

State of Arizona  
Senate  
Fifty-first Legislature  
First Regular Session  
2013

# SENATE BILL 1421

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-157; AMENDING TITLE 15, CHAPTER 1, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-189.04; AMENDING SECTIONS 15-203, 15-341, 32-1401 AND 32-1854, ARIZONA REVISED STATUTES; RELATING TO PUPIL SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 1, article 5, Arizona Revised Statutes,  
3 is amended by adding section 15-157, to read:

4 15-157. Emergency administration of epinephrine by trained  
5 personnel; immunity

6 PURSUANT TO A STANDING ORDER ISSUED BY THE CHIEF MEDICAL OFFICER OF THE  
7 DEPARTMENT OF HEALTH SERVICES, THE CHIEF MEDICAL OFFICER OF A COUNTY HEALTH  
8 DEPARTMENT, A DOCTOR OF MEDICINE LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR  
9 A DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO TITLE 32, CHAPTER 17, AN EMPLOYEE  
10 OF A SCHOOL DISTRICT OR CHARTER SCHOOL WHO IS TRAINED IN THE ADMINISTRATION  
11 OF AUTO-INJECTABLE EPINEPHRINE MAY ADMINISTER OR ASSIST IN THE ADMINISTRATION  
12 OF AUTO-INJECTABLE EPINEPHRINE TO A PUPIL OR AN ADULT WHOM THE EMPLOYEE  
13 BELIEVES IN GOOD FAITH TO BE EXHIBITING SYMPTOMS OF ANAPHYLACTIC SHOCK WHILE  
14 AT SCHOOL OR AT SCHOOL-SPONSORED ACTIVITIES. IF SUFFICIENT MONIES ARE  
15 APPROPRIATED BY THE LEGISLATURE EACH YEAR TO PROVIDE FOR THE PURCHASE OF TWO  
16 JUVENILE DOSES AND TWO ADULT DOSES OF AUTO-INJECTIBLE EPINEPHRINE AT EACH  
17 PUBLIC SCHOOL IN THIS STATE, BEGINNING IN THE 2014-2015 SCHOOL YEAR, EACH  
18 SCHOOL DISTRICT AND CHARTER SCHOOL SHALL STOCK TWO JUVENILE DOSES AND TWO  
19 ADULT DOSES OF AUTO-INJECTABLE EPINEPHRINE AT EACH SCHOOL PURSUANT TO A  
20 STANDING ORDER ISSUED BY THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT OF  
21 HEALTH SERVICES, THE CHIEF MEDICAL OFFICER OF A COUNTY HEALTH DEPARTMENT, A  
22 DOCTOR OF MEDICINE LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR A DOCTOR OF  
23 OSTEOPATHY LICENSED PURSUANT TO TITLE 32, CHAPTER 17. EACH FISCAL YEAR THE  
24 DEPARTMENT OF EDUCATION SHALL INCLUDE IN ITS BUDGET REQUEST FOR ASSISTANCE TO  
25 SCHOOLS A SEPARATE LINE ITEM FOR A CONTINUOUS, NONLAPSING APPROPRIATION TO  
26 FUND THE REQUIREMENTS OF THIS SECTION. IF SUFFICIENT MONIES ARE NOT  
27 APPROPRIATED BY THE LEGISLATURE DURING ANY FISCAL YEAR TO PROVIDE FOR THE  
28 PURCHASE OF TWO JUVENILE DOSES AND TWO ADULT DOSES OF AUTO-INJECTIBLE  
29 EPINEPHRINE AT EACH PUBLIC SCHOOL IN THIS STATE, A SCHOOL DISTRICT OR CHARTER  
30 SCHOOL MAY STOCK TWO JUVENILE DOSES AND TWO ADULT DOSES OF AUTO-INJECTABLE  
31 EPINEPHRINE AT EACH SCHOOL PURSUANT TO A STANDING ORDER ISSUED BY THE CHIEF  
32 MEDICAL OFFICER OF THE DEPARTMENT OF HEALTH SERVICES, THE CHIEF MEDICAL  
33 OFFICER OF A COUNTY HEALTH DEPARTMENT, A DOCTOR OF MEDICINE LICENSED PURSUANT  
34 TO TITLE 32, CHAPTER 13 OR A DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO TITLE  
35 32, CHAPTER 17. THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT OF HEALTH  
36 SERVICES, THE CHIEF MEDICAL OFFICER OF A COUNTY HEALTH DEPARTMENT, A DOCTOR  
37 OF MEDICINE LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR A DOCTOR OF  
38 OSTEOPATHY LICENSED PURSUANT TO TITLE 32, CHAPTER 17, A SCHOOL DISTRICT, A  
39 CHARTER SCHOOL AND EMPLOYEES OF A SCHOOL DISTRICT OR CHARTER SCHOOL ARE  
40 IMMUNE FROM CIVIL LIABILITY WITH RESPECT TO ALL DECISIONS MADE AND ACTIONS  
41 TAKEN THAT ARE BASED ON GOOD FAITH IMPLEMENTATION OF THE REQUIREMENTS OF THIS  
42 SECTION, EXCEPT IN CASES OF WANTON OR WILFUL NEGLIGENCE.



1 send a copy to the director of the joint legislative budget committee and the  
2 executive director of the school facilities board. The state board of  
3 education shall not adopt any changes in the minimum course of study or  
4 competency requirements in effect on July 1, 1998 that will have a fiscal  
5 impact on school capital costs.

6 14. Supervise and control the certification of persons engaged in  
7 instructional work directly as any classroom, laboratory or other teacher or  
8 indirectly as a supervisory teacher, speech therapist, principal or  
9 superintendent in a school district, including school district preschool  
10 programs, or any other educational institution below the community college,  
11 college or university level, and prescribe rules for certification, including  
12 rules for certification of teachers who have teaching experience and who are  
13 trained in other states, that are not unnecessarily restrictive and are  
14 substantially similar to the rules prescribed for the certification of  
15 teachers trained in this state. The rules ~~shall~~:

16 (a) SHALL allow a variety of alternative teacher and administrator  
17 preparation programs, with variations in program sequence and design, to  
18 apply for program approval. The state board shall adopt rules pursuant to  
19 this subdivision designed to allow for a variety of formats and shall not  
20 require a prescribed answer or design from the program provider in order to  
21 obtain approval from the state board. The state board shall evaluate each  
22 program provider based on the program's ability to prepare teachers and  
23 administrators and to recruit teachers and administrators with a variety of  
24 experiences and talents. The state board shall permit universities under the  
25 jurisdiction of the Arizona board of regents, community colleges in this  
26 state, private postsecondary institutions licensed by this state, school  
27 districts, charter schools and professional organizations to apply for  
28 program approval and shall create application procedures and certification  
29 criteria that are less restrictive than those for traditional preparation  
30 programs. Alternative preparation program graduates shall:

31 (i) Hold a bachelor's degree from an accredited postsecondary  
32 education institution.

33 (ii) Demonstrate professional knowledge and subject knowledge  
34 proficiency pursuant to section 15-533.

35 (iii) Obtain a fingerprint clearance card pursuant to section 15-534.

36 (iv) Complete training in structured English immersion as prescribed  
37 by the state board.

38 (v) Complete training in research based systematic phonics instruction  
39 as prescribed in subdivision (b) of this paragraph.

40 (vi) Demonstrate the required proficiency in the constitutions of the  
41 United States and Arizona as prescribed in section 15-532.

42 (b) SHALL require applicants for all certificates for common school  
43 instruction to complete a minimum of forty-five classroom hours or three  
44 college level credit hours, or the equivalent, of training in research based  
45 systematic phonics instruction from a public or private provider.

1 (c) SHALL not require a teacher to obtain a master's degree or to take  
2 any additional graduate courses as a condition of certification or  
3 recertification.

4 (d) SHALL allow a general equivalency diploma to be substituted for a  
5 high school diploma in the certification of emergency substitute teachers.

6 (e) SHALL allow but shall not require the superintendent of a school  
7 district to obtain certification from the state board of education.

8 (f) SHALL provide for the issuance of a specialized teaching  
9 certificate to classroom teachers with expertise in either science,  
10 technology, engineering or mathematics. Teachers who are certified pursuant  
11 to this subdivision shall complete training in structured English immersion  
12 as prescribed by the state board. Teachers who are certified pursuant to  
13 this subdivision are exempt from the professional knowledge and subject  
14 knowledge proficiency requirements prescribed in section 15-533 and from the  
15 proficiency requirements prescribed in section 15-532 on the Constitutions of  
16 the United States and Arizona. A teacher who obtains a specialized teaching  
17 certificate pursuant to this subdivision may provide instruction in the  
18 teacher's field of expertise in grades seven through twelve at any public  
19 school in this state. This subdivision does not require a teacher who has  
20 obtained another type of teaching certificate from the state board to obtain  
21 a specialized teaching certificate pursuant to this ~~subsection~~ SUBDIVISION  
22 in order to provide instruction in grades seven through twelve in a science,  
23 technology, engineering or mathematics course. A classroom teacher is  
24 eligible for a specialized teaching certificate pursuant to this subdivision  
25 if the teacher meets all of the following requirements:

26 (i) Has taught science, technology, engineering or mathematics courses  
27 for the last two consecutive years and for a total of at least three years at  
28 one or more regionally or nationally accredited public or private  
29 postsecondary institutions. An applicant shall demonstrate compliance with  
30 this requirement by providing the state board with written proof of  
31 employment for specific durations from one or more qualifying postsecondary  
32 institutions.

33 (ii) Has either a baccalaureate degree, a master's degree or a  
34 ~~doctoral~~ DOCTORATE degree in an academic subject that is specific to science,  
35 technology, engineering or mathematics or has obtained a passing score on a  
36 statewide educator assessment in science, technology, engineering or  
37 mathematics that is recognized by the state board.

38 (iii) Obtains a valid fingerprint clearance card that is issued  
39 pursuant to title 41, chapter 12, article 3.1.

