

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HOUSE BILL 2265

AN ACT

AMENDING SECTIONS 15-157, 32-1401, 32-1854 AND 32-1901.01, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 21.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2226.01; RELATING TO EPINEPHRINE AUTO-INJECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-157, Arizona Revised Statutes, is amended to
3 read:

4 15-157. Emergency administration of epinephrine auto-injectors
5 by trained 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 **AUTO-INJECTORS** may administer or assist in the
12 administration of ~~auto-injectable~~ epinephrine **AUTO-INJECTORS** to a pupil or an
13 adult whom the employee believes in good faith to be exhibiting symptoms of
14 anaphylactic shock while at school or at school-sponsored activities. If
15 sufficient monies are appropriated by the legislature each year to provide
16 for the purchase of two juvenile doses and two adult doses of ~~auto-injectable~~
17 epinephrine **AUTO-INJECTORS** at each public school in this state, ~~beginning in~~
18 ~~the 2014-2015 school year,~~ each school district and charter school shall
19 stock two juvenile doses and two adult doses of ~~auto-injectable~~ epinephrine
20 **AUTO-INJECTORS** at each school pursuant to a standing order issued by the
21 chief medical officer of the department of health services, the chief medical
22 officer of a county health department, a doctor of medicine licensed pursuant
23 to title 32, chapter 13 or a doctor of osteopathy licensed pursuant to title
24 32, chapter 17. Each fiscal year the department of education shall include
25 in its budget request for assistance to schools a separate line item for a
26 continuous, nonlapsing appropriation to fund the requirements of this
27 section. If sufficient monies are not appropriated by the legislature during
28 any fiscal year to provide for the purchase of two juvenile doses and two
29 adult doses of ~~auto-injectable~~ epinephrine **AUTO-INJECTORS** at each public
30 school in this state, a school district or charter school may stock two
31 juvenile doses and two adult doses of ~~auto-injectable~~ epinephrine
32 **AUTO-INJECTORS** at each school pursuant to a standing order issued by the
33 chief medical officer of the department of health services, the chief medical
34 officer of a county health department, a doctor of medicine licensed pursuant
35 to title 32, chapter 13 or a doctor of osteopathy licensed pursuant to title
36 32, chapter 17. The chief medical officer of the department of health
37 services, the chief medical officer of a county health department, a doctor
38 of medicine licensed pursuant to title 32, chapter 13 or a doctor of
39 osteopathy licensed pursuant to title 32, chapter 17, a school district, a
40 charter school and employees of a school district or charter school are
41 immune from civil liability with respect to all decisions made and actions
42 taken that are based on good faith implementation of the requirements of this
43 section, except in cases of ~~wanton or wilful neglect~~ **GROSS NEGLIGENCE, WILFUL**
44 **MISCONDUCT OR INTENTIONAL WRONGDOING.**

1 Sec. 2. Section 32-1401, Arizona Revised Statutes, is amended to read:

2 32-1401. Definitions

3 In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 17. "Medical peer review" means:

42 (a) The participation by a doctor of medicine in the review and
43 evaluation of the medical management of a patient and the use of resources
44 for patient care.

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

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

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

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

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

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

15 21. "Physician" means a doctor of medicine WHO IS licensed pursuant to
16 this chapter.

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

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

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

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

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

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

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

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

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

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

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

15 (f) Habitual intemperance in the use of alcohol or habitual substance
16 abuse.

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

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

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

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

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

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

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

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

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

1 limiting, restricting or monitoring a licensee by that jurisdiction or
2 placing a licensee on probation by that jurisdiction.

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

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

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

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

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

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

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

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

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

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

42 (z) 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 subdivision,
2 "sexual conduct" includes:

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

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

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

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

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

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

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

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

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

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

36 (i) Adequate informed patient consent.

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

40 (iii) Approval by the ~~federal~~ UNITED STATES food and drug
41 administration or its successor agency.

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

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

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

7 (kk) Failing to dispense drugs and devices in compliance with article
8 6 of this chapter.

