

REFERENCE TITLE: osteopathic board; licensure; regulation

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

## **SB 1012**

Introduced by  
Senator Barto

### AN ACT

AMENDING SECTIONS 32-1800, 32-1803, 32-1804, 32-1822, 32-1823, 32-1825, 32-1826, 32-1828, 32-1829, 32-1830, 32-1831 AND 32-1832, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 17, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1833; AMENDING SECTIONS 32-1851, 32-1854, 32-1855, 32-1855.01 AND 32-1855.03, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-1800, Arizona Revised Statutes, is amended to  
3 read:

4 32-1800. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Active license" means a valid license to practice medicine and  
7 includes the license of a licensee who has been placed on probation or on  
8 whose license the board has placed restrictions.

9 2. "Address of record" means either:

10 (a) The address where a person who is regulated pursuant to this  
11 chapter practices medicine or is otherwise employed.

12 (b) The residential address of a person who is regulated pursuant to  
13 this chapter if that person has made a written request to the board that the  
14 board use that address as the address of record.

15 3. "Adequate records" means legible medical records containing, at a  
16 minimum, sufficient information to identify the patient, support the  
17 diagnosis, justify the treatment, accurately document the results, indicate  
18 advice and cautionary warnings provided to the patient and provide sufficient  
19 information for another licensed health care practitioner to assume  
20 continuity of the patient's care at any point in the course of treatment.

21 4. "Administrative warning" means a disciplinary action by the board  
22 in the form of a written warning to a physician of a violation of this  
23 chapter involving patient care that the board determines falls below the  
24 community standard.

25 5. "Approved ~~fellowship~~ POSTGRADUATE TRAINING program" means that an  
26 applicant for licensure SUCCESSFULLY completed training when the hospital or  
27 other facility in which the training occurred was approved for A POSTGRADUATE  
28 INTERNSHIP, RESIDENCY OR fellowship by the American osteopathic association  
29 or by the accreditation council ~~or~~ FOR graduate medical education.

30 6. "Approved school of osteopathic medicine" means a school or college  
31 offering a course of study that, on successful completion, results in the  
32 awarding of the degree of doctor of osteopathy and whose course of study has  
33 been approved or accredited by the American osteopathic association.

34 7. "Board" means the Arizona board of osteopathic examiners in  
35 medicine and surgery.

36 8. "Decree of censure" means a formal written reprimand by the board  
37 of a physician for a violation of this chapter that constitutes a  
38 disciplinary action against a physician's license.

39 9. "Direct supervision" means that a physician is within the same room  
40 or office suite as the unlicensed person in order to be available for  
41 consultation regarding those tasks the unlicensed person performs pursuant to  
42 section 32-1859.

43 10. "Dispense" means the delivery by a physician of a prescription drug  
44 or device to a patient, except for samples packaged for individual use by  
45 licensed manufacturers or repackagers of drugs, and includes the prescribing,

1 administering, packaging, labeling and security necessary to prepare and  
2 safeguard the drug or device for delivery.

3 11. "Doctor of osteopathy" means a person who holds a license,  
4 registration or permit to practice medicine pursuant to this chapter.

5 12. "Immediate family" means the spouse, natural or adopted children,  
6 father, mother, brothers and sisters of the physician and the natural and  
7 adopted children, father, mother, brothers and sisters of the physician's  
8 spouse.

9 13. "Inappropriate fee" means a fee that is not supported by  
10 documentation of time, complexity or extreme skill required to perform the  
11 service.

12 14. "Investigative hearing" means a meeting between the board and a  
13 physician to discuss issues set forth in the investigative hearing notice and  
14 during which the board may hear statements from board staff, the complainant,  
15 ~~and~~ the physician **AND WITNESSES, IF ANY.**

16 15. "Letter of concern" means an advisory letter to notify a physician  
17 that while there is insufficient evidence to support disciplinary action  
18 against the physician's license there is sufficient evidence for the board to  
19 notify the physician of its concern.

20 16. "Limited license" means a license that restricts the scope and  
21 setting of a licensee's practice.

22 17. "Medical assistant" means an unlicensed person who has completed an  
23 educational program approved by the board, who assists in a medical practice  
24 under the supervision of a doctor of osteopathic medicine and who performs  
25 delegated procedures commensurate with the assistant's education and training  
26 but who does not diagnose, interpret, design or modify established treatment  
27 programs or violate any statute.

28 18. "Medicine" means osteopathic medicine as practiced by a person who  
29 receives a degree of doctor of osteopathy.

30 19. "Physician" means a doctor of ~~osteopathic medicine~~ **OSTEOPATHY** who  
31 holds a license, a permit or a locum tenens registration to practice  
32 osteopathic medicine pursuant to this chapter.

33 20. "Practice of medicine" or "practice of osteopathic medicine" means  
34 all of the following:

35 (a) To examine, diagnose, treat, prescribe for, palliate, prevent or  
36 correct human diseases, injuries, ailments, infirmities and deformities,  
37 physical or mental conditions, real or imaginary, by the use of drugs,  
38 surgery, manipulation, electricity or any physical, mechanical or other means  
39 as provided by this chapter.

40 (b) Suggesting, recommending, prescribing or administering any form of  
41 treatment, operation or healing for the intended palliation, relief or cure  
42 of any physical or mental disease, ailment, injury, condition or defect.

43 (c) The practice of osteopathic medicine alone or the practice of  
44 osteopathic surgery or osteopathic manipulative therapy, or any combination  
45 of either practice.

1           21. "Specialist" means a physician who has successfully completed  
2 postdoctoral training in an approved ~~fellowship~~ **POSTGRADUATE TRAINING**  
3 program, an approved preceptorship or an approved residency or who is board  
4 certified by a specialty board approved by the board.

5           22. "Subscription provider of health care" means an entity that,  
6 through contractual agreement, is responsible for the payment, in whole or in  
7 part, of debts incurred by a person for medical or other health care  
8 services.

9           Sec. 2. Section 32-1803, Arizona Revised Statutes, is amended to read:

10           32-1803. Powers and duties

11           A. The board shall:

12           1. Protect the public from unlawful, incompetent, unqualified,  
13 impaired and unprofessional practitioners of osteopathic medicine.

14           2. Issue licenses, conduct hearings, place physicians on probation,  
15 revoke or suspend licenses, enter into stipulated orders, issue letters of  
16 concern or decrees of censure and administer and enforce this chapter.

17           3. Maintain a record of its acts and proceedings, including the  
18 issuance, denial, renewal, suspension or revocation of licenses to practice  
19 according to this chapter. The board shall delete records of complaints only  
20 as follows:

21           (a) If the board dismisses a complaint, the board shall delete the  
22 public record of the complaint five years after it dismissed the complaint.

23           (b) If the board has issued a letter of concern but has taken no  
24 further action on the complaint, the board shall delete the public record of  
25 the complaint five years after it issued the letter of concern.