40 (g) Notwithstanding section 15-533, ~~the state board~~ may exempt persons  
41 applying for a secondary education certificate from the subject knowledge  
42 portion of the proficiency examination if the state board determines that the  
43 person has work experience in science, technology, engineering or mathematics  
44 and can demonstrate adequate knowledge of a particular subject through a

1 postsecondary education degree or twenty-four credit hours of relevant  
2 coursework.

3 15. Adopt a list of approved tests for determining special education  
4 assistance to gifted pupils as defined in and as provided in chapter 7,  
5 article 4.1 of this title. The adopted tests shall provide separate scores  
6 for quantitative reasoning, verbal reasoning and nonverbal reasoning and  
7 shall be capable of providing reliable and valid scores at the highest ranges  
8 of the score distribution.

9 16. Adopt rules governing the methods for the administration of all  
10 proficiency examinations.

11 17. Adopt proficiency examinations for its use. The state board of  
12 education shall determine the passing score for the proficiency examination.

13 18. Include within its budget the cost of contracting for the purchase,  
14 distribution and scoring of the examinations as provided in paragraphs 16 and  
15 17 of this subsection.

16 19. Supervise and control the qualifications of professional  
17 nonteaching school personnel and prescribe standards relating to  
18 qualifications. The standards shall not require the business manager of a  
19 school district to obtain certification from the state board of education.

20 20. Impose such disciplinary action, including the issuance of a letter  
21 of censure, suspension, suspension with conditions or revocation of a  
22 certificate, upon a finding of immoral or unprofessional conduct.

23 21. Establish an assessment, data gathering and reporting system for  
24 pupil performance as prescribed in chapter 7, article 3 of this title.

25 22. Adopt a rule to promote braille literacy pursuant to section  
26 15-214.

27 23. Adopt rules prescribing procedures for the investigation by the  
28 department of education of every written complaint alleging that a  
29 certificated person has engaged in immoral conduct.

30 24. For purposes of federal law, serve as the state board for  
31 vocational and technological education and meet at least four times each year  
32 solely to execute the powers and duties of the state board for vocational and  
33 technological education.

34 25. Develop and maintain a handbook for use in the schools of this  
35 state that provides guidance for the teaching of moral, civic and ethical  
36 education. The handbook shall promote existing curriculum frameworks and  
37 shall encourage school districts to recognize moral, civic and ethical values  
38 within instructional and programmatic educational development programs for  
39 the general purpose of instilling character and ethical principles in pupils  
40 in kindergarten programs and grades one through twelve.

41 26. Require pupils to recite the following passage from the declaration  
42 of independence for pupils in grades four through six at the commencement of  
43 the first class of the day in the schools, except that a pupil shall not be  
44 required to participate if the pupil or the pupil's parent or guardian  
45 objects:

1           We hold these truths to be self-evident, that all men are  
2           created equal, that they are endowed by their creator with  
3           certain unalienable rights, that among these are life, liberty  
4           and the pursuit of happiness. That to secure these rights,  
5           governments are instituted among men, deriving their just powers  
6           from the consent of the governed. . . .

7           27. Adopt rules that provide for teacher certification reciprocity.  
8           The rules shall provide for a one-year reciprocal teaching certificate with  
9           minimum requirements, including valid teacher certification from a state with  
10           substantially similar criminal history or teacher fingerprinting requirements  
11           and proof of the submission of an application for a fingerprint clearance  
12           card pursuant to title 41, chapter 12, article 3.1. For teachers who provide  
13           Arizona online instruction pursuant to section 15-808, the rules shall allow  
14           automatic certification reciprocity with other states that have similar  
15           programs.

16           28. Adopt rules that provide for the presentation of an honorary high  
17           school diploma to a person who has never obtained a high school diploma and  
18           who meets both of the following requirements:

19           (a) Currently resides in this state.

20           (b) Provides documented evidence from the Arizona department of  
21           veterans' services that the person enlisted in the armed forces of the United  
22           States and served in World War I, World War II, the Korean conflict or the  
23           Vietnam conflict.

24           29. Cooperate with the Arizona-Mexico commission in the governor's  
25           office and with researchers at universities in this state to collect data and  
26           conduct projects in the United States and Mexico on issues that are within  
27           the scope of the duties of the department of education and that relate to  
28           quality of life, trade and economic development in this state in a manner  
29           that will help the Arizona-Mexico commission to assess and enhance the  
30           economic competitiveness of this state and of the Arizona-Mexico region.

31           30. Adopt rules to define and provide guidance to schools as to the  
32           activities that would constitute immoral or unprofessional conduct of  
33           certificated persons.

34           31. Adopt guidelines to encourage pupils in grades nine, ten, eleven  
35           and twelve to volunteer for twenty hours of community service before  
36           graduation from high school. A school district that complies with the  
37           guidelines adopted pursuant to this paragraph is not liable for damages  
38           resulting from a pupil's participation in community service unless the school  
39           district is found to have demonstrated wanton or reckless disregard for the  
40           safety of the pupil and other participants in community service. For the  
41           purposes of this paragraph, "community service" may include service learning.  
42           The guidelines shall include the following:

43           (a) A list of the general categories in which community service may be  
44           performed.

1 (b) A description of the methods by which community service will be  
2 monitored.

3 (c) A consideration of risk assessment for community service projects.

4 (d) Orientation and notification procedures of community service  
5 opportunities for pupils entering grade nine, including the development of a  
6 notification form. The notification form shall be signed by the pupil and  
7 the pupil's parent or guardian, except that a pupil shall not be required to  
8 participate in community service if the parent or guardian notifies the  
9 principal of the pupil's school in writing that the parent or guardian does  
10 not wish the pupil to participate in community service.

11 (e) Procedures for a pupil in grade nine to prepare a written proposal  
12 that outlines the type of community service that the pupil would like to  
13 perform and the goals that the pupil hopes to achieve as a result of  
14 community service. The pupil's written proposal shall be reviewed by a  
15 faculty advisor, a guidance counselor or any other school employee who is  
16 designated as the community service program coordinator for that school. The  
17 pupil may alter the written proposal at any time before performing community  
18 service.

19 (f) Procedures for a faculty advisor, a guidance counselor or any  
20 other school employee who is designated as the community service program  
21 coordinator to evaluate and certify the completion of community service  
22 performed by pupils.

23 32. To facilitate the transfer of military personnel and their  
24 dependents to and from the public schools of this state, pursue, in  
25 cooperation with the Arizona board of regents, reciprocity agreements with  
26 other states concerning the transfer credits for military personnel and their  
27 dependents. A reciprocity agreement entered into pursuant to this paragraph  
28 shall:

29 (a) Address procedures for each of the following:

30 (i) The transfer of student records.

31 (ii) Awarding credit for completed ~~course-work~~ COURSEWORK.

32 (iii) Permitting a student to satisfy the graduation requirements  
33 prescribed in section 15-701.01 through the successful performance on  
34 comparable exit-level assessment instruments administered in another state.

35 (b) Include appropriate criteria developed by the state board of  
36 education and the Arizona board of regents.

37 33. Adopt guidelines that school district governing boards shall use in  
38 identifying pupils who are eligible for gifted programs and in providing  
39 gifted education programs and services. The state board of education shall  
40 adopt any other guidelines and rules that it deems necessary in order to  
41 carry out the purposes of chapter 7, article 4.1 of this title.

42 34. For each of the alternative textbook formats of human-voiced audio,  
43 large-print and braille, designate alternative media producers to adapt  
44 existing standard print textbooks or to provide specialized textbooks, or  
45 both, for pupils with disabilities in this state. Each alternative media

1 producer shall be capable of producing alternative textbooks in all relevant  
2 subjects in at least one of the alternative textbook formats. The board  
3 shall post the designated list of alternative media producers on its website.

4 35. Adopt a list of approved professional development training  
5 providers for use by school districts as provided in section 15-107,  
6 subsection J. The professional development training providers shall meet the  
7 training curriculum requirements determined by the state board of education  
8 in at least the areas of school finance, governance, employment, staffing,  
9 inventory and human resources, internal controls and procurement.

10 36. Adopt rules to prohibit a person who violates the notification  
11 requirements prescribed in section 15-183, subsection C, paragraph 8 or  
12 section 15-550, subsection C from certification pursuant to this title until  
13 the person is no longer charged or is acquitted of any offenses listed in  
14 section 41-1758.03, subsection B. The board shall also adopt rules to  
15 prohibit a person who violates the notification requirements, certification  
16 surrender requirements or fingerprint clearance card surrender requirements  
17 prescribed in section 15-183, subsection C, paragraph 9 or section 15-550,  
18 subsection D from certification pursuant to this title for at least ten years  
19 after the date of the violation.

20 37. Adopt rules for the alternative certification of teachers of  
21 nontraditional foreign languages that allow for the passing of a nationally  
22 accredited test to substitute for the education coursework required for  
23 certification.

24 38. Adopt and maintain a model framework for a teacher and principal  
25 evaluation instrument that includes quantitative data on student academic  
26 progress that accounts for between thirty-three per cent and fifty per cent  
27 of the evaluation outcomes. On or before December 1, 2012, the framework  
28 shall include four performance classifications, designated as highly  
29 effective, effective, developing and ineffective, and guidelines for school  
30 districts and charter schools to use in their evaluation instruments. The  
31 state board of education shall adopt best practices for professional  
32 development and evaluator training. The state board of education may  
33 periodically make adjustments to align the model framework for teacher and  
34 principal evaluations with assessment or data changes at the state level.  
35 School districts and charter schools shall use an instrument that meets the  
36 data requirements established by the state board of education to annually  
37 evaluate individual teachers and principals beginning in school year  
38 2012-2013. By school year 2013-2014, school districts and charter schools  
39 shall adopt definitions for the performance classifications adopted by the  
40 state board of education in a public meeting and apply the performance  
41 classifications to their evaluation instruments in a manner designed to  
42 improve principal and teacher performance. For charter holders, the  
43 principal evaluation instrument applies to each charter school's  
44 instructional leader whose primary responsibility is to oversee the academic  
45 performance of the charter school. This paragraph does not apply to an

1 officer, director, member or partner of the charter holder. The school  
2 district governing board shall discuss at a public meeting at least annually  
3 its aggregate performance classifications of principals and teachers.

