

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

CHAPTER 243
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 executive director of the school facilities board. The state board of
2 education shall not adopt any changes in the minimum course of study or
3 competency requirements in effect on July 1, 1998 that will have a fiscal
4 impact on school capital costs.

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

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

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

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

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

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

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

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

41 (b) SHALL require applicants for all certificates for common school
42 instruction to complete a minimum of forty-five classroom hours or three
43 college level credit hours, or the equivalent, of training in research based
44 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 in
22 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
45 postsecondary education degree or twenty-four credit hours of relevant
46 coursework.

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

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

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

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

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

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

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

23 22. Adopt a rule to promote braille literacy pursuant to section
24 15-214.

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

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

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

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

44 We hold these truths to be self-evident, that all men are
45 created equal, that they are endowed by their creator with
46 certain unalienable rights, that among these are life, liberty

1 and the pursuit of happiness. That to secure these rights,
2 governments are instituted among men, deriving their just powers
3 from the consent of the governed. . . .

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

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

16 (a) Currently resides in this state.

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

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

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

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

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

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

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

45 (d) Orientation and notification procedures of community service
46 opportunities for pupils entering grade nine, including the development of a

1 notification form. The notification form shall be signed by the pupil and
2 the pupil's parent or guardian, except that a pupil shall not be required to
3 participate in community service if the parent or guardian notifies the
4 principal of the pupil's school in writing that the parent or guardian does
5 not wish the pupil to participate in community service.

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

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

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

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

25 (i) The transfer of student records.

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

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

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

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

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

44 35. Adopt a list of approved professional development training
45 providers for use by school districts as provided in section 15-107,
46 subsection J. The professional development training providers shall meet the

1 training curriculum requirements determined by the state board of education
2 in at least the areas of school finance, governance, employment, staffing,
3 inventory and human resources, internal controls and procurement.

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

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

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

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

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

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

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

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

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

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

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

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

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

45 B. The state board of education may:

46 1. Contract.

1 2. Sue and be sued.

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

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

12 5. Proceed with the disposal of any complaint requesting disciplinary
13 action or with any disciplinary action against a person holding a certificate
14 as prescribed in subsection A, paragraph 14 of this section after the
15 suspension or expiration of the certificate or surrender of the certificate
16 by the holder.

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

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

22 15-341. General powers and duties; immunity; delegation

23 A. The governing board shall:

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

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

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

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

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

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

38 7. Construct school buildings on approval by a vote of the district
39 electors.

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

42 9. Purchase school sites when authorized by a vote of the district at
43 an election conducted as nearly as practicable in the same manner as the
44 election provided in section 15-481 and held on a date prescribed in section
45 15-491, subsection E, but such authorization shall not necessarily specify

1 the site to be purchased and such authorization shall not be necessary to
2 exchange unimproved property as provided in section 15-342, paragraph 23.

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

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

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

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

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

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

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

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

32 18. Make an annual report to the county school superintendent on or
33 before October 1 in the manner and form and on the blanks prescribed by the
34 superintendent of public instruction or county school superintendent. The
35 board shall also make reports directly to the county school superintendent or
36 the superintendent of public instruction whenever required.

37 19. Deposit all monies received by school districts other than student
38 activities monies or monies from auxiliary operations as provided in sections
39 15-1125 and 15-1126 with the county treasurer to the credit of the school
40 district except as provided in paragraph 20 of this subsection and sections
41 15-1223 and 15-1224, and the board shall expend the monies as provided by law
42 for other school funds.

43 20. Establish bank accounts in which the board during a month may
44 deposit miscellaneous monies received directly by the district. The board
45 shall remit monies deposited in the bank accounts at least monthly to the

1 county treasurer for deposit as provided in paragraph 19 of this subsection
2 and in accordance with the uniform system of financial records.

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

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

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

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

35 (a) The provision of water.