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

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

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

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

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

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

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

41 (ss) Prescribing, dispensing or furnishing a prescription medication
42 or a prescription-only device as defined in section 32-1901 to a person
43 unless the licensee first conducts a physical or mental health status
44 examination of that person or has previously established a doctor-patient
45 relationship. The physical or mental health status examination may be

1 conducted during a real-time telemedicine encounter with audio and video
2 capability if the telemedicine audio and video capability meets the elements
3 required by the centers for medicare and medicaid services, unless the
4 examination is for the purpose of obtaining a written certification from the
5 physician for the purposes of title 36, chapter 28.1. This subdivision does
6 not apply to:

7 (i) A physician who provides temporary patient supervision on behalf
8 of the patient's regular treating licensed health care professional or
9 provides a consultation requested by the patient's regular treating licensed
10 health care professional.

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

12 (iii) Prescriptions written to prepare a patient for a medical
13 examination.

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

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

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

29 (vii) Prescriptions for epinephrine auto-injectors written or
30 dispensed for a school district or charter school to be stocked for emergency
31 use pursuant to section 15-157 OR FOR AN AUTHORIZED ENTITY TO BE STOCKED
32 PURSUANT TO SECTION 36-2226.01.

33 (viii) Prescriptions written by a licensee through a telemedicine
34 program that is covered by the policies and procedures adopted by the
35 administrator of a hospital or outpatient treatment center.

36 (ix) Prescriptions for naloxone hydrochloride or any other ~~opiate~~
37 OPIOID antagonist approved by the United States food and drug administration
38 that are written or dispensed for use pursuant to section 36-2228.

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

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

42 Sec. 3. Section 32-1854, Arizona Revised Statutes, is amended to read:
43 32-1854. Definition of unprofessional conduct

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

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

8 2. Committing a felony or a misdemeanor involving moral turpitude. In
9 either case conviction by any court of competent jurisdiction is conclusive
10 evidence of the commission of the offense.

11 3. Practicing medicine while under the influence of alcohol, a
12 dangerous drug as defined in section 13-3401, narcotic or hypnotic drugs or
13 any substance that impairs or may impair the licensee's ability to safely and
14 skillfully practice medicine.

15 4. Being diagnosed by a physician licensed under this chapter or
16 chapter 13 of this title or a psychologist licensed under chapter 19.1 of
17 this title as excessively or illegally using alcohol or a controlled
18 substance.

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

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

24 7. Impersonating another physician.

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

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

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

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

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

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

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

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

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

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

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

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

15 20. Violating or attempting to violate, directly or indirectly, or
16 assisting in or abetting the violation of or conspiring to violate any of the
17 provisions of this chapter.

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

20 (a) If the patient is an adult, for at least six years after the last
21 date the licensee provided the patient with medical or health care services.

22 (b) If the patient is a child, either for at least three years after
23 the child's eighteenth birthday or for at least six years after the last date
24 the licensee provided that patient with medical or health care services,
25 whichever date occurs later.

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

1 chapter 7, 8, 13, 14 or 29 of this title on receipt of proper authorization
2 to do so from the patient, a minor patient's parent, the patient's legal
3 guardian or the patient's authorized representative or failing to comply with
4 title 12, chapter 13, article 7.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

44 42. Engaging in sexual conduct with a current patient or with a former
45 patient within six months after the last medical consultation unless the

1 patient was the licensee's spouse at the time of the contact or, immediately
2 preceding the physician-patient relationship, was in a dating or engagement
3 relationship with the licensee. For the purposes of this paragraph, "sexual
4 conduct" includes:

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

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

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

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

12 45. Conduct in the practice of medicine that evidences moral unfitness
13 to practice medicine.

14 46. Engaging in disruptive or abusive behavior in a professional
15 setting.

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

23 (a) The licensee makes the disclosure on a form prescribed by the
24 board.

25 (b) The patient or the patient's guardian or parent acknowledges by
26 signing the form that the licensee has disclosed the licensee's direct
27 financial interest.

28 48. Prescribing, dispensing or furnishing a prescription medication or
29 a prescription-only device to a person if the licensee has not conducted a
30 physical or mental health status examination of that person or has not
31 previously established a physician-patient relationship. The physical or
32 mental health status examination may be conducted during a real-time
33 telemedicine encounter with audio and video capability if the telemedicine
34 audio and video capability meets the elements required by the centers for
35 medicare and medicaid services, unless the examination is for the purpose of
36 obtaining a written certification from the physician for the purposes of
37 title 36, chapter 28.1. This paragraph does not apply to:

38 (a) Emergencies.