4 39. Adopt rules to define competency-based educational pathways for  
5 college and career readiness that may be used by schools. The rules shall  
6 include the following components:

7 (a) The establishment of learning outcomes that will be expected for  
8 students in a particular subject ~~matter~~.

9 (b) A process and criteria by which assessments may be identified or  
10 established to determine if students have reached the desired competencies in  
11 a particular subject ~~matter~~.

12 (c) A mechanism to allow pupils in grades seven through twelve who  
13 have demonstrated competency in a subject ~~matter~~ to immediately obtain credit  
14 for the mastery of that subject ~~matter~~. The rules shall include a list of  
15 applicable subjects, including the level of competency required for each  
16 subject.

17 40. IN CONSULTATION WITH THE DEPARTMENT OF HEALTH SERVICES, THE  
18 DEPARTMENT OF EDUCATION, MEDICAL PROFESSIONALS, SCHOOL HEALTH PROFESSIONALS,  
19 SCHOOL ADMINISTRATORS AND AN ORGANIZATION THAT REPRESENTS SCHOOL NURSES IN  
20 THIS STATE, ADOPT RULES ON OR BEFORE JANUARY 1, 2014 THAT PRESCRIBE THE  
21 FOLLOWING FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS:

22 (a) ANNUAL TRAINING IN THE ADMINISTRATION OF AUTO-INJECTABLE  
23 EPINEPHRINE, AS DIRECTED ON THE PRESCRIPTION PROTOCOL, FOR DESIGNATED MEDICAL  
24 AND NONMEDICAL SCHOOL PERSONNEL. THE ANNUAL TRAINING PRESCRIBED IN THIS  
25 SUBDIVISION IS OPTIONAL DURING ANY FISCAL YEAR IN WHICH SUFFICIENT MONIES ARE  
26 NOT APPROPRIATED BY THE LEGISLATURE DURING THAT FISCAL YEAR TO PROVIDE FOR  
27 THE PURCHASE OF TWO JUVENILE DOSES AND TWO ADULT DOSES OF AUTO-INJECTIBLE  
28 EPINEPHRINE AT EACH PUBLIC SCHOOL IN THIS STATE AND IF THE SCHOOL DOES NOT  
29 STOCK TWO JUVENILE DOSES AND TWO ADULT DOSES OF AUTO-INJECTIBLE EPINEPHRINE  
30 AT THE SCHOOL DURING THAT FISCAL YEAR.

31 (b) ANNUAL TRAINING FOR ALL SCHOOL SITE PERSONNEL ON THE RECOGNITION  
32 OF ANAPHYLACTIC SHOCK SYMPTOMS AND THE PROCEDURES TO FOLLOW WHEN ANAPHYLACTIC  
33 SHOCK OCCURS, FOLLOWING THE NATIONAL GUIDELINES OF THE AMERICAN ACADEMY OF  
34 PEDIATRICS. THE ANNUAL TRAINING PRESCRIBED IN THIS SUBDIVISION IS OPTIONAL  
35 DURING ANY FISCAL YEAR IN WHICH SUFFICIENT MONIES ARE NOT APPROPRIATED BY THE  
36 LEGISLATURE DURING THAT FISCAL YEAR TO PROVIDE FOR THE PURCHASE OF TWO  
37 JUVENILE DOSES AND TWO ADULT DOSES OF AUTO-INJECTIBLE EPINEPHRINE AT EACH  
38 PUBLIC SCHOOL IN THIS STATE AND IF THE SCHOOL DOES NOT STOCK TWO JUVENILE  
39 DOSES AND TWO ADULT DOSES OF AUTO-INJECTIBLE EPINEPHRINE AT THE SCHOOL DURING  
40 THAT FISCAL YEAR.

41 (c) PROCEDURES FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE  
42 IN EMERGENCY SITUATIONS, AS DIRECTED ON THE PRESCRIPTION PROTOCOL.

43 (d) PROCEDURES FOR ANNUALLY REQUESTING A STANDING ORDER FOR  
44 EPINEPHRINE AUTO-INJECTORS PURSUANT TO SECTION 15-157 FROM THE CHIEF MEDICAL  
45 OFFICER OF THE DEPARTMENT OF HEALTH SERVICES, THE CHIEF MEDICAL OFFICER OF A

1 COUNTY HEALTH DEPARTMENT, A DOCTOR OF MEDICINE LICENSED PURSUANT TO TITLE 32,  
2 CHAPTER 13 OR A DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO TITLE 32,  
3 CHAPTER 17.

4 (e) PROCEDURES FOR REPORTING THE USE OF AUTO-INJECTABLE EPINEPHRINE TO  
5 THE DEPARTMENT OF HEALTH SERVICES.

6 B. The state board of education may:

7 1. Contract.

8 2. Sue and be sued.

9 3. Distribute and score the tests prescribed in chapter 7, article 3  
10 of this title.

11 4. Provide for an advisory committee to conduct hearings and  
12 screenings to determine whether grounds exist to impose disciplinary action  
13 against a certificated person, whether grounds exist to reinstate a revoked  
14 or surrendered certificate and whether grounds exist to approve or deny an  
15 initial application for certification or a request for renewal of a  
16 certificate. The board may delegate its responsibility to conduct hearings  
17 and screenings to its advisory committee. Hearings shall be conducted  
18 pursuant to title 41, chapter 6, article 6.

19 5. Proceed with the disposal of any complaint requesting disciplinary  
20 action or with any disciplinary action against a person holding a certificate  
21 as prescribed in subsection A, paragraph 14 of this section after the  
22 suspension or expiration of the certificate or surrender of the certificate  
23 by the holder.

24 6. Assess costs and reasonable attorney fees against a person who  
25 files a frivolous complaint or who files a complaint in bad faith. Costs  
26 assessed pursuant to this paragraph shall not exceed the expenses incurred by  
27 the state board in the investigation of the complaint.

28 Sec. 4. Section 15-341, Arizona Revised Statutes, is amended to read:

29 15-341. General powers and duties; immunity; delegation

30 A. The governing board shall:

31 1. Prescribe and enforce policies and procedures for the governance of  
32 the schools, not inconsistent with law or rules prescribed by the state board  
33 of education.

34 2. Exclude from schools all books, publications, papers or audiovisual  
35 materials of a sectarian, partisan or denominational character. This  
36 paragraph shall not be construed to prohibit the elective course permitted by  
37 section 15-717.01.

38 3. Manage and control the school property within its district.

39 4. Acquire school furniture, apparatus, equipment, library books and  
40 supplies for the use of the schools.

41 5. Prescribe the curricula and criteria for the promotion and  
42 graduation of pupils as provided in sections 15-701 and 15-701.01.

43 6. Furnish, repair and insure, at full insurable value, the school  
44 property of the district.

- 1           7. Construct school buildings on approval by a vote of the district  
2 electors.
- 3           8. Make in the name of the district conveyances of property belonging  
4 to the district and sold by the board.
- 5           9. Purchase school sites when authorized by a vote of the district at  
6 an election conducted as nearly as practicable in the same manner as the  
7 election provided in section 15-481 and held on a date prescribed in section  
8 15-491, subsection E, but such authorization shall not necessarily specify  
9 the site to be purchased and such authorization shall not be necessary to  
10 exchange unimproved property as provided in section 15-342, paragraph 23.
- 11          10. Construct, improve and furnish buildings used for school purposes  
12 when such buildings or premises are leased from the national park service.
- 13          11. Purchase school sites or construct, improve and furnish school  
14 buildings from the proceeds of the sale of school property only on approval  
15 by a vote of the district electors.
- 16          12. Hold pupils to strict account for disorderly conduct on school  
17 property.
- 18          13. Discipline students for disorderly conduct on the way to and from  
19 school.
- 20          14. Except as provided in section 15-1224, deposit all monies received  
21 by the district as gifts, grants and devises with the county treasurer who  
22 shall credit the deposits as designated in the uniform system of financial  
23 records. If not inconsistent with the terms of the gifts, grants and devises  
24 given, any balance remaining after expenditures for the intended purpose of  
25 the monies have been made shall be used for reduction of school district  
26 taxes for the budget year, except that in the case of accommodation schools  
27 the county treasurer shall carry the balance forward for use by the county  
28 school superintendent for accommodation schools for the budget year.
- 29          15. Provide that, if a parent or legal guardian chooses not to accept a  
30 decision of the teacher as provided in section 15-521, paragraph ~~3~~ 4, the  
31 parent or legal guardian may request in writing that the governing board  
32 review the teacher's decision. This paragraph shall not be construed to  
33 release school districts from any liability relating to a child's promotion  
34 or retention.
- 35          16. Provide for adequate supervision over pupils in instructional and  
36 noninstructional activities by certificated or noncertificated personnel.
- 37          17. Use school monies received from the state and county school  
38 apportionment exclusively for payment of salaries of teachers and other  
39 employees and contingent expenses of the district.
- 40          18. Make an annual report to the county school superintendent on or  
41 before October 1 in the manner and form and on the blanks prescribed by the  
42 superintendent of public instruction or county school superintendent. The  
43 board shall also make reports directly to the county school superintendent or  
44 the superintendent of public instruction whenever required.

1           19. Deposit all monies received by school districts other than student  
2 activities monies or monies from auxiliary operations as provided in sections  
3 15-1125 and 15-1126 with the county treasurer to the credit of the school  
4 district except as provided in paragraph 20 of this subsection and sections  
5 15-1223 and 15-1224, and the board shall expend the monies as provided by law  
6 for other school funds.

7           20. Establish bank accounts in which the board during a month may  
8 deposit miscellaneous monies received directly by the district. The board  
9 shall remit monies deposited in the bank accounts at least monthly to the  
10 county treasurer for deposit as provided in paragraph 19 of this subsection  
11 and in accordance with the uniform system of financial records.