36 (b) Guidelines, information and forms, developed in consultation with
37 a statewide private entity that supervises interscholastic activities, to
38 inform and educate coaches, pupils and parents of the dangers of concussions
39 and head injuries and the risks of continued participation in athletic
40 activity after a concussion. The policies and procedures shall require that,
41 before a pupil participates in an athletic activity, the pupil and the
42 pupil's parent must sign an information form at least once each school year
43 that states that the parent is aware of the nature and risk of concussion.
44 The policies and procedures shall require that a pupil who is suspected of
45 sustaining a concussion in a practice session, game or other interscholastic
46 athletic activity be immediately removed from the athletic activity. A coach

1 from the pupil's team or an official or a licensed health care provider may
2 remove a pupil from play. A team parent may also remove the parent's own
3 child from play. A pupil may return to play on the same day if a health care
4 provider rules out a suspected concussion at the time the pupil is removed
5 from play. On a subsequent day, the pupil may return to play if the pupil
6 has been evaluated by and received written clearance to resume participation
7 in athletic activity from a health care provider who has been trained in the
8 evaluation and management of concussions and head injuries. A health care
9 provider who is a volunteer and who provides clearance to participate in
10 athletic activity on the day of the suspected injury or on a subsequent day
11 is immune from civil liability with respect to all decisions made and actions
12 taken that are based on good faith implementation of the requirements of this
13 subdivision, except in cases of gross negligence or wanton or wilful neglect.
14 A school district, school district employee, team coach, official or team
15 volunteer or a parent or guardian of a team member is not subject to civil
16 liability for any act, omission or policy undertaken in good faith to comply
17 with the requirements of this subdivision or for a decision made or an action
18 taken by a health care provider. A group or organization that uses property
19 or facilities owned or operated by a school district for athletic activities
20 shall comply with the requirements of this subdivision. A school district
21 and its employees and volunteers are not subject to civil liability for any
22 other person or organization's failure or alleged failure to comply with the
23 requirements of this subdivision. This subdivision does not apply to teams
24 that are based in another state and that participate in an athletic activity
25 in this state. For the purposes of this subdivision, athletic activity does
26 not include dance, rhythmic gymnastics, competitions or exhibitions of
27 academic skills or knowledge or other similar forms of physical noncontact
28 activities, civic activities or academic activities, whether engaged in for
29 the purposes of competition or recreation. For the purposes of this
30 subdivision, "health care provider" means a physician who is licensed
31 pursuant to title 32, chapter 13 or 17, an athletic trainer who is licensed
32 pursuant to title 32, chapter 41, a nurse practitioner who is licensed
33 pursuant to title 32, chapter 15, and a physician assistant who is licensed
34 pursuant to title 32, chapter 25.

35 25. Prescribe and enforce policies and procedures regarding the smoking
36 of tobacco within school buildings. The policies and procedures shall be
37 adopted in consultation with school district personnel and members of the
38 community and shall state whether smoking is prohibited in school buildings.
39 If smoking in school buildings is not prohibited, the policies and procedures
40 shall clearly state the conditions and circumstances under which smoking is
41 permitted, those areas in a school building that may be designated as smoking
42 areas and those areas in a school building that may not be designated as
43 smoking areas.

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

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

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

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

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

20 31. Report to local law enforcement agencies any suspected crime
21 against a person or property that is a serious offense as defined in section
22 13-706 or that involves a deadly weapon or dangerous instrument or serious
23 physical injury and any conduct that poses a threat of death or serious
24 physical injury to employees, students or anyone on the property of the
25 school. This paragraph does not limit or preclude the reporting by a school
26 district or an employee of a school district of suspected crimes other than
27 those required to be reported by this paragraph. For the purposes of this
28 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
29 injury" have the same meanings prescribed in section 13-105.