39 (b) A licensee who provides patient care on behalf of the patient's
40 regular treating licensed health care professional or provides a consultation
41 requested by the patient's regular treating licensed health care
42 professional.

43 (c) Prescriptions written or antimicrobials dispensed to a contact as
44 defined in section 36-661 who is believed to have had significant exposure
45 risk as defined in section 36-661 with another person who has been diagnosed

1 with a communicable disease as defined in section 36-661 by the prescribing
2 or dispensing physician.

3 (d) Prescriptions for epinephrine auto-injectors written or dispensed
4 for a school district or charter school to be stocked for emergency use
5 pursuant to section 15-157 OR FOR AN AUTHORIZED ENTITY TO BE STOCKED PURSUANT
6 TO SECTION 36-2226.01.

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

10 (f) Prescriptions for naloxone hydrochloride or any other ~~opiate~~
11 OPIOID antagonist approved by the United States food and drug administration
12 that are written or dispensed for use pursuant to section 36-2228.

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

16 Sec. 4. Section 32-1901.01, Arizona Revised Statutes, is amended to
17 read:

18 32-1901.01. Definition of unethical and unprofessional conduct;
19 permittees; licensees

20 A. In this chapter, unless the context otherwise requires, for the
21 purposes of disciplining a permittee, "unethical conduct" means the
22 following, whether occurring in this state or elsewhere:

23 1. Committing a felony, whether or not involving moral turpitude, or a
24 misdemeanor involving moral turpitude or any drug-related offense. In either
25 case, conviction by a court of competent jurisdiction or a plea of no contest
26 is conclusive evidence of the commission.

27 2. Committing an act that is substantially related to the
28 qualifications, functions or duties of a permittee and that demonstrates
29 either a lack of good moral character or an actual or potential unfitness to
30 hold a permit in light of the public's safety.

31 3. Working under the influence of alcohol or other drugs.

32 4. Addiction to the use of alcohol or other drugs to such a degree as
33 to render the permittee unfit to perform the permittee's employment duties.

34 5. Violating a federal or state law or administrative rule relating to
35 the manufacture, sale or distribution of drugs, devices, poisons, hazardous
36 substances or precursor chemicals.

37 6. Violating a federal or state law or administrative rule relating to
38 marijuana, prescription-only drugs, narcotics, dangerous drugs, controlled
39 substances or precursor chemicals.

40 7. Violating state or federal reporting or recordkeeping requirements
41 on transactions relating to precursor chemicals.

42 8. Failing to report in writing to the board any evidence that a
43 pharmacist, pharmacy intern or graduate intern is or may be professionally
44 incompetent, is or may be guilty of unprofessional conduct or is or may be
45 mentally or physically unable safely to engage in the practice of pharmacy.

1 9. Failing to report in writing to the board any evidence that a
2 pharmacy technician or pharmacy technician trainee is or may be
3 professionally incompetent, is or may be guilty of unprofessional conduct or
4 is or may be mentally or physically unable safely to engage in the
5 permissible activities of a pharmacy technician or pharmacy technician
6 trainee.

7 10. Failing to report in writing to the board any evidence that
8 appears to show that a permittee or permittee's employee is or may be guilty
9 of unethical conduct, is or may be mentally or physically unable safely to
10 engage in employment duties related to manufacturing, selling, distributing
11 or dispensing of drugs, devices, poisons, hazardous substances, controlled
12 substances or precursor chemicals or is or may be in violation of this
13 chapter or a rule adopted under this chapter.

14 11. Intending to sell, transfer or distribute, or to offer for sale,
15 transfer or distribution, or selling, transferring, distributing or
16 dispensing or offering for sale, transfer or distribution an imitation
17 controlled substance, imitation over-the-counter drug or imitation
18 prescription-only drug as defined in section 13-3451.

19 12. Denial or discipline of a permittee's permit to manufacture, sell,
20 distribute or dispense drugs, devices, poisons, hazardous substances or
21 precursor chemicals in another jurisdiction and the permit was not
22 reinstated.

23 13. Committing an offense in another jurisdiction that if committed in
24 this state would be grounds for discipline.

25 14. Obtaining or attempting to obtain a permit or a permit renewal by
26 fraud, by misrepresentation or by knowingly taking advantage of the mistake
27 of another person or an agency.