12           21. Prescribe and enforce policies and procedures for disciplinary  
13 action against a teacher who engages in conduct that is a violation of the  
14 policies of the governing board but that is not cause for dismissal of the  
15 teacher or for revocation of the certificate of the teacher. Disciplinary  
16 action may include suspension without pay for a period of time not to exceed  
17 ten school days. Disciplinary action shall not include suspension with pay  
18 or suspension without pay for a period of time longer than ten school days.  
19 The procedures shall include notice, hearing and appeal provisions for  
20 violations that are cause for disciplinary action. The governing board may  
21 designate a person or persons to act on behalf of the board on these matters.

22           22. Prescribe and enforce policies and procedures for disciplinary  
23 action against an administrator who engages in conduct that is a violation of  
24 the policies of the governing board regarding duties of administrators but  
25 that is not cause for dismissal of the administrator or for revocation of the  
26 certificate of the administrator. Disciplinary action may include suspension  
27 without pay for a period of time not to exceed ten school days. Disciplinary  
28 action shall not include suspension with pay or suspension without pay for a  
29 period of time longer than ten school days. The procedures shall include  
30 notice, hearing and appeal provisions for violations that are cause for  
31 disciplinary action. The governing board may designate a person or persons  
32 to act on behalf of the board on these matters. For violations that are  
33 cause for dismissal, the provisions of notice, hearing and appeal in chapter  
34 5, article 3 of this title shall apply. The filing of a timely request for a  
35 hearing suspends the imposition of a suspension without pay or a dismissal  
36 pending completion of the hearing.

37           23. Notwithstanding sections 13-3108 and 13-3120, prescribe and enforce  
38 policies and procedures that prohibit a person from carrying or possessing a  
39 weapon on school grounds unless the person is a peace officer or has obtained  
40 specific authorization from the school administrator.

41           24. Prescribe and enforce policies and procedures relating to the  
42 health and safety of all pupils participating in district sponsored practice  
43 sessions or games or other interscholastic athletic activities, including:

- 44           (a) The provision of water.

1 (b) Guidelines, information and forms, developed in consultation with  
2 a statewide private entity that supervises interscholastic activities, to  
3 inform and educate coaches, pupils and parents of the dangers of concussions  
4 and head injuries and the risks of continued participation in athletic  
5 activity after a concussion. The policies and procedures shall require that,  
6 before a pupil participates in an athletic activity, the pupil and the  
7 pupil's parent must sign an information form at least once each school year  
8 that states that the parent is aware of the nature and risk of concussion.  
9 The policies and procedures shall require that a pupil who is suspected of  
10 sustaining a concussion in a practice session, game or other interscholastic  
11 athletic activity be immediately removed from the athletic activity. A coach  
12 from the pupil's team or an official or a licensed health care provider may  
13 remove a pupil from play. A team parent may also remove the parent's own  
14 child from play. A pupil may return to play on the same day if a health care  
15 provider rules out a suspected concussion at the time the pupil is removed  
16 from play. On a subsequent day, the pupil may return to play if the pupil  
17 has been evaluated by and received written clearance to resume participation  
18 in athletic activity from a health care provider who has been trained in the  
19 evaluation and management of concussions and head injuries. A health care  
20 provider who is a volunteer and who provides clearance to participate in  
21 athletic activity on the day of the suspected injury or on a subsequent day  
22 is immune from civil liability with respect to all decisions made and actions  
23 taken that are based on good faith implementation of the requirements of this  
24 subdivision, except in cases of gross negligence or wanton or wilful neglect.  
25 A school district, school district employee, team coach, official or team  
26 volunteer or a parent or guardian of a team member is not subject to civil  
27 liability for any act, omission or policy undertaken in good faith to comply  
28 with the requirements of this subdivision or for a decision made or an action  
29 taken by a health care provider. A group or organization that uses property  
30 or facilities owned or operated by a school district for athletic activities  
31 shall comply with the requirements of this subdivision. A school district  
32 and its employees and volunteers are not subject to civil liability for any  
33 other person or organization's failure or alleged failure to comply with the  
34 requirements of this subdivision. This subdivision does not apply to teams  
35 that are based in another state and that participate in an athletic activity  
36 in this state. For the purposes of this subdivision, athletic activity does  
37 not include dance, rhythmic gymnastics, competitions or exhibitions of  
38 academic skills or knowledge or other similar forms of physical noncontact  
39 activities, civic activities or academic activities, whether engaged in for  
40 the purposes of competition or recreation. For the purposes of this  
41 subdivision, "health care provider" means a physician who is licensed  
42 pursuant to title 32, chapter 13 or 17, an athletic trainer who is licensed  
43 pursuant to title 32, chapter 41, a nurse practitioner who is licensed  
44 pursuant to title 32, chapter 15, and a physician assistant who is licensed  
45 pursuant to title 32, chapter 25.

1           25. Prescribe and enforce policies and procedures regarding the smoking  
2 of tobacco within school buildings. The policies and procedures shall be  
3 adopted in consultation with school district personnel and members of the  
4 community and shall state whether smoking is prohibited in school buildings.  
5 If smoking in school buildings is not prohibited, the policies and procedures  
6 shall clearly state the conditions and circumstances under which smoking is  
7 permitted, those areas in a school building that may be designated as smoking  
8 areas and those areas in a school building that may not be designated as  
9 smoking areas.

10           26. Establish an assessment, data gathering and reporting system as  
11 prescribed in chapter 7, article 3 of this title.

12           27. Provide special education programs and related services pursuant to  
13 section 15-764, subsection A to all children with disabilities as defined in  
14 section 15-761.

15           28. Administer competency tests prescribed by the state board of  
16 education for the graduation of pupils from high school.

17           29. Ensure that insurance coverage is secured for all construction  
18 projects for purposes of general liability, property damage and workers'  
19 compensation and secure performance and payment bonds for all construction  
20 projects.

21           30. Keep on file the resumes of all current and former employees who  
22 provide instruction to pupils at a school. Resumes shall include an  
23 individual's educational and teaching background and experience in a  
24 particular academic content subject area. A school district shall inform  
25 parents and guardians of the availability of the resume information and shall  
26 make the resume information available for inspection on request of parents  
27 and guardians of pupils enrolled at a school. This paragraph shall not be  
28 construed to require any school to release personally identifiable  
29 information in relation to any teacher or employee, including the teacher's  
30 or employee's address, salary, social security number or telephone number.

31           31. Report to local law enforcement agencies any suspected crime  
32 against a person or property that is a serious offense as defined in section  
33 13-706 or that involves a deadly weapon or dangerous instrument or serious  
34 physical injury and any conduct that poses a threat of death or serious  
35 physical injury to employees, students or anyone on the property of the  
36 school. This paragraph does not limit or preclude the reporting by a school  
37 district or an employee of a school district of suspected crimes other than  
38 those required to be reported by this paragraph. For the purposes of this  
39 paragraph, "dangerous instrument", "deadly weapon" and "serious physical  
40 injury" have the same meanings prescribed in section 13-105.

41           32. In conjunction with local law enforcement agencies and local  
42 medical facilities, develop an emergency response plan for each school in the  
43 school district in accordance with minimum standards developed jointly by the  
44 department of education and the division of emergency management within the  
45 department of emergency and military affairs.

1           33. Provide written notice to the parents or guardians of all students  
2 affected in the school district at least ten days prior to a public meeting  
3 to discuss closing a school within the school district. The notice shall  
4 include the reasons for the proposed closure and the time and place of the  
5 meeting. The governing board shall fix a time for a public meeting on the  
6 proposed closure no less than ten days before voting in a public meeting to  
7 close the school. The school district governing board shall give notice of  
8 the time and place of the meeting. At the time and place designated in the  
9 notice, the school district governing board shall hear reasons for or against  
10 closing the school. The school district governing board is exempt from this  
11 paragraph if it is determined by the governing board that the school shall be  
12 closed because it poses a danger to the health or safety of the pupils or  
13 employees of the school. A governing board may consult with the school  
14 facilities board for technical assistance and for information on the impact  
15 of closing a school. The information provided from the school facilities  
16 board shall not require the governing board to take or not take any action.

17           34. Incorporate instruction on Native American history into appropriate  
18 existing curricula.

19           35. Prescribe and enforce policies and procedures:

20           (a) Allowing pupils who have been diagnosed with anaphylaxis by a  
21 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or 25  
22 or by a registered nurse practitioner licensed and certified pursuant to  
23 title 32, chapter 15 to carry and self-administer emergency medications,  
24 including auto-injectable epinephrine, while at school and at  
25 school-sponsored activities. The pupil's name on the prescription label on  
26 the medication container or on the medication device and annual written  
27 documentation from the pupil's parent or guardian to the school that  
28 authorizes possession and self-administration is sufficient proof that the  
29 pupil is entitled to the possession and self-administration of the  
30 medication. The policies shall require a pupil who uses auto-injectable  
31 epinephrine while at school and at school-sponsored activities to notify the  
32 nurse or the designated school staff person of the use of the medication as  
33 soon as practicable. A school district and its employees are immune from  
34 civil liability with respect to all decisions made and actions taken that are  
35 based on good faith implementation of the requirements of this **paragraph**  
36 **SUBDIVISION**, except in cases of wanton or wilful neglect.

37           (b) **FOR THE EMERGENCY ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE BY**  
38 **A TRAINED EMPLOYEE OF A SCHOOL DISTRICT PURSUANT TO SECTION 15-157.**

39           36. Allow the possession and self-administration of prescription  
40 medication for breathing disorders in handheld inhaler devices by pupils who  
41 have been prescribed that medication by a health care professional licensed  
42 pursuant to title 32. The pupil's name on the prescription label on the  
43 medication container or on the handheld inhaler device and annual written  
44 documentation from the pupil's parent or guardian to the school that  
45 authorizes possession and self-administration shall be sufficient proof that

1 the pupil is entitled to the possession and self-administration of the  
2 medication. A school district and its employees are immune from civil  
3 liability with respect to all decisions made and actions taken that are based  
4 on a good faith implementation of the requirements of this paragraph.

