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

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

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

PURSUANT TO A STANDING ORDER ISSUED BY THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT OF HEALTH SERVICES, THE CHIEF MEDICAL OFFICER OF A COUNTY HEALTH DEPARTMENT, A DOCTOR OF MEDICINE LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR A DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO TITLE 32, CHAPTER 17, AN EMPLOYEE OF A SCHOOL DISTRICT OR CHARTER SCHOOL WHO IS TRAINED IN THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE MAY ADMINISTER OR ASSIST IN THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE TO A PUPIL OR AN ADULT WHOM THE EMPLOYEE BELIEVES IN GOOD FAITH TO BE EXHIBITING SYMPTOMS OF ANAPHYLACTIC SHOCK WHILE AT SCHOOL OR AT SCHOOL-SPONSORED ACTIVITIES. IF SUFFICIENT MONIES ARE APPROPRIATED BY THE LEGISLATURE EACH YEAR TO PROVIDE FOR THE PURCHASE OF TWO JUVENILE DOSES AND TWO ADULT DOSES OF AUTO-INJECTABLE EPINEPHRINE AT EACH PUBLIC SCHOOL IN THIS STATE, BEGINNING IN THE 2014-2015 SCHOOL YEAR, EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL STOCK TWO JUVENILE DOSES AND TWO ADULT DOSES OF AUTO-INJECTABLE EPINEPHRINE AT EACH SCHOOL PURSUANT TO A STANDING ORDER ISSUED BY THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT OF HEALTH SERVICES, THE CHIEF MEDICAL OFFICER OF A COUNTY HEALTH DEPARTMENT, A DOCTOR OF MEDICINE LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR A DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO TITLE 32, CHAPTER 17. EACH FISCAL YEAR THE DEPARTMENT OF EDUCATION SHALL INCLUDE IN ITS BUDGET REQUEST FOR ASSISTANCE TO SCHOOLS A SEPARATE LINE ITEM FOR A CONTINUOUS, NONLAPSING APPROPRIATION TO FUND THE REQUIREMENTS OF THIS SECTION. IF SUFFICIENT MONIES ARE NOT APPROPRIATED BY THE LEGISLATURE DURING ANY FISCAL YEAR TO PROVIDE FOR THE PURCHASE OF TWO JUVENILE DOSES AND TWO ADULT DOSES OF AUTO-INJECTABLE EPINEPHRINE AT EACH PUBLIC SCHOOL IN THIS STATE, A SCHOOL DISTRICT OR CHARTER SCHOOL MAY STOCK TWO JUVENILE DOSES AND TWO ADULT DOSES OF AUTO-INJECTABLE EPINEPHRINE AT EACH SCHOOL PURSUANT TO A STANDING ORDER ISSUED BY THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT OF HEALTH SERVICES, THE CHIEF MEDICAL OFFICER OF A COUNTY HEALTH DEPARTMENT, A DOCTOR OF MEDICINE LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR A DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO TITLE 32, CHAPTER 17. THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT OF HEALTH SERVICES, THE CHIEF MEDICAL OFFICER OF A COUNTY HEALTH DEPARTMENT, A DOCTOR OF MEDICINE LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR A DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO TITLE 32, CHAPTER 17, A SCHOOL DISTRICT, A CHARTER SCHOOL AND EMPLOYEES OF A SCHOOL DISTRICT OR CHARTER SCHOOL ARE IMMUNE FROM CIVIL LIABILITY WITH RESPECT TO ALL DECISIONS MADE AND ACTIONS TAKEN THAT ARE BASED ON GOOD FAITH IMPLEMENTATION OF THE REQUIREMENTS OF THIS SECTION, EXCEPT IN CASES OF WANTON OR WILFUL NEGLECT.
Sec. 2. Title 15, chapter 1, article 8, Arizona Revised Statutes, is amended by adding section 15-189.04, to read:

15-189.04. Policies and procedures for the emergency administration of epinephrine


Sec. 3. Section 15-203, Arizona Revised Statutes, is amended to read:

15-203. Powers and duties

A. The state board of education shall:

1. Exercise general supervision over and regulate the conduct of the public school system and adopt any rules and policies it deems necessary to accomplish this purpose.

2. Keep a record of its proceedings.


4. Determine the policy and work undertaken by it.

5. Subject to title 41, chapter 4, article 4, employ staff on the recommendation of the superintendent of public instruction.

