OR DOCTOR OF HOMEOPATHY.

36 9. Acting or assuming to act as a member of the board if this is not
37 true.

38 10. Procuring or attempting to procure a license to practice
39 homeopathic medicine by fraud, by misrepresentation or by knowingly taking
40 advantage of the mistake of another.

41 11. Having professional connection with or lending one's name to an
42 illegal practitioner of homeopathic medicine or of any of the other healing
43 arts.

- 1 12. Representing that a manifestly incurable disease, injury, ailment
2 or infirmity can be permanently cured or that a curable disease, injury,
3 ailment or infirmity can be cured within a stated time if this is not true.
- 4 13. Offering, undertaking or agreeing to cure or treat a disease,
5 injury, ailment or infirmity by a secret means, method, device or
6 instrumentality.
- 7 14. Refusing to divulge to the board on demand the means, method,
8 device or instrumentality used in the treatment of a disease, injury, ailment
9 or infirmity.
- 10 15. Giving or receiving or aiding or abetting the giving or receiving
11 of rebates, either directly or indirectly.
- 12 16. Knowingly making any false or fraudulent statement, written or
13 oral, in connection with the practice of homeopathic medicine except as the
14 same may be necessary for accepted therapeutic purposes.
- 15 17. Immorality or misconduct that tends to discredit the profession.
- 16 18. Being disciplined by another regulatory jurisdiction because of the
17 licensee's mental or physical inability to engage safely in the practice of
18 medicine, medical incompetence or unprofessional conduct as defined by that
19 jurisdiction and that corresponds directly or indirectly with an act of
20 unprofessional conduct prescribed by this section. The disciplinary action
21 may include refusing, denying, revoking or suspending a license, issuing a
22 formal reprimand, issuing a decree of censure or otherwise limiting,
23 restricting or monitoring the licensee or placing the licensee on probation.
- 24 19. Any conduct or practice contrary to recognized standards of ethics
25 of the homeopathic medical profession, any conduct or practice that does or
26 might constitute a danger to the health, welfare or safety of the patient or
27 the public or any conduct, practice or condition that does or might impair
28 the ability to practice homeopathic medicine safely and skillfully.
- 29 20. Failing or refusing to maintain adequate records on a patient or to
30 make patient records promptly available to another physician on request and
31 receipt of proper authorization.
- 32 21. Advertising in a false, deceptive or misleading manner.
- 33 22. Violating or attempting to violate, directly or indirectly, or
34 assisting in or abetting the violation of or conspiring to violate this
35 chapter or any board rule.
- 36 23. Using a controlled substance unless it is prescribed by another
37 physician for use during a prescribed course of treatment.
- 38 24. Prescribing, dispensing or administering anabolic androgenic
39 steroids for other than therapeutic purposes.
- 40 25. Prescribing or dispensing controlled substances to members of the
41 homeopathic physician's immediate family.
- 42 26. Prescribing, dispensing or administering schedule II controlled
43 substances as defined in section 36-2513, including amphetamines and similar
44 schedule II sympathomimetic drugs in the treatment of exogenous obesity for a

1 period in excess of thirty days in any one year, or the nontherapeutic use of
2 injectable amphetamines.

3 27. The use of experimental forms of diagnosis and treatment without
4 adequate informed patient consent, without a board approved written
5 disclosure that the form of diagnosis and treatment to be used is
6 experimental and without conforming to generally accepted experimental
7 criteria, including protocols, detailed records, periodic analysis of results
8 and periodic review by a peer review committee.

9 28. Sexual intimacies with a patient.

10 29. Use of the designation "M.D." or "D.O." in a way that would lead
11 the public to believe that a person is licensed by the Arizona medical board
12 or the board of osteopathic examiners in medicine and surgery in this state
13 if this is not the case.

14 30. Falsely or fraudulently representing or holding oneself out as
15 being a homeopathic medical specialist.

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

18 32. Violating a formal board order, terms of probation or a stipulation
19 issued or entered into by the board or its designee under this chapter.

20 33. Charging a fee for services not rendered or charging and collecting
21 a clearly unreasonable fee. In determining the reasonableness of the fee,
22 the board shall consider the fee customarily charged in this state for
23 similar services in relation to modifying factors such as the time required,
24 the complexity of the service and the skill required to perform the service
25 properly. This paragraph does not apply if there is a clearly written
26 contract for a fixed fee between the **physician LICENSEE** and the patient that
27 is entered into before the **physician LICENSEE** provides the service.