5 37. Prescribe and enforce policies and procedures to prohibit pupils  
6 from harassing, intimidating and bullying other pupils on school grounds, on  
7 school property, on school buses, at school bus stops, at school-sponsored  
8 events and activities and through the use of electronic technology or  
9 electronic communication on school computers, networks, forums and mailing  
10 lists that include the following components:

11 (a) A procedure for pupils, parents and school district employees to  
12 confidentially report to school officials incidents of harassment,  
13 intimidation or bullying. The school shall make available written forms  
14 designed to provide a full and detailed description of the incident and any  
15 other relevant information about the incident.

16 (b) A requirement that school district employees report in writing  
17 suspected incidents of harassment, intimidation or bullying to the  
18 appropriate school official and a description of appropriate disciplinary  
19 procedures for employees who fail to report suspected incidents that are  
20 known to the employee.

21 (c) A requirement that, at the beginning of each school year, school  
22 officials provide all pupils with a written copy of the rights, protections  
23 and support services available to a pupil who is an alleged victim of an  
24 incident reported pursuant to this paragraph.

25 (d) If an incident is reported pursuant to this paragraph, a  
26 requirement that school officials provide a pupil who is an alleged victim of  
27 the incident with a written copy of the rights, protections and support  
28 services available to that pupil.

29 (e) A formal process for the documentation of reported incidents of  
30 harassment, intimidation or bullying and for the confidentiality, maintenance  
31 and disposition of this documentation. School districts shall maintain  
32 documentation of all incidents reported pursuant to this paragraph for at  
33 least six years. The school shall not use that documentation to impose  
34 disciplinary action unless the appropriate school official has investigated  
35 and determined that the reported incidents of harassment, intimidation or  
36 bullying occurred. If a school provides documentation of reported incidents  
37 to persons other than school officials or law enforcement, all individually  
38 identifiable information shall be redacted.

39 (f) A formal process for the investigation by the appropriate school  
40 officials of suspected incidents of harassment, intimidation or bullying,  
41 including procedures for notifying the alleged victim on completion and  
42 disposition of the investigation.

43 (g) Disciplinary procedures for pupils who have admitted or been found  
44 to have committed incidents of harassment, intimidation or bullying.

1 (h) A procedure that sets forth consequences for submitting false  
2 reports of incidents of harassment, intimidation or bullying.

3 (i) Procedures designed to protect the health and safety of pupils who  
4 are physically harmed as the result of incidents of harassment, intimidation  
5 and bullying, including, if appropriate, procedures to contact emergency  
6 medical services or law enforcement agencies, or both.

7 (j) Definitions of harassment, intimidation and bullying.

8 38. Prescribe and enforce policies and procedures regarding changing or  
9 adopting attendance boundaries that include the following components:

10 (a) A procedure for holding public meetings to discuss attendance  
11 boundary changes or adoptions that allows public comments.

12 (b) A procedure to notify the parents or guardians of the students  
13 affected.

14 (c) A procedure to notify the residents of the households affected by  
15 the attendance boundary changes.

16 (d) A process for placing public meeting notices and proposed maps on  
17 the school district's website for public review, if the school district  
18 maintains a website.

19 (e) A formal process for presenting the attendance boundaries of the  
20 affected area in public meetings that allows public comments.

21 (f) A formal process for notifying the residents and parents or  
22 guardians of the affected area as to the decision of the governing board on  
23 the school district's website, if the school district maintains a website.

24 (g) A formal process for updating attendance boundaries on the school  
25 district's website within ninety days of an adopted boundary change. The  
26 school district shall send a direct link to the school district's attendance  
27 boundaries website to the department of real estate.

28 (h) If the land that a school was built on was donated within the past  
29 five years, a formal process to notify the entity that donated the land  
30 affected by the decision of the governing board.

31 39. If the state board of education determines that the school district  
32 has committed an overexpenditure as defined in section 15-107, provide a copy  
33 of the fiscal management report submitted pursuant to section 15-107,  
34 subsection H on its website and make copies available to the public on  
35 request. The school district shall comply with a request within five  
36 business days after receipt.

37 40. Ensure that the contract for the superintendent is structured in a  
38 manner in which up to twenty per cent of the total annual salary included for  
39 the superintendent in the contract is classified as performance pay. This  
40 paragraph shall not be construed to require school districts to increase  
41 total compensation for superintendents. Unless the school district governing  
42 board votes to implement an alternative procedure at a public meeting called  
43 for this purpose, the performance pay portion of the superintendent's total  
44 annual compensation shall be determined as follows:

1 (a) Twenty-five per cent of the performance pay shall be determined  
2 based on the percentage of academic gain determined by the department of  
3 education of pupils who are enrolled in the school district compared to the  
4 academic gain achieved by the highest ranking of the fifty largest school  
5 districts in this state. For the purposes of this subdivision, the  
6 department of education shall determine academic gain by the academic growth  
7 achieved by each pupil who has been enrolled at the same school in a school  
8 district for at least five consecutive months measured against that pupil's  
9 academic results in the 2008-2009 school year. For the purposes of this  
10 subdivision, of the fifty largest school districts in this state, the school  
11 district with pupils who demonstrate the highest statewide percentage of  
12 overall academic gain measured against academic results for the 2008-2009  
13 school year shall be assigned a score of 100 and the school district with  
14 pupils who demonstrate the lowest statewide percentage of overall academic  
15 gain measured against academic results for the 2008-2009 school year shall be  
16 assigned a score of 0.

17 (b) Twenty-five per cent of the performance pay shall be determined by  
18 the percentage of parents of pupils who are enrolled at the school district  
19 who assign a letter grade of "A" to the school on a survey of parental  
20 satisfaction with the school district. The parental satisfaction survey  
21 shall be administered and scored by an independent entity that is selected by  
22 the governing board and that demonstrates sufficient expertise and experience  
23 to accurately measure the results of the survey. The parental satisfaction  
24 survey shall use standard random sampling procedures and provide anonymity  
25 and confidentiality to each parent who participates in the survey. The  
26 letter grade scale used on the parental satisfaction survey shall direct  
27 parents to assign one of the following letter grades:

- 28 (i) A letter grade of "A" if the school district is excellent.
- 29 (ii) A letter grade of "B" if the school district is above average.
- 30 (iii) A letter grade of "C" if the school district is average.
- 31 (iv) A letter grade of "D" if the school district is below average.
- 32 (v) A letter grade of "F" if the school district is a failure.

33 (c) Twenty-five per cent of the performance pay shall be determined by  
34 the percentage of teachers who are employed at the school district and who  
35 assign a letter grade of "A" to the school on a survey of teacher  
36 satisfaction with the school. The teacher satisfaction survey shall be  
37 administered and scored by an independent entity that is selected by the  
38 governing board and that demonstrates sufficient expertise and experience to  
39 accurately measure the results of the survey. The teacher satisfaction  
40 survey shall use standard random sampling procedures and provide anonymity  
41 and confidentiality to each teacher who participates in the survey. The  
42 letter grade scale used on the teacher satisfaction survey shall direct  
43 teachers to assign one of the following letter grades:

- 44 (i) A letter grade of "A" if the school district is excellent.

- 1 (ii) A letter grade of "B" if the school district is above average.
- 2 (iii) A letter grade of "C" if the school district is average.
- 3 (iv) A letter grade of "D" if the school district is below average.
- 4 (v) A letter grade of "F" if the school district is a failure.

5 (d) Twenty-five per cent of the performance pay shall be determined by  
6 other criteria selected by the governing board.

7 41. Maintain and store permanent public records of the school district  
8 as required by law. Notwithstanding section 39-101, the standards adopted by  
9 the Arizona state library, archives and public records for the maintenance  
10 and storage of school district public records shall allow school districts to  
11 elect to satisfy the requirements of this paragraph by maintaining and  
12 storing these records either on paper or in an electronic format, or a  
13 combination of a paper and electronic format.

14 42. Adopt in a public meeting and implement by school year 2013-2014  
15 policies for principal evaluations. Before the adoption of principal  
16 evaluation policies, the school district governing board shall provide  
17 opportunities for public discussion on the proposed policies. The policies  
18 shall describe:

19 (a) The principal evaluation instrument, including the four  
20 performance classifications adopted by the governing board pursuant to  
21 section 15-203, subsection A, paragraph 38.

22 (b) Alignment of professional development opportunities to the  
23 principal evaluations.

24 (c) Incentives for principals in one of the two highest performance  
25 classifications pursuant to section 15-203, subsection A, paragraph 38, which  
26 may include:

27 (i) Multiyear contracts pursuant to section 15-503.

28 (ii) Incentives to work at schools that are assigned a letter grade of  
29 D or F pursuant to section 15-241.

30 (d) Transfer and contract processes for principals designated in the  
31 lowest performance classification pursuant to section 15-203, subsection A,  
32 paragraph 38.

33 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this  
34 section, the county school superintendent may construct, improve and furnish  
35 school buildings or purchase or sell school sites in the conduct of an  
36 accommodation school.

37 C. If any school district acquires real or personal property, whether  
38 by purchase, exchange, condemnation, gift or otherwise, the governing board  
39 shall pay to the county treasurer any taxes on the property that were unpaid  
40 as of the date of acquisition, including penalties and interest. The lien  
41 for unpaid delinquent taxes, penalties and interest on property acquired by a  
42 school district:

43 1. Is not abated, extinguished, discharged or merged in the title to  
44 the property.

1           2. Is enforceable in the same manner as other delinquent tax liens.

2           D. The governing board may not locate a school on property that is  
3 less than one-fourth mile from agricultural land regulated pursuant to  
4 section 3-365, except that the owner of the agricultural land may agree to  
5 comply with the buffer zone requirements of section 3-365. If the owner  
6 agrees in writing to comply with the buffer zone requirements and records the  
7 agreement in the office of the county recorder as a restrictive covenant  
8 running with the title to the land, the school district may locate a school  
9 within the affected buffer zone. The agreement may include any stipulations  
10 regarding the school, including conditions for future expansion of the school  
11 and changes in the operational status of the school that will result in a  
12 breach of the agreement.