6. Prescribe the duties of its employees if not prescribed by statute.

7. Delegate to the superintendent of public instruction the execution of board policies and rules.

8. Recommend to the legislature changes or additions to the statutes pertaining to schools.

9. Prepare, publish and distribute reports concerning the educational welfare of this state.

10. Prepare a budget for expenditures necessary for proper maintenance of the board and accomplishment of its purposes and present the budget to the legislature.

11. Aid in the enforcement of laws relating to schools.

12. Prescribe a minimum course of study in the common schools, minimum competency requirements for the promotion of pupils from the third grade and minimum course of study and competency requirements for the promotion of pupils from the eighth grade. The state board of education shall prepare a fiscal impact statement of any proposed changes to the minimum course of study or competency requirements and, on completion, shall send a copy to the director of the joint legislative budget committee and the executive director of the school facilities board. The state board of education shall not adopt any changes in the minimum course of study or competency requirements in effect on July 1, 1998 that will have a fiscal impact on school capital costs.

13. Prescribe minimum course of study and competency requirements for the graduation of pupils from high school. The state board of education shall prepare a fiscal impact statement of any proposed changes to the minimum course of study or competency requirements and, on completion, shall
send a copy to the director of the joint legislative budget committee and the executive director of the school facilities board. The state board of education shall not adopt any changes in the minimum course of study or competency requirements in effect on July 1, 1998 that will have a fiscal impact on school capital costs.

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

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

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

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

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

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

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

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

(b) SHALL require applicants for all certificates for common school instruction to complete a minimum of forty-five classroom hours or three college level credit hours, or the equivalent, of training in research based systematic phonics instruction from a public or private provider.
(c) SHALL not require a teacher to obtain a master's degree or to take any additional graduate courses as a condition of certification or recertification.

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

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

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

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

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

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

(g) Notwithstanding section 15-533, the state board may exempt persons applying for a secondary education certificate from the subject knowledge portion of the proficiency examination if the state board determines that the person has work experience in science, technology, engineering or mathematics and can demonstrate adequate knowledge of a particular subject through a
postsecondary education degree or twenty-four credit hours of relevant coursework.

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

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

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

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

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

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

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

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

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

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

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

26. Require pupils to recite the following passage from the declaration of independence for pupils in grades four through six at the commencement of the first class of the day in the schools, except that a pupil shall not be required to participate if the pupil or the pupil's parent or guardian objects:
We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. . . .

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

28. Adopt rules that provide for the presentation of an honorary high school diploma to a person who has never obtained a high school diploma and who meets both of the following requirements:
   (a) Currently resides in this state.
   (b) Provides documented evidence from the Arizona department of veterans' services that the person enlisted in the armed forces of the United States and served in World War I, World War II, the Korean conflict or the Vietnam conflict.

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

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

31. Adopt guidelines to encourage pupils in grades nine, ten, eleven and twelve to volunteer for twenty hours of community service before graduation from high school. A school district that complies with the guidelines adopted pursuant to this paragraph is not liable for damages resulting from a pupil's participation in community service unless the school district is found to have demonstrated wanton or reckless disregard for the safety of the pupil and other participants in community service. For the purposes of this paragraph, "community service" may include service learning. The guidelines shall include the following:
   (a) A list of the general categories in which community service may be performed.
(b) A description of the methods by which community service will be monitored.

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

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

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

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

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

(a) Address procedures for each of the following:

(i) The transfer of student records.

(ii) Awarding credit for completed course work.

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

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

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

34. For each of the alternative textbook formats of human-voiced audio, large-print and braille, designate alternative media producers to adapt existing standard print textbooks or to provide specialized textbooks, or both, for pupils with disabilities in this state. Each alternative media
producer shall be capable of producing alternative textbooks in all relevant
subjects in at least one of the alternative textbook formats. The board
shall post the designated list of alternative media producers on its website.

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

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

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

38. Adopt and maintain a model framework for a teacher and principal
evaluation instrument that includes quantitative data on student academic
progress that accounts for between thirty-three per cent and fifty per cent
of the evaluation outcomes. On or before December 1, 2012, the framework
shall include four performance classifications, designated as highly
effective, effective, developing and ineffective, and guidelines for school
districts and charter schools to use in their evaluation instruments. The
state board of education shall adopt best practices for professional
development and evaluator training. The state board of education may
periodically make adjustments to align the model framework for teacher and
principal evaluations with assessment or data changes at the state level.
School districts and charter schools shall use an instrument that meets the
data requirements established by the state board of education to annually
evaluate individual teachers and principals beginning in school year
2012-2013. By school year 2013-2014, school districts and charter schools
shall adopt definitions for the performance classifications adopted by the
state board of education in a public meeting and apply the performance
classifications to their evaluation instruments in a manner designed to
improve principal and teacher performance. For charter holders, the
principal evaluation instrument applies to each charter school's
instructional leader whose primary responsibility is to oversee the academic
performance of the charter school. This paragraph does not apply to an
officer, director, member or partner of the charter holder. The school district governing board shall discuss at a public meeting at least annually its aggregate performance classifications of principals and teachers.