28 34. Failing to appropriately direct, collaborate with or supervise a
29 licensed, certified or registered health care provider, a homeopathic medical
30 assistant or office personnel employed or assigned to the physician to assist
31 in the medical care of patients.

32 35. Knowingly making a false or misleading statement on a form required
33 by the board or in written correspondence with the board.

34 36. Failing to furnish legally requested information in a timely manner
35 to the board or its investigators or representatives.

36 37. Failing to allow properly authorized board personnel to examine or
37 have access to a licensee's documents, reports or records that relate to the
38 licensee's medical practice or medically related activities.

39 38. Signing a blank, undated or predated prescription form.

40 39. Refusing to submit to a body fluid examination required under
41 section 32-2941 or pursuant to a board investigation into the licensee's
42 substance abuse.

43 40. Prescribing, dispensing or furnishing a prescription medication or
44 a prescription-only device as defined in section 32-1901 to a person unless
45 the licensee first conducts a comprehensive physical or mental health status

1 examination of that person or has previously established a doctor-patient
2 relationship. This paragraph does not apply to:

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

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

6 (c) Prescriptions written to prepare a patient for a medical
7 examination.

8 (d) Prescriptions written or prescription medications issued for use
9 by a county or tribal public health department for immunization programs,~~an~~
10 OR emergency treatment,~~OR~~ in response to an infectious disease
11 investigation, a public health emergency, an infectious disease outbreak or
12 an act of bioterrorism. For the purposes of this subdivision, "bioterrorism"
13 has the same meaning prescribed in section 36-781.

14 41. Failing to obtain from a patient before an examination or treatment
15 a signed informed consent that includes language that makes it clear the
16 ~~physician~~ LICENSEE is providing homeopathic medical treatment instead of or
17 in addition to standard conventional allopathic or osteopathic treatment.

18 Sec. 13. Section 32-2934, Arizona Revised Statutes, is amended to
19 read:

20 32-2934. Grounds for suspension or revocation of license; duty
21 to report; unprofessional conduct hearing; decision
22 of board

23 A. The board on its own motion may investigate any evidence that
24 appears to show that a ~~homeopathic physician~~ LICENSEE is or may be medically
25 incompetent, guilty of unprofessional conduct or mentally or physically
26 unable to engage safely in the practice of medicine. Any homeopathic
27 physician OR DOCTOR OF HOMEOPATHY, the Arizona homeopathic and integrative
28 medical association or any health care institution as defined in section
29 36-401 shall, and any other person may, report to the board any information
30 the person may have that appears to show that a ~~homeopathic physician~~
31 LICENSEE is or may be medically incompetent, guilty of unprofessional conduct
32 or mentally or physically unable to engage safely in the practice of medicine
33 OR HOMEOPATHY. The board shall notify the ~~homeopathic physician~~ LICENSEE
34 about whom information is received as to the content of the information
35 within one hundred twenty days after receipt of the information. Any person
36 who reports or provides information to the board in good faith is not subject
37 to an action for civil damages as a result of reporting or providing the
38 information, and the person's name shall not be disclosed unless the person's
39 testimony is essential to the disciplinary proceedings conducted pursuant to
40 this section. It is an act of unprofessional conduct for any ~~homeopathic~~
41 ~~physician~~ LICENSEE to fail to report as required by this section. Any health
42 care institution that fails to report as required by this section shall be
43 reported by the board to the institution's licensing agency.

44 B. A health care institution shall inform the board if the privileges
45 of a ~~homeopathic physician~~ LICENSEE to practice in the health care

1 institution are denied, revoked, suspended or limited because of actions by
2 the ~~homeopathic-physician~~ LICENSEE that jeopardized patient health and
3 welfare or if the ~~physician~~ LICENSEE resigns during pending proceedings for
4 revocation, suspension or limitation of privileges. A report to the board
5 pursuant to this subsection shall contain a general statement of the reasons
6 the health care institution denied or took action to revoke, suspend or limit
7 a ~~homeopathic-physician's~~ LICENSEE'S privileges.

8 C. The board may conduct investigations necessary to fully inform
9 itself with respect to any evidence filed with the board under subsection A
10 of this section. As part of this investigation, the board may require the
11 ~~physician~~ LICENSEE under investigation to be interviewed by board
12 representatives or to undergo any combination of mental, physical, oral or
13 written medical competency examinations.