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

35 33. Provide written notice to the parents or guardians of all students
36 affected in the school district at least ten days prior to a public meeting
37 to discuss closing a school within the school district. The notice shall
38 include the reasons for the proposed closure and the time and place of the
39 meeting. The governing board shall fix a time for a public meeting on the
40 proposed closure no less than ten days before voting in a public meeting to
41 close the school. The school district governing board shall give notice of
42 the time and place of the meeting. At the time and place designated in the
43 notice, the school district governing board shall hear reasons for or against
44 closing the school. The school district governing board is exempt from this
45 paragraph if it is determined by the governing board that the school shall be
46 closed because it poses a danger to the health or safety of the pupils or

1 employees of the school. A governing board may consult with the school
2 facilities board for technical assistance and for information on the impact
3 of closing a school. The information provided from the school facilities
4 board shall not require the governing board to take or not take any action.

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

7 35. Prescribe and enforce policies and procedures:

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

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

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

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

44 (a) A procedure for pupils, parents and school district employees to
45 confidentially report to school officials incidents of harassment,
46 intimidation or bullying. The school shall make available written forms

1 designed to provide a full and detailed description of the incident and any
2 other relevant information about the incident.

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

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

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

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

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

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

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

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

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

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

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

43 (b) A procedure to notify the parents or guardians of the students
44 affected.

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

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

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

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

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

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

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

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

30 (a) Twenty-five per cent of the performance pay shall be determined
31 based on the percentage of academic gain determined by the department of
32 education of pupils who are enrolled in the school district compared to the
33 academic gain achieved by the highest ranking of the fifty largest school
34 districts in this state. For the purposes of this subdivision, the
35 department of education shall determine academic gain by the academic growth
36 achieved by each pupil who has been enrolled at the same school in a school
37 district for at least five consecutive months measured against that pupil's
38 academic results in the 2008-2009 school year. For the purposes of this
39 subdivision, of the fifty largest school districts in this state, the school
40 district with pupils who demonstrate the highest statewide percentage of
41 overall academic gain measured against academic results for the 2008-2009
42 school year shall be assigned a score of 100 and the school district with
43 pupils who demonstrate the lowest statewide percentage of overall academic
44 gain measured against academic results for the 2008-2009 school year shall be
45 assigned a score of 0.

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

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

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

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

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

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

4 (b) Alignment of professional development opportunities to the
5 principal evaluations.

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

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

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

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

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

19 C. If any school district acquires real or personal property, whether
20 by purchase, exchange, condemnation, gift or otherwise, the governing board
21 shall pay to the county treasurer any taxes on the property that were unpaid
22 as of the date of acquisition, including penalties and interest. The lien
23 for unpaid delinquent taxes, penalties and interest on property acquired by a
24 school district:

25 1. Is not abated, extinguished, discharged or merged in the title to
26 the property.

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

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

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

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

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

22 H. Subsections C through G of this section apply to a county board of
23 supervisors and a county school superintendent when operating and
24 administering an accommodation school.

25 Sec. 5. Section 32-1401, Arizona Revised Statutes, is amended to read:
26 32-1401. Definitions

27 In this chapter, unless the context otherwise requires:

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

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

37 3. "Advisory letter" means a nondisciplinary letter to notify a
38 licensee that either:

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

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

44 (c) While the licensee has demonstrated substantial compliance through
45 rehabilitation or remediation that has mitigated the need for disciplinary

1 action, the board believes that repetition of the activities that led to the
2 investigation may result in further board action against the licensee.

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

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

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

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

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

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

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

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

36 12. "Health care institution" means any facility as defined in section
37 36-401, any person authorized to transact disability insurance, as defined in
38 title 20, chapter 6, article 4 or 5, any person who is issued a certificate
39 of authority pursuant to title 20, chapter 4, article 9 or any other
40 partnership, association or corporation that provides health care to
41 consumers.

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

45 14. "Letter of reprimand" means a disciplinary letter that is issued by
46 the board and that informs the physician that the physician's conduct

1 violates state or federal law and may require the board to monitor the
2 physician.