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

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

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

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

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

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

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

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

(d) PROCEDURES FOR ANNUALLY REQUESTING A STANDING ORDER FOR EPINEPHRINE AUTO-INJECTORS PURSUANT TO SECTION 15-157 FROM THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT OF HEALTH SERVICES, THE CHIEF MEDICAL OFFICER OF A
COUNTY HEALTH DEPARTMENT, A DOCTOR OF MEDICINE LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR A DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO TITLE 32, CHAPTER 17.

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

B. The state board of education may:

1. Contract.
2. Sue and be sued.
3. Distribute and score the tests prescribed in chapter 7, article 3 of this title.
4. Provide for an advisory committee to conduct hearings and screenings to determine whether grounds exist to impose disciplinary action against a certificated person, whether grounds exist to reinstate a revoked or surrendered certificate and whether grounds exist to approve or deny an initial application for certification or a request for renewal of a certificate. The board may delegate its responsibility to conduct hearings and screenings to its advisory committee. Hearings shall be conducted pursuant to title 41, chapter 6, article 6.
5. Proceed with the disposal of any complaint requesting disciplinary action or with any disciplinary action against a person holding a certificate as prescribed in subsection A, paragraph 14 of this section after the suspension or expiration of the certificate or surrender of the certificate by the holder.
6. Assess costs and reasonable attorney fees against a person who files a frivolous complaint or who files a complaint in bad faith. Costs assessed pursuant to this paragraph shall not exceed the expenses incurred by the state board in the investigation of the complaint.

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

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

A. The governing board shall:

1. Prescribe and enforce policies and procedures for the governance of the schools, not inconsistent with law or rules prescribed by the state board of education.
2. Exclude from schools all books, publications, papers or audiovisual materials of a sectarian, partisan or denominational character. This paragraph shall not be construed to prohibit the elective course permitted by section 15-717.01.
3. Manage and control the school property within its district.
4. Acquire school furniture, apparatus, equipment, library books and supplies for the use of the schools.
5. Prescribe the curricula and criteria for the promotion and graduation of pupils as provided in sections 15-701 and 15-701.01.
6. Furnish, repair and insure, at full insurable value, the school property of the district.
7. Construct school buildings on approval by a vote of the district electors.

8. Make in the name of the district conveyances of property belonging to the district and sold by the board.

9. Purchase school sites when authorized by a vote of the district at an election conducted as nearly as practicable in the same manner as the election provided in section 15-481 and held on a date prescribed in section 15-491, subsection E, but such authorization shall not necessarily specify the site to be purchased and such authorization shall not be necessary to exchange unimproved property as provided in section 15-342, paragraph 23.

10. Construct, improve and furnish buildings used for school purposes when such buildings or premises are leased from the national park service.

11. Purchase school sites or construct, improve and furnish school buildings from the proceeds of the sale of school property only on approval by a vote of the district electors.

12. Hold pupils to strict account for disorderly conduct on school property.

13. Discipline students for disorderly conduct on the way to and from school.

14. Except as provided in section 15-1224, deposit all monies received by the district as gifts, grants and devises with the county treasurer who shall credit the deposits as designated in the uniform system of financial records. If not inconsistent with the terms of the gifts, grants and devises given, any balance remaining after expenditures for the intended purpose of the monies have been made shall be used for reduction of school district taxes for the budget year, except that in the case of accommodation schools the county treasurer shall carry the balance forward for use by the county school superintendent for accommodation schools for the budget year.

15. Provide that, if a parent or legal guardian chooses not to accept a decision of the teacher as provided in section 15-521, paragraph 3-4, the parent or legal guardian may request in writing that the governing board review the teacher's decision. This paragraph shall not be construed to release school districts from any liability relating to a child's promotion or retention.

16. Provide for adequate supervision over pupils in instructional and noninstructional activities by certificated or noncertificated personnel.

17. Use school monies received from the state and county school apportionment exclusively for payment of salaries of teachers and other employees and contingent expenses of the district.