26           (c) If the board has required additional continuing medical education  
27 pursuant to section 32-1855 but has not taken further action, the board shall  
28 delete the public record of the complaint five years after the person  
29 satisfies this requirement.

30           4. Maintain a public directory of all osteopathic physicians and  
31 surgeons who are or were licensed pursuant to this chapter that includes:

32           (a) The name of the physician.

33           (b) The physician's current or last known address of record.

34           (c) The date and number of the license issued to the physician  
35 pursuant to this chapter.

36           (d) The date the license is scheduled to expire if not renewed or the  
37 date the license expired or was revoked, suspended or canceled.

38           (e) Any disciplinary actions taken against the physician by the board.

39           (f) Letters of concern, remedial continuing medical education ordered  
40 and dismissals of complaints against the physician until deleted from the  
41 public record pursuant to paragraph 3 of this subsection.

42           ~~(g) The number of malpractice claims paid by award or by settlement on~~  
43 ~~behalf of the physician in the last ten years of practice in this state or in~~  
44 ~~another state.~~

1           5. Adopt rules regarding the regulation and the qualifications of  
2 medical assistants.  
3           6. Discipline and rehabilitate osteopathic physicians.  
4           B. The public records of the board are open to inspection at all times  
5 during office hours.  
6           C. The board may:  
7           1. Adopt rules necessary or proper for the administration of this  
8 chapter.  
9           2. Appoint one of its members to the jurisdiction arbitration panel  
10 pursuant to section 32-2907, subsection B.  
11           3. Accept and spend federal monies and private grants, gifts,  
12 contributions and devises. These monies do not revert to the state general  
13 fund at the end of a fiscal year.  
14           4. Develop and publish advisory opinions and standards governing the  
15 profession.  
16           D. The board shall adopt and use a seal, the imprint of which,  
17 together with the signature of either the president, vice-president or  
18 executive director, is evidence of its official acts.  
19           E. In conducting investigations pursuant to this chapter the board may  
20 receive and review confidential internal staff reports relating to complaints  
21 and malpractice claims.  
22           F. The board may make available to academic and research organizations  
23 public records regarding statistical information on doctors of osteopathic  
24 medicine and applicants for licensure.  
25           Sec. 3. Section 32-1804, Arizona Revised Statutes, is amended to read:  
26           32-1804. Executive director; compensation; duties  
27           A. Subject to title 41, chapter 4, article 4, the board shall appoint  
28 an executive director who is not a member of the board. The executive  
29 director shall serve at the pleasure of the board and shall receive  
30 compensation as determined pursuant to section 38-611 to be paid from the  
31 board fund.  
32           B. The executive director or that person's designee shall:  
33           1. Serve as administrative assistant to the board and manage the  
34 board's offices.  
35           2. Collect all monies due and payable to the board.  
36           3. Deposit, pursuant to sections 35-146 and 35-147, all monies  
37 received by the board in the appropriate fund.  
38           4. Pay all bills for authorized board expenditures.  
39           5. Administer oaths.  
40           6. Act as custodian of the board's seal and books.  
41           7. Employ special consultants or other agents subject to title 41,  
42 chapter 4, article 4 to make investigations, gather information, review  
43 complaints, review malpractice claims, suits and settlements, prepare reports  
44 and perform other duties the executive director determines are necessary to  
45 enforce this chapter.

- 1           8. Subject to title 41, chapter 4, article 4 and, as applicable,  
2 articles 5 and 6, employ, evaluate, dismiss, discipline and direct  
3 professional, clerical, technical, investigative and administrative personnel  
4 necessary to carry out the purposes of this chapter. The personnel are  
5 eligible to receive compensation pursuant to section 38-611.
- 6           9. Issue licenses, limited licenses, registrations, permits, license  
7 renewal extensions and waivers to applicants who meet the requirements of  
8 this chapter.
- 9           10. Enter into contracts pursuant to title 41, chapter 23 for goods and  
10 services that are necessary to carry out board policies and directives.
- 11           11. Prepare minutes, reports and records of all board transactions and  
12 orders.
- 13           12. Prepare a biannual budget.
- 14           13. As directed by the board, prepare and submit recommendations for  
15 changes to this chapter for consideration by the legislature.
- 16           14. Initiate an investigation if evidence appears to demonstrate that a  
17 physician may be engaged in unprofessional conduct or may be mentally  
18 incompetent or physically unable to safely practice medicine.
- 19           15. Issue subpoenas to compel the attendance and testimony of a witness  
20 and the production of evidence.
- 21           16. As directed by the board, provide assistance to the attorney  
22 general in preparing and executing disciplinary orders, rehabilitation orders  
23 and notices of hearings.
- 24           17. Represent the board with the federal government, other states and  
25 jurisdictions of the United States, this state, political subdivisions of  
26 this state, the news media and the public.
- 27           18. If delegated by the board, dismiss complaints that, after an  
28 investigation, demonstrate insufficient evidence that the physician's conduct  
29 violated this chapter.
- 30           19. If delegated by the board, enter into a stipulated agreement with a  
31 licensee for the treatment, rehabilitation and monitoring of the licensee's  
32 abuse or misuse of a chemical substance.
- 33           20. Review all complaints filed pursuant to section 32-1855. If  
34 delegated by the board, the executive director may also dismiss a complaint  
35 if the complaint is without merit. The executive director shall not dismiss  
36 a complaint if a court has entered a medical malpractice judgment against a  
37 physician. The executive director shall submit to the board a report of each  
38 complaint the executive director dismisses for its review at its next regular  
39 board meeting. The report shall include the complaint number, the name of  
40 the physician and the investigation timeline for each dismissed complaint.
- 41           21. If delegated by the board, ~~directly~~ refer complaints for an  
42 investigative ~~interview~~ HEARING.
- 43           22. If delegated by the board, close complaints resolved through  
44 mediation.

1           23. If delegated by the board, issue letters of concern or orders for  
2 nondisciplinary education, or both.

3           24. If delegated by the board, enter into a consent agreement if there  
4 is evidence of danger to the public health and safety.

5           25. If delegated by the board, grant uncontested requests for  
6 cancellation of a license pursuant to section 32-1827.

7           ~~26. If delegated by the board, refer cases to the board for an  
8 investigative interview.~~

9           ~~27.~~ 26. Perform any other duty required by the board.

10          Sec. 4. Section 32-1822, Arizona Revised Statutes, is amended to read:  
11          32-1822. Qualifications of applicant; application; fees

12          A. On a form and in a manner prescribed by the board, an applicant for  
13 licensure shall submit proof that the applicant:

14           1. Is the person named on the application and on all supporting  
15 documents submitted.

16           2. Is a citizen of the United States or a resident alien.

17           3. Is a graduate of a ~~board-approved~~ school of osteopathic medicine  
18 APPROVED BY THE AMERICAN OSTEOPATHIC ASSOCIATION.

19           4. Has SUCCESSFULLY completed an approved internship, the first year  
20 of an approved multiple-year residency or board-approved equivalency.