13           E. A school district, its governing board members, its school council  
14 members and its employees are immune from civil liability for the  
15 consequences of adoption and implementation of policies and procedures  
16 pursuant to subsection A of this section and section 15-342. This waiver  
17 does not apply if the school district, its governing board members, its  
18 school council members or its employees are guilty of gross negligence or  
19 intentional misconduct.

20           F. A governing board may delegate in writing to a superintendent,  
21 principal or head teacher the authority to prescribe procedures that are  
22 consistent with the governing board's policies.

23           G. Notwithstanding any other provision of this title, a school  
24 district governing board shall not take any action that would result in a  
25 reduction of pupil square footage unless the governing board notifies the  
26 school facilities board established by section 15-2001 of the proposed action  
27 and receives written approval from the school facilities board to take the  
28 action. A reduction includes an increase in administrative space that  
29 results in a reduction of pupil square footage or sale of school sites or  
30 buildings, or both. A reduction includes a reconfiguration of grades that  
31 results in a reduction of pupil square footage of any grade level. This  
32 subsection does not apply to temporary reconfiguration of grades to  
33 accommodate new school construction if the temporary reconfiguration does not  
34 exceed one year. The sale of equipment that results in a reduction that  
35 falls below the equipment requirements prescribed in section 15-2011,  
36 subsection B is subject to commensurate withholding of school district  
37 capital outlay revenue limit monies pursuant to the direction of the school  
38 facilities board. Except as provided in section 15-342, paragraph 10,  
39 proceeds from the sale of school sites, buildings or other equipment shall be  
40 deposited in the school plant fund as provided in section 15-1102.

41           H. Subsections C through G of this section apply to a county board of  
42 supervisors and a county school superintendent when operating and  
43 administering an accommodation school.

1           Sec. 5. Section 32-1401, Arizona Revised Statutes, is amended to read:

2           32-1401. Definitions

3           In this chapter, unless the context otherwise requires:

4           1. "Active license" means a valid and existing license to practice  
5 medicine.

6           2. "Adequate records" means legible medical records, produced by hand  
7 or electronically, containing, at a minimum, sufficient information to  
8 identify the patient, support the diagnosis, justify the treatment,  
9 accurately document the results, indicate advice and cautionary warnings  
10 provided to the patient and provide sufficient information for another  
11 practitioner to assume continuity of the patient's care at any point in the  
12 course of treatment.

13           3. "Advisory letter" means a nondisciplinary letter to notify a  
14 licensee that either:

15           (a) While there is insufficient evidence to support disciplinary  
16 action, the board believes that continuation of the activities that led to  
17 the investigation may result in further board action against the licensee.

18           (b) The violation is a minor or technical violation that is not of  
19 sufficient merit to warrant disciplinary action.

20           (c) While the licensee has demonstrated substantial compliance through  
21 rehabilitation or remediation that has mitigated the need for disciplinary  
22 action, the board believes that repetition of the activities that led to the  
23 investigation may result in further board action against the licensee.

24           4. "Approved hospital internship, residency or clinical fellowship  
25 program" means a program at a hospital that at the time the training occurred  
26 was legally incorporated and that had a program that was approved for  
27 internship, fellowship or residency training by the accreditation council for  
28 graduate medical education, the association of American medical colleges, the  
29 royal college of physicians and surgeons of Canada or any similar body in the  
30 United States or Canada approved by the board whose function is that of  
31 approving hospitals for internship, fellowship or residency training.

32           5. "Approved school of medicine" means any school or college offering  
33 a course of study that, on successful completion, results in the degree of  
34 doctor of medicine and whose course of study has been approved or accredited  
35 by an educational or professional association, recognized by the board,  
36 including the association of American medical colleges, the association of  
37 Canadian medical colleges or the American medical association.

38           6. "Board" means the Arizona medical board.

39           7. "Completed application" means that the applicant has supplied all  
40 required fees, information and correspondence requested by the board on forms  
41 and in a manner acceptable to the board.

42           8. "Direct supervision" means that a physician, physician assistant  
43 licensed pursuant to chapter 25 of this title or nurse practitioner certified  
44 pursuant to chapter 15 of this title is within the same room or office suite

1 as the medical assistant in order to be available for consultation regarding  
2 those tasks the medical assistant performs pursuant to section 32-1456.

3 9. "Dispense" means the delivery by a doctor of medicine of a  
4 prescription drug or device to a patient, except for samples packaged for  
5 individual use by licensed manufacturers or repackagers of drugs, and  
6 includes the prescribing, administering, packaging, labeling and security  
7 necessary to prepare and safeguard the drug or device for delivery.

8 10. "Doctor of medicine" means a natural person holding a license,  
9 registration or permit to practice medicine pursuant to this chapter.

10 11. "Full-time faculty member" means a physician employed full time as  
11 a faculty member while holding the academic position of assistant professor  
12 or a higher position at an approved school of medicine.

13 12. "Health care institution" means any facility as defined in section  
14 36-401, any person authorized to transact disability insurance, as defined in  
15 title 20, chapter 6, article 4 or 5, any person who is issued a certificate  
16 of authority pursuant to title 20, chapter 4, article 9 or any other  
17 partnership, association or corporation that provides health care to  
18 consumers.

19 13. "Immediate family" means the spouse, natural or adopted children,  
20 father, mother, brothers and sisters of the doctor and the natural or adopted  
21 children, father, mother, brothers and sisters of the doctor's spouse.

22 14. "Letter of reprimand" means a disciplinary letter that is issued by  
23 the board and that informs the physician that the physician's conduct  
24 violates state or federal law and may require the board to monitor the  
25 physician.

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

30 16. "Medical assistant" means an unlicensed person who meets the  
31 requirements of section 32-1456, has completed an education program approved  
32 by the board, assists in a medical practice under the supervision of a doctor  
33 of medicine, physician assistant or nurse practitioner and performs delegated  
34 procedures commensurate with the assistant's education and training but does  
35 not diagnose, interpret, design or modify established treatment programs or  
36 perform any functions that would violate any statute applicable to the  
37 practice of medicine.

38 17. "Medical peer review" means:

39 (a) The participation by a doctor of medicine in the review and  
40 evaluation of the medical management of a patient and the use of resources  
41 for patient care.

42 (b) Activities relating to a health care institution's decision to  
43 grant or continue privileges to practice at that institution.

1           18. "Medically incompetent" means a person who the board determines is  
2 incompetent based on a variety of factors, including:

3           (a) A lack of sufficient medical knowledge or skills, or both, to a  
4 degree likely to endanger the health of patients.

5           (b) When considered with other indications of medical incompetence,  
6 failing to obtain a scaled score of at least seventy-five per cent on the  
7 written special purpose licensing examination.

8           19. "Medicine" means allopathic medicine as practiced by the recipient  
9 of a degree of doctor of medicine.

10           20. "Office based surgery" means a medical procedure conducted in a  
11 physician's office or other outpatient setting that is not part of a licensed  
12 hospital or licensed ambulatory surgical center.

13           21. "Physician" means a doctor of medicine licensed pursuant to this  
14 chapter.

15           22. "Practice of medicine" means the diagnosis, the treatment or the  
16 correction of or the attempt or the claim to be able to diagnose, treat or  
17 correct any and all human diseases, injuries, ailments, infirmities,  
18 deformities, physical or mental, real or imaginary, by any means, methods,  
19 devices or instrumentalities, except as the same may be among the acts or  
20 persons not affected by this chapter. The practice of medicine includes the  
21 practice of medicine alone or the practice of surgery alone, or both.

22           23. "Restrict" means taking a disciplinary action that alters the  
23 physician's practice or professional activities if the board determines that  
24 there is evidence that the physician is or may be medically incompetent or  
25 guilty of unprofessional conduct.

26           24. "Special purpose licensing examination" means an examination  
27 developed by the national board of medical examiners on behalf of the  
28 federation of state medical boards for use by state licensing boards to test  
29 the basic medical competence of physicians who are applying for licensure and  
30 who have been in practice for a considerable period of time in another  
31 jurisdiction and to determine the competence of a physician under  
32 investigation by a state licensing board.

33           25. "Teaching hospital's accredited graduate medical education program"  
34 means that the hospital is incorporated and has an internship, fellowship or  
35 residency training program that is accredited by the accreditation council  
36 for graduate medical education, the American medical association, the  
37 association of American medical colleges, the royal college of physicians and  
38 surgeons of Canada or a similar body in the United States or Canada approved  
39 by the board whose function is that of approving hospitals for internship,  
40 fellowship or residency training.

41           26. "Teaching license" means a valid license to practice medicine as a  
42 full-time faculty member of an approved school of medicine or a teaching  
43 hospital's accredited graduate medical education program.

44           27. "Unprofessional conduct" includes the following, whether occurring  
45 in this state or elsewhere:

1 (a) Violating any federal or state laws, rules or regulations  
2 applicable to the practice of medicine.

3 (b) Intentionally disclosing a professional secret or intentionally  
4 disclosing a privileged communication except as either act may otherwise be  
5 required by law.

6 (c) False, fraudulent, deceptive or misleading advertising by a doctor  
7 of medicine or the doctor's staff, employer or representative.

8 (d) Committing a felony, whether or not involving moral turpitude, or  
9 a misdemeanor involving moral turpitude. In either case, conviction by any  
10 court of competent jurisdiction or a plea of no contest is conclusive  
11 evidence of the commission.

12 (e) Failing or refusing to maintain adequate records on a patient.

13 (f) Habitual intemperance in the use of alcohol or habitual substance  
14 abuse.

15 (g) Using controlled substances except if prescribed by another  
16 physician for use during a prescribed course of treatment.

17 (h) Prescribing or dispensing controlled substances to members of the  
18 physician's immediate family.

19 (i) Prescribing, dispensing or administering schedule II controlled  
20 substances as defined in section 36-2513 including amphetamines and similar  
21 schedule II sympathomimetic drugs in the treatment of exogenous obesity for a  
22 period in excess of thirty days in any one year, or the non-therapeutic use  
23 of injectable amphetamines.

24 (j) Prescribing, dispensing or administering any controlled substance  
25 or prescription-only drug for other than accepted therapeutic purposes.