18. Make an annual report to the county school superintendent on or before October 1 in the manner and form and on the blanks prescribed by the superintendent of public instruction or county school superintendent. The board shall also make reports directly to the county school superintendent or the superintendent of public instruction whenever required.
19. Deposit all monies received by school districts other than student activities monies or monies from auxiliary operations as provided in sections 15-1125 and 15-1126 with the county treasurer to the credit of the school district except as provided in paragraph 20 of this subsection and sections 15-1223 and 15-1224, and the board shall expend the monies as provided by law for other school funds.

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

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

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

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

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

(a) The provision of water.
(b) Guidelines, information and forms, developed in consultation with a statewide private entity that supervises interscholastic activities, to inform and educate coaches, pupils and parents of the dangers of concussions and head injuries and the risks of continued participation in athletic activity after a concussion. The policies and procedures shall require that, before a pupil participates in an athletic activity, the pupil and the pupil's parent must sign an information form at least once each school year that states that the parent is aware of the nature and risk of concussion. The policies and procedures shall require that a pupil who is suspected of sustaining a concussion in a practice session, game or other interscholastic athletic activity be immediately removed from the athletic activity. A coach from the pupil's team or an official or a licensed health care provider may remove a pupil from play. A team parent may also remove the parent's own child from play. A pupil may return to play on the same day if a health care provider rules out a suspected concussion at the time the pupil is removed from play. On a subsequent day, the pupil may return to play if the pupil has been evaluated by and received written clearance to resume participation in athletic activity from a health care provider who has been trained in the evaluation and management of concussions and head injuries. A health care provider who is a volunteer and who provides clearance to participate in athletic activity on the day of the suspected injury or on a subsequent day is immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this subdivision, except in cases of gross negligence or wanton or willful neglect. A school district, school district employee, team coach, official or team volunteer or a parent or guardian of a team member is not subject to civil liability for any act, omission or policy undertaken in good faith to comply with the requirements of this subdivision or for a decision made or an action taken by a health care provider. A group or organization that uses property or facilities owned or operated by a school district for athletic activities shall comply with the requirements of this subdivision. A school district and its employees and volunteers are not subject to civil liability for any other person or organization's failure or alleged failure to comply with the requirements of this subdivision. This subdivision does not apply to teams that are based in another state and that participate in an athletic activity in this state. For the purposes of this subdivision, athletic activity does not include dance, rhythmic gymnastics, competitions or exhibitions of academic skills or knowledge or other similar forms of physical noncontact activities, civic activities or academic activities, whether engaged in for the purposes of competition or recreation. For the purposes of this subdivision, "health care provider" means a physician who is licensed pursuant to title 32, chapter 13 or 17, an athletic trainer who is licensed pursuant to title 32, chapter 41, a nurse practitioner who is licensed pursuant to title 32, chapter 15, and a physician assistant who is licensed pursuant to title 32, chapter 25.
25. Prescribe and enforce policies and procedures regarding the smoking of tobacco within school buildings. The policies and procedures shall be adopted in consultation with school district personnel and members of the community and shall state whether smoking is prohibited in school buildings. If smoking in school buildings is not prohibited, the policies and procedures shall clearly state the conditions and circumstances under which smoking is permitted, those areas in a school building that may be designated as smoking areas and those areas in a school building that may not be designated as smoking areas.

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

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

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

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

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

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

32. In conjunction with local law enforcement agencies and local medical facilities, develop an emergency response plan for each school in the school district in accordance with minimum standards developed jointly by the department of education and the division of emergency management within the department of emergency and military affairs.
33. Provide written notice to the parents or guardians of all students affected in the school district at least ten days prior to a public meeting to discuss closing a school within the school district. The notice shall include the reasons for the proposed closure and the time and place of the meeting. The governing board shall fix a time for a public meeting on the proposed closure no less than ten days before voting in a public meeting to close the school. The school district governing board shall give notice of the time and place of the meeting. At the time and place designated in the notice, the school district governing board shall hear reasons for or against closing the school. The school district governing board is exempt from this paragraph if it is determined by the governing board that the school shall be closed because it poses a danger to the health or safety of the pupils or employees of the school. A governing board may consult with the school facilities board for technical assistance and for information on the impact of closing a school. The information provided from the school facilities board shall not require the governing board to take or not take any action.