21           5. Has passed the approved examinations for licensure within seven  
22 years of application or has the board-approved equivalency of practice  
23 experience.

24           6. Has not engaged in any conduct that, if it occurred in this state,  
25 would be considered unprofessional conduct or, if the applicant has engaged  
26 in unprofessional conduct, is rehabilitated from the underlying conduct.

27           7. Is physically, mentally and emotionally able to practice medicine,  
28 or, if limited, restricted or impaired in the ability to practice medicine,  
29 consents to contingent licensure pursuant to subsection E of this section or  
30 to entry into a program prescribed in section 32-1861.

31           8. Is of good moral character.

32          B. An applicant must submit with the application the NONREFUNDABLE  
33 application fee prescribed in section 32-1826 and pay the prescribed license  
34 issuance fee to the board at the time the license is issued.

35          C. The board or the executive director may require an applicant to  
36 submit to a personal interview, a physical examination or a mental evaluation  
37 or any combination of these, AT THE APPLICANT'S EXPENSE, at a reasonable time  
38 and place as prescribed by the board if the board determines that this is  
39 necessary to provide the board adequate information regarding the applicant's  
40 ability to meet the licensure requirements of this chapter. An interview may  
41 include medical knowledge questions and other matters that are relevant to  
42 licensure.

43          D. The board may deny a license for any unprofessional conduct that  
44 would constitute grounds for disciplinary action pursuant to this chapter or  
45 as determined by a competent domestic or foreign jurisdiction.

1 E. The board may issue a license that is contingent on the applicant  
2 entering into a stipulated order that may include a period of probation or a  
3 restriction on the licensee's practice.

4 F. The executive director may issue licenses to applicants who meet  
5 the requirements of this section.

6 G. A person whose license has been revoked, denied or surrendered in  
7 this or any other state may apply for licensure not sooner than ~~two~~ FIVE  
8 years after the revocation, denial or surrender.

9 H. A license issued pursuant to this section is valid for the  
10 remainder of the calendar year in which it was issued, at which time it is  
11 eligible for renewal.

12 Sec. 5. Section 32-1823, Arizona Revised Statutes, is amended to read:  
13 32-1823. Locum tenens registration; application; term;  
14 interview; denial of application; discipline

15 A. A doctor of osteopathy WHO IS licensed to practice osteopathic  
16 medicine and surgery by another state may be registered to provide locum  
17 tenens medical services to substitute for or temporarily assist a doctor of  
18 osteopathy who holds an active license pursuant to this chapter or a doctor  
19 of medicine who holds an active license pursuant to chapter 13 of this title  
20 under the following conditions:

21 1. The applicant provides on forms and in a manner prescribed by the  
22 board proof that ~~he~~ THE APPLICANT meets the applicable requirements of  
23 section 32-1822.

24 2. The doctor of medicine or doctor of osteopathy for whom the  
25 applicant is substituting or assisting provides to the board a written  
26 request for locum tenens registration of the applicant.

27 B. On completion of the registration form prescribed by the board and  
28 payment of the required fees, the executive director may register a  
29 qualifying doctor of osteopathy by locum tenens registration and authorize  
30 the doctor to provide locum tenens services.

31 C. Locum tenens registration granted pursuant to this section is valid  
32 for ninety days and may be extended once for an additional ninety days on  
33 written request by the doctor of medicine or doctor of osteopathy who  
34 originally initiated the request for this registration, stating the reason  
35 extension is necessary, and by submitting the appropriate fees and other  
36 documents requested by the executive director.

37 D. THE BOARD OR THE EXECUTIVE DIRECTOR MAY REQUIRE AN APPLICANT TO  
38 SUBMIT TO A PERSONAL INTERVIEW TO PROVIDE THE BOARD WITH ADEQUATE INFORMATION  
39 REGARDING THE APPLICANT'S ABILITY TO PRACTICE UNDER LOCUM TENENS  
40 REGISTRATION. THE APPLICANT IS RESPONSIBLE FOR ALL COSTS TO ATTEND THE  
41 INTERVIEW.

42 E. THE BOARD MAY DENY THE APPLICATION FOR A LOCUM TENENS REGISTRATION  
43 FOR ANY UNPROFESSIONAL CONDUCT THAT WOULD CONSTITUTE GROUNDS FOR DISCIPLINARY  
44 ACTION PURSUANT TO THIS CHAPTER OR AS DETERMINED BY A COMPETENT DOMESTIC OR  
45 FOREIGN JURISDICTION.



1 F. A LOCUM TENENS REGISTRANT IS SUBJECT TO THE DISCIPLINARY PROVISIONS  
2 PURSUANT TO THIS CHAPTER.

3 Sec. 6. Section 32-1825, Arizona Revised Statutes, is amended to read:

4 32-1825. Renewal of licenses; continuing medical education;  
5 failure to renew; penalty; reinstatement; waiver of  
6 continuing medical education

7 A. Except as provided in section 32-4301, each licensee shall renew  
8 the license every other year on or before January 1 on an application form  
9 approved by the board. At least sixty days before that renewal date, the  
10 executive director shall notify each licensee of this requirement. The  
11 executive director shall send this notification by ~~first-class~~ mail to the  
12 licensee at the licensee's address.

13 B. With the application prescribed pursuant to subsection A of this  
14 section, the licensee shall furnish to the executive director a statement of  
15 having attended before the license renewal date educational programs,  
16 approved by the board, totaling at least ~~twenty~~ FORTY clock hours during ~~each~~  
17 ~~of~~ the two preceding years, and a statement that the licensee reported any  
18 conduct that may constitute unprofessional conduct in this state or  
19 elsewhere. The application must also include the prescribed renewal fee.  
20 The executive director shall then issue a renewal receipt to the licensee.  
21 The board may require a licensee to submit documentation of continuing  
22 medical education.

23 C. The board shall not renew the license of a licensee who does not  
24 fully document the licensee's compliance with the continuing education  
25 requirements of subsection B of this section unless that person receives a  
26 waiver of those requirements. The board may waive the continuing education  
27 requirements of subsection B of this section for a particular period if it is  
28 satisfied that the licensee's noncompliance was due to the licensee's  
29 disability, military service or absence from the United States or to other  
30 circumstances beyond the control of the licensee. If a licensee fails to  
31 attend the required number of clock hours for reasons other than those  
32 specified in this subsection, the board may grant an extension until May 1 of  
33 that year for the licensee to comply.

34 D. Unless the board grants an extension pursuant to subsection C of  
35 this section, a licensee who fails to renew the license within thirty days  
36 after the renewal date shall pay a penalty fee and a reimbursement fee in  
37 addition to the prescribed renewal fee. Except as provided in sections  
38 32-3202 and 32-4301, a license expires if a person does not renew the license  
39 within four months after the renewal date. A person who practices  
40 osteopathic medicine after that time is in violation of this chapter. A  
41 person whose license expires may reapply for a license pursuant to this  
42 chapter.