26 (k) Signing a blank, undated or predated prescription form.

27 (l) Conduct that the board determines is gross malpractice, repeated  
28 malpractice or any malpractice resulting in the death of a patient.

29 (m) Representing that a manifestly incurable disease or infirmity can  
30 be permanently cured, or that any disease, ailment or infirmity can be cured  
31 by a secret method, procedure, treatment, medicine or device, if this is not  
32 true.

33 (n) Refusing to divulge to the board on demand the means, method,  
34 procedure, modality of treatment or medicine used in the treatment of a  
35 disease, injury, ailment or infirmity.

36 (o) Action that is taken against a doctor of medicine by another  
37 licensing or regulatory jurisdiction due to that doctor's mental or physical  
38 inability to engage safely in the practice of medicine or the doctor's  
39 medical incompetence or for unprofessional conduct as defined by that  
40 jurisdiction and that corresponds directly or indirectly to an act of  
41 unprofessional conduct prescribed by this paragraph. The action taken may  
42 include refusing, denying, revoking or suspending a license by that  
43 jurisdiction or a surrendering of a license to that jurisdiction, otherwise  
44 limiting, restricting or monitoring a licensee by that jurisdiction or  
45 placing a licensee on probation by that jurisdiction.

1 (p) Sanctions imposed by an agency of the federal government,  
2 including restricting, suspending, limiting or removing a person from the  
3 practice of medicine or restricting that person's ability to obtain financial  
4 remuneration.

5 (q) Any conduct or practice that is or might be harmful or dangerous  
6 to the health of the patient or the public.

7 (r) Violating a formal order, probation, consent agreement or  
8 stipulation issued or entered into by the board or its executive director  
9 under this chapter.

10 (s) Violating or attempting to violate, directly or indirectly, or  
11 assisting in or abetting the violation of or conspiring to violate any  
12 provision of this chapter.

13 (t) Knowingly making any false or fraudulent statement, written or  
14 oral, in connection with the practice of medicine or if applying for  
15 privileges or renewing an application for privileges at a health care  
16 institution.

17 (u) Charging a fee for services not rendered or dividing a  
18 professional fee for patient referrals among health care providers or health  
19 care institutions or between these providers and institutions or a  
20 contractual arrangement that has the same effect. This subdivision does not  
21 apply to payments from a medical researcher to a physician in connection with  
22 identifying and monitoring patients for a clinical trial regulated by the  
23 United States food and drug administration.

24 (v) Obtaining a fee by fraud, deceit or misrepresentation.

25 (w) Charging or collecting a clearly excessive fee. In determining if  
26 a fee is clearly excessive, the board shall consider the fee or range of fees  
27 customarily charged in the state for similar services in light of modifying  
28 factors such as the time required, the complexity of the service and the  
29 skill requisite to perform the service properly. This subdivision does not  
30 apply if there is a clear written contract for a fixed fee between the  
31 physician and the patient that has been entered into before the provision of  
32 service.

33 (x) Fetal experiments conducted in violation of section 36-2302.

34 (y) The use of experimental forms of diagnosis and treatment without  
35 adequate informed patient consent, and without conforming to generally  
36 accepted experimental criteria, including protocols, detailed records,  
37 periodic analysis of results and periodic review by a medical peer review  
38 committee as approved by the federal food and drug administration or its  
39 successor agency.

40 (z) Engaging in sexual conduct with a current patient or with a former  
41 patient within six months after the last medical consultation unless the  
42 patient was the licensee's spouse at the time of the contact or, immediately  
43 preceding the physician-patient relationship, was in a dating or engagement  
44 relationship with the licensee. For the purposes of this subdivision,  
45 "sexual conduct" includes:

- 1 (i) Engaging in or soliciting sexual relationships, whether consensual  
2 or nonconsensual.
- 3 (ii) Making sexual advances, requesting sexual favors or engaging in  
4 any other verbal conduct or physical contact of a sexual nature.
- 5 (iii) Intentionally viewing a completely or partially disrobed patient  
6 in the course of treatment if the viewing is not related to patient diagnosis  
7 or treatment under current practice standards.
- 8 (aa) Procuring or attempting to procure a license to practice medicine  
9 or a license renewal by fraud, by misrepresentation or by knowingly taking  
10 advantage of the mistake of another person or an agency.
- 11 (bb) Representing or claiming to be a medical specialist if this is  
12 not true.
- 13 (cc) Maintaining a professional connection with or lending one's name  
14 to enhance or continue the activities of an illegal practitioner of medicine.
- 15 (dd) Failing to furnish information in a timely manner to the board or  
16 the board's investigators or representatives if legally requested by the  
17 board.
- 18 (ee) Failing to allow properly authorized board personnel on demand to  
19 examine and have access to documents, reports and records maintained by the  
20 physician that relate to the physician's medical practice or medically  
21 related activities.
- 22 (ff) Knowingly failing to disclose to a patient on a form that is  
23 prescribed by the board and that is dated and signed by the patient or  
24 guardian acknowledging that the patient or guardian has read and understands  
25 that the doctor has a direct financial interest in a separate diagnostic or  
26 treatment agency or in nonroutine goods or services that the patient is being  
27 prescribed and if the prescribed treatment, goods or services are available  
28 on a competitive basis. This subdivision does not apply to a referral by one  
29 doctor of medicine to another doctor of medicine within a group of doctors of  
30 medicine practicing together.
- 31 (gg) Using chelation therapy in the treatment of arteriosclerosis or  
32 as any other form of therapy, with the exception of treatment of heavy metal  
33 poisoning, without:
- 34 (i) Adequate informed patient consent.
- 35 (ii) Conforming to generally accepted experimental criteria, including  
36 protocols, detailed records, periodic analysis of results and periodic review  
37 by a medical peer review committee.
- 38 (iii) Approval by the federal food and drug administration or its  
39 successor agency.
- 40 (hh) Prescribing, dispensing or administering anabolic-androgenic  
41 steroids to a person for other than therapeutic purposes.
- 42 (ii) Lack of or inappropriate direction, collaboration or direct  
43 supervision of a medical assistant or a licensed, certified or registered  
44 health care provider employed by, supervised by or assigned to the physician.

1 (jj) Knowingly making a false or misleading statement to the board or  
2 on a form required by the board or in a written correspondence, including  
3 attachments, with the board.

4 (kk) Failing to dispense drugs and devices in compliance with article  
5 6 of this chapter.

6 (ll) Conduct that the board determines is gross negligence, repeated  
7 negligence or negligence resulting in harm to or the death of a patient.

8 (mm) The representation by a doctor of medicine or the doctor's staff,  
9 employer or representative that the doctor is boarded or board certified if  
10 this is not true or the standing is not current or without supplying the full  
11 name of the specific agency, organization or entity granting this standing.

12 (nn) Refusing to submit to a body fluid examination or any other  
13 examination known to detect the presence of alcohol or other drugs as  
14 required by the board pursuant to section 32-1452 or pursuant to a board  
15 investigation into a doctor of medicine's alleged substance abuse.

16 (oo) Failing to report in writing to the Arizona medical board or the  
17 Arizona regulatory board of physician assistants any evidence that a doctor  
18 of medicine or a physician assistant is or may be medically incompetent,  
19 guilty of unprofessional conduct or mentally or physically unable to safely  
20 practice medicine or to perform as a physician assistant.

21 (pp) The failure of a physician who is the chief executive officer,  
22 the medical director or the medical chief of staff of a health care  
23 institution to report in writing to the board that the hospital privileges of  
24 a doctor of medicine have been denied, revoked, suspended, supervised or  
25 limited because of actions by the doctor that appear to show that the doctor  
26 is or may be medically incompetent, is or may be guilty of unprofessional  
27 conduct or is or may be unable to engage safely in the practice of medicine.

28 (qq) Claiming to be a current member of the board, its staff or a  
29 board medical consultant if this is not true.

30 (rr) Failing to make patient medical records in the physician's  
31 possession promptly available to a physician assistant, a nurse practitioner,  
32 a person licensed pursuant to this chapter or a podiatrist, chiropractor,  
33 naturopathic physician, osteopathic physician or homeopathic physician  
34 licensed under chapter 7, 8, 14, 17 or 29 of this title on receipt of proper  
35 authorization to do so from the patient, a minor patient's parent, the  
36 patient's legal guardian or the patient's authorized representative or  
37 failing to comply with title 12, chapter 13, article 7.1.

38 (ss) Prescribing, dispensing or furnishing a prescription medication  
39 or a prescription-only device as defined in section 32-1901 to a person  
40 unless the licensee first conducts a physical examination of that person or  
41 has previously established a doctor-patient relationship. This subdivision  
42 does not apply to:

43 (i) A physician who provides temporary patient supervision on behalf  
44 of the patient's regular treating licensed health care professional.

45 (ii) Emergency medical situations as defined in section 41-1831.

1 (iii) Prescriptions written to prepare a patient for a medical  
2 examination.

3 (iv) Prescriptions written or prescription medications issued for use  
4 by a county or tribal public health department for immunization programs or  
5 emergency treatment or in response to an infectious disease investigation,  
6 public health emergency, infectious disease outbreak or act of bioterrorism.  
7 For the purposes of this item, "bioterrorism" has the same meaning prescribed  
8 in section 36-781.

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

14 (vi) Prescriptions written or prescription medications issued for  
15 administration of immunizations or vaccines listed in the United States  
16 centers for disease control and prevention's recommended immunization  
17 schedule to a household member of a patient.

18 (vii) PRESCRIPTIONS FOR EPINEPHRINE AUTO-INJECTORS WRITTEN OR  
19 DISPENSED FOR A SCHOOL DISTRICT OR CHARTER SCHOOL TO BE STOCKED FOR EMERGENCY  
20 USE PURSUANT TO SECTION 15-157.

21 (tt) Performing office based surgery using sedation in violation of  
22 board rules.