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

35. Prescribe and enforce policies and procedures:
   (a) Allowing pupils who have been diagnosed with anaphylaxis by a health care provider licensed pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse practitioner licensed and certified pursuant to title 32, chapter 15 to carry and self-administer emergency medications, including auto-injectable epinephrine, while at school and at school-sponsored activities. The pupil's name on the prescription label on the medication container or on the medication device and annual written documentation from the pupil's parent or guardian to the school that authorizes possession and self-administration is sufficient proof that the pupil is entitled to the possession and self-administration of the medication. The policies shall require a pupil who uses auto-injectable epinephrine while at school and at school-sponsored activities to notify the nurse or the designated school staff person of the use of the medication as soon as practicable. A school district and its employees are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this paragraph SUBDIVISION, except in cases of wanton or wilful neglect.
   (b) FOR THE EMERGENCY ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE BY A TRAINED EMPLOYEE OF A SCHOOL DISTRICT PURSUANT TO SECTION 15-157.

36. Allow the possession and self-administration of prescription medication for breathing disorders in handheld inhaler devices by pupils who have been prescribed that medication by a health care professional licensed pursuant to title 32. The pupil's name on the prescription label on the medication container or on the handheld inhaler device and annual written documentation from the pupil's parent or guardian to the school that authorizes possession and self-administration shall be sufficient proof that
the pupil is entitled to the possession and self-administration of the medication. A school district and its employees are immune from civil liability with respect to all decisions made and actions taken that are based on a good faith implementation of the requirements of this paragraph.

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

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

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

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

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

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

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

(g) Disciplinary procedures for pupils who have admitted or been found to have committed incidents of harassment, intimidation or bullying.
(h) A procedure that sets forth consequences for submitting false
reports of incidents of harassment, intimidation or bullying.
(i) Procedures designed to protect the health and safety of pupils who
are physically harmed as the result of incidents of harassment, intimidation
and bullying, including, if appropriate, procedures to contact emergency
medical services or law enforcement agencies, or both.
(j) Definitions of harassment, intimidation and bullying.
38. Prescribe and enforce policies and procedures regarding changing or
adopting attendance boundaries that include the following components:
(a) A procedure for holding public meetings to discuss attendance
boundary changes or adoptions that allows public comments.
(b) A procedure to notify the parents or guardians of the students
affected.
(c) A procedure to notify the residents of the households affected by
the attendance boundary changes.
(d) A process for placing public meeting notices and proposed maps on
the school district's website for public review, if the school district
maintains a website.
(e) A formal process for presenting the attendance boundaries of the
affected area in public meetings that allows public comments.
(f) A formal process for notifying the residents and parents or
guardians of the affected area as to the decision of the governing board on
the school district's website, if the school district maintains a website.
(g) A formal process for updating attendance boundaries on the school
district's website within ninety days of an adopted boundary change. The
school district shall send a direct link to the school district's attendance
boundaries website to the department of real estate.
(h) If the land that a school was built on was donated within the past
five years, a formal process to notify the entity that donated the land
affected by the decision of the governing board.
39. If the state board of education determines that the school district
has committed an overexpenditure as defined in section 15-107, provide a copy
of the fiscal management report submitted pursuant to section 15-107,
subsection H on its website and make copies available to the public on
request. The school district shall comply with a request within five
business days after receipt.
40. Ensure that the contract for the superintendent is structured in a
manner in which up to twenty per cent of the total annual salary included for
the superintendent in the contract is classified as performance pay. This
paragraph shall not be construed to require school districts to increase
total compensation for superintendents. Unless the school district governing
board votes to implement an alternative procedure at a public meeting called
for this purpose, the performance pay portion of the superintendent's total
annual compensation shall be determined as follows:
(a) Twenty-five per cent of the performance pay shall be determined based on the percentage of academic gain determined by the department of education of pupils who are enrolled in the school district compared to the academic gain achieved by the highest ranking of the fifty largest school districts in this state. For the purposes of this subdivision, the department of education shall determine academic gain by the academic growth achieved by each pupil who has been enrolled at the same school in a school district for at least five consecutive months measured against that pupil's academic results in the 2008-2009 school year. For the purposes of this subdivision, of the fifty largest school districts in this state, the school district with pupils who demonstrate the highest statewide percentage of overall academic gain measured against academic results for the 2008-2009 school year shall be assigned a score of 100 and the school district with pupils who demonstrate the lowest statewide percentage of overall academic gain measured against academic results for the 2008-2009 school year shall be assigned a score of 0.

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

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

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

(i) A letter grade of "A" if the school district is excellent.
(ii) A letter grade of "B" if the school district is above average.
(iii) A letter grade of "C" if the school district is average.
(iv) A letter grade of "D" if the school district is below average.
(v) A letter grade of "F" if the school district is a failure.
(d) Twenty-five per cent of the performance pay shall be determined by
other criteria selected by the governing board.