1 Sec. 7. Section 32-1826, Arizona Revised Statutes, is amended to read:

2 32-1826. Fees: penalty

3 A. The board ~~by a formal vote at its annual January meeting~~ shall  
4 establish fees of not to exceed the following:

5 1. For an application to practice osteopathic medicine, four hundred  
6 dollars.

7 2. For issuance of a license, two hundred dollars, prorated by each  
8 month remaining in the calendar year of issuance.

9 3. For biennial renewal of a license, eight hundred dollars.

10 4. For locum tenens registration or extension, three hundred dollars.

11 5. For issuance of a duplicate license, one hundred dollars.

12 6. For ~~annual registration of~~ AN ANNUAL TRAINING PERMIT FOR an  
13 approved ~~internship, residency, clinical fellowship~~ POSTGRADUATE TRAINING  
14 program or short-term residency program, one hundred dollars.

15 7. For an annual teaching license issued pursuant to section 32-1831,  
16 four hundred dollars.

17 8. For a five-day educational teaching permit at an approved school of  
18 medicine or at an approved teaching hospital's accredited graduate medical  
19 education program, two hundred dollars.

20 ~~9. For the sale of those copies of the annual osteopathic medical~~  
21 ~~directory that are not distributed free of charge, seventy-five dollars.~~

22 ~~10.~~ 9. For the sale of A computerized ~~tapes or diskettes~~ FORMAT OF THE  
23 BOARD'S LICENSEE DIRECTORY that ~~do~~ DOES not require programming, one hundred  
24 dollars.

25 ~~11.~~ 10. For initial and annual registration to dispense drugs and  
26 devices, two hundred fifty dollars, prorated by each month remaining in the  
27 calendar year of issuance.

28 B. The board shall charge a one hundred fifty dollar penalty fee for  
29 late renewal of a license and a twenty-five dollar reimbursement fee to cover  
30 the board's expenses in collecting late renewal fees. The board shall  
31 deposit this fee in the board fund.

32 C. The board may charge additional fees for services the board  
33 determines are necessary and appropriate to carry out this chapter. These  
34 fees shall not exceed the actual cost of providing the services.

35 Sec. 8. Section 32-1828, Arizona Revised Statutes, is amended to read:

36 32-1828. Education teaching permits

37 A. The dean of a ~~board-approved~~ school of osteopathic medicine  
38 APPROVED BY THE AMERICAN OSTEOPATHIC ASSOCIATION or the chairman of a  
39 teaching hospital's accredited graduate medical education program may invite  
40 a doctor of osteopathy who is not licensed in this state to demonstrate and  
41 perform medical procedures and surgical techniques for the sole purpose of  
42 promoting professional education for students, interns, residents, fellows  
43 and doctors of osteopathy in this state.

44 B. The chairman or dean of the inviting institution shall provide to  
45 the board evidence that an applicant for an educational permit has

1 malpractice insurance in an amount that meets the requirements of that  
2 institution and that the applicant accepts all responsibility and liability  
3 for the procedures the applicant performs within the scope of the applicant's  
4 permit.

5 C. In a letter to the board, the chairman or dean of the inviting  
6 institution shall outline the procedures and techniques that the doctor of  
7 medicine will perform or demonstrate and the dates that this activity will  
8 occur. The letter shall also include a summary of the doctor of osteopathy's  
9 education and professional background and shall be accompanied by the fee  
10 required pursuant to this chapter.

11 D. The inviting institutions shall submit the fees and documents  
12 required pursuant to this section no later than two weeks before the  
13 scheduled activity.

14 E. The board through its staff shall issue an educational teaching  
15 permit for not more than five days for each approved activity.

16 Sec. 9. Section 32-1829, Arizona Revised Statutes, is amended to read:  
17 32-1829. Training permits; issuance of permits

18 A. The board may grant a one-year renewable training permit to a  
19 person WHO IS participating in a teaching hospital's accredited internship,  
20 residency or clinical fellowship training program to allow that person to  
21 practice medicine only in the supervised setting of that program. Before the  
22 board issues the permit, the person shall:

23 1. Submit an application ~~demonstrating that, except for the training~~  
24 ~~program applied for, the person meets the requirements for licensure~~  
25 ~~prescribed in section 32-1822.~~ ON A FORM AND IN A MANNER PRESCRIBED BY THE  
26 BOARD AND PROOF THAT THE APPLICANT:

27 (a) IS THE PERSON NAMED ON THE APPLICATION AND ON ALL SUPPORTING  
28 DOCUMENTATION.

29 (b) IS A CITIZEN OF THE UNITED STATES OR A RESIDENT ALIEN.

30 (c) IS A GRADUATE OF A SCHOOL APPROVED BY THE AMERICAN OSTEOPATHIC  
31 ASSOCIATION.

32 (d) PARTICIPATED IN POSTGRADUATE TRAINING, IF ANY.

33 (e) HAS PASSED APPROVED EXAMINATIONS APPROPRIATE TO THE APPLICANT'S  
34 LEVEL OF EDUCATION AND TRAINING.

35 (f) HAS NOT ENGAGED IN ANY CONDUCT THAT, IF IT OCCURRED IN THIS STATE,  
36 WOULD BE CONSIDERED UNPROFESSIONAL CONDUCT OR, IF THE APPLICANT HAS ENGAGED  
37 IN UNPROFESSIONAL CONDUCT, IS REHABILITATED FROM THE UNDERLYING CONDUCT.

38 (g) IS OF GOOD MORAL CHARACTER.

39 (h) IS PHYSICALLY, MENTALLY AND EMOTIONALLY ABLE TO PRACTICE MEDICINE,  
40 OR, IF LIMITED, RESTRICTED OR IMPAIRED IN THE ABILITY TO PRACTICE MEDICINE,  
41 CONSENTS TO A CONTINGENT PERMIT OR TO ENTRY INTO A PROGRAM DESCRIBED IN  
42 SECTION 32-1861.

43 2. Pay the NONREFUNDABLE APPLICATION fee prescribed ~~in this chapter~~ BY  
44 THE BOARD.

1 B. If a permittee who is participating in a teaching hospital's  
2 accredited internship, residency or clinical fellowship training program must  
3 repeat or make up time in the program due to resident progression or for  
4 other reasons, the board may grant that person an extension of the training  
5 permit if requested to do so by the program's director of medical education  
6 or a person who holds an equivalent position. The extended permit limits the  
7 permittee to practicing only in the supervised setting of that program for a  
8 period of time sufficient to repeat or make up the training.