28 15. Wilfully making a false report or record required by this chapter,
29 required by federal or state laws pertaining to drugs, devices, poisons,
30 hazardous substances or precursor chemicals or required for the payment for
31 drugs, devices, poisons or hazardous substances or precursor chemicals or for
32 services pertaining to such drugs or substances.

33 16. Knowingly filing with the board any application, renewal or other
34 document that contains false or misleading information.

35 17. Providing false or misleading information or omitting material
36 information in any communication to the board or the board's employees or
37 agents.

38 18. Violating or attempting to violate, directly or indirectly, or
39 assisting in or abetting the violation of, or conspiring to violate, this
40 chapter.

41 19. Violating a formal order, terms of probation, a consent agreement
42 or a stipulation issued or entered into by the board or its executive
43 director pursuant to this chapter.

1 20. Failing to comply with a board subpoena or failing to comply in a
2 timely manner with a board subpoena without providing any explanation to the
3 board for not complying with the subpoena.

4 21. Failing to provide the board, ~~OR~~ OR its employees or agents or an
5 authorized federal or state official conducting a site investigation,
6 inspection or audit with access to any place for which a permit has been
7 issued or for which an application for a permit has been submitted.

8 22. Failing to notify the board of a change of ownership, management
9 or pharmacist in charge.

10 23. Failing to promptly produce on the request of the official
11 conducting a site investigation, inspection or audit any book, record or
12 document.

13 24. Overruling or attempting to overrule a pharmacist in matters of
14 pharmacy ethics or interpreting laws pertaining to the practice of pharmacy
15 or the distribution of drugs or devices.

16 25. Distributing premiums or rebates of any kind in connection with
17 the sale of prescription medication, other than to the prescription
18 medication recipient.

19 26. Failing to maintain effective controls against the diversion of
20 precursor chemicals to unauthorized persons or entities.

21 27. Fraudulently claiming to have performed a service.

22 28. Fraudulently charging a fee for a service.

23 29. Advertising drugs or devices, or services pertaining to drugs or
24 devices, in a manner that is untrue or misleading in any particular, and that
25 is known, or that by the exercise of reasonable care should be known, to be
26 untrue or misleading.

27 B. In this chapter, unless the context otherwise requires, for the
28 purposes of disciplining a pharmacist, pharmacy intern or graduate intern,
29 "unprofessional conduct" means the following, whether occurring in this state
30 or elsewhere:

31 1. Addiction to the use of alcohol or other drugs to such a degree as
32 to render the licensee unfit to practice the profession of pharmacy.

33 2. Violating any federal or state law, rule or regulation relating to
34 the manufacture or distribution of drugs and devices or the practice of
35 pharmacy.

36 3. Dispensing a different drug or brand of drug in place of the drug
37 or brand of drug ordered or prescribed without the express permission in each
38 case of the orderer, or in the case of a prescription order, the medical
39 practitioner. The conduct prohibited by this paragraph does not apply to
40 substitutions authorized pursuant to section 32-1963.01.

41 4. Obtaining or attempting to obtain a license to practice pharmacy or
42 a license renewal by fraud, by misrepresentation or by knowingly taking
43 advantage of the mistake of another person or an agency.

44 5. Denial or discipline of a licensee's license to practice pharmacy
45 in another jurisdiction and the license was not reinstated.

1 6. Claiming professional superiority in compounding or dispensing
2 prescription orders.

3 7. Failing to comply with the mandatory continuing professional
4 pharmacy education requirements of sections 32-1936 and 32-1937 and rules
5 adopted by the board.

6 8. Committing a felony, whether or not involving moral turpitude, or a
7 misdemeanor involving moral turpitude or any drug-related offense. In either
8 case, conviction by a court of competent jurisdiction or a plea of no contest
9 is conclusive evidence of the commission.

10 9. Working under the influence of alcohol or other drugs.

11 10. Violating a federal or state law or administrative rule relating
12 to marijuana, prescription-only drugs, narcotics, dangerous drugs, controlled
13 substances or precursor chemicals when determined by the board or by
14 conviction in a federal or state court.

15 11. Knowingly dispensing a drug without a valid prescription order as
16 required pursuant to section 32-1968, subsection A.