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

42. Adopt in a public meeting and implement by school year 2013-2014
policies for principal evaluations. Before the adoption of principal
evaluation policies, the school district governing board shall provide
opportunities for public discussion on the proposed policies. The policies
shall describe:
(a) The principal evaluation instrument, including the four
performance classifications adopted by the governing board pursuant to
section 15-203, subsection A, paragraph 38.
(b) Alignment of professional development opportunities to the
principal evaluations.
(c) Incentives for principals in one of the two highest performance
classifications pursuant to section 15-203, subsection A, paragraph 38, which
may include:
   (i) Multiyear contracts pursuant to section 15-503.
   (ii) Incentives to work at schools that are assigned a letter grade of
        D or F pursuant to section 15-241.
(d) Transfer and contract processes for principals designated in the
lowest performance classification pursuant to section 15-203, subsection A,
paragraph 38.

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

C. If any school district acquires real or personal property, whether
by purchase, exchange, condemnation, gift or otherwise, the governing board
shall pay to the county treasurer any taxes on the property that were unpaid
as of the date of acquisition, including penalties and interest. The lien
for unpaid delinquent taxes, penalties and interest on property acquired by a
school district:
1. Is not abated, extinguished, discharged or merged in the title to
the property.
2. Is enforceable in the same manner as other delinquent tax liens.

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

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

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

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

H. Subsections C through G of this section apply to a county board of supervisors and a county school superintendent when operating and administering an accommodation school.
Sec. 5. Section 32-1401, Arizona Revised Statutes, is amended to read:

32-1401. Definitions

In this chapter, unless the context otherwise requires:

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

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

3. "Advisory letter" means a nondisciplinary letter to notify a licensee that either:
   (a) While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.
   (b) The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.
   (c) While the licensee has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action, the board believes that repetition of the activities that led to the investigation may result in further board action against the licensee.

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

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

6. "Board" means the Arizona medical board.

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

8. "Direct supervision" means that a physician, physician assistant licensed pursuant to chapter 25 of this title or nurse practitioner certified pursuant to chapter 15 of this title is within the same room or office suite
as the medical assistant in order to be available for consultation regarding
those tasks the medical assistant performs pursuant to section 32-1456.

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

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

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

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

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

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

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

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

17. "Medical peer review" means:
(a) The participation by a doctor of medicine in the review and
evaluation of the medical management of a patient and the use of resources
for patient care.
(b) Activities relating to a health care institution's decision to
grant or continue privileges to practice at that institution.
18. "Medically incompetent" means a person who the board determines is incompetent based on a variety of factors, including:
   (a) A lack of sufficient medical knowledge or skills, or both, to a degree likely to endanger the health of patients.
   (b) When considered with other indications of medical incompetence, failing to obtain a scaled score of at least seventy-five per cent on the written special purpose licensing examination.
19. "Medicine" means allopathic medicine as practiced by the recipient of a degree of doctor of medicine.
20. "Office based surgery" means a medical procedure conducted in a physician's office or other outpatient setting that is not part of a licensed hospital or licensed ambulatory surgical center.
21. "Physician" means a doctor of medicine licensed pursuant to this chapter.
22. "Practice of medicine" means the diagnosis, the treatment or the correction of or the attempt or the claim to be able to diagnose, treat or correct any and all human diseases, injuries, ailments, infirmities, deformities, physical or mental, real or imaginary, by any means, methods, devices or instrumentalities, except as the same may be among the acts or persons not affected by this chapter. The practice of medicine includes the practice of medicine alone or the practice of surgery alone, or both.
23. "Restrict" means taking a disciplinary action that alters the physician's practice or professional activities if the board determines that there is evidence that the physician is or may be medically incompetent or guilty of unprofessional conduct.
24. "Special purpose licensing examination" means an examination developed by the national board of medical examiners on behalf of the federation of state medical boards for use by state licensing boards to test the basic medical competence of physicians who are applying for licensure and who have been in practice for a considerable period of time in another jurisdiction and to determine the competence of a physician under investigation by a state licensing board.
25. "Teaching hospital's accredited graduate medical education program" means that the hospital is incorporated and has an internship, fellowship or residency training program that is accredited by the accreditation council for graduate medical education, the American medical association, the association of American medical colleges, the royal college of physicians and surgeons of Canada or a similar body in the United States or Canada approved by the board whose function is that of approving hospitals for internship, fellowship or residency training.
26. "Teaching license" means a valid license to practice medicine as a full-time faculty member of an approved school of medicine or a teaching hospital's accredited graduate medical education program.
27. "Unprofessional conduct" includes the following, whether occurring in this state or elsewhere:
(a) Violating any federal or state laws, rules or regulations applicable to the practice of medicine.
(b) Intentionally disclosing a professional secret or intentionally disclosing a privileged communication except as either act may otherwise be required by law.
(c) False, fraudulent, deceptive or misleading advertising by a doctor of medicine or the doctor's staff, employer or representative.
(d) Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by any court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission.
(e) Failing or refusing to maintain adequate records on a patient.
(f) Habitual intemperance in the use of alcohol or habitual substance abuse.
(g) Using controlled substances except if prescribed by another physician for use during a prescribed course of treatment.
(h) Prescribing or dispensing controlled substances to members of the physician's immediate family.
(i) Prescribing, dispensing or administering schedule II controlled substances as defined in section 36-2513 including amphetamines and similar schedule II sympathomimetic drugs in the treatment of exogenous obesity for a period in excess of thirty days in any one year, or the non-therapeutic use of injectable amphetamines.
(j) Prescribing, dispensing or administering any controlled substance or prescription-only drug for other than accepted therapeutic purposes.
(k) Signing a blank, undated or predated prescription form.
(l) Conduct that the board determines is gross malpractice, repeated malpractice or any malpractice resulting in the death of a patient.
(m) Representing that a manifestly incurable disease or infirmity can be permanently cured, or that any disease, ailment or infirmity can be cured by a secret method, procedure, treatment, medicine or device, if this is not true.
(n) Refusing to divulge to the board on demand the means, method, procedure, modality of treatment or medicine used in the treatment of a disease, injury, ailment or infirmity.
(o) Action that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine or the doctor's medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction.
(p) Sanctions imposed by an agency of the federal government, including restricting, suspending, limiting or removing a person from the practice of medicine or restricting that person's ability to obtain financial remuneration.