9 C. The board may grant a training permit to a person who is not  
10 licensed in this state and who is participating in a short-term training  
11 program of four months or less for continuing medical education conducted in  
12 an approved school of osteopathic medicine or a hospital that has an  
13 accredited hospital internship, residency or clinical fellowship training  
14 program in this state. Before the board issues the permit, the person shall:

15 1. Submit an application ~~demonstrating that the person meets the~~  
16 ~~requirements for licensure prescribed in section 32-1822.~~ ON A FORM AND IN A  
17 MANNER PRESCRIBED BY THE BOARD AND PROOF THAT THE APPLICANT MEETS THE  
18 REQUIREMENTS PRESCRIBED IN SUBSECTION A, PARAGRAPH 1 OF THIS SECTION.

19 2. Pay the NONREFUNDABLE APPLICATION fee prescribed ~~in this chapter~~ BY  
20 THE BOARD.

21 D. A permittee is subject to the disciplinary provisions of this  
22 chapter.

23 E. The executive director may issue a permit to an applicant who meets  
24 the requirements of this chapter.

25 F. If a permit is not issued pursuant to subsection E of this section,  
26 the board may issue a permit or may:

27 1. Issue a permit that is contingent on the applicant entering into a  
28 stipulated agreement that may include a period of probation or a restriction  
29 on the permittee's practice.

30 2. Deny a permit to an applicant who does not meet the requirements of  
31 this chapter.

32 Sec. 10. Section 32-1830, Arizona Revised Statutes, is amended to  
33 read:

34 32-1830. Training permits; approved schools

35 The executive director may grant a one-year training permit to a person  
36 who:

37 1. Participates in a program at an approved school of medicine or a  
38 hospital that has an approved hospital internship, residency or clinical  
39 fellowship training program if the purpose of the program is to exchange  
40 technical and educational information.

41 2. Pays the fee as prescribed ~~in this article~~ BY THE BOARD.

42 3. Submits a written statement from the dean of the approved school of  
43 osteopathic medicine or from the chairman of a teaching hospital's accredited  
44 graduate medical education program that:

1 (a) Includes a request for the permit and describes the purpose of the  
2 exchange program.

3 (b) Specifies that the host institution shall provide liability  
4 coverage.

5 (c) Provides proof that a doctor of medicine will serve as the  
6 preceptor of the host institution and provide appropriate supervision of the  
7 participant.

8 (d) States that the host institution has advised the participant that  
9 the participant may serve as a member of an organized medical team but shall  
10 not practice medicine independently and that this training does not accrue  
11 toward postgraduate training requirements for licensure.

12 Sec. 11. Section 32-1831, Arizona Revised Statutes, is amended to  
13 read:

14 32-1831. Teaching licenses; definitions

15 A. A doctor of osteopathic medicine who is not licensed in this state  
16 may be employed as a full-time faculty member by a ~~board-approved~~ school of  
17 osteopathic medicine in this state **APPROVED BY THE AMERICAN OSTEOPATHIC**  
18 **ASSOCIATION** or a teaching hospital's accredited graduate medical education  
19 program in this state to provide professional education through lectures,  
20 clinics or demonstrations if the doctor holds a teaching license issued  
21 pursuant to this section.

22 B. An applicant for a teaching license shall:

23 1. Submit a completed application as prescribed by the board.

24 2. Pay all fees prescribed by the board. **APPLICATION FEES ARE**  
25 **NONREFUNDABLE.**

26 3. Meet the ~~basic~~ requirements of section 32-1822.

27 C. A person **WHO IS** licensed pursuant to this section shall not open an  
28 office or designate a place to meet patients or receive calls relating to the  
29 practice of osteopathic medicine in this state outside of the facilities and  
30 programs of the approved school or teaching hospital.

31 D. A person **WHO IS** licensed pursuant to this section shall comply with  
32 the requirements of this chapter, with the exception of those that relate to  
33 ~~training~~ **CONTINUING MEDICAL EDUCATION** and **LICENSING** examinations.

34 E. **THE BOARD OR THE EXECUTIVE DIRECTOR MAY REQUIRE AN APPLICANT TO**  
35 **SUBMIT TO A PERSONAL INTERVIEW, A PHYSICAL EXAMINATION OR A MENTAL HEALTH**  
36 **EVALUATION, OR ANY COMBINATION OF THESE, AT THE APPLICANT'S EXPENSE. THE**  
37 **BOARD SHALL PRESCRIBE A REASONABLE TIME AND PLACE IF THE BOARD DETERMINES**  
38 **THAT THIS IS NECESSARY TO PROVIDE THE BOARD WITH ADEQUATE INFORMATION**  
39 **REGARDING THE APPLICANT'S ABILITY TO MEET THE LICENSURE REQUIREMENTS OF THIS**  
40 **CHAPTER. THE INTERVIEW MAY INCLUDE QUESTIONS REGARDING MEDICAL KNOWLEDGE AND**  
41 **OTHER MATTERS RELEVANT TO LICENSURE.**

42 F. **THE BOARD MAY DENY A LICENSE FOR ANY UNPROFESSIONAL CONDUCT THAT**  
43 **WOULD CONSTITUTE GROUNDS FOR DISCIPLINARY ACTION PURSUANT TO THIS CHAPTER OR**  
44 **AS DETERMINED BY A COMPETENT DOMESTIC OR FOREIGN JURISDICTION.**

1 G. A PERSON WHO IS LICENSED PURSUANT TO THIS SECTION IS SUBJECT TO THE  
2 DISCIPLINARY PROVISIONS PURSUANT TO THIS CHAPTER.

3 ~~E.~~ H. A license issued pursuant to this section is valid for two  
4 years. A doctor of osteopathic medicine may apply for licensure once every  
5 two years.

6 ~~F.~~ I. For the purposes of this section:

7 1. "Accredited" means that the school or teaching hospital has an  
8 internship, fellowship or residency training program that is accredited by  
9 the accreditation council for graduate medical education, the American  
10 osteopathic association or a similar body that is approved by the board.

11 2. "Full-time faculty member" means a full-time faculty member as  
12 prescribed by the school of osteopathic medicine or the teaching hospital.

13 Sec. 12. Section 32-1832, Arizona Revised Statutes, is amended to  
14 read:

15 32-1832. Retired license; waiver of fees; reinstatement;  
16 limited license; volunteer work

17 A. The board ~~may~~ SHALL waive a physician's biennial renewal fee if the  
18 physician has paid all past fees, ~~and~~ presents an affidavit to the board  
19 stating that the physician has permanently retired from the practice of  
20 osteopathic medicine AND DOES NOT HAVE ANY PENDING COMPLAINTS OR OPEN  
21 DISCIPLINARY MATTERS BEFORE THE BOARD.

22 B. A retired physician whose biennial fee has been waived by the board  
23 pursuant to this section is not required to comply with any continuing  
24 medical education requirements of this chapter.

25 C. AFTER RETIRED STATUS IS GRANTED BY THE BOARD, A RETIRED PHYSICIAN  
26 SHALL SUBMIT A RENEWAL OF RETIRED STATUS EVERY TWO YEARS ON A FORM AND IN A  
27 MANNER PRESCRIBED BY THE BOARD.