14 D. If the information gathered under subsections A and B of this
15 section indicates that the protection of public health requires that the
16 board take emergency action, it may order the summary suspension of a license
17 pending the outcome of a formal disciplinary hearing pursuant to title 41,
18 chapter 6, article 10. The board shall serve the suspended licensee with a
19 written notice of the specific charges and the time and place of the formal
20 hearing. The board shall hold this hearing within sixty days ~~of~~ AFTER the
21 suspension unless the board for good reason shown by the licensee grants an
22 extension on the hearing date.

23 E. If, after completing its investigation, the board finds that the
24 information provided pursuant to subsection A of this section is not of
25 sufficient seriousness to merit direct action against the license ~~of the~~
26 ~~homeopathic-physician~~, it may take any of the following actions:

27 1. Dismiss if, in the opinion of the board, the information is without
28 merit.

29 2. File a letter of concern.

30 3. Issue a nondisciplinary order requiring the licensee to complete a
31 prescribed number of hours of continuing education in an area or areas
32 prescribed by the board to provide the licensee with the necessary
33 understanding of current developments, skills, procedures or treatment.

34 F. If after completing its initial investigation under subsection A of
35 this section the board determines that rehabilitative or disciplinary action
36 can be taken without the presence of the licensee at an informal interview,
37 the board and the licensee may enter into a stipulated agreement to limit or
38 restrict the licensee's practice or to rehabilitate the licensee, protect the
39 public and ensure the licensee's ability to safely engage in the practice of
40 homeopathic medicine.

41 G. If after completing its investigation the board believes that this
42 information is or may be true, the board may request an informal interview
43 with the ~~homeopathic-physician~~ LICENSEE. If the ~~homeopathic-physician~~
44 LICENSEE refuses the invitation or accepts the invitation and the results of
45 the interview indicate that suspension or revocation of the license may be in

1 order, the board shall issue a formal complaint and conduct a formal hearing
2 pursuant to title 41, chapter 6, article 10. If after completing the
3 informal interview the board finds that the information provided under
4 subsection A of this section is not of sufficient seriousness to merit
5 suspension or revocation of the license, it may take the following actions:

6 1. Dismiss if, in the opinion of the board, the information is without
7 merit.

8 2. File a letter of concern.

9 3. Issue a decree of censure. A decree of censure constitutes an
10 official action against the ~~homeopathic physician's~~ license and may include a
11 requirement for restitution of fees to a patient resulting from violations of
12 this chapter or board rules.

13 4. Fix a period and terms of probation best adapted to protect the
14 public health and safety and rehabilitate or educate the ~~homeopathic~~
15 ~~physician~~ LICENSEE. The probation, if deemed necessary, may include
16 temporary suspension of the license for not to exceed twelve months,
17 restriction of the ~~homeopathic physician's~~ license to practice HOMEOPATHIC
18 medicine or a requirement for restitution of fees to a patient resulting from
19 violations of this chapter or board rules. If a licensee fails to comply
20 with the terms of probation, the board may file a summons, complaint and
21 notice of hearing pursuant to title 41, chapter 6, article 10 based on the
22 information considered by the board at the informal interview and any other
23 acts or conduct alleged to be in violation of this chapter or board rules.

24 5. Enter into an agreement with the ~~homeopathic physician~~ LICENSEE to
25 restrict or limit the ~~homeopathic physician's~~ LICENSEE'S practice or medical
26 activities in order to rehabilitate the ~~homeopathic physician~~ LICENSEE,
27 protect the public and ensure the ~~homeopathic physician's~~ LICENSEE'S ability
28 to safely engage in the practice of HOMEOPATHIC medicine.

29 6. Issue a nondisciplinary order requiring the licensee to complete a
30 prescribed number of hours of continuing education in an area or areas
31 prescribed by the board to provide the licensee with the necessary
32 understanding of current developments, skills, procedures or treatment.

33 H. In an informal interview or a formal hearing the board, in addition
34 to any other action that it may take, may impose an administrative penalty in
35 an amount of not less than five hundred dollars but not to exceed two
36 thousand dollars on a ~~homeopathic physician~~ LICENSEE who violates this
37 chapter or a board rule. Actions to enforce the collection of these
38 penalties shall be brought in the name of this state by the attorney general
39 or the county attorney in the justice court or the superior court in the
40 county in which the violation occurred. Penalties imposed under this section
41 are in addition to and not in limitation of other penalties imposed pursuant
42 to this chapter.