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

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

15 17. "Medical peer review" means:

16 (a) The participation by a doctor of medicine in the review and
17 evaluation of the medical management of a patient and the use of resources
18 for patient care.

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

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

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

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

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

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

33 21. "Physician" means a doctor of medicine licensed pursuant to this
34 chapter.

35 22. "Practice of medicine" means the diagnosis, the treatment or the
36 correction of or the attempt or the claim to be able to diagnose, treat or
37 correct any and all human diseases, injuries, ailments, infirmities,
38 deformities, physical or mental, real or imaginary, by any means, methods,
39 devices or instrumentalities, except as the same may be among the acts or
40 persons not affected by this chapter. The practice of medicine includes the
41 practice of medicine alone or the practice of surgery alone, or both.

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

1 24. "Special purpose licensing examination" means an examination
2 developed by the national board of medical examiners on behalf of the
3 federation of state medical boards for use by state licensing boards to test
4 the basic medical competence of physicians who are applying for licensure and
5 who have been in practice for a considerable period of time in another
6 jurisdiction and to determine the competence of a physician under
7 investigation by a state licensing board.

8 25. "Teaching hospital's accredited graduate medical education program"
9 means that the hospital is incorporated and has an internship, fellowship or
10 residency training program that is accredited by the accreditation council
11 for graduate medical education, the American medical association, the
12 association of American medical colleges, the royal college of physicians and
13 surgeons of Canada or a similar body in the United States or Canada approved
14 by the board whose function is that of approving hospitals for internship,
15 fellowship or residency training.

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

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

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

23 (b) Intentionally disclosing a professional secret or intentionally
24 disclosing a privileged communication except as either act may otherwise be
25 required by law.

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

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

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

33 (f) Habitual intemperance in the use of alcohol or habitual substance
34 abuse.

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

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

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

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

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

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

3 (m) Representing that a manifestly incurable disease or infirmity can
4 be permanently cured, or that any disease, ailment or infirmity can be cured
5 by a secret method, procedure, treatment, medicine or device, if this is not
6 true.

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

10 (o) Action that is taken against a doctor of medicine by another
11 licensing or regulatory jurisdiction due to that doctor's mental or physical
12 inability to engage safely in the practice of medicine or the doctor's
13 medical incompetence or for unprofessional conduct as defined by that
14 jurisdiction and that corresponds directly or indirectly to an act of
15 unprofessional conduct prescribed by this paragraph. The action taken may
16 include refusing, denying, revoking or suspending a license by that
17 jurisdiction or a surrendering of a license to that jurisdiction, otherwise
18 limiting, restricting or monitoring a licensee by that jurisdiction or
19 placing a licensee on probation by that jurisdiction.

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

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

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

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

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

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

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

44 (w) Charging or collecting a clearly excessive fee. In determining if
45 a fee is clearly excessive, the board shall consider the fee or range of fees
46 customarily charged in the state for similar services in light of modifying

1 factors such as the time required, the complexity of the service and the
2 skill requisite to perform the service properly. This subdivision does not
3 apply if there is a clear written contract for a fixed fee between the
4 physician and the patient that has been entered into before the provision of
5 service.

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

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

13 (z) Engaging in sexual conduct with a current patient or with a former
14 patient within six months after the last medical consultation unless the
15 patient was the licensee's spouse at the time of the contact or, immediately
16 preceding the physician-patient relationship, was in a dating or engagement
17 relationship with the licensee. For the purposes of this subdivision,
18 "sexual conduct" includes:

19 (i) Engaging in or soliciting sexual relationships, whether consensual
20 or nonconsensual.

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

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

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

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

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

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

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

40 (ff) Knowingly failing to disclose to a patient on a form that is
41 prescribed by the board and that is dated and signed by the patient or
42 guardian acknowledging that the patient or guardian has read and understands
43 that the doctor has a direct financial interest in a separate diagnostic or
44 treatment agency or in nonroutine goods or services that the patient is being
45 prescribed and if the prescribed treatment, goods or services are available
46 on a competitive basis. This subdivision does not apply to a referral by one

1 doctor of medicine to another doctor of medicine within a group of doctors of
2 medicine practicing together.