28 ~~C.~~ D. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, a retired  
29 physician who has had the biennial renewal fee waived by the board pursuant  
30 to this section and who engages in the practice of osteopathic medicine is  
31 subject to the same penalties that are imposed pursuant to this chapter on a  
32 person who practices medicine without a license or without being exempt from  
33 licensure.

34 ~~D.~~ E. The board may reinstate a retired physician to active status on  
35 payment of the biennial renewal fee and presentation of evidence satisfactory  
36 to the board that the physician meets the qualifications prescribed pursuant  
37 to section 32-1822. THE BOARD MAY DENY THE REQUEST FOR REINSTATEMENT, PLACE  
38 THE LICENSEE ON PROBATION OR ISSUE A LIMITED LICENSE THAT REQUIRES GENERAL OR  
39 DIRECT SUPERVISION BY ANOTHER LICENSED DOCTOR OF OSTEOPATHY FOR NOT MORE THAN  
40 ONE YEAR.

41 ~~E. If an applicant for reinstatement to active status has not been~~  
42 ~~licensed and actively practicing in another jurisdiction of the United States~~  
43 ~~or Canada in the three years immediately preceding the application, the board~~  
44 ~~may issue a limited license that requires general or direct supervision by~~  
45 ~~another licensed osteopathic physician for not more than one year.~~

1 F. A retired physician who has had the biennial renewal fee waived by  
2 the board pursuant to this section may perform volunteer work of not more  
3 than ten hours each week and may teach or provide instruction at an approved  
4 school of osteopathic medicine.

5 Sec. 13. Title 32, chapter 17, article 2, Arizona Revised Statutes, is  
6 amended by adding section 32-1833, to read:

7 32-1833. Pro bono registration

8 A. THE BOARD MAY ISSUE A PRO BONO REGISTRATION TO ALLOW A DOCTOR OF  
9 OSTEOPATHY WHO IS NOT A LICENSEE TO PRACTICE IN THIS STATE FOR A TOTAL OF  
10 SIXTY DAYS EACH CALENDAR YEAR IF THE DOCTOR MEETS ALL OF THE FOLLOWING  
11 REQUIREMENTS:

12 1. HOLDS AN ACTIVE AND UNRESTRICTED LICENSE TO PRACTICE MEDICINE IN A  
13 STATE, TERRITORY OR POSSESSION OF THE UNITED STATES.

14 2. HAS NEVER HAD A LICENSE REVOKED OR SUSPENDED BY A HEALTH PROFESSION  
15 REGULATORY BOARD OF ANOTHER JURISDICTION.

16 3. IS NOT THE SUBJECT OF AN UNRESOLVED COMPLAINT.

17 4. APPLIES FOR REGISTRATION ON AN ANNUAL BASIS AS PRESCRIBED BY THE  
18 BOARD.

19 5. AGREES TO RENDER ALL MEDICAL SERVICES WITHOUT ACCEPTING A FEE OR  
20 SALARY OR PERFORMS ONLY INITIAL OR FOLLOW-UP EXAMINATIONS AT NO COST TO THE  
21 PATIENT AND THE PATIENT'S FAMILY THROUGH A CHARITABLE ORGANIZATION.

22 B. THE SIXTY DAYS OF PRACTICE PRESCRIBED PURSUANT TO SUBSECTION A OF  
23 THIS SECTION MAY BE PERFORMED CONSECUTIVELY OR CUMULATIVELY DURING EACH  
24 CALENDAR YEAR.

25 C. FOR THE PURPOSE OF MEETING THE REQUIREMENTS OF SUBSECTION A OF THIS  
26 SECTION, AN APPLICANT UNDER THIS SECTION SHALL PROVIDE THE BOARD THE NAME OF  
27 EACH STATE IN WHICH THE PERSON IS LICENSED OR HAS HELD A LICENSE. THE BOARD  
28 SHALL VERIFY WITH THE APPLICABLE REGULATORY BOARD OF EACH STATE THAT THE  
29 APPLICANT IS LICENSED OR HAS HELD A LICENSE, HAS NEVER HAD A LICENSE REVOKED  
30 OR SUSPENDED AND IS NOT THE SUBJECT OF AN UNRESOLVED COMPLAINT. THE BOARD  
31 MAY ACCEPT THE VERIFICATION OF THE INFORMATION REQUIRED BY SUBSECTION A,  
32 PARAGRAPHS 1, 2 AND 3 OF THIS SECTION FROM EACH OF THE OTHER STATE'S  
33 REGULATORY BOARDS EITHER ELECTRONICALLY OR BY HARD COPY.

34 Sec. 14. Section 32-1851, Arizona Revised Statutes, is amended to  
35 read:

36 32-1851. Prohibited acts

37 The following acts are prohibited:

38 1. Practicing medicine and surgery as an osteopathic physician and  
39 surgeon without holding a license issued by the board under the provisions of  
40 this chapter.

41 2. Misusing the designation "D.O." in a way that leads the public to  
42 believe that a person is licensed to practice medicine in this state.

43 3. Using the designation "doctor of osteopathy", "DOCTOR OF  
44 OSTEOPATHIC MEDICINE", "osteopathic physician", "osteopathic surgeon",  
45 "osteopathic physician and surgeon" or any combination of these terms unless

1 the designation additionally contains the description of another branch of  
2 the healing arts.

3 ~~4. Using the designation "doctor of osteopathy" by a member of another~~  
4 ~~branch of the healing arts unless there is set forth with each designation~~  
5 ~~the other branch of the healing arts concerned.~~

6 ~~5.~~ 4. Using any other words, initials or symbols or a combination of  
7 these ~~which~~ THAT leads the public to believe a person is licensed to practice  
8 medicine in this state.

9 Sec. 15. Section 32-1854, Arizona Revised Statutes, is amended to  
10 read:

11 32-1854. Definition of unprofessional conduct

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

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

22 2. Committing a felony, ~~whether or not involving moral turpitude,~~ or a  
23 misdemeanor involving moral turpitude. In either case conviction by any  
24 court of competent jurisdiction is conclusive evidence of the commission OF  
25 THE OFFENSE.

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

29 4. Being diagnosed by a physician licensed under this chapter or  
30 chapter 13 of this title or a psychologist licensed under chapter 19.1 of  
31 this title as excessively or illegally using alcohol or a controlled  
32 substance.

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

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

38 7. Impersonating another physician.

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

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

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



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

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

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

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

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

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

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

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

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

29 20. Violating or attempting to violate, directly or indirectly, or  
30 assisting in or abetting the violation of or conspiring to violate any of the  
31 provisions of this chapter.

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

34 (a) If the patient is an adult, for at least ~~seven~~ SIX years after the  
35 last date the licensee provided the patient with medical or health care  
36 services.

37 (b) If the patient is a child, either for at least three years after  
38 the child's eighteenth birthday or for at least ~~seven~~ SIX years after the  
39 last date the licensee provided that patient with medical or health care  
40 services, whichever date occurs ~~first~~ LATER.