43 I. If in the opinion of the board it appears that the allegations
44 concerning a ~~homeopathic physician~~ LICENSEE are of a magnitude as to warrant
45 suspension or revocation of the license, the board shall serve on the

1 ~~physician~~ LICENSEE a summons and a complaint fully setting forth the conduct
2 or inability concerned and setting a date, time and place for a hearing
3 pursuant to title 41, chapter 6, article 10 to be held before the board in
4 not less than sixty days from the date of the notice.

5 J. A licensee who wishes to be present at the hearing in person or by
6 representation, or both, shall file a verified answer with the board within
7 twenty days after receiving service of the summons and complaint. The
8 licensee may present witnesses at this hearing.

9 K. The board shall issue subpoenas for witnesses as it may need and
10 for witnesses as the ~~physician~~ LICENSEE may request. Any person refusing to
11 obey a subpoena shall be certified by the board to the superior court in the
12 county in which service was made, and the court may institute proceedings for
13 contempt of court.

14 L. Service of the summons and complaint shall be as required in civil
15 cases.

16 M. Service of subpoenas for witnesses shall be as provided by law for
17 the service of subpoenas generally.

18 N. ~~Any homeopathic physician~~ A LICENSEE who after a hearing is found
19 to be guilty of unprofessional conduct or is found to be mentally or
20 physically unable to engage safely in the practice of homeopathic medicine is
21 subject to any combination of censure, probation or suspension of license or
22 revocation of the license for a prescribed period of time or permanently and
23 under conditions that the board deems appropriate for the protection of the
24 public health and safety and just in the circumstances.

25 O. If the board acts to modify any homeopathic physician's
26 prescription writing privileges, it shall immediately notify the Arizona
27 state board of pharmacy of the modification.

28 P. Notwithstanding section 32-2906, subsection A, the board shall
29 deposit, pursuant to sections 35-146 and 35-147, all monies collected from
30 administrative penalties paid pursuant to this section in the state general
31 fund.

32 Q. A letter of concern is a nondisciplinary public document that the
33 board may use in future disciplinary actions.

34 Sec. 14. Section 32-2935, Arizona Revised Statutes, is amended to
35 read:

36 32-2935. Right to examine and copy evidence; summoning
37 witnesses and documents; taking testimony; right to
38 counsel; court aid; process

39 A. In connection with the investigation by the board on its own motion
40 or as the result of information received pursuant to section ~~32-2935~~ 32-2934,
41 subsection A, the board or its authorized agents or employees shall at all
42 reasonable times have access to, for the purpose of examination, and the
43 right to copy any documents, reports, records or any other physical evidence
44 of any person being investigated, or the reports, records and any other
45 documents maintained by and in possession of any hospital, clinic,

1 physician's office, laboratory, pharmacy or any other public or private
2 agency, and any health care institution as defined in section 36-401, if ~~such~~
3 ~~THESE~~ documents, reports, records or evidence relate to medical competence,
4 unprofessional conduct or the mental or physical ability of a ~~homeopathic~~
5 ~~physician~~ LICENSEE to practice medicine safely.

6 B. For the purpose of all investigations and proceedings conducted by
7 the board:

8 1. The board on its own initiative, or ~~upon~~ ON application of any
9 person involved in the investigation, may issue subpoenas compelling the
10 attendance and testimony of witnesses, or demanding the production for
11 examination or copying of documents or any other physical evidence if ~~such~~
12 ~~THE~~ evidence relates to medical competence, unprofessional conduct or the
13 mental or physical ability of a ~~homeopathic-physician~~ LICENSEE to practice
14 ~~HOMEOPATHIC~~ medicine safely. Within five days after the service of a
15 subpoena on any person requiring the production of any evidence in ~~his~~ THAT
16 ~~PERSON'S~~ possession or under ~~his~~ THAT ~~PERSON'S~~ control, ~~such~~ THE person may
17 petition the board to revoke, limit or modify the subpoena. The board shall
18 revoke, limit or modify ~~such~~ THE subpoena if in its opinion the evidence
19 required does not relate to unlawful practices covered by this chapter, is
20 not relevant to the charge ~~which~~ THAT is the subject matter of the hearing or
21 investigation or does not describe with sufficient particularity the physical
22 evidence whose production is required. Any member of the board or any agent
23 designated by the board may administer oaths or affirmations, examine
24 witnesses and receive ~~such~~ evidence.

25 2. Any person appearing before the board has the right to be
26 represented by counsel.