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

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

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

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

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

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

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

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

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

(z) Engaging in sexual conduct with a current patient or with a former patient within six months after the last medical consultation unless the patient was the licensee's spouse at the time of the contact or, immediately preceding the physician-patient relationship, was in a dating or engagement relationship with the licensee. For the purposes of this subdivision, "sexual conduct" includes:
(i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual.

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

(iii) Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards.

(aa) Procuring or attempting to procure a license to practice medicine or a license renewal by fraud, by misrepresentation or by knowingly taking advantage of the mistake of another person or an agency.

(bb) Representing or claiming to be a medical specialist if this is not true.

(cc) Maintaining a professional connection with or lending one's name to enhance or continue the activities of an illegal practitioner of medicine.

(dd) Failing to furnish information in a timely manner to the board or the board's investigators or representatives if legally requested by the board.

(ee) Failing to allow properly authorized board personnel on demand to examine and have access to documents, reports and records maintained by the physician that relate to the physician's medical practice or medically related activities.

(ff) Knowingly failing to disclose to a patient on a form that is prescribed by the board and that is dated and signed by the patient or guardian acknowledging that the patient or guardian has read and understands that the doctor has a direct financial interest in a separate diagnostic or treatment agency or in nonroutine goods or services that the patient is being prescribed if the prescribed treatment, goods or services are available on a competitive basis. This subdivision does not apply to a referral by one doctor of medicine to another doctor of medicine within a group of doctors of medicine practicing together.

(gg) Using chelation therapy in the treatment of arteriosclerosis or as any other form of therapy, with the exception of treatment of heavy metal poisoning, without:

(i) Adequate informed patient consent.

(ii) Conforming to generally accepted experimental criteria, including protocols, detailed records, periodic analysis of results and periodic review by a medical peer review committee.

(iii) Approval by the federal food and drug administration or its successor agency.

(hh) Prescribing, dispensing or administering anabolic-androgenic steroids to a person for other than therapeutic purposes.

(ii) Lack of or inappropriate direction, collaboration or direct supervision of a medical assistant or a licensed, certified or registered health care provider employed by, supervised by or assigned to the physician.
(jj) Knowingly making a false or misleading statement to the board or on a form required by the board or in a written correspondence, including attachments, with the board.

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

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

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

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

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

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

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

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

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

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

(ii) Emergency medical situations as defined in section 41-1831.
(iii) Prescriptions written to prepare a patient for a medical examination.

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

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

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

(vii) Prescriptions written or antineoplastics dispensed for a school district or charter school to be stocked for emergency use pursuant to section 15-157.

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

(uu) Practicing medicine under a false or assumed name in this state.