23 (uu) Practicing medicine under a false or assumed name in this state.  
24 Sec. 6. Section 32-1854, Arizona Revised Statutes, is amended to read:  
25 32-1854. Definition of unprofessional conduct

26 For the purposes of this chapter, "unprofessional conduct" includes the  
27 following acts, whether occurring in this state or elsewhere:

28 1. Wilfully betraying a professional secret or wilfully violating a  
29 privileged communication except as either of these may otherwise be required  
30 by law. This paragraph does not prevent members of the board from exchanging  
31 information with the licensing and disciplinary boards of other states,  
32 territories or districts of the United States or with foreign countries or  
33 with osteopathic medical organizations located in this state or in any state,  
34 district or territory of this country or in any foreign country.

35 2. Committing a felony, whether or not involving moral turpitude, or a  
36 misdemeanor involving moral turpitude. In either case conviction by any  
37 court of competent jurisdiction is conclusive evidence of the commission.

38 3. Practicing medicine while under the influence of alcohol, narcotic  
39 or hypnotic drugs or any substance that impairs or may impair the licensee's  
40 ability to safely and skillfully practice medicine.

41 4. Being diagnosed by a physician licensed under this chapter or  
42 chapter 13 of this title or a psychologist licensed under chapter 19.1 of  
43 this title as excessively or illegally using alcohol or a controlled  
44 substance.

- 1           5. Prescribing, dispensing or administering controlled substances or  
2 prescription-only drugs for other than accepted therapeutic purposes.
- 3           6. Engaging in the practice of medicine in a manner that harms or may  
4 harm a patient or that the board determines falls below the community  
5 standard.
- 6           7. Impersonating another physician.
- 7           8. Acting or assuming to act as a member of the board if this is not  
8 true.
- 9           9. Procuring, renewing or attempting to procure or renew a license to  
10 practice osteopathic medicine by fraud or misrepresentation.
- 11          10. Having professional connection with or lending one's name to an  
12 illegal practitioner of osteopathic medicine or any of the other healing  
13 arts.
- 14          11. Representing that a manifestly incurable disease, injury, ailment  
15 or infirmity can be permanently cured or that a curable disease, injury,  
16 ailment or infirmity can be cured within a stated time, if this is not true.
- 17          12. Failing to reasonably disclose and inform the patient or the  
18 patient's representative of the method, device or instrumentality the  
19 licensee uses to treat the patient's disease, injury, ailment or infirmity.
- 20          13. Refusing to divulge to the board on demand the means, method,  
21 device or instrumentality used in the treatment of a disease, injury, ailment  
22 or infirmity.
- 23          14. Charging a fee for services not rendered or dividing a professional  
24 fee for patient referrals. This paragraph does not apply to payments from a  
25 medical researcher to a physician in connection with identifying and  
26 monitoring patients for clinical trial regulated by the United States food  
27 and drug administration.
- 28          15. Knowingly making any false or fraudulent statement, written or  
29 oral, in connection with the practice of medicine or when applying for or  
30 renewing privileges at a health care institution or a health care program.
- 31          16. Advertising in a false, deceptive or misleading manner.
- 32          17. Representing or claiming to be an osteopathic medical specialist if  
33 the physician has not satisfied the applicable requirements of this chapter  
34 or board rules.
- 35          18. The denial of or disciplinary action against a license by any other  
36 state, territory, district or country, unless it can be shown that this  
37 occurred for reasons that did not relate to the person's ability to safely  
38 and skillfully practice osteopathic medicine or to any act of unprofessional  
39 conduct as provided in this section.
- 40          19. Any conduct or practice contrary to recognized standards of ethics  
41 of the osteopathic medical profession.
- 42          20. Violating or attempting to violate, directly or indirectly, or  
43 assisting in or abetting the violation of or conspiring to violate any of the  
44 provisions of this chapter.

1           21. Failing or refusing to establish and maintain adequate records on a  
2 patient as follows:

3           (a) If the patient is an adult, for at least seven years after the  
4 last date the licensee provided the patient with medical or health care  
5 services.

6           (b) If the patient is a child, either for at least three years after  
7 the child's eighteenth birthday or for at least seven years after the last  
8 date the licensee provided that patient with medical or health care services,  
9 whichever date occurs first.

10          (c) If the patient dies before the expiration of the dates prescribed  
11 in subdivision (a) or (b) of this paragraph, for at least three years after  
12 the patient's death.

13          22. Using controlled substances or prescription-only drugs unless they  
14 are provided by a medical practitioner, as defined in section 32-1901, as  
15 part of a lawful course of treatment.

16          23. Prescribing controlled substances to members of one's immediate  
17 family unless there is no other physician available within fifty miles to  
18 treat a member of the family and an emergency exists.

19          24. Nontherapeutic use of injectable amphetamines.

20          25. Violating a formal order, probation or a stipulation issued by the  
21 board under this chapter.

22          26. Charging or collecting an inappropriate fee. This paragraph does  
23 not apply to a fee that is fixed in a written contract between the physician  
24 and the patient and entered into before treatment begins.

25          27. Using experimental forms of therapy without adequate informed  
26 patient consent or without conforming to generally accepted criteria and  
27 complying with federal and state statutes and regulations governing  
28 experimental therapies.

29          28. Failing to make patient medical records in the physician's  
30 possession promptly available to a physician assistant, a nurse practitioner,  
31 a person licensed pursuant to this chapter or a podiatrist, chiropractor,  
32 naturopathic physician, physician or homeopathic physician licensed under  
33 chapter 7, 8, 13, 14 or 29 of this title on receipt of proper authorization  
34 to do so from the patient, a minor patient's parent, the patient's legal  
35 guardian or the patient's authorized representative or failing to comply with  
36 title 12, chapter 13, article 7.1.

37          29. Failing to allow properly authorized board personnel to have, on  
38 presentation of a subpoena, access to any documents, reports or records that  
39 are maintained by the physician and that relate to the physician's medical  
40 practice or medically related activities pursuant to section 32-1855.01.

41          30. Signing a blank, undated or predated prescription form.

42          31. Obtaining a fee by fraud, deceit or misrepresentation.

43          32. Failing to report to the board an osteopathic physician and surgeon  
44 who is or may be guilty of unprofessional conduct or is or may be mentally or  
45 physically unable safely to engage in the practice of medicine.

1           33. Referring a patient to a diagnostic or treatment facility or  
2 prescribing goods and services without disclosing that the physician has a  
3 direct pecuniary interest in the facility, goods or services to which the  
4 patient has been referred or prescribed. This paragraph does not apply to a  
5 referral by one physician to another physician within a group of physicians  
6 practicing together.

7           34. Lack of or inappropriate direction, collaboration or supervision of  
8 a licensed, certified or registered health care provider or office personnel  
9 employed by or assigned to the physician in the medical care of patients.

10          35. Violating a federal law, a state law or a rule applicable to the  
11 practice of medicine.

12          36. Prescribing or dispensing controlled substances or  
13 prescription-only medications without establishing and maintaining adequate  
14 patient records.

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

17          38. Any conduct or practice that endangers a patient's or the public's  
18 health or may reasonably be expected to do so.

19          39. Any conduct or practice that impairs the licensee's ability to  
20 safely and skillfully practice medicine or that may reasonably be expected to  
21 do so.

22          40. With the exception of heavy metal poisoning, using chelation  
23 therapy in the treatment of arteriosclerosis or as any other form of therapy  
24 without adequate informed patient consent and without conforming to generally  
25 accepted experimental criteria, including protocols, detailed records,  
26 periodic analysis of results and periodic review by a medical peer review  
27 committee.

28          41. Prescribing, dispensing or administering anabolic-androgenic  
29 steroids to a person for other than therapeutic purposes.

30          42. Engaging in sexual conduct with a current patient or with a former  
31 patient within six months after the last medical consultation unless the  
32 patient was the licensee's spouse at the time of the contact or, immediately  
33 preceding the physician-patient relationship, was in a dating or engagement  
34 relationship with the licensee. For the purposes of this paragraph, "sexual  
35 conduct" includes:

36           (a) Engaging in or soliciting sexual relationships, whether consensual  
37 or nonconsensual.

38           (b) Making sexual advances, requesting sexual favors or engaging in  
39 any other verbal conduct or physical conduct of a sexual nature.

40          43. Fetal experiments conducted in violation of section 36-2302.

41          44. Conduct that the board determines constitutes gross negligence,  
42 repeated negligence or negligence that results in harm or death of a patient.

43          45. Conduct in the practice of medicine that evidences moral unfitness  
44 to practice medicine.

1           46. Engaging in disruptive or abusive behavior in a professional  
2 setting.

3           47. Failing to disclose to a patient that the licensee has a direct  
4 financial interest in a prescribed treatment, good or service if the  
5 treatment, good or service is available on a competitive basis. This  
6 paragraph does not apply to a referral by one licensee to another licensee  
7 within a group of licensees who practice together. A licensee meets the  
8 disclosure requirements of this paragraph if all of the following are true:

9           (a) The licensee makes the disclosure on a form prescribed by the  
10 board.

11           (b) The patient or the patient's guardian or parent acknowledges by  
12 signing the form that the licensee has disclosed the licensee's direct  
13 financial interest.

14           48. Prescribing, dispensing or furnishing a prescription medication or  
15 a prescription-only device to a person if the licensee has not conducted a  
16 physical examination of that person or has not previously established a  
17 physician-patient relationship. This paragraph does not apply to:

18           (a) Emergencies. ~~or~~

19           (b) ~~to~~ Prescriptions written or antimicrobials dispensed to a contact  
20 as defined in section 36-661 who is believed to have had significant exposure by  
21 risk as defined in section 36-661 with another person who has been diagnosed  
22 with a communicable disease as defined in section 36-661 by the prescribing  
23 or dispensing physician.

24           (c) PRESCRIPTIONS FOR EPINEPHRINE AUTO-INJECTORS WRITTEN OR DISPENSED  
25 FOR A SCHOOL DISTRICT OR CHARTER SCHOOL TO BE STOCKED FOR EMERGENCY USE  
26 PURSUANT TO SECTION 15-157.

27           49. If a licensee provides medical care by computer, failing to  
28 disclose the licensee's license number and the board's address and telephone  
29 number.