27 C. The superior court, ~~upon~~ ON application by the board or by the
28 person subpoenaed, may issue an order:

29 1. Requiring ~~such~~ THE person to appear before the board or the duly
30 authorized agent to produce evidence relating to the matter under
31 investigation. Any failure to obey ~~such~~ THE order of the court may be
32 punished by ~~such~~ THE court as a contempt.

33 2. Revoking, limiting or modifying the subpoena if in the court's
34 opinion the evidence demanded does not relate to unlawful practices covered
35 by this chapter, is not relevant to the charge ~~which~~ THAT is the subject
36 matter of the hearing or investigation, or does not describe with sufficient
37 particularity the evidence whose production is required.

38 D. Patient records, including clinical records, medical reports,
39 laboratory statements and reports, any file, film, any other report or oral
40 statement relating to diagnostic findings or treatment of patients, any
41 information from which a patient or ~~his~~ THE PATIENT'S family might be
42 identified or information received and records kept by the board as a result
43 of investigation procedures ~~shall~~ ARE not ~~be~~ available to the public.

44 E. This section or any other provision of law making communications
45 between a ~~homeopathic-physician~~ LICENSEE and a patient a privileged

1 communication does not apply to investigations or proceedings conducted
2 pursuant to this chapter. The board and its employees, agents and
3 representatives shall keep in confidence the names of any patients whose
4 records are reviewed during the course of investigations and proceedings
5 pursuant to this chapter.

6 F. Hospital records, medical staff records, medical staff review
7 committee records and testimony concerning ~~such~~ THESE records, and
8 proceedings related to the creation of ~~such~~ THESE records, are not available
9 to the public, shall be kept confidential by the board and are subject to the
10 same provisions concerning discovery and use in legal actions as are the
11 original records in the possession and control of hospitals, their medical
12 staffs and their medical staff review committees. The board shall use ~~such~~
13 records and testimony during the course of investigations and proceedings
14 pursuant to this chapter.

15 Sec. 15. Section 32-2939, Arizona Revised Statutes, is amended to
16 read:

17 32-2939. Medical assistants

18 ~~Nothing in~~ This chapter ~~shall be construed to~~ DOES NOT prevent a
19 medical assistant from assisting a ~~homeopathic physician~~ LICENSEE pursuant to
20 rules adopted by the board.

21 Sec. 16. Section 32-2941, Arizona Revised Statutes, is amended to
22 read:

23 32-2941. Substance abuse and treatment rehabilitation program;
24 private contract; funding

25 A. The board may establish a program for the treatment and
26 rehabilitation of licensees who are impaired by alcohol or substance abuse.
27 This program shall include education, intervention, therapeutic treatment and
28 ~~post-treatment~~ POSTTREATMENT monitoring and support.

29 B. The board may contract with other organizations to operate the
30 program. A contract with a private organization shall include the following
31 requirements:

- 32 1. Periodic reports to the board regarding treatment program activity.
- 33 2. Release of all treatment records to the board on demand.
- 34 3. Quarterly reports to the board regarding each licensee's diagnosis
35 and prognosis and recommendations for continuing care, treatment and
36 supervision.
- 37 4. Immediate reporting to the board of the name of an impaired
38 licensee who the treating organization believes is misusing chemical
39 substances.
- 40 5. Reports to the board as soon as possible of the name of the ~~doctor~~
41 LICENSEE who refuses to submit to treatment or whose impairment is not
42 substantially alleviated through treatment.

43 C. A licensee who is impaired by alcohol or substance abuse shall
44 agree to enter into a stipulation order with the board. The board shall
45 place the licensee on probation if the licensee refuses to do so.

1 D. The board may charge the board's costs relating to the licensee's
2 participation in the program to that licensee.

3 E. The board shall summarily suspend a ~~homeopathic physician's~~ license
4 pursuant to section 32-2934 if the licensee continues or resumes alcohol or
5 substance abuse after a board stipulation or probationary order that is no
6 longer in effect. After this suspension the board may delay license
7 revocation or other disciplinary actions if the licensee attends a treatment
8 program pursuant to this section. Within ninety days after the licensee
9 completes this program the board shall schedule formal proceedings for
10 licensure revocation or other disciplinary action.

11 Sec. 17. Section 32-2951, Arizona Revised Statutes, is amended to
12 read:

13 32-2951. Dispensing drugs and devices; conditions; civil
14 penalty; definition

15 A. A homeopathic physician may dispense drugs and devices kept by the
16 physician, including controlled substances, prescription-only drugs,
17 homeopathic medications and nonprescription drugs, if:

18 1. The physician includes the following information on the label of
19 each controlled substance and prescription-only drug and on the label or
20 accompanying instruction sheets of each homeopathic medication or
21 nonprescription drug:

22 (a) The dispensing physician's name, address and telephone number.