Sec. 6. Section 32-1854, Arizona Revised Statutes, is amended to read:

32-1854. Definition of unprofessional conduct

For the purposes of this chapter, “unprofessional conduct” includes the following acts, whether occurring in this state or elsewhere:

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

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

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

4. Being diagnosed by a physician licensed under this chapter or chapter 13 of this title or a psychologist licensed under chapter 19.1 of this title as excessively or illegally using alcohol or a controlled substance.
5. Prescribing, dispensing or administering controlled substances or prescription-only drugs for other than accepted therapeutic purposes.

6. Engaging in the practice of medicine in a manner that harms or may harm a patient or that the board determines falls below the community standard.

7. Impersonating another physician.

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

9. Procuring, renewing or attempting to procure or renew a license to practice osteopathic medicine by fraud or misrepresentation.

10. Having professional connection with or lending one's name to an illegal practitioner of osteopathic medicine or any of the other healing arts.

11. Representing that a manifestly incurable disease, injury, ailment or infirmity can be permanently cured or that a curable disease, injury, ailment or infirmity can be cured within a stated time, if this is not true.

12. Failing to reasonably disclose and inform the patient or the patient's representative of the method, device or instrumentality the licensee uses to treat the patient's disease, injury, ailment or infirmity.

13. Refusing to divulge to the board on demand the means, method, device or instrumentality used in the treatment of a disease, injury, ailment or infirmity.

14. Charging a fee for services not rendered or dividing a professional fee for patient referrals. This paragraph does not apply to payments from a medical researcher to a physician in connection with identifying and monitoring patients for clinical trial regulated by the United States food and drug administration.

15. Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine or when applying for or renewing privileges at a health care institution or a health care program.

16. Advertising in a false, deceptive or misleading manner.

17. Representing or claiming to be an osteopathic medical specialist if the physician has not satisfied the applicable requirements of this chapter or board rules.

18. The denial of or disciplinary action against a license by any other state, territory, district or country, unless it can be shown that this occurred for reasons that did not relate to the person's ability to safely and skillfully practice osteopathic medicine or to any act of unprofessional conduct as provided in this section.

19. Any conduct or practice contrary to recognized standards of ethics of the osteopathic medical profession.

20. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of the provisions of this chapter.
21. Failing or refusing to establish and maintain adequate records on a patient as follows:
   (a) If the patient is an adult, for at least seven years after the last date the licensee provided the patient with medical or health care services.
   (b) If the patient is a child, either for at least three years after the child's eighteenth birthday or for at least seven years after the last date the licensee provided that patient with medical or health care services, whichever date occurs first.
   (c) If the patient dies before the expiration of the dates prescribed in subdivision (a) or (b) of this paragraph, for at least three years after the patient's death.

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

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


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

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

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

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

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

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

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

32. Failing to report to the board an osteopathic physician and surgeon who is or may be guilty of unprofessional conduct or is or may be mentally or physically unable safely to engage in the practice of medicine.
33. Referring a patient to a diagnostic or treatment facility or
prescribing goods and services without disclosing that the physician has a
direct pecuniary interest in the facility, goods or services to which the
patient has been referred or prescribed. This paragraph does not apply to a
referral by one physician to another physician within a group of physicians
practicing together.

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

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

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

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

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

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

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

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

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

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

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

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

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

45. Conduct in the practice of medicine that evidences moral unfitness
to practice medicine.
46. Engaging in disruptive or abusive behavior in a professional setting.

47. Failing to disclose to a patient that the licensee has a direct financial interest in a prescribed treatment, good or service if the treatment, good or service is available on a competitive basis. This paragraph does not apply to a referral by one licensee to another licensee within a group of licensees who practice together. A licensee meets the disclosure requirements of this paragraph if all of the following are true:
   (a) The licensee makes the disclosure on a form prescribed by the board.
   (b) The patient or the patient's guardian or parent acknowledges by signing the form that the licensee has disclosed the licensee's direct financial interest.

48. Prescribing, dispensing or furnishing a prescription medication or a prescription-only device to a person if the licensee has not conducted a physical examination of that person or has not previously established a physician-patient relationship. This paragraph does not apply to:
   (a) Emergencies. ☐
   (b) ☐ Prescriptions written or antimicrobials dispensed to a contact as defined in section 36-661 who is believed to have had significant exposure risk as defined in section 36-661 with another person who has been diagnosed with a communicable disease as defined in section 36-661 by the prescribing or dispensing physician.
   (c) PRESCRIPTIONS FOR EPINEPHRINE AUTO-INJECTORS WRITTEN OR DISPENSED FOR A SCHOOL DISTRICT OR CHARTER SCHOOL TO BE STOCKED FOR EMERGENCY USE PURSUANT TO SECTION 15-157.

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