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

6 (i) Adequate informed patient consent.

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

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

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

14 (ii) Lack of or inappropriate direction, collaboration or direct
15 supervision of a medical assistant or a licensed, certified or registered
16 health care provider employed by, supervised by or assigned to the physician.

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

20 (kk) Failing to dispense drugs and devices in compliance with article
21 6 of this chapter.

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

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

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

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

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

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

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

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

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

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

17 (iii) Prescriptions written to prepare a patient for a medical
18 examination.

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

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

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

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

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

39 (uu) Practicing medicine under a false or assumed name in this state.
40 Sec. 6. Section 32-1854, Arizona Revised Statutes, is amended to read:
41 32-1854. Definition of unprofessional conduct

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

44 1. Wilfully betraying a professional secret or wilfully violating a
45 privileged communication except as either of these may otherwise be required
46 by law. This paragraph does not prevent members of the board from exchanging

1 information with the licensing and disciplinary boards of other states,
2 territories or districts of the United States or with foreign countries or
3 with osteopathic medical organizations located in this state or in any state,
4 district or territory of this country or in any foreign country.

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

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

11 4. Being diagnosed by a physician licensed under this chapter or
12 chapter 13 of this title or a psychologist licensed under chapter 19.1 of
13 this title as excessively or illegally using alcohol or a controlled
14 substance.

15 5. Prescribing, dispensing or administering controlled substances or
16 prescription-only drugs for other than accepted therapeutic purposes.

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

20 7. Impersonating another physician.

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

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

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

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

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

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

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

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

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

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

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

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

11 20. Violating or attempting to violate, directly or indirectly, or
12 assisting in or abetting the violation of or conspiring to violate any of the
13 provisions of this chapter.

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

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

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

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

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

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

32 24. Nontherapeutic use of injectable amphetamines.

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

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

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

42 28. Failing to make patient medical records in the physician's
43 possession promptly available to a physician assistant, a nurse practitioner,
44 a person licensed pursuant to this chapter or a podiatrist, chiropractor,
45 naturopathic physician, physician or homeopathic physician licensed under
46 chapter 7, 8, 13, 14 or 29 of this title on receipt of proper authorization

1 to do so from the patient, a minor patient's parent, the patient's legal
2 guardian or the patient's authorized representative or failing to comply with
3 title 12, chapter 13, article 7.1.

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

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

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

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

13 33. Referring a patient to a diagnostic or treatment facility or
14 prescribing goods and services without disclosing that the physician has a
15 direct pecuniary interest in the facility, goods or services to which the
16 patient has been referred or prescribed. This paragraph does not apply to a
17 referral by one physician to another physician within a group of physicians
18 practicing together.

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

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

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

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

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

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

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

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

42 42. Engaging in sexual conduct with a current patient or with a former
43 patient within six months after the last medical consultation unless the
44 patient was the licensee's spouse at the time of the contact or, immediately
45 preceding the physician-patient relationship, was in a dating or engagement

1 relationship with the licensee. For the purposes of this paragraph, "sexual
2 conduct" includes:

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

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

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

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

10 45. Conduct in the practice of medicine that evidences moral unfitness
11 to practice medicine.

12 46. Engaging in disruptive or abusive behavior in a professional
13 setting.

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

20 (a) The licensee makes the disclosure on a form prescribed by the
21 board.

22 (b) The patient or the patient's guardian or parent acknowledges by
23 signing the form that the licensee has disclosed the licensee's direct
24 financial interest.

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

29 (a) Emergencies. ~~or~~

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

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

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

APPROVED BY THE GOVERNOR JUNE 20, 2013.

S.B. 1421

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