17 12. Knowingly dispensing a drug on a prescription order that was
18 issued in the course of the conduct of business of dispensing drugs pursuant
19 to diagnosis by mail or the internet, unless the order was any of the
20 following:

21 (a) Made by a physician who provides temporary patient supervision on
22 behalf of the patient's regular treating licensed health care professional or
23 provides a consultation requested by the patient's regular treating licensed
24 health care professional.

25 (b) Made in an emergency medical situation as defined in section
26 41-1831.

27 (c) Written to prepare a patient for a medical examination.

28 (d) Written or the prescription medications were issued for use by a
29 county or tribal public health department for immunization programs or
30 emergency treatment or in response to an infectious disease investigation, a
31 public health emergency, an infectious disease outbreak or an act of
32 bioterrorism. For the purposes of this subdivision, "bioterrorism" has the
33 same meaning prescribed in section 36-781.

34 (e) Written or antimicrobials were dispensed by the prescribing or
35 dispensing physician to a contact as defined in section 36-661 who is
36 believed to have had significant exposure risk as defined in section 36-661
37 with another person who has been diagnosed with a communicable disease as
38 defined in section 36-661.

39 (f) Written or the prescription medications were issued for
40 administration of immunizations or vaccines listed in the United States
41 centers for disease control and prevention's recommended immunization
42 schedule to a household member of a patient.

43 (g) For epinephrine auto-injectors that are written or dispensed for a
44 school district or charter school and that are to be stocked for emergency

1 use pursuant to section 15-157 OR FOR AN AUTHORIZED ENTITY TO BE STOCKED
2 PURSUANT TO SECTION 36-2226.01.

3 (h) Written by a licensee through a telemedicine program that is
4 covered by the policies and procedures adopted by the administrator of a
5 hospital or outpatient treatment center.

6 (i) Written pursuant to a physical or mental health status examination
7 that was conducted during a real-time telemedicine encounter with audio and
8 video capability that meets the elements required by the centers for medicare
9 and medicaid services.

10 (j) For naloxone hydrochloride or any other ~~opiate~~ OPIOID antagonist
11 approved by the United States food and drug administration and written or
12 dispensed for use pursuant to section 36-2228.

13 13. Failing to report in writing to the board any evidence that a
14 pharmacist, pharmacy intern or graduate intern is or may be professionally
15 incompetent, is or may be guilty of unprofessional conduct or is or may be
16 mentally or physically unable to safely engage in the practice of pharmacy.

17 14. Failing to report in writing to the board any evidence that a
18 pharmacy technician or pharmacy technician trainee is or may be
19 professionally incompetent, is or may be guilty of unprofessional conduct or
20 is or may be mentally or physically unable to safely engage in the
21 permissible activities of a pharmacy technician or pharmacy technician
22 trainee.

23 15. Failing to report in writing to the board any evidence that a
24 permittee or a permittee's employee is or may be guilty of unethical conduct
25 or is or may be in violation of this chapter or a rule adopted under this
26 chapter.

27 16. Committing an offense in another jurisdiction that if committed in
28 this state would be grounds for discipline.

29 17. Knowingly filing with the board any application, renewal or other
30 document that contains false or misleading information.

31 18. Providing false or misleading information or omitting material
32 information in any communication to the board or the board's employees or
33 agents.

34 19. Violating or attempting to violate, directly or indirectly, or
35 assisting in or abetting in the violation of, or conspiring to violate, this
36 chapter.

37 20. Violating a formal order, terms of probation, a consent agreement
38 or a stipulation issued or entered into by the board or its executive
39 director pursuant to this chapter.

40 21. Failing to comply with a board subpoena or failing to comply in a
41 timely manner with a board subpoena without providing any explanation to the
42 board for not complying with the subpoena.

43 22. Refusing without just cause to allow authorized agents of the
44 board to examine documents that are required to be kept pursuant to this
45 chapter or title 36.

1 23. Participating in an arrangement or agreement to allow a
2 prescription order or a prescription medication to be left at, picked up
3 from, accepted by or delivered to a place that is not licensed as a pharmacy.
4 This paragraph does not prohibit a pharmacist or a pharmacy from using an
5 employee or a common carrier to pick up prescription orders at or deliver
6 prescription medications to the office or home of a medical practitioner, the
7 residence of a patient or a patient's hospital.

8 24. Paying rebates or entering into an agreement for the payment of
9 rebates to a medical practitioner or any other person in the health care
10 field.