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

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

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

7           24. Nontherapeutic use of injectable amphetamines.

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

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

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

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

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

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

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

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

34          33. Referring a patient to a diagnostic or treatment facility or  
35 prescribing goods and services without disclosing that the physician has a  
36 direct pecuniary interest in the facility, goods or services to which the  
37 patient has been referred or prescribed. This paragraph does not apply to a  
38 referral by one physician to another physician within a group of physicians  
39 practicing together.

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

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

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

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

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

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

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

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

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

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

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

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

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

32           45. Conduct in the practice of medicine that evidences moral unfitness  
33 to practice medicine.

34           46. Engaging in disruptive or abusive behavior in a professional  
35 setting.

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

42           (a) The licensee makes the disclosure on a form prescribed by the  
43 board.

1 (b) The patient or the patient's guardian or parent acknowledges by  
2 signing the form that the licensee has disclosed the licensee's direct  
3 financial interest.

4 48. Prescribing, dispensing or furnishing a prescription medication or  
5 a prescription-only device to a person if the licensee has not conducted a  
6 physical or mental health status examination of that person or has not  
7 previously established a physician-patient relationship. The physical or  
8 mental health status examination may be conducted during a real-time  
9 telemedicine encounter with audio and video capability if the telemedicine  
10 audio and video capability meets the elements required by the centers for  
11 medicare and medicaid services, unless the examination is for the purpose of  
12 obtaining a written certification from the physician for the purposes of  
13 title 36, chapter 28.1. This paragraph does not apply to:

14 (a) Emergencies.

15 (b) A licensee who provides patient care on behalf of the patient's  
16 regular treating licensed health care professional or provides a consultation  
17 requested by the patient's regular treating licensed health care  
18 professional.

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

24 (d) Prescriptions for epinephrine auto-injectors written or dispensed  
25 for a school district or charter school to be stocked for emergency use  
26 pursuant to section 15-157.

27 (e) Prescriptions written by a licensee through a telemedicine program  
28 that is covered by the policies and procedures adopted by the administrator  
29 of a hospital or outpatient treatment center.

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

33 Sec. 16. Section 32-1855, Arizona Revised Statutes, is amended to  
34 read:

35 32-1855. Disciplinary action; duty to report; hearing; notice;  
36 independent medical examinations; surrender of  
37 license

38 A. The board on its own motion may investigate any information that  
39 appears to show that an osteopathic physician and surgeon is or may be guilty  
40 of unprofessional conduct or is or may be mentally or physically unable  
41 safely to engage in the practice of medicine. Any osteopathic physician or  
42 surgeon or the Arizona osteopathic medical association or any health care  
43 institution as defined in section 36-401 shall, and any other person may,  
44 report to the board any information the physician or surgeon, association,  
45 health care institution or other person may have that appears to show that an

1 osteopathic physician and surgeon is or may be guilty of unprofessional  
2 conduct or is or may be mentally or physically unable safely to engage in the  
3 practice of medicine. The board shall notify the doctor about whom  
4 information has been received as to the content of the information as soon as  
5 reasonable after receiving the information.

6 ~~B.~~ B. Any person who reports or provides information to the board in good  
7 faith is not subject to civil damages as a result of that action. If  
8 requested the board shall not disclose the informant's name unless it is  
9 essential to the disciplinary proceedings conducted pursuant to this section.  
10 It is an act of unprofessional conduct for any osteopathic physician or  
11 surgeon to fail to report as required by this section. The board shall  
12 report any health care institution that fails to report as required by this  
13 section to that institution's licensing agency. A person who reports  
14 information in good faith pursuant to this subsection is not subject to civil  
15 liability.

16 ~~B.~~ C. The board may require a physician under investigation pursuant  
17 to subsection A of this section to be interviewed by the board or its  
18 representatives. The board or the executive director may require a licensee  
19 who is under investigation pursuant to subsection A of this section to  
20 undergo at the licensee's expense any combination of medical, physical or  
21 mental examinations the board finds necessary to determine the physician's  
22 competence.

23 ~~C.~~ D. If the board finds, based on the information it received under  
24 ~~subsections~~ SUBSECTION A, and B OR C of this section, that the public health,  
25 safety or welfare imperatively requires emergency action and incorporates a  
26 finding to that effect in its order, the board may order a summary suspension  
27 of a license pending proceedings for revocation or other action. If an order  
28 of summary suspension is issued, the licensee shall also be served with a  
29 written notice of complaint and formal hearing setting forth the charges made  
30 against the licensee and is entitled to a formal hearing on the charges  
31 pursuant to title 41, chapter 6, article 10. Formal proceedings shall be  
32 promptly instituted and determined.

33 ~~D.~~ E. If, after completing its investigation, the board finds that  
34 the information provided pursuant to this section is not of sufficient  
35 seriousness to merit direct action against the physician's license, it may  
36 take any combination of the following actions:

- 37 1. Dismiss if, in the opinion of the board, the information is without  
38 merit.
- 39 2. ~~File~~ ISSUE a letter of concern.
- 40 3. In addition to the requirements of section 32-1825, require  
41 continuing medical education on subjects and within a time period determined  
42 by the board.
- 43 4. Issue a nondisciplinary order requiring the licensee to complete a  
44 prescribed number of hours of continuing education in an area or areas

1 prescribed by the board to provide the licensee with the necessary  
2 understanding of current developments, skills, procedures or treatment.

3 ~~E.~~ F. If, in the opinion of the board, it appears that information  
4 provided pursuant to this section is or may be true, the board may request an  
5 investigative hearing with the physician concerned. At an investigative  
6 hearing the board may receive and consider sworn statements of persons who  
7 may be called as witnesses ~~in a formal hearing~~ and other pertinent documents.  
8 Legal counsel may be present and participate in the meeting. If the  
9 physician refuses the request or if the physician accepts the request and the  
10 results of the investigative hearing indicate suspension of more than twelve  
11 months or revocation of the license may be in order, a complaint shall be  
12 issued and an administrative hearing shall be held pursuant to title 41,  
13 chapter 6, article 10. ~~If,~~ After the investigative hearing and a mental,  
14 physical or medical competence examination as the board deems necessary, the  
15 board ~~finds the information provided pursuant to this section to be true but~~  
16 ~~not of sufficient seriousness to merit suspension or revocation of the~~  
17 ~~license, it~~ may take any of the following actions:

18 1. Dismiss if, in the opinion of the board, the information is without  
19 merit.

20 2. ~~File~~ ISSUE a letter of concern.

21 3. In addition to the requirements of section 32-1825, require  
22 continuing medical education on subjects and within a time period determined  
23 by the board.

24 4. Issue a decree of censure, which constitutes an official action  
25 against a physician's license.

26 5. Fix a period and terms of probation best adapted to protect the  
27 public health and safety and rehabilitate or educate the physician concerned.  
28 Any costs incidental to the terms of probation are at the physician's own  
29 expense.