23 (b) The date the drug is dispensed.

24 (c) The patient's name.

25 (d) The name and strength of the drug, the quantity dispensed,
26 directions for its use and any cautionary statements.

27 (e) The number of authorized refills.

28 2. The dispensing physician enters into the patient's medical record
29 the name, strength and potency of the drug dispensed, the date the drug is
30 dispensed, the dosing schedule, the number of refills and the therapeutic
31 reason.

32 3. The dispensing physician keeps all controlled substances in a
33 locked cabinet or room, controls access to the cabinet or room by a written
34 procedure and maintains an ongoing inventory of its contents.

35 4. The licensee pays a permit fee prescribed under section 32-2914.

36 **B. ONLY A HOMEOPATHIC PHYSICIAN MAY DISPENSE CONTROLLED SUBSTANCES AND**
37 **PRESCRIPTION-ONLY DRUGS IN ADDITION TO HOMEOPATHIC MEDICATION,**
38 **NONPRESCRIPTION DRUGS AND NUTRITIONAL SUPPLEMENTS.**

39 ~~B-~~ C. Except in an emergency situation, a physician who dispenses
40 drugs for a profit without being registered by the board to do so is subject
41 to a civil penalty by the board of not less than three hundred dollars and
42 not more than one thousand dollars for each transaction and is prohibited
43 from further dispensing for a period of time as prescribed by the board.

1 ~~E.~~ D. Before a physician dispenses a controlled substance or a
2 prescription-only pharmaceutical drug pursuant to this section, the physician
3 shall give the patient a written prescription on which appears the following
4 statement in bold type: "This prescription may be filled by the prescribing
5 physician or by a pharmacy of your choice."

6 ~~D.~~ E. The physician shall include the following information on a
7 prescription order:

- 8 1. The date it is issued.
- 9 2. The patient's name and address.
- 10 3. The name, strength and quantity of the drug.
- 11 4. Two signature lines for the physician. The right side of the
12 prescription form under the signature line shall contain the phrase
13 "Substitution Permissible" and the left side under the signature line shall
14 contain the phrase "Dispense As Written".

15 5. The dispensing homeopathic physician's drug enforcement agency
16 number for controlled substances.

17 6. **THE DATE AND** the printed name, ~~AND~~ signature ~~and date~~ of the
18 person who prepares, counts or measures the drug, labels the container or
19 distributes a prepackaged drug to the patient or the patient's
20 representative.

21 ~~E.~~ F. Before the physician dispenses a homeopathic medication,
22 including a prescription-only homeopathic medication or a nonprescription
23 drug, the physician shall give the patient a written statement on which
24 appears the following statement in bold type: "Prescriptions may be filled
25 by this prescribing physician or by a pharmacy of your choice."

26 ~~F.~~ G. A physician shall dispense controlled substances and
27 prescription-only drugs for profit only to the physician's own patient and
28 only for conditions being treated by that physician. The physician shall
29 personally determine the legitimacy or advisability of the drugs dispensed
30 and shall document in writing the physician's procedures for supervising the
31 role of nurses and attendants in the dispensing process.

32 ~~G.~~ H. This section shall be enforced by the board, which shall
33 establish rules regarding labeling, record keeping, storage and packaging of
34 drugs that are consistent with the requirements of chapter 18 of this title.
35 The board may conduct periodic inspections of dispensing practices to ~~assure~~
36 **ENSURE** compliance with this section and applicable rules.

37 ~~H.~~ I. For the purposes of this section, "dispense" means the delivery
38 by a homeopathic physician of a drug or device to a patient, except for
39 samples packaged for individual use by licensed manufacturers or repackagers
40 of drugs, and includes the prescribing, administering, packaging, labeling
41 and security necessary to prepare and safeguard the drug or device for
42 delivery.

1 Sec. 18. Homeopaths: recategorization

2 A person who is licensed as a medical doctor-homeopathic or a doctor of
3 osteopathy-homeopathic pursuant to title 32, chapter 29, Arizona Revised
4 Statutes, may apply to the board of homeopathic and integrated medicine
5 examiners to be recategorized as doctor of homeopathy. The board must
6 receive the request for recategorization within five years after the
7 effective date of this act.