11 25. Providing or causing to be provided to a medical practitioner
12 prescription order blanks or forms bearing the pharmacist's or pharmacy's
13 name, address or other means of identification.

14 26. Fraudulently claiming to have performed a professional service.

15 27. Fraudulently charging a fee for a professional service.

16 28. Failing to report a change of the licensee's home address or
17 employer as required pursuant to section 32-1926.

18 29. Failing to report a change in the licensee's residency status as
19 required pursuant to section 32-1926.01.

20 C. In this chapter, unless the context otherwise requires, for the
21 purposes of disciplining a pharmacy technician or pharmacy technician
22 trainee, "unprofessional conduct" means the following, whether occurring in
23 this state or elsewhere:

24 1. Addiction to the use of alcohol or other drugs to such a degree as
25 to render the licensee unfit to perform the licensee's employment duties.

26 2. Violating a federal or state law or administrative rule relating to
27 the manufacture or distribution of drugs or devices.

28 3. Obtaining or attempting to obtain a pharmacy technician or pharmacy
29 technician trainee license or a pharmacy technician license renewal by fraud,
30 by misrepresentation or by knowingly taking advantage of the mistake of
31 another person or an agency.

32 4. Denial or discipline of a licensee's license to practice as a
33 pharmacy technician in another jurisdiction and the license was not
34 reinstated.

35 5. Failing to comply with the mandatory continuing professional
36 education requirements of section 32-1925, subsection I and rules adopted by
37 the board.

38 6. Committing a felony, whether or not involving moral turpitude, or a
39 misdemeanor involving moral turpitude or any drug-related offense. In either
40 case, conviction by a court of competent jurisdiction or a plea of no contest
41 is conclusive evidence of the commission.

42 7. Working under the influence of alcohol or other drugs.

43 8. Violating a federal or state law or administrative rule relating to
44 marijuana, prescription-only drugs, narcotics, dangerous drugs, controlled

1 substances or precursor chemicals when determined by the board or by
2 conviction in a federal or state court.

3 9. Failing to report in writing to the board any evidence that a
4 pharmacist, pharmacy intern or graduate intern is or may be professionally
5 incompetent, is or may be guilty of unprofessional conduct or is or may be
6 mentally or physically unable to safely engage in the practice of pharmacy.

7 10. Failing to report in writing to the board any evidence that a
8 pharmacy technician or pharmacy technician trainee is or may be
9 professionally incompetent, is or may be guilty of unprofessional conduct or
10 is or may be mentally or physically unable to safely engage in the
11 permissible activities of a pharmacy technician or pharmacy technician
12 trainee.

13 11. Failing to report in writing to the board any evidence that a
14 permittee or a permittee's employee is or may be guilty of unethical conduct
15 or is or may be in violation of this chapter or a rule adopted under this
16 chapter.

17 12. Committing an offense in another jurisdiction that if committed in
18 this state would be grounds for discipline.

19 13. Knowingly filing with the board any application, renewal or other
20 document that contains false or misleading information.

21 14. Providing false or misleading information or omitting material
22 information in any communication to the board or the board's employees or
23 agents.

24 15. Violating or attempting to violate, directly or indirectly, or
25 assisting in or abetting in the violation of, or conspiring to violate, this
26 chapter.

27 16. Violating a formal order, terms of probation, a consent agreement
28 or a stipulation issued or entered into by the board or its executive
29 director pursuant to this chapter.

30 17. Failing to comply with a board subpoena or failing to comply in a
31 timely manner with a board subpoena without providing any explanation to the
32 board for not complying with the subpoena.

33 18. Failing to report a change of the licensee's home address or
34 employer as required pursuant to section 32-1926.

35 19. Failing to report a change in the licensee's residency status as
36 required pursuant to section 32-1926.01.

37 Sec. 5. Title 36, chapter 21.1, article 1, Arizona Revised Statutes,
38 is amended by adding section 36-2226.01, to read:

39 36-2226.01. Emergency administration of epinephrine; authorized
40 entities; prescriptions; training; immunity;
41 definitions

42 A. A PRACTITIONER MAY PRESCRIBE EPINEPHRINE AUTO-INJECTORS IN THE NAME
43 OF AN AUTHORIZED ENTITY FOR USE IN ACCORDANCE WITH THIS SECTION, AND
44 PHARMACISTS AND PRACTITIONERS MAY DISPENSE EPINEPHRINE AUTO-INJECTORS

1 PURSUANT TO A PRESCRIPTION ISSUED IN THE NAME OF AN AUTHORIZED ENTITY. A
2 PRESCRIPTION ISSUED PURSUANT TO THIS SECTION IS VALID FOR TWO YEARS.