30 6. Restrict or limit the physician's practice in a manner and for a  
31 time determined by the board.

32 7. Suspend the physician's license for not more than twelve months.

33 8. Impose a civil penalty of not to exceed five hundred dollars for  
34 each violation of this chapter.

35 9. Issue a nondisciplinary order requiring the licensee to complete a  
36 prescribed number of hours of continuing education in an area or areas  
37 prescribed by the board to provide the licensee with the necessary  
38 understanding of current developments, skills, procedures or treatment.

39 10. Issue an administrative warning.

40 ~~F.~~ G. If, in the opinion of the board, it appears the charge is of  
41 such magnitude as to warrant suspension for more than twelve months or  
42 revocation of the license, the board shall immediately initiate formal  
43 revocation or suspension proceedings pursuant to title 41, chapter 6,  
44 article 10. The board shall notify a licensee of a complaint and hearing by

1 certified mail addressed to the licensee's last known address on record in  
2 the board's files.

3 ~~G. If the physician wishes to be present at the investigative or~~  
4 ~~administrative hearing in person or by representation, or both, the physician~~  
5 ~~shall file with the board an answer to the charges in the complaint. The~~  
6 ~~answer shall be in writing, verified under oath and filed within twenty days~~  
7 ~~after service of the summons and complaint.~~

8 ~~H. A physician who complies with subsection G of this section may be~~  
9 ~~present at the hearing in person with counsel and witnesses.~~

10 ~~I.~~ H. A physician who, after an investigative or administrative  
11 hearing, is found to be guilty of unprofessional conduct or is found to be  
12 mentally or physically unable safely to engage in the practice of osteopathic  
13 medicine is subject to any combination of censure, probation, suspension of  
14 license, revocation of license, an order to return patient fees, imposition  
15 of hearing costs, imposition of a civil penalty of not to exceed five hundred  
16 dollars for each violation for a period of time, or permanently, and under  
17 conditions the board deems appropriate for the protection of the public  
18 health and safety and just in the circumstances. The board may charge the  
19 costs of an investigative or administrative hearing to the licensee if  
20 pursuant to that hearing the board determines that the licensee violated this  
21 chapter or board rules.

22 ~~J.~~ I. If the board acts to modify a physician's prescription writing  
23 privileges, it shall immediately notify the state board of pharmacy and the  
24 federal drug enforcement administration in the United States department of  
25 justice of the modification.

26 ~~K.~~ J. The board shall report allegations of evidence of criminal  
27 wrongdoing to the appropriate criminal justice agency.

28 ~~L.~~ K. Notice of a complaint and administrative hearing is effective  
29 when a true copy of the notice is sent by certified mail to the licensee's  
30 last known address of record in the board's files and is complete on the date  
31 of its deposit in the mail. The board shall hold an administrative hearing  
32 within one hundred twenty days after that date.

33 ~~M.~~ L. The board may accept the surrender of an active license from a  
34 licensee who admits in writing to having committed an act of unprofessional  
35 conduct, ~~or~~ to having violated this chapter or board rules **OR TO BEING UNABLE**  
36 **TO SAFELY PRACTICE MEDICINE.**

37 **M. A LICENSEE SHALL RESPOND IN WRITING TO THE BOARD WITHIN THIRTY DAYS**  
38 **AFTER THE NOTICE OF FORMAL OR ADMINISTRATIVE HEARING IS SERVED. A LICENSEE**  
39 **WHO FAILS TO ANSWER THE CHARGES IN A COMPLAINT AND NOTICE OF FORMAL OR**  
40 **ADMINISTRATIVE HEARING ISSUED PURSUANT TO THIS ARTICLE AND TITLE 41, CHAPTER**  
41 **6, ARTICLE 10 IS DEEMED TO ADMIT THE ACTS CHARGED IN THE COMPLAINT, AND THE**  
42 **BOARD MAY REVOKE OR SUSPEND THE LICENSE WITHOUT A HEARING.**

1           Sec. 17. Section 32-1855.01, Arizona Revised Statutes, is amended to  
2 read:

3           32-1855.01. Right to examine and copy evidence; summoning  
4                                   witnesses and documents; taking testimony; right  
5                                   to counsel; court aid; process

6           A. Pursuant to an investigation conducted under this chapter, the  
7 board and its authorized agents and employees may examine any documents,  
8 reports, records or other physical evidence of any person being investigated,  
9 as well as the reports, records and other documents maintained by and in  
10 possession of any hospital, clinic, physician's office, laboratory, pharmacy  
11 or other public or private agency and health care institution as defined in  
12 section 36-401, that relate to medical competence, unprofessional conduct or  
13 the licensee's mental or physical ability to safely practice medicine. The  
14 investigators may copy evidence on site and at the licensee's expense.  
15 Failing to permit access on request is unprofessional conduct.

16           B. For the purpose of all investigations and proceedings conducted by  
17 the board:

18           1. The board, the executive director and the administrative law judges  
19 on their own initiative, or ~~upon~~ ON application of any person involved in the  
20 investigation, may issue subpoenas to compel the attendance and testimony of  
21 witnesses or to demand the production for examination or copying of documents  
22 or any other physical evidence that relates to medical competence,  
23 unprofessional conduct or the mental or physical ability of a licensee to  
24 safely practice medicine. Within five days after the service of a subpoena  
25 requiring the production of evidence, the recipient of the subpoena may  
26 petition the board to revoke, limit or modify the subpoena. The board shall  
27 take the requested action if in its opinion the evidence required does not  
28 relate to unlawful practices covered by this chapter, is not relevant to the  
29 charge ~~which~~ THAT is the subject matter of the hearing or investigation or  
30 does not describe with sufficient particularity the physical evidence whose  
31 production is required. Any member of the board or any agent designated by  
32 the board may administer oaths or affirmations, examine witnesses and receive  
33 evidence. The superior court may enforce a subpoena issued by the board.

34           2. Any person appearing before the board has the right to be  
35 represented by counsel.

36           3. The superior court ~~upon~~ ON application by the board has  
37 jurisdiction to issue an order to require the subject of the subpoena to  
38 appear before the board or its agent and produce evidence relating to the  
39 matter under investigation. On application by the subject of the subpoena,  
40 the court may revoke, limit or modify the subpoena if in the court's opinion  
41 the evidence demanded does not relate to unlawful practices covered by this  
42 chapter, is not relevant to the charge ~~which~~ THAT is the subject matter of  
43 the hearing or investigation or does not describe with sufficient  
44 particularity the evidence whose production is required.





1 identified or information received and records kept by the board as a result  
2 of the investigation made pursuant to this chapter are confidential.

3 E. Nothing in this chapter or any other provision of law relating to  
4 privileged communications between a physician and ~~his~~ patient applies to  
5 investigations or proceedings conducted pursuant to this chapter. The board  
6 and its employees, agents and representatives shall keep confidential the  
7 name of a patient whose records are reviewed during the course of an  
8 investigation and proceedings.