3 B. AN AUTHORIZED ENTITY MAY ACQUIRE AND STOCK A SUPPLY OF EPINEPHRINE
4 AUTO-INJECTORS PURSUANT TO A PRESCRIPTION ISSUED IN ACCORDANCE WITH THIS
5 SECTION. THE EPINEPHRINE AUTO-INJECTORS SHALL BE STORED IN A LOCATION THAT
6 IS READILY ACCESSIBLE IN AN EMERGENCY AND IN ACCORDANCE WITH THE EPINEPHRINE
7 AUTO-INJECTOR'S INSTRUCTIONS FOR USE AND ANY ADDITIONAL REQUIREMENTS THAT MAY
8 BE ESTABLISHED BY THE DEPARTMENT. AN AUTHORIZED ENTITY SHALL DESIGNATE
9 EMPLOYEES OR AGENTS WHO HAVE COMPLETED THE TRAINING REQUIRED BY SUBSECTION D
10 OF THIS SECTION TO BE RESPONSIBLE FOR THE STORAGE, MAINTENANCE, CONTROL AND
11 GENERAL OVERSIGHT OF THE EPINEPHRINE AUTO-INJECTORS ACQUIRED BY THE
12 AUTHORIZED ENTITY.

13 C. AN EMPLOYEE OR AGENT OF AN AUTHORIZED ENTITY OR ANOTHER INDIVIDUAL
14 WHO HAS COMPLETED THE TRAINING REQUIRED BY SUBSECTION D OF THIS SECTION MAY
15 DO EITHER OF THE FOLLOWING:

16 1. PROVIDE AN EPINEPHRINE AUTO-INJECTOR TO ANY INDIVIDUAL WHO THE
17 EMPLOYEE, AGENT OR OTHER INDIVIDUAL BELIEVES IN GOOD FAITH IS EXPERIENCING
18 ANAPHYLAXIS, OR TO THE PARENT, GUARDIAN OR CAREGIVER OF THE INDIVIDUAL, FOR
19 IMMEDIATE ADMINISTRATION, REGARDLESS OF WHETHER THE INDIVIDUAL HAS A
20 PRESCRIPTION FOR AN EPINEPHRINE AUTO-INJECTOR OR HAS PREVIOUSLY BEEN
21 DIAGNOSED WITH AN ALLERGY.

22 2. ADMINISTER AN EPINEPHRINE AUTO-INJECTOR TO ANY INDIVIDUAL WHO THE
23 EMPLOYEE, AGENT OR OTHER INDIVIDUAL BELIEVES IN GOOD FAITH IS EXPERIENCING
24 ANAPHYLAXIS, REGARDLESS OF WHETHER THE INDIVIDUAL HAS A PRESCRIPTION FOR AN
25 EPINEPHRINE AUTO-INJECTOR OR HAS PREVIOUSLY BEEN DIAGNOSED WITH AN ALLERGY.

26 D. AN EMPLOYEE, AGENT OR OTHER INDIVIDUAL DESCRIBED IN SUBSECTION B OR
27 C OF THIS SECTION SHALL COMPLETE INITIAL ANAPHYLAXIS TRAINING AND, AT LEAST
28 EVERY TWO YEARS THEREAFTER, SHALL COMPLETE SUBSEQUENT ANAPHYLAXIS TRAINING.
29 THE TRAINING SHALL BE CONDUCTED BY A NATIONALLY RECOGNIZED ORGANIZATION THAT
30 IS EXPERIENCED IN TRAINING LAYPERSONS IN EMERGENCY HEALTH TREATMENT OR AN
31 ENTITY OR INDIVIDUAL APPROVED BY THE DEPARTMENT. THE DEPARTMENT MAY APPROVE
32 SPECIFIC ENTITIES OR INDIVIDUALS OR MAY APPROVE CLASSES OF ENTITIES OR
33 INDIVIDUALS TO CONDUCT THIS TRAINING. TRAINING MAY BE CONDUCTED ONLINE OR IN
34 PERSON AND, AT A MINIMUM, SHALL COVER:

35 1. HOW TO RECOGNIZE SIGNS AND SYMPTOMS OF SEVERE ALLERGIC REACTIONS,
36 INCLUDING ANAPHYLAXIS.

37 2. STANDARDS AND PROCEDURES FOR THE STORAGE AND ADMINISTRATION OF AN
38 EPINEPHRINE AUTO-INJECTOR.

39 3. EMERGENCY FOLLOW-UP PROCEDURES.

40 E. THE ENTITY THAT CONDUCTS THE TRAINING REQUIRED BY SUBSECTION D OF
41 THIS SECTION SHALL ISSUE A CERTIFICATE, ON A FORM DEVELOPED OR APPROVED BY
42 THE DEPARTMENT, TO EACH PERSON WHO SUCCESSFULLY COMPLETES THE ANAPHYLAXIS
43 TRAINING.

1 F. THE ADMINISTRATION OF AN EPINEPHRINE AUTO-INJECTOR PURSUANT TO THIS
2 SECTION IS NOT THE PRACTICE OF MEDICINE OR ANY OTHER PROFESSION THAT
3 OTHERWISE REQUIRES LICENSURE.

4 G. A PRACTITIONER PRESCRIBING EPINEPHRINE AUTO-INJECTORS IN THE NAME
5 OF AN AUTHORIZED ENTITY, AN AUTHORIZED ENTITY, AN EMPLOYEE OR AGENT OF AN
6 AUTHORIZED ENTITY AND A PERSON OR ENTITY THAT PROVIDES TRAINING PURSUANT TO
7 SUBSECTION D OF THIS SECTION ARE IMMUNE FROM CIVIL LIABILITY WITH RESPECT TO
8 ALL DECISIONS MADE AND ACTIONS OR OMISSIONS TAKEN THAT ARE BASED ON GOOD
9 FAITH IMPLEMENTATION OF THE REQUIREMENTS OF THIS SECTION, EXCEPT IN CASES OF
10 GROSS NEGLIGENCE, WILFUL MISCONDUCT OR INTENTIONAL WRONGDOING.

11 H. THE IMMUNITY FROM CIVIL LIABILITY PROVIDED IN SUBSECTION G OF THIS
12 SECTION DOES NOT AFFECT A MANUFACTURER'S PRODUCT LIABILITY REGARDING THE
13 DESIGN, MANUFACTURING OR INSTRUCTIONS FOR USE OF AN EPINEPHRINE
14 AUTO-INJECTOR.

15 I. AN AUTHORIZED ENTITY THAT POSSESSES AND MAKES AVAILABLE EPINEPHRINE
16 AUTO-INJECTORS SHALL SUBMIT TO THE DEPARTMENT, ON A FORM DEVELOPED BY THE
17 DEPARTMENT, A REPORT OF EACH INCIDENT THAT OCCURS ON THE AUTHORIZED ENTITY'S
18 PREMISES AND THAT INVOLVES THE ADMINISTRATION OF AN EPINEPHRINE AUTO-INJECTOR
19 PURSUANT TO SUBSECTION C OF THIS SECTION.

20 J. FOR THE PURPOSES OF THIS SECTION:

21 1. "ADMINISTER" MEANS THE DIRECT APPLICATION OF AN EPINEPHRINE
22 AUTO-INJECTOR TO THE BODY OF AN INDIVIDUAL.

23 2. "AUTHORIZED ENTITY" MEANS ANY ENTITY OR ORGANIZATION IN CONNECTION
24 WITH OR AT WHICH ALLERGENS CAPABLE OF CAUSING ANAPHYLAXIS MAY BE PRESENT,
25 INCLUDING RECREATION CAMPS, COLLEGES AND UNIVERSITIES, DAY CARE FACILITIES,
26 YOUTH SPORTS LEAGUES, AMUSEMENT PARKS, RESTAURANTS, PLACES OF EMPLOYMENT AND
27 SPORTS ARENAS.

28 3. "EPINEPHRINE AUTO-INJECTOR" MEANS A SINGLE-USE DEVICE USED FOR THE
29 AUTOMATIC INJECTION OF A PREMEASURED DOSE OF EPINEPHRINE INTO THE HUMAN BODY.

30 4. "PRACTITIONER" HAS THE MEANING PRESCRIBED IN SECTION 